

The Social Contract

Jean-Jacques Rousseau

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are reported between brackets in normal-sized type.

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Glossary

agreement: The item that Rousseau calls a *convention* is an event, whereas what we call ‘conventions’ (setting aside the irrelevant ‘convention’ = ‘professional get-together’) are not events but enduring states of affairs like the conventions governing the meanings of words, the standards of politeness, etc. So ‘convention’ is a wrong translation; and ‘agreement’ is right.

alienate: To alienate something that you own is to bring it about that you no longer own it; in brief, to give it away or sell it,

arbitrary: It means ‘brought into existence by the decision of some person(s)’. It’s no part of the meaning here (as it is today) that the decision was frivolous or groundless.

ensorship: This translates Rousseau’s *censure*. It doesn’t refer to censorship as we know it today; *censure* didn’t have that meaning until the 19th century. Rousseau’s topic is a role that certain officials had in some periods of the Roman republic, namely as guardians of, and spokesmen for, the people’s *mœurs* (see below). They could be thought of as an institutionalising of the ‘court of public opinion’. On page 67 we see him stretching the original sense.

compact, contract: These translate Rousseau’s *pacte* and *contrat* respectively. He seems to mean them as synonyms.

constitution: In this work a thing’s ‘constitution’ is the sum of facts about how something is *constituted*, how its parts hang together and work together (so the constitution of a state is nothing like a document). Items credited with ‘constitutions’ are organisms and political entities; the mention on page 66 of the constitution of *a people* seems aberrant.

magistrate: In this work, as in general in early modern times, a ‘magistrate’ is anyone with an official role in government. The magistracy is the set of all such officials, thought of as a single body.

mœurs: The *mœurs* of a people include their morality, their basic customs, their attitudes and expectations about how people will behave, their ideas about what is decent. . . and so on. This word—rhyming approximately with ‘worse’—is left untranslated because there’s no good English equivalent to it. English speakers sometimes use it, for the sort of reason they have for sometimes using *Schadenfreude*.

moral person: Something that isn’t literally person but is being regarded as one for some theoretical purpose. See for example pages 9 and 36.

populace: Rousseau repeatedly speaks of a ‘people’ in the singular, and we can do that in English (‘The English—what a strange people!’); but in many cases this way of using ‘people’ sounds strained and peculiar, and this version takes refuge in ‘populace’. On page 4, for instance, that saves us from ‘In every generation the people was the master. . .’.

prince: As was common in his day, Rousseau uses ‘prince’ to stand for the chief of the government. This needn’t be a person with the rank of Prince; it needn’t be a person at all, because it could be a committee.

sovereign: This translates *souverain*. As Rousseau makes clear on page 7, he uses this term as a label for the person or group of persons holding supreme power in a state. In a democracy, the whole people constitute a sovereign, and individual citizens are members of the sovereign. In Books 3

and 4 'sovereign' is used for the legislator (or legislature) as distinct from the government = the executive.

subsistence: What is needed for survival—a minimum of food, drink, shelter etc.

wise: An inevitable translation of *sage*, but the meaning in French carries ideas of 'learned', 'scholarly', 'intellectually

able', rather more strongly than whatever it is that you and I mean by 'wise'.

you, we: When this version has Rousseau speaking of what 'you' or 'we' may do, he has spoken of what 'one' may do. It is normal idiomatic French to use *on* = 'one' much oftener than we can use 'one' in English without sounding stilted (Fats Waller: 'One never knows, do one?').

BOOK 4

1. The general will is indestructible

As long as a number of men gathered together regard themselves as a single body, they have only a single will, which is concerned with the survival and well-being of all of them. In this case, the state's machinery is all vigorous and simple and its rules clear and luminous; there's no tangle of hidden agendas; the common good is always obvious, and only good sense is needed to perceive it. Peace, unity and equality are enemies of political subtleties. Simple straightforward men are hard to deceive because of their simplicity; lures and ingenious excuses don't work with them—they aren't even subtle enough to be dupes! When among the world's happiest people we see a group of peasants gathered under an oak to regulate the state's affairs, and always acting wisely, can we help scorning the sophistication of other nations, which put so much skill and so much mystery into making make themselves illustrious and wretched?

A state governed like that doesn't need many laws; and when new ones are needed, everyone will see that they are. The first man to propose them is merely putting into words what they have all been thinking, and there's no place here for deals or for eloquence in order to get passed into law something that each of them has already decided to do as soon as he's sure that the rest will act with him.

Theorists are struck by the impossibility of applying such procedures to any state that they have seen; but they go wrong about this, because the only states they have looked at are ones that were badly constituted from the beginning. When they picture all the absurdities that a clever rascal or a charming speaker might get the people of Paris or London

to believe, it makes them smile. They don't realize that Cromwell would have been sentenced to hard labour by the people of Berne, and the Duc de Beaufort would have been put in a reformatory by the Genevese!

But when the social bond begins to slacken and the state to grow weak, when particular interests start to make themselves felt and the smaller societies begin to influence the larger one, the common interest changes and comes to have opponents; votes are no longer unanimous; the general will is no longer the will of all; contradictory views are presented and debates start up; and the best advice isn't accepted without question. Finally,

- when the nearly ruined state exists only in an illusory and empty form, when
- in every heart the social bond is broken, and when
- the meanest interest brazenly helps itself to the sacred name of 'public good',

the general will falls silent: all men, guided by secret motives, stop giving their views as citizens (it's as though there had never been a state); and wicked decrees directed solely to private interest get passed off as 'laws'.

Does it follow from this that the general will is exterminated or corrupted? Not at all: it continues to be constant, unalterable and pure; but it is pushed aside by other wills that invade its territory. Each man, in distinguishing *his* interests from the common interest, sees clearly that he can't entirely separate them, .i.e. that his pursuit of his own interests will have some negative effect on the common good.; but he sees •his share in the public misfortunes as negligible compared with •the private good that he is laying claim to. Apart from this private good, he wills the general

good as strongly as anyone else because it's in his interests to do so. Even when he sells his vote for money, he does not extinguish the general will in himself, but only dodges around it. The wrong thing he does is to *change the question*, answering a different question from the one he was asked. Instead of giving a vote that says

'It is to the state's advantage that such-and-such should happen',

he says through his vote

'It is to x's advantage that such-and-such should happen',

where x is some man or faction. The law of public order—i.e. the thing that it matters most to have happen—in assemblies is not so much •*maintaining* the general will as •ensuring that it is consulted and that *it* answers.

I could offer many reflections on the simple right of voting in every act of sovereignty—a right that no-one can take from the citizens—and also on the right of stating views, making proposals, dividing and discussing, which the government is always most careful to leave solely to its members; but this important subject would need a book to itself—I can't say everything in this one.

2. Voting

You [see Glossary] can see from the last chapter that a pretty good indication of the current state of *mœurs* [see Glossary] and the health of the body politic is given by the facts about how general business is managed by it. . . . The nearer opinion comes to unanimity, the greater is the dominance of the general will; whereas long debates, dissensions and tumult proclaim •the domination by particular interests and •the decline of the state.

This seems less obvious when a state's constitution contains two or more orders of citizens, like ancient Rome's nobility and plebeians, whose quarrels often disturbed the *comitia* [see page 61], even in the best days of the Republic. But the exception is apparent rather than real; because in that case the inherent defect in the body politic brings it about that there are, so to speak, two states in one, and what's not true of the two together is true of each separately. Indeed, even in the most stormy times, the plebiscites of the people—as long as the Senate didn't get involved—always went through quietly and by large majorities: the citizens had only one interest, so the people had only one will.

