
The Social Contract, Book I

BOOK I, CHAPTERS 1-9

Jean-Jacques Rousseau (trans. G. D. H. Cole)

A JEEVES READING DROP

Book I, Chapters 1–9

No-one could help understanding the central problem of the *Social Contract* immediately, were it not that its doctrines often seem to be strangely formulated. We have seen that this strangeness is due to Rousseau's historical position, to his use of the political concepts current in his own age, and to his natural tendency to build on the foundations laid by his predecessors. There are a great many people whose idea of Rousseau consists solely of the first words of the opening chapter of the *Social Contract*, "Man is born free, and everywhere he is in chains."

But, they tell you, man is not born free, even if he is everywhere in chains. Thus at the very outset we are faced with the great difficulty in appreciating Rousseau. When we should naturally say "man ought to be free," or perhaps "man is born for freedom," he prefers to say "man is born free," by which he means exactly the same thing. There is doubtless, in his way of putting it, an appeal to a "golden age"; but this golden age is admittedly as imaginary as the freedom to which men are born is bound, for most of them, to be. Elsewhere Rousseau puts the point much as we might put it ourselves.

"Nothing is more certain than that every man born in slavery is born for slavery.... But if there are slaves by nature, it is because there have been slaves against nature" (*Social Contract*, Book I, chap. ii).

We have seen that the contrast between the "state of nature" and the "state of society" runs through all Rousseau's work. The *Emile* is a plea for "natural" education; the Discourses are a plea for a "naturalisation" of society; the *New Héloïse* is the romantic's appeal for more "nature" in human relationships. What then is the position of this contrast in Rousseau's mature political thought? It is clear that the position is not merely that of the Discourses. In them, he envisaged only the faults of actual societies; now, he is concerned with the possibility of a rational society.

His aim is to justify the change from "nature" to "society," although it has left men in chains. He is in search of the true society, which leaves men "as free as before." Altogether, the space occupied by the idea of nature in the *Social Contract* is very small. It is used of necessity in the controversial chapters, in which Rousseau is refuting false theories of social obligation; but when once he has brushed aside the false prophets, he lets the idea of nature go with them, and concerns himself solely with giving society the rational sanction he has promised.

It becomes clear that, in political matters at any rate, the "state of nature" is for him only a term of controversy. He has in effect abandoned, in so far as he ever held it, the theory of a human golden age; and where, as in the *Emile*, he makes use of the idea of nature, it is broadened and deepened out of all recognition. Despite many passages in which the old terminology cleaves to him, he means by "nature" in this period not the original state of a thing, nor even its reduction to the simplest terms: he is passing over to the conception of "nature" as identical with the full development of capacity, with the higher idea of human freedom.

This view may be seen in germ even in the *Discourse on Inequality*, where, distinguishing self-respect (*amour de soi*) from egoism (*amour-propre*), Rousseau makes the former, the property of the "natural" man, consist not in the desire for self-aggrandisement, but in the seeking of satisfaction for reasonable desire accompanied by benevolence; whereas egoism is the preference of our own interests to those of others, self-respect merely puts us on an equal footing with our fellows. It is true that in the *Discourse*

Rousseau is pleading against the development of many human faculties; but he is equally advocating the fullest development of those he regards as “natural,” by which he means merely “good.”

The “state of society,” as envisaged in the *Social Contract*, is no longer in contradiction to the “state of nature” upheld in the *Emile*, where indeed the social environment is of the greatest importance, and, though the pupil is screened from it, he is none the less being trained for it. Indeed the views given in the *Social Contract* are summarised in the fifth book of the *Emile*, and by this summary the essential unity of Rousseau’s system is emphasised.

Rousseau’s object, then, in the first words of the *Social Contract*, “is to inquire if, in the civil order, there can be any sure and certain, rule of administration, taking men as they are and laws as they might be.” Montesquieu took laws as they were, and saw what sort of men they made: Rousseau, founding his whole system on human freedom, takes man as the basis, and regards him as giving himself what laws he pleases. He takes his stand on the nature of human freedom: on this he bases his whole system, making the will of the members the sole basis of every society.

In working out his theory, Rousseau makes use throughout of three general and, to some extent, alternative conceptions. These are the Social Contract, Sovereignty and the General Will. We shall now have to examine each of these in turn.

The Social Contract theory is as old as the sophists of Greece (see Plato, *Republic*, Book II and the *Gorgias*), and as elusive. It has been adapted to the most opposite points of view, and used, in different forms, on both sides of every question to which it could conceivably be applied. It is frequent in mediæval writers, a commonplace with the theorists of the Renaissance, and in the eighteenth century already nearing its fall before a wider conception. It would be a long, as well as a thankless, task to trace its history over again: it may be followed best in D.

