

**Wahlfach: Politische Philosophie und Philosophie des Rechts**  
**Optional Course: Political and Legal Philosophy**  
*(Einheit 7/Lesson 7: Social Contract Theories II: Rousseau; Separation of Powers:  
Montesquieu)*

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**Erreichbarkeit / contact:**

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**Weiterführende Literaturhinweise / Useful Sources and Materials**

Reihe