At the other end of the political spectrum, unanimity circles back: that's when the citizens, having fallen into servitude, no longer have any liberty or any will. Fear and flattery then convert •voting into •acclamation; no-one considers issues any more; all they do is to fawn on those in power or to curse their rivals. Such was the vile manner in which the senate expressed its 'views' under the Emperors. It did so sometimes with absurd precautions: Tacitus reports that under the emperor Otho the senators, in heaping curses on Vitellius, arranged to make a deafening noise so that if Vitellius ever became their master he wouldn't know what each of them had said!

What rules should govern the methods of counting votes and comparing opinions? That depends on the factors I have been discussing, i.e. on how easy or hard it is to discover what the general will is, and on how far along the state is in its decline.

There's only one law that from its very nature needs unanimous consent, namely the social compact; for civil association is the most voluntary of all acts. Every man is born free and his own master, so no-one on any pretext—*any* pretext—can make any man a subject without his consent.

To rule that the son of a slave is born a slave is to rule that he isn't born a man.

So if the social compact has opponents at the time when it is made, their opposition doesn't invalidate the contract; it merely prevents them from being included in it, making them foreigners among citizens. Once a state has been instituted, residence constitutes consent; to live within its territory is to submit to its sovereignty.²²

Apart from this primal contract, the vote of the majority always binds all the rest. This follows from the contract itself. [That is the last mention of the social contract until the last page or two of the work.]

You will ask: 'How can a man be both •free and •forced to conform to wills that are not his own. How are the opponents at once free and subject to laws they have not agreed to? I reply that the question is wrongly put. The citizen gives his consent to *all* the laws, including ones that are passed against his opposition, and even laws that punish him when he dares to break any law. The constant will of all the members of the state is the general will; by virtue of it they are citizens and free.²³ When a law is proposed to the assembled people, what they are being asked is not

(1) Do you approve or reject this proposal?

but rather

(2) Is this proposal in conformity with the general will?

—the general will being *their* will. Each man's vote gives his opinion on that point, ·i.e. his answer to question **(2)**·; and the general will is found by counting votes. When therefore

the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. [Rousseau is avoiding saying that a merely majority vote could **express the general will**; all it does, he says, is to **express an opinion about what the general will is**.]. . . .

This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.

In my earlier demonstration [page 14] of how particular wills are substituted for the general will in public deliberations, I said enough about the workable methods for avoiding this abuse; and I'll return to them later on. I also set out the principles for deciding how big a majority is needed for a declaration of that will. A difference of one vote destroys equality; a single opponent destroys unanimity; but between 50-50 and unanimity there are many grades of unequal division—many differences in how steep the majority-to-minority slope is—and which of these is sufficient for a decision to be made will vary according to the needs of the body politic in question.

Two general rules provide guidance to the decisions about majorities. **(i)** The more serious and important the question that is being put to the vote, the nearer to unanimity the threshold should be set. **(ii)** The more the subject of the question calls for speed, the smaller the majority can be allowed to be; and where an instant decision has to be

²² This should of course be understood as applying to a free state. In any other kind of state a man may be kept in a country against his will—by considerations of family, goods, lack of a refuge, necessity, or violence—and then his dwelling there no longer by itself implies anything about his attitude—either way—to the contract.

²³ At Genoa, the word 'Liberty' appears over the front of the prisons and on the chains of the prisoners serving in the galleys. This use of the device is good and just. Indeed it's only the criminals—rich, poor, and middling—who prevent the citizen from being free. In a country where all such men were pulling oars in the galleys, the most perfect liberty would be enjoyed.

reached, a majority of one vote should be enough. Of these two rules, (i) seems more in harmony with the laws, and (ii) seems more in harmony with practical affairs. Anyway, it's the combination of them that does the best job of deciding what size of majority a given question needs.

3. Elections

In the elections of the prince and the magistrates (which are, I repeat, complex acts) there are two possible ways to proceed, •choosing and •drawing lots. Both have been used in various republics, and a highly complicated mixture of the two still survives in the election of the Doge at Venice.

'Election by lottery', says Montesquieu, 'is democratic in nature'. I agree that it is, but *how* is it? 'The lottery', he goes on, 'is a way of electing that isn't unfair to anyone; it leaves each citizen with a reasonable hope of serving his country.' Those aren't *reasons*!

If we bear in mind that the election of rulers is something done by government, not by sovereignty, we'll see the real reason why the lottery is the more natural for democracy—a form of government where the administration is better in proportion as the number of its acts is small.

In any real democracy, magistracy isn't a benefit—it's a burdensome responsibility that can't fairly be imposed on one individual rather than another. If the individual is selected by a lottery, the selection is being made by the law that establishes the lottery; but the law doesn't lose its universality by itself picking out one individual, and no choice has been made that depends on any human will.

In an aristocracy, the prince chooses the prince, the government is preserved by itself, and that's the right kind of situation for voting.

The way they elect the Doge of Venice doesn't squash this

distinction; it confirms it. The mixed form of election suits a mixed government. And the government of Venice is indeed mixed; for it is an error to think it is a real aristocracy. Granted, the populace has no share in the government; but in Venice the nobility is the populace. That includes a host of poor younger sons—and younger sons of younger sons—of noble families; *they* never get near to having any position in the government, and all their 'nobility' brings them is •the silly right to be addressed as 'Your Excellency' and •the right to sit in the Great Council—which has as many members as our General Council at Geneva, so that its 'illustrious' members have no more privileges than do our plain citizens. It is indisputable that although the two republics are extremely different in many ways, the bourgeoisie of Geneva exactly matches the nobility of Venice; our natives and inhabitants match the townsmen and the people of Venice; our peasants match the Venetian subjects on the mainland as distinct from the ones who live on the cluster of islands that constitute the historic heart of Venice; and whatever way you look at it (setting aside its size), Venice's government is no more aristocratic than our own. The whole difference is that we have no need to use the lottery, because our rulers are not appointed for life as Venice's are.

Election by lottery would have few drawbacks in a real democracy, where it would hardly matter who was chosen because all the people would be on a par as regards *mœurs* and talents as well as principles and fortunes. But I have already said that there aren't any democracies. [The end of 3:4 on page 34]

When choice and lottery are combined, positions that require special talents, such as military posts, should be filled by choice; the lottery serves for the likes of judicial offices, in which good sense, justice, and integrity are all

that's needed, because in a well constituted state these qualities are common to all the citizens.

Neither lottery nor vote has any place in monarchical government. The monarch being by right sole prince and only magistrate, it is for him alone to choose his lieutenants. When the Abbé de Saint-Pierre proposed that the Councils of the King of France should be multiplied, and their members elected by ballot, he didn't see that he was proposing to change the fundamental *form* of government.

I should now speak of the methods of giving and counting opinions in the assembly of the people; but perhaps an historical account of this aspect of Roman politics will give you more of a sense of the rules I could lay down. It is worth the while of a judicious reader to follow in some detail the working of public and private affairs in a council with two hundred thousand members.

4. The *comitia* in ancient Rome

We have no reliable records of Rome's early years; it seems very likely, indeed, that most of the stories told about it are fables. In general, the most instructive part of the history of peoples, namely the past dealing with their foundation, is just what we have least of. Experience teaches us every day what causes generate the revolutions of empires; but new peoples are not formed these days, so we have almost nothing beyond conjecture to go upon in explaining how they were created.