G. Ritchie’s admirable essay on it in *Darwin and Hegel and Other Studies*. For us, it is important only to regard it in its most general aspect, before studying the special use made of it by Rousseau. Obviously, in one form or another, it is a theory very easily arrived at. Wherever any form of government apart from the merest tyranny exists, reflection on the basis of the State cannot but lead to the notion that, in one sense or another, it is based on the consent, tacit or expressed, past or present, of its members. In this alone, the greater part of the Social Contract theory is already latent.

Add the desire to find actual justification for a theory in facts, and, especially in an age possessed only of the haziest historical sense, this doctrine of consent will inevitably be given a historical setting. If in addition there is a tendency to regard society as something unnatural to humanity, the tendency will become irresistible. By writers of almost all schools, the State will be represented as having arisen, in some remote age, out of a compact or, in more legal phrase, contract between two or more parties. The only class that will be able to resist the doctrine is that which maintains the divine right of kings, and holds that all existing governments were imposed on the people by the direct interposition of God. All who are not prepared to maintain that will be partisans of some form or other of the Social Contract theory.

It is, therefore, not surprising that we find among its advocates writers of the most opposite points of view. Barely stated, it is a mere formula, which may be filled in with any content from absolutism to pure republicanism. And, in the hands of some at least of its supporters, it turns out to be a weapon that cuts both ways. We shall be in a better position to judge of its usefulness when we have seen its chief varieties at work.

All Social Contract theories that are at all definite fall under one or other of two heads. They represent society as based on an original contract either between the people and the government, or between all the individuals composing the State. Historically, modern theory passes from the first to the second of these forms.

The doctrine that society is founded on a contract between the people and the government is of mediæval origin. It was often supported by references to the Old Testament, which contains a similar view in an unreflective form. It is found in most of the great political writers of the sixteenth century; in Buchanan, and in the writings of James I: it persists into the seventeenth in the works of Grotius and Puffendorf. Grotius is sometimes held to have stated the theory so as to admit both forms of contract; but it is clear that he is only thinking of the first form as admitting democratic as well as monarchical government.

We find it put very clearly by the Convention Parliament of 1688, which accuses James II of having “endeavoured to subvert the constitution of the kingdom by breaking the original contract between king and people.” While Hobbes, on the side of the royalists, is maintaining the contract theory in its second form, the Parliamentary Algernon Sidney adheres to the idea of a contract between the people and the government.

In this form, the theory clearly admits of opposite interpretations. It may be held that the people, having given itself up once for all to its rulers, has nothing more to ask of them, and is bound to submit to any usage they may choose to inflict. This, however, is not the implication most usually drawn from it. The theory, in this form, originated with theologians who were also lawyers. Their view of a contract implied mutual obligations; they regarded the ruler as bound, by its terms, to govern constitutionally. The old idea that a king must not violate the sacred customs of the realm passes easily into the doctrine that he must not violate the terms of the original contract between himself and his people.

Just as in the days of the Norman kings, every appeal on the part of the people for more liberties was couched in the form of a demand that the customs of the “good old times” of Edward the Confessor should be respected, so in the seventeenth century every act of popular assertion or resistance was stated as an appeal to the king not to violate the contract. The demand was a good popular cry, and it seemed to have the theorists behind it. Rousseau gives his refutation of this view, which he had, in the *Discourse on Inequality*, maintained in passing, in the sixteenth chapter of the third book of the *Social Contract*.

(See also Book I, chap. iv, init.) His attack is really concerned also with the theory of Hobbes, which in some respects resembles, as we shall see, this first view; but, in form at least, it is directed against this form of contract. It will be possible to examine it more closely, when the second view has been considered.

The second view, which may be called the Social Contract theory proper, regards society as originating in, or based on, an agreement between the individuals composing it. It seems to be found first, rather vaguely, in Richard Hooker’s *Ecclesiastical Polity*, from which Locke largely borrowed: and it reappears, in varying forms, in Milton’s *Tenure of Kings and Magistrates*, in Hobbes’s *Leviathan*, in Locke’s *Treatises on Civil Government*, and in Rousseau. The best-known instance of its actual use is by the Pilgrim Fathers on the *Mayflower* in 1620, in whose declaration occurs the phrase, “We do solemnly and mutually, in the presence of God and of one another, covenant and combine ourselves together into a civil body politic.”