The customs we find established show at least that these customs had an origin. The traditions that go back to those origins, and have the greatest authorities behind them, and are confirmed by the strongest evidence, should count as the most certain. These are the rules I have tried to follow in investigating how the freest and most powerful people on

earth exercised its supreme power.

After the foundation of Rome, the new-born republic—i.e. the army of its founder, composed of Albans, Sabines and foreigners—was divided into three classes which then came to be called 'tribes'. Each of these tribes was subdivided into ten *curiae*, and each *curia* into *decuriae*, headed by leaders called *curiones* and *decuriones*.

Besides this, out of each tribe was taken a body of one hundred cavalymen or knights, called a 'century', which shows that these divisions, being unnecessary in a town, were at first merely military. But an instinct for greatness seems to have led the little town of Rome to provide itself in advance with a political system suitable for the capital of the world.

[Regarding this next paragraph: Servius was a king of Rome in the sixth century BCE.] Out of this original division an awkward situation soon arose. The tribes of the Albans and the Sabines remained always in the same condition, while that of the foreigners continually grew as more and more foreigners came to live in Rome, so that it soon surpassed the others in strength. Servius remedied this dangerous fault by abolishing the racial basis for the division into tribes, replacing it by a geographical one—four tribes now, each containing the inhabitants of one of the hills of Rome, after which it was named. In this way, while fixing the immediate inequality problem Servius also provided for the future; and so that the division might be one of persons as well as localities, he forbade the inhabitants of one quarter to migrate to another, and so prevented the mingling of the races.

He also doubled the size of the three old 'centuries' of knights, and added twelve more, still keeping the old names, and by this simple and prudent method he drew a line between the body of knights and the people, without a murmur from the people.

To the four urban tribes Servius added fifteen others called rural tribes, because they consisted of those who lived in the country, divided into fifteen cantons. Subsequently, fifteen more were created, and the Roman people finally found itself divided into thirty-five tribes, as it remained down to the end of the Republic.

The distinction between urban and rural tribes had one effect that is worth noting, because •it is the only example of its kind, and because •Rome owed to it the preservation of her *mœurs* [see Glossary] and the enlargement of her empire. One would have expected that the urban tribes would soon monopolise power and honours, losing no time in pushing the rural tribes down into poverty and weakness; but what happened was exactly the reverse. The taste of the early Romans for country life is well known. They owed this taste to their wise founder, who made rural and military labours go along with •liberty and (as it were) pushed off into the town •arts, •trades, •intrigue, •luck, and •slavery. [By ‘their wise founder’, Rousseau means Romulus—a purely mythical founder of Rome, though Rousseau may have thought he was real, as did all the Roman historians on whose work he relies.]

Thus, because all Rome’s most illustrious citizens lived in the fields and tilled the earth, the countryside came to be the only place where they looked for the people who would keep the republic running. This rural way of life, being that of the best nobles, was honoured by everyone; the simple and hard-working life of the villager was preferred to the slack and idle life of the bourgeoisie of Rome; and someone who in the town would have been a wretched proletarian became, as a labourer in the fields, a respected citizen. Our great-souled ancestors, says Varro, knew what they were doing when they established in the villages the nursery of the tough, brave men who •defended them in time of war and •fed them in time of peace. Pliny says explicitly that the rural

tribes were honoured because of the men of whom they were composed; and their way of dishonouring a coward was to subject him to the public disgrace of being transferred into an urban tribe. . . . Freed slaves always entered the urban tribes, never the rural ones; and although freed slaves could become citizens, there isn’t a single example, throughout the Republic, of a freed slave reaching any magistracy [= ‘being appointed to a position as a government official’].

This was an excellent rule; but it was carried so far that in the end it led to a change and certainly to an abuse in the political system.

First the censors, after many years of claiming the right to choose what tribe a citizen could be transferred to, eventually allowed most people to enroll themselves in whatever tribe they pleased. This permission certainly did no good, and deprived the censorship of one of its main sources of power. Moreover, as the great and powerful all had themselves enrolled in the country tribes, while the freed slaves who had become citizens remained with the populace in the town tribes, the tribes in general soon stopped having any local or territorial meaning, and all were so confused that the members of one could not be told from those of another except through the membership lists; so that the idea of ‘tribe’ became personal instead of real, or rather came to be little more than a chimera.

It happened also that the urban tribes, being more on the spot, were often the stronger in the •*comitia* and sold the state to those who stooped to buy the votes of the rabble composing •them. [The *comitia* will be explained on page 61.]

As the founder had set up ten *curiae* in each tribe, the whole Roman people then contained within the town walls consisted of thirty *curiae*, each of which had its temples, its gods, its officers, its priests and its festivals. . . .

When Servius made his new division, as the thirty *curiae* couldn't be shared equally between his four tribes, and he didn't want to interfere with them; so they became a further division of the inhabitants of Rome, quite independent of the tribes. But *curiae* didn't have any bearing on the rural tribes or their members, because for them the tribes had become a purely civil institution, and a new system for raising troops had been introduced, making the military divisions of Romulus superfluous. [Rousseau hasn't said explicitly that the division into *curiae* was a military one; the reader is presumably expected to know this.] Thus, although every citizen was enrolled in a tribe, many of them were not members of a curia.

Servius also made a third division—quite distinct from the two I have mentioned—and the effects of this made it the most important of the three. He sorted the whole Roman people into six classes, distinguished not by place or person but by *wealth*; the first classes included the rich, the last the poor, and those in between included people of moderate means. These six classes were subdivided into 183 other bodies, called 'centuries', which were distributed in such a way that the first class alone comprised more than half of them, while the last class comprised only one. Thus the class that had the fewest members contained the most centuries, and the whole of the last class—which included more than half the inhabitants of Rome—only counted as a single subdivision, a single century.

To veil the results of this arrangement from the people, Servius tried to give it a military tone: in the second class he inserted two centuries of armourers, and in the fourth two of makers of weapons; and in each class except the last he distinguished young from old, i.e. distinguished those who were obliged to bear arms from those whose age gave them legal exemption. (It was this distinction, rather than that of wealth, that created the need for frequent repetition of the

census.) Lastly, he ordered that the assembly should be held in the Campus Martius, and everyone whose age made him liable for military service should bring his weapons.

Why didn't he divide the last class into young and old? Because its members weren't given the right to bear arms for the country: to have the right to defend hearth and home, a man had to *have* a hearth and home! Of all the countless troops of beggars who to-day lend lustre to the armies of kings, there is perhaps not one who wouldn't have been scornfully driven out of a Roman platoon back in the days when soldiers were the defenders of liberty.

[Rousseau will now refer to certain people (in Latin) as *capite censi* = 'head-count people'. They couldn't figure in a census through their number of houses, businesses, animals, slaves etc., because they didn't own anything.] But this last class *was* further divided into •proletarians and the •*capite censi*. The proletarians, not quite reduced to nothing, at least gave the state citizens and in some times of great need even gave it soldiers. The *capite censi*, who had nothing at all and could be numbered only by counting heads, were regarded as zeroes, and Marius—four centuries after Servius—was the first who stooped to enroll them.

Without deciding now whether this third arrangement was good or bad in itself, I think I can say that it couldn't have worked if it weren't for the early Romans' simple *mœurs* [see Glossary], disinterestedness, liking for agriculture, and scorn for commerce and the profit motive. Where is the modern people among whom consuming greed, restlessness, intrigue, continual promotions and demotions, and perpetual changes of fortune, could leave such a system in place for even twenty years without toppling the entire state? I should add that *mœurs* and the censorship [see Glossary], being stronger than this institution, corrected its defects at Rome—for example, a rich man who made too much

display of his riches found himself degraded to the class of the poor! [By 'stronger than this institution' Rousseau may have meant 'stronger than any tendencies in ancient Rome to greed, restlessness, intrigue etc.'].]

So it's easy to see why usually only five classes are mentioned, though there were really six. Because the sixth didn't provide soldiers for the army or votes in the Campus Martius,²⁴ and was almost without function in the state, it was seldom regarded as of any account.

These were the various ways in which the Roman people was divided. Let us now see how these divisions affected the assemblies. When lawfully summoned, these assemblies were called *comitia*: they were usually held in the public square or in the Campus Martius, and were of three kinds:

- (1) the *comitia curiata*, which were founded by Romulus,
- (2) the *comitia centuriata*, which were founded by Servius, and
- (3) the *comitia tributa* which were founded by the tribunes of the people.

No law received its sanction and no magistrate was elected except in the *comitia*; and as every citizen was enrolled in a curia, a century, or a tribe, it follows that every citizen had the right to vote, and that the Roman populace was truly sovereign—both •as a matter of law and •in fact.

For the *comitia* to be lawfully assembled, and for their acts to have the force of law, three conditions had to be met. (a) The body or magistrate convoking them had to have the authority to do so. (b) The assembly had to be held on a day allowed by law. (c) The auguries had to be favourable.

The reason for (a) needs no explanation. (b) is a matter of policy; for example, the *comitia* were not to be held on festivals or market-days, when the country-folk coming to Rome on

business didn't have time to spend the day in the public square. By means of (c), the senate kept a tight rein on the proud and restive people, and (when this was needed) restrained the ardour of seditious tribunes; though the tribunes found more than one way of getting around this hindrance.

The *comitia* passed judgment on more than merely laws and the election of rulers; the Roman populace took on itself the most important functions of government. It can be said that the fate of Europe was regulated in its assemblies! The variety of things they dealt with created variety in the forms they took.

To form a judgment about these various forms, all we need do is to compare them. When Romulus set up the *curiae*, his aim was to use the people to check the senate, and the senate to check the people, while continuing to dominate both. So he set things up in such a way that the people would have all the authority of •numbers to balance the authority of •power and riches, which he left to the nobility. But in the spirit of monarchy he gave a greater advantage to the nobility through the influence of their clients on vote-numbers. This admirable institution of •patron and •client was a masterpiece of statesmanship and humanity without which the nobility as a class, being flagrantly in contradiction to the republican spirit, couldn't have survived. Rome alone has the honour of having given to the world this great example, which never led to any abuse but has never been followed.

The assemblies by *curiae* persisted under the kings till the time of Servius. . . . Under the Republic the *curiae*, still confined to the four urban tribes and containing only the populace of Rome, didn't suit the senate (which led

²⁴ I say 'in the Campus Martius' because that is where the *comitia* assembled by centuries; in its two other forms the populace assembled in the forum or elsewhere; and then the 'counted heads' had as much influence and authority as the foremost citizens.

the ‘nobles’) or the tribunes (who, though plebeians, led the well-to-do citizens). They therefore fell into disrepute, and their degradation was such that what the full *comitia curiata* should have done was done by an assembly of their thirty lictors.

The division by centuries was so favourable to the aristocracy that it’s hard to see at first how the senate ever failed to prevail in the *comitia* bearing their name—the *comitia centuriata*—by which the consuls, the censors and the other senior magistrates were elected. Indeed, of the 193 centuries into which the six classes of the whole Roman people were divided, the first class contained 98; and, as voting went solely by centuries, this class alone had a majority over all the rest. When all those centuries were in agreement, the rest of the votes weren’t even taken; the decision of the smallest number counted as the decision of the multitude, and it’s fair to say that in the *comitia centuriata* decisions were regulated by amounts of money more than by numbers of votes.

But this extreme authority was modified in two ways. First, the tribunes usually belonged to the class of the rich, and so did many plebeians; so they counterbalanced the influence of the nobles in the first class.

The second way was this. Instead of having the centuries vote in order, so that the first century always voted first, the Romans always chose *by lottery* one century that went ahead and voted, and then *on another day* the remaining centuries were called to vote in the order of their ranks. They usually agreed with the vote of the first one that voted. In this way, the authority of example—i.e. the influence you get from going first—was handed out not according to rank but by lottery, on a democratic principle.

This custom had a further advantage. The citizens from the countryside had time, between the two elections, to

inform themselves of the merits of the candidate who had been voted for first time around, and didn’t have to vote without knowledge of the case. But under the pretext of avoiding delays this custom was eventually abolished, and both elections were held on the same day.

The *comitia tributa* were properly a council of the Roman people. Only the tribunes could call them together; at them the tribunes were elected and conducted their plebiscites. The senate had no standing in them, and wasn’t even entitled to be present; and the senators, being forced to obey laws that they couldn’t vote on, were in this respect less free than the lowest citizens. This injustice was entirely wrong, and was alone enough to invalidate the decrees of a body to which all its members were not admitted. If the nobles had attended the *comitia* by virtue of their right as citizens, they would have been there as mere private individuals, and would have had very little influence on a vote reckoned by counting heads, where the lowest proletarian was as good as the leader of the senate.

So you can see •that *order* was achieved by these various ways of dividing up this great people and taking its votes; and •that the different divisions didn’t have at their basis some *neutral* way of carving up the population. Each one of them was preferred because of what was expected to result from it.

Never mind the further details. What I have said shows that

- the *comitia tributa* were the most favourable to popular government [= ‘democracy’],
- the *comitia centuriata* were the most favourable to aristocracy, and
- the *comitia curiata*, in which the populace of Rome formed the majority, was good for nothing but to further tyranny and evil designs.

Naturally the *comitia curiata* fell into disrepute, and even seditious persons abstained from using this method because it would too clearly show what they were up to. There's no question about it: the whole majesty of the Roman people lay solely in the *comitia centuriata*, the only *comitia* that included everyone; for the *comitia curiata* excluded the rural tribes and the *comitia tributa* excluded the senate and the nobility.

As for the method of taking the vote, among the ancient Romans that was as simple as their *mœurs*, though Sparta's was even simpler. Each man declared his vote aloud, and a clerk duly wrote it down; the majority in each tribe determined the vote of the tribe, the majority of the tribes that of the people; similarly with *curiae* and centuries. This custom was good as long as honesty was triumphant among the citizens, and each man was ashamed to vote publicly in favour of an unjust proposal or an unworthy person; but when the people grew corrupt and votes were bought, it was fitting that voting should be secret so as to deter purchasers who wouldn't trust that the votes they had bought would be delivered and to give rogues a way of not being traitors.

(I know that Cicero attacks this change to secrecy in voting and gives it some of the blame for the ruin of the Republic. I feel the weight that Cicero's authority must carry on a point like this, but I can't agree with him; I hold, on the contrary, that the destruction of a state will be hastened if changes like this are *not* made. Just as the regimen of health doesn't suit the sick, it's wrong to try to govern a corrupted people by laws that would be right for a good people. There's no better evidence for this thesis than the long life of the Republic of Venice. It still exists—or anyway a shadow of it does—solely because its laws are suitable only for wicked men.)

So the citizens were provided with tablets with which each man could vote without anyone knowing how he voted: new procedures were also introduced for collecting the tablets, for counting votes, for comparing numbers, etc.; yet despite all this the good faith of the officers charged with these functions. . . . was often suspect. Finally, to prevent intrigues and trafficking in votes, edicts were issued; but their very number proves how useless they were.