The natural implication of this view would seem to be the corollary of complete popular Sovereignty which Rousseau draws. But before Rousseau’s time it had been used to support views as diverse as those which rested on the first form. We saw that, in Grotius’s great work, *De Jure Belli et Pacis*, it was already

possible to doubt which of the two theories was being advocated. The first theory was, historically, a means of popular protest against royal aggression. As soon as popular government was taken into account, the act of contract between people and government became in effect merely a contract between the individuals composing the society, and readily passed over into the second form.

The second theory, in its ordinary form, expresses only the view that the people is everywhere Sovereign, and that, in the phrase of Milton's treatise, "the power of kings and magistrates is only derivative." Before, however, this view had been worked up into a philosophical theory, it had already been used by Hobbes to support precisely opposite principles. Hobbes agrees that the original contract is one between all the individuals composing the State, and that the government is no party to it; but he regards the people as agreeing, not merely to form a State, but to invest a certain person or certain persons with the government of it.

He agrees that the people is naturally supreme, but regards it as alienating its Sovereignty by the contract itself, and delegating its power, wholly and for ever, to the government. As soon, therefore, as the State is set up, the government becomes for Hobbes the Sovereign; there is no more question of popular Sovereignty, but only of passive obedience: the people is bound, by the contract, to obey its ruler, no matter whether he governs well or ill. It has alienated all its rights to the Sovereign, who is, therefore, absolute master. Hobbes, living in a time of civil wars, regards the worst government as better than anarchy, and is, therefore, at pains to find arguments in support of any form of absolutism.

It is easy to pick holes in this system, and to see into what difficulties a conscientious Hobbist might be led by a revolution. For as soon as the revolutionaries get the upper hand, he will have to sacrifice one of his principles: he will have to side against either the actual or the legitimate Sovereign. It is easy also to see that alienation of liberty, even if possible for an individual, which Rousseau denies, cannot bind his posterity. But, with all its faults, the view of Hobbes is on the whole admirably, if ruthlessly, logical, and to it Rousseau owes a great deal.

The special shape given to the second Social Contract theory by Hobbes looks, at first sight, much like a combination, into a single act, of both the contracts. This, however, is not the view he adopts. The theory of a contract between government and people had, as we have seen, been used mainly as a support for popular liberties, a means of assertion against the government. Hobbes, whose whole aim is to make his government Sovereign, can only do this by leaving the government outside the contract: he thus avoids the necessity of submitting it to any obligation whatsoever, and leaves it absolute and irresponsible. He secures, in fact, not merely a State which has unbounded rights against the individual, but a determinate authority with the right to enforce those rights. His theory is not merely Statism (*étatisme*); it is pure despotism.

It is clear that, if such a theory is to be upheld, it can stand only by the view, which Hobbes shares with Grotius, that a man can alienate not merely his own liberty, but also that of his descendants, and that, consequently, a people as a whole can do the same. This is the point at which both Locke and Rousseau attack it. Locke, whose aim is largely to justify the Revolution of 1688, makes government depend, not merely at its institution, but always, on the consent of the governed, and regards all rulers as liable to be displaced if they govern tyrannically.

He omits, however, to provide any machinery short of revolution for the expression of popular opinion, and, on the whole, seems to regard the popular consent as something essentially tacit and assumed. He regards the State as existing mainly to protect life and property, and is, in all his assertions of popular

rights, so cautious as to reduce them almost to nothing. It is not till we come to Rousseau that the second form of the contract theory is stated in its purest and most logical form.

Rousseau sees clearly the necessity, if popular consent in government is to be more than a name, of giving it some constitutional means of expression. For Locke's theory of tacit consent, he substitutes an active agreement periodically renewed. He looks back with admiration to the city-states of ancient Greece and, in his own day, reserves his admiration for the Swiss free cities, Berne and, above all, Geneva, his native place. Seeing in the Europe of his day no case in which representative government was working at all democratically, he was unable to conceive that means might be found of giving effect to this active agreement in a nation-state; he therefore held that self-government was impossible except for a city. He wished to break up the nation-states of Europe, and create instead federative leagues of independent city-states.

It matters, however, comparatively little, for the appreciation of Rousseau's political theory in general, that he failed to become the theorist of the modern State. By taking the State, which must have, in essentials, everywhere the same basis, at its simplest, he was able, far better than his predecessors, to bring out the real nature of the "social tie," an alternative name which he often uses for the Social Contract. His doctrine of the underlying principle of political obligation is that of all great modern writers, from Kant to Mr. Bosanquet. This fundamental unity has been obscured only because critics have failed to put the Social Contract theory in its proper place in Rousseau's system.

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