Towards the end of the Republic, it was often necessary to bring in special procedures in order to make up for the inadequacy of the laws. Sometimes miracles were supposed—i.e. the authorities reported miraculous events that pointed to the need for some political question to be answered one way rather than another—but this method, while it might deceive the populace, couldn't deceive those who governed it. Sometimes an assembly for voting was called together suddenly, leaving the candidates with no time to form their factions. Sometimes, when it was seen that the people were already primed to vote in what the authorities thought to be the wrong way, the entire meeting was allowed to play itself out in talk, with no vote being taken. But in the end ambition always got away. The most incredible fact of all is that in the midst of all these abuses this enormous populace relied on its ancient regulations and went ahead electing magistrates, passing laws, judging cases, and carrying through public and private business, doing all this almost as easily as the senate itself could have done.

5. Tribunes

When an exact proportion can't be established between the constituent parts of a state, or when the relation of one part to another is constantly being altered by some cause that can't be stopped, a special kind of governmental entity is

instituted, one which

- isn't an integral part of any larger governmental body,
- gets each term—each bit of the political structure—back into its right relation with the others, and
- is a middle term connecting the prince with people, or the prince with the sovereign, or both at once if need be.

This body, which I shall call 'the tribunate', is the guardian of the laws and of the legislative power. Sometimes it protects the sovereign against the government, as the tribunes of the people did in Rome; sometimes it upholds the government against the people, as the Council of Ten does now in Venice; and sometimes it maintains the balance between the two, as the Ephors did in Sparta.

[This paragraph will use the word 'city' for the first time since page 50. Recall Rousseau's distinction in the footnote on page 7 between 'city' and 'town'.] The tribunate isn't a constituent part of the city, and should have no share in either the legislative or the executive power; but this very fact makes its own power the greater, because while it can't *do* anything it can prevent anything from *being done*. It is more sacred and more revered as the defender of the laws than the prince that applies them or the sovereign that issues ordains them. This was seen very clearly at Rome, when the proud nobles who always scorned the people were forced to bow before a mere officer of the people—a tribune—who

Rousseau's next phrase: *n'avait ni auspices ni juridiction*.

what it means: didn't have (i) auspices or (ii) jurisdiction.

what he may have been getting at: didn't have any (ii) legal say over anything or any (i) priests confirming the authority of the tribunes by announcing the meanings of cloud-shapes, bird-entrails, or whatever.

The tribunate, wisely tempered, is the strongest support a good constitution can have; but if its strength is even slightly excessive, it overturns everything. As for weakness—that's not in its nature; provided it is something, the tribunate is never less than it should be.

It degenerates into tyranny when it

usurps the executive power that it should be moderating, and when it tries to dispense with the laws that it should be protecting.

The immense power of the Ephors, harmless as long as Sparta preserved its *mœurs* [see Glossary], hastened Sparta's corruption when once it had begun. . . . Rome perished in the same way: the excessive power of the tribunes, which they had acquired by *decreeing* that they had it, finally used laws that had been made to secure liberty as a protective shield for the emperors who destroyed liberty. As for the Venetian Council of Ten, it is a tribunal of blood, an object of horror for nobles and people alike. Far from providing a lofty protection for the laws, it does nothing, now that the laws have become degraded, but strike in the darkness blows that no-one dares to notice.

The tribunate, like the government, weakens as its membership grows. The tribunes of the Roman people started at two, then went up to five; and when they wanted to double that number, the senate let them do so, in the confidence that it could play them off against one another, which indeed it did!

The best way to prevent such a formidable body from getting out of hand—though no government has yet tried this—would be to have regular periods during which it doesn't exist, rather than its being at work continuously. These intermissions shouldn't be long enough to give abuses time to grow strong; the law establishing them should be

framed in such a way that the intermissions can easily be shortened when there's a need for that.

I can't see that this method has any drawbacks, because the tribunate—as I said before—isn't part of the constitution, so that its removal won't do the constitution any harm. It also seems to be efficacious, because a newly restored magistrate starts not with the power his predecessor had but with what the law allows him. [Notice: •Rousseau evidently thinks of the periods of remission as involving a change in the membership of the tribunate; and •although the tribunate isn't part of the government its members are here called 'magistrates'.]

6. Dictatorship

The inflexibility of the laws prevents them from being adapted to circumstances, and in some situations that makes them disastrous, causing the ruin of the state at a time of crisis. They require things to be done slowly, in an orderly fashion, requiring a stretch of time that the world doesn't always provide. Countless things can happen that the legislator hasn't provided for; you can't foresee everything; and being aware of that fact is a highly necessary part of foresight!

So it is wrong to want to make political institutions so strong that their operation *can't* be suspended. Even Sparta allowed its laws to lapse.

But only the greatest dangers can outweigh the danger of changing the public order; and the sacred power of the laws should never be suspended unless the existence of the country is at stake. In the rare cases where it is obvious that *is* what's at stake, •the public security is provided for by a special act entrusting •it to whoever is most worthy to have it. This can be done in either of two ways, depending on the nature of the danger.

If the trouble can be fixed by increasing •the government's activity, power is concentrated in the hands of one or two of •its members. In this case the change is not in the authority of the laws but only in the form of administering them. But if the peril is of such a kind that the apparatus of the laws is an obstacle to saving the laws, the method is to nominate a supreme ruler who is to silence all the laws and briefly suspend the sovereign authority. In such a case there's no doubt about the general will: it's clear that the people's first intention is that *the state is not to perish*. So the suspension of the legislative authority is *not* its abolition; the magistrate who keeps it quiet can't make it speak; he dominates it, but can't represent it. The only thing he can't do is to make laws. [By 'can't make it speak' Rousseau seems to mean 'can't speak for it'.]

The first method was used by the Roman senate when, in a consecrated formula [i.e. in a solemn ceremony presided over by priests], it charged the consuls with taking care of the safety of the Republic. The second was employed when one of the two consuls nominated a dictator,²⁵ a procedure Rome borrowed from Alba.

During the first period of the Republic they often fell back on dictatorship, because the state wasn't yet solidly grounded enough to be able to maintain itself by the strength of its constitution alone. At that time the *mœurs* made superfluous many of the precautions that would have been necessary at other times; so there was no fear that a dictator would abuse his authority or try to keep it beyond his term of office. Quite the opposite: those who had dictatorial powers found them burdensome, and got rid of them as soon as possible—as if *taking the place of the laws* had been too troublesome and too perilous a position to retain.

²⁵ The nomination was made secretly by night, as if there were something shameful in setting a man above the laws.

The early Roman use of this supreme magistracy—dictatorship—wasn't wise; what I hold against it is not the risk of its being abused but the risk of its becoming cheap. When it was being freely employed at elections, dedications and purely formal functions, there was a danger of its becoming less formidable in time of need—a danger that men would come to think of it as an empty title that was used only on occasions of empty ceremonial.

Towards the end of the Republic, the Romans, having grown more circumspect, were as unreasonably sparing in their use of dictatorship as they had formerly been lavish. It was easy to see that their fears were unfounded: the capital's weakness made it safe from the magistrates who lived there; a dictator might sometimes defend the public liberty but would never be in a position to endanger it; and Rome's chains would be forged not in Rome itself but in its armies. The weakness of Marius's resistance to Sulla, and of Pompey's to Caesar, clearly showed what could be expected from authority at home against force from abroad.

This misconception led the Romans to make great mistakes; such, for example, as the failure to nominate a dictator in the Catilinarian conspiracy. [Rousseau goes into details of this enormously complex (and still controversial) matter. He holds that a dictator could have swiftly cleaned the whole thing up, whereas in fact it was a long-drawn-out affair involving criminal trials and a mixture of good and bad behaviour by Cicero, who was a consul at the time as well as a professional litigating lawyer. That everything worked out satisfactorily from Rome's point of view, Rousseau says, was better luck than Rome deserved.]

However this important trust is conferred, its duration should be fixed for a very brief period that is never to be prolonged. In the crises that lead to the appointment of a dictator, the state is going to be soon lost or soon saved; and

when the emergency is over, the dictatorship becomes either tyrannical or idle. In Rome, where dictators held office for only six months, most of them abdicated before their time was up. If their term had been longer, they might well have tried to prolong it still further, as the decemvirs did when chosen for a year. The dictator had only time to deal with the need that had caused him to be chosen; he had no time to think of further projects.

7. Censorship

Just as the general will is declared by the law, the public judgment is declared by the censorship [see Glossary]. Public opinion is the sort of law that the censor administers; all he does is to apply it to particular cases, in the same fashion as the prince.

The censorial tribunal doesn't pass judgment on the people's opinion; it only declares it, and as soon as the two part company its decisions are null and void.

It's pointless to distinguish the *mœurs* [see Glossary] of a nation from the objects of its esteem; they both come from the same source, and can't be disentangled from one another. In every nation on earth the choice of the people's pleasures is decided not by nature but by opinion. Correct men's opinions, and their *mœurs* will purify themselves. Men always love what is good or what they find good; where they go wrong is in their judgments about what is good. What needs to be regulated, then, is this judgment. In making judgments about *mœurs* one is making judgments about what is honourable; and the basis for such judgments—the law that is being applied—is public opinion.

[In this next sentence Rousseau speaks, oddly, of the constitution of a people. Elsewhere, constitutions are credited to organisms, to man as such, and to political entities.] A people's opinions come from its

constitution; although the law does not regulate •*mœurs*, it's legislation that gives •them birth. When legislation grows weak, *mœurs* degenerate; but in such cases the judgment of the censors won't succeed where the force of the laws has failed.

It follows, then, that censorship may be useful for preserving *mœurs* but never for restoring them. Set up censors while the laws are vigorous; as soon as they weaken, all hope is gone; no legitimate item retains its force when the laws have lost theirs.

The censorship upholds *mœurs* by preventing opinions from growing corrupt, by preserving their rectitude by applying them wisely, and sometimes even by fixing them when they are still uncertain. [In that sentence, the 'they' in question seems to be *mœurs*, not opinions.]

I have said elsewhere. . . .that as public opinion isn't subject to any constraint, there needn't be any trace of it in the tribunal set up to represent it. It's impossible to admire too much the skill with which the Romans and (even more) the Spartans used this resource, which we moderns have wholly lost.

When a man with bad *mœurs* made a good proposal in the Spartan Council, the Ephors ignored it and arranged for the same proposal to be made by a virtuous citizen. What a disgrace for one man, and what an honour for the other, without either of them being blamed or praised! Certain drunkards from Samos. . . .polluted the tribunal of the Ephors; the next day a public edict gave Samians permission to be disgusting. An actual punishment would have been less severe than such a 'permission'! When Sparta has pronounced on what is or isn't right, Greece doesn't appeal against its judgments. [In the preceding paragraph, Rousseau is evidently stretching the notion of censorship [see Glossary] as ancient Rome had it, to cover anything official that nudges or hooks into public opinion in some oblique way:

ignoring the bad man's proposal, permitting the drunkards to be disgusting. Before coming to that, he has offered another example (not an ancient one) of that stretch.]

The use of seconds in duels, which had been carried to wild extremes in the French kingdom, was done away with merely by these words in a royal edict: 'As for those who are cowards enough to call upon seconds. . .'. This judgment, getting in ahead of •the public's judgment, immediately decided •it. But when those same edicts tried to pronounce duelling itself as cowardly (and so it is!), the public didn't take this seriously because its mind was already made up the other way.

8. Civic religion

At first men had no kings except the gods, and no government except theocracy. They reasoned like Caligula—a Roman emperor who thought he *was* a god—and at that period the reasoning was correct. Men's thoughts and feelings have to go through a long period of change before they can bring themselves to take their equals as masters and to expect to profit by doing so.

Simply from the fact that God was put in charge of every political society, it followed that there were as many gods as peoples. Two peoples that were strangers to one another, and nearly always enemies, couldn't go on recognising the same master for long; two armies giving battle couldn't obey the same leader. So national divisions led to polytheism, which in turn led to •theological and •civil intolerance—which, as I'll show later, are essentially the same.

The Greeks' liking for discovering their gods among •the barbarians arose from their regarding themselves as the natural sovereigns of •those peoples. But it's our own times that have produced the line of 'scholarship' that is based on

identifying gods of one nation with gods of another. As if Moloch, Saturn, and Chronos could be the same god! As if the Phoenician Baal, the Greek Zeus, and the Latin Jupiter could be the same! As if there could be any common residue in imaginary beings with different names!

You may ask: 'Why were there no wars of religion in the pagan world, where each state had its own form of worship [*culte*] and its own gods?' My reply is that just because each state had its own form of worship as well as its own government, no state distinguished its gods from its laws. Political war was also theological war; the gods had, so to speak, provinces that were fixed by the boundaries of nations. The god of one people had no right over other peoples. The gods of the pagans were not jealous gods [= 'didn't demand that their followers have nothing to do with any other gods']; they shared the world among themselves. Even Moses and the Hebrews sometimes adopted that point of view by speaking of 'the God of Israel'. It's true that they regarded as powerless the gods of the Canaanites, a proscribed people condemned to destruction, whose place they were to take; but look at how they spoke of the divinities of the neighbouring peoples they were forbidden to attack! 'Isn't the territory belonging to your god Chemosh lawfully *yours*?' said Jephthah to the Ammonites. 'We have the same title to the lands that our conquering God has made his own' (*Judges* 11:24). . . . Here, I think, there is a recognition that the rights of Chemosh are on a par with those of the God of Israel.

When the Jews were subjects of the Kings of Babylon and then of the Kings of Syria, they still obstinately refused to recognise any god but their own; this refusal was regarded as rebellion against their conqueror, and drew down on them the persecutions we read of in their history, which are

without parallel till the coming of Christianity.²⁶

Thus, because every religion was attached solely to the laws of the state that prescribed it, the only way to convert a people was to enslave it, and the only missionaries there could be were conquerors. . . . So far from men fighting for the gods, the gods (as in Homer) fought for men; each man asked his god for victory, and paid for it with new altars. Before the Romans took a place, they called on its gods to abandon it; and when they left the Tarentines with their outraged gods, they regarded those gods as subject to their own and forced to do them homage. They left the vanquished their gods as they left them their laws. A wreath to the Jupiter of the Capitol was often the only tribute they imposed.

Finally, when the Romans in spreading their empire had also spread their forms of worship and their gods, and had often adopted for themselves the gods of the vanquished, granting the rights of the city to both lots of gods, the peoples of that vast empire very gradually came to have multitudes of gods and forms of worship, everywhere almost the same; and that's how it came about that paganism throughout the known world finally came to be a single religion.

This was the situation when Jesus came to set up on earth a spiritual kingdom, which, by separating the theological from the political system, destroyed the unity of the state, and caused the internal divisions that have never ceased to trouble Christian peoples. This new idea of a kingdom of 'the other world' could never have occurred to pagans, so they always regarded the Christians as really rebels, who while pretending to be submissive were only waiting for the chance to become independent and to be in charge, cunningly seizing the authority they pretended in their weakness to respect. This was the cause of the persecutions.

²⁶ It is utterly clear that the so-called 'Sacred war' against the Phocians was not a war of religion. Its aim was to punish acts of sacrilege, not to conquer unbelievers.

What the pagans had feared took place. Then everything was re-arranged: the humble Christians changed their way of talking, and soon this so-called kingdom of •the other world turned, under a visible leader, into the most violent despotism in •this world.

However, as there was always •a prince and civil laws ·as well as •a church·, this double power created a conflict of jurisdiction that made it impossible for Christian states to be governed well; and men never managed to discover whether they were obliged to obey the master or the priest.

Several peoples, however, even in Europe and its neighbourhood, have tried to preserve or restore the old system—tried and failed, because the spirit of Christianity has won every time. The sacred cult has always remained or again become independent of the sovereign and not essentially linked with the body of the state. Mahomet held very sound and sensible views, and made a good job of linking his political system together; and as long as the caliphs who succeeded him preserved the form of *his* government, that government had the good feature of being *one*—•a unitary government, not split between secular and religious powers·. But when the Arabs became prosperous, lettered, civilised, slack and cowardly, they were conquered by barbarians, and the division between the two powers started up again. It is less conspicuous among the Mahometans than among the Christians, but the Mahometans do have it, especially in the sect of Ali, and in some states such as Persia it is continually making itself felt.

Among us •Europeans·, the kings of England have been made heads of the Church, and the Czars have done much

the same thing; but

- this title has made them ministers of the Church rather than its masters;
- they have acquired the power to maintain the church rather than to change it;
- they aren't its legislators, but only its princes.

Wherever the clergy is a corporate body,²⁷ it is master and legislator in its own country. There are thus two powers, two sovereigns, in England and in Russia, as well as elsewhere. [Rousseau shouldn't have said 'two sovereigns'. What he has been maintaining is that England has **(i)** a sovereign and **(ii)** a government, and that **(i)** the body of the Anglican clergy is the sovereign, while **(ii)** the king is the government.]

The philosopher Hobbes is the only Christian writer who has seen the evil and seen how to remedy it, and has dared to propose bring the two heads of the eagle together again, restoring the total political unity without which no state or government will ever be rightly constituted. But he should have seen that Christianity's dominating spirit is incompatible with his system, and that the priests' side of the divide would always be stronger than the state's. What has drawn down hatred on his political theory is not so much what is false and terrible in it as what is just and true. . . .

I believe that if the study of history were developed from this point of view, it would be easy to refute the opinion of Bayle

that no religion is useful to the body politic,
and also the opposing opinion of Warburton
that Christianity is the body politic's strongest support.

²⁷ It should be noted that what binds the clergy together to constitute a body is not a formal assembly but rather the communion of churches. Communion and excommunication are the clergy's social compact, a compact that will always make them masters of peoples and kings. All priests who give or take communion together are fellow-citizens, even if they come from opposite ends of the earth. This invention is a political masterpiece; pagan priests have nothing like it, which is why they have therefore never constituted a clerical corporate body.

·Starting from the Hobbesian viewpoint·, we would demonstrate to Bayle that no state has ever been founded without a religious basis, and to Warburton that Christian law basically weakens the state's constitution more than it helps it. To make myself understood, I have only to sharpen up a little the unduly vague ideas of religion that come up in this subject.

Religion, considered in relation to society, can be divided into two kinds. **(a)** With the relevant 'society' taken as the whole of mankind, we have the religion of **man**; **(b)** with 'society' understood at the society of this or that nation we have the religion of **the citizen** of this or that nation. **(a)** doesn't have temples, or altars or rites, and is confined •to the purely internal worship of the supreme God and •the eternal obligations of morality; it is the religion of the Gospel pure and simple, the true theism, what may be called **natural** divine law. **(b)** is codified in a single country, to which it gives its gods and its own patron saints; it has its dogmas, its rites, and its external forms of worship prescribed by law; it views all the other nations as unbelievers, foreign, barbarous; it doesn't regard the duties and rights of man as extending far beyond its own altars. The religions of early peoples were all of this sort. We could label them as civil or **positive** divine law.

[In the contrast between natural law and positive law, 'positive' means 'created by the decisions of human beings'. It was a generally understood distinction in early modern times; Rousseau is here using it to distinguish two kinds of religion, suggesting that one of them is natural—perhaps an upshot of human nature—whereas the other is artificial, something deliberately devised or invented by humans. He throws in 'divine' because the items under discussion are religions; Rousseau doesn't think that any god has anything to do with **(b)**, and the adjective-pair 'positive divine', which means 'man-made and divine' and is virtually self-contradictory, is a joke.]

There's a third bizarre sort of religion **(c)** that •gives men two codes of law, two rulers, and two countries, •imposes contradictory duties on them, and •makes it impossible for them to be believers and citizens. The religion of the Lamas is like that, and so is the religion of the Japanese. Another example is Roman ·Catholic· Christianity. We could call this sort of religion the religion of the priest. It leads to a sort of mixed and anti-social code that has no name ·analogous to 'natural divine' and 'positive divine' for the other two·.

Looked at from the political point of view, these three kinds of religion all have defects. **(c)** is so clearly bad that •passing the time proving that it is so would be •wasting time. Anything that destroys social unity is worthless; all institutions that set man in contradiction to himself are worthless.

(b) has some good features. It unites divine worship with love of the laws. By making the country the object of the citizens' adoration, it teaches them that service done to the state is service done to its guardian god. It is a form of theocracy, in which there should be no pope but the prince, and no priests but the magistrates. In this system, dying for one's country is suffering martyrdom; violating its laws is sacrilege; and subjecting a criminal to public execration is condemning him to the anger of the gods. . . .

But it is bad in that, being based on lies and error, it deceives men, makes them credulous and superstitious, and drowns the true worship of the Divinity [Rousseau's phrase] in empty ceremonies. It is also bad when by becoming tyrannical and exclusive it makes a people bloodthirsty and intolerant, breathing murder and massacre, and regarding as a sacred act the killing of anyone who doesn't believe in its gods. This puts such a people into a *natural state of war* with everyone else, so that its security is deeply endangered.

There remains **(a)** the religion of man, i.e. Christianity—not today's Christianity but the entirely different Christianity of the Gospel. By means of this holy, sublime, and genuine religion all men, as children of one God, acknowledge one another as brothers, and the society that unites them isn't dissolved even at death.

But this religion, having no special relation to the body politic, leaves the laws with only the force they draw from themselves without adding anything to it; which means that one of the great bonds for uniting the society of the given country is left idle. Worse: so far from binding the citizens' hearts to the state, it detaches them from that and from all earthly things. I know of nothing more contrary to the social spirit.

They tell us that a populace of true Christians would form the most perfect society imaginable. I see in only one great difficulty about this idea, namely that a society of true Christians wouldn't be a society of men.

I go further: such a society, with all its perfection, wouldn't be the strongest or the most durable; its very perfection would deprive it of its bond of union; the flaw that would destroy it would lie in its perfection.

Everyone would do his duty; the people would be law-abiding; the rulers would be just and temperate, and the magistrates upright and incorruptible; the soldiers would regard death as a minor thing; there would be no vanity or extravagant luxury. So far, so good; but let's look further.

Christianity is an entirely spiritual religion, occupied solely with heavenly things; the Christian's country is not of this world. He does his duty, certainly, but does it with a deep lack of interest in whether the work he has put in has produced good or bad results. Provided he has nothing to reproach himself with, it doesn't matter much to him whether things go well or ill here below. If the state prospers,

he hardly dares to share in the public happiness, for fear he may become puffed up with pride in his country's glory; if the state goes downhill, he blesses the hand of God that is hard upon His people.

For the society to be peaceable and for harmony to be maintained, *all* the citizens would have to be equally good Christians. If there happened to be a single self-seeker or hypocrite—a Catiline or a Cromwell, for instance—he would certainly get the better of his pious compatriots. Christian charity doesn't make it easy for a man to think ill of another man. As soon as our bad man has worked out a way of •deceiving everyone else and •getting hold of a share in the public authority, you have

a man established in dignity; God wants us to respect him.

Then before long, you have

a power; God wants us to obey it.

If the person who has the power abuses it, that is the whip God uses to punish his children. There would be scruples about driving out the usurper: it would involve disturbing public peace, using violence, spilling blood; none of this squares with Christian gentleness; and anyway what does it matter in this vale of sorrows whether we are free men or serfs? The essential thing is to get to heaven, and resignation—i.e. putting up with hardship patiently and without complaining—is just one more way of getting there.

If a foreign war breaks out, the citizens march readily out to battle; not one of them thinks of flight; they do their duty, but they have no passion for victory; they know how to die better than they know how to conquer. What does it matter whether they win or lose? Doesn't Providence know better than they do what should happen to them? Imagine what a proud, impetuous and passionate enemy could make of this •Christian• stoicism! Set this Christian army against the

deep-feeling peoples who were consumed by ardent love of glory and of their country; imagine your Christian republic up against Sparta or Rome: the pious Christians will be beaten, crushed and destroyed, before they know where they are; or they'll be safe only because their enemy regarded them as negligible. . . .

But I'm wrong to speak of a *Christian republic*—those two terms are mutually exclusive. Christianity preaches only servitude and dependence. Its spirit is so favourable to tyranny that it always profits by such a régime. Genuine Christians are made to be slaves, and they know it and don't much mind: this short life counts for too little in their eyes.

Christian troops are excellent, we are told. I deny it. Show me an example! For my part, I don't know of any Christian troops. The Crusades? Without disputing the courage of the Crusaders, I answer that far from being Christians they were the priests' troops, they were citizens of the Church: they fought for their spiritual country, which the Church had *somehow* made temporal. Properly understood, this goes back to paganism: because the Gospel doesn't establish any national religion, there can't possibly be a holy war among Christians.

Under the pagan emperors, the Christian soldiers were fine; every Christian writer says so, and I believe it; they were honourably modelling themselves on the pagan troops. As soon as the emperors were Christian, this modelling was extinguished; and when the cross had driven out the eagle, Roman valour wholly disappeared.

Let us now set political considerations aside and come

back to questions about what is right, and settle our principles on this important point. [In this passage, 'right' translates *droit*, which can also mean 'law'.] The right that the social compact gives the sovereign over the subjects does not, we have seen, include anything that isn't good for the public.²⁸ The subjects then owe the sovereign an account of their opinions only insofar as the opinions matter to the community. Now, it matters very much to the community that each citizen should have a religion that makes him love his duty; but that religion's dogmas are no concern of the state's or of its members' except insofar as they involve morality and the believer's duties towards others. In addition to all that, a man may have any opinions he likes without that being any of the sovereign's business. Having no standing in the other world, the sovereign has no concern with what may lie in wait for its subjects in the life to come, provided they are good citizens in this life.

So there's a purely *civil* profession of faith, the content of which should be fixed by the sovereign—not exactly as religious dogmas, but as social sentiments that are needed for to be a good citizen and a faithful subject.²⁹ While it can't compel anyone to believe them, it can banish from the state anyone who doesn't believe them—banishing him not for impiety but for being anti-social, incapable of truly loving the laws and justice, and if necessary sacrificing his life to his duty. If anyone publicly recognises these dogmas and then behaves as if he doesn't believe them, let him be punished by death: he has committed the worst of all crimes—lying before the law.

²⁸ 'In the republic,' says the Marquis d'Argenson, 'each man is perfectly free in what doesn't harm others.' That is the invariable limit; I can't define it more exactly. . . .

²⁹ Caesar, arguing for the defence in Catiline's trial, tried to establish the dogma that the soul is mortal. Cato and Cicero, speaking for the prosecution, didn't waste time in philosophising, and simply argued that Caesar had spoken like a bad citizen, pushing a doctrine that would be harmful to the state. *That*, and not a problem of theology, was what the Roman senate had to judge.

The dogmas of civil religion ought to be few, simple, and exactly worded, with no explanation or commentary. Its positive dogmas are:

- the existence of a mighty, intelligent and beneficent Divinity, possessed of foresight and providence,
- the life to come,
- the happiness of the just,
- the punishment of the wicked,
- the sanctity of the social contract and the laws.

And just one dogma of exclusion, namely the exclusion of intolerance, which is a feature of the cults we have rejected.

Those who distinguish •civil from •theological intolerance are, to my mind, mistaken. The two intolerances are inseparable. You can't possibly live at peace with people you regard as damned; loving them would be hating God who punishes them: we absolutely *must* either reform them or torment them. Wherever theological intolerance is admitted, it must inevitably have some civil effect;³⁰ and as soon as it *does* the sovereign is no longer sovereign even in the temporal sphere; from then on, priests are the real masters, and kings only their ministers.

Now that there no longer are, and no longer can be, any

exclusive national religions, tolerance should be given to all •religions that tolerate others, so long as •their dogmas contain nothing contrary to the duties of citizenship. Anyone who ventures to say: 'Outside the Church is no salvation' should be driven from the state, unless the state is the Church and the prince the pope. Such a dogma is good only in a theocratic government; in any other it is fatal. The reason Henry IV is said to have had for embracing the Roman religion—namely that the Roman Catholics did, while the Protestants didn't, say 'Our faith is the only possible route to heaven'—ought to make every honest man leave it, especially any prince who knows how to reason.

9. Conclusion

Now that I have laid down the true principles of political right, and tried to plant the state on its own base, the next task would be to strengthen it by its foreign relations. That would bring in the law of nations, commerce, the right of war and conquest, public law, leagues, negotiations, treaties, etc. But all this adds up to a new subject that is far too vast for my narrow scope. As it is, I have ranged further afield than I ought to have.

³⁰ Marriage, for instance, being a civil contract, has civil effects without which society can't even subsist. Now, suppose that the clergy collectively claim the sole right of permitting this act, a right that every intolerant religion is bound to claim. Isn't it obvious that in establishing the Church's authority in this respect, it will be destroying the prince's, letting him now have only as many subjects as the clergy are willing to allow him? Being in a position to marry or not to marry people according to

- their acceptance of such and such a doctrine,
- their admission or rejection of such and such a formula,
- their greater or less piety,

isn't it obvious that if the Church is prudent and firm it can come to have sole control of all inheritances, offices and citizens, and even of the state itself? •Doing all this through marriage? But what if people don't marry but have children all the same? That is not a solution, because• the state couldn't survive if it were composed entirely of bastards. 'But', I shall be told, 'people can appeal on the grounds of abuse, create delays, issue decrees, work the controls of the whole temporal (see Glossary) legal machine.' How pathetic! The clergy will take no notice and go its way; to do this it won't even need courage, merely a little good sense. It will calmly allow appeals, delays, decrees and seizings of the controls, and still end up as the master. It is not, I think, a great sacrifice to give up a part, when one is sure of securing all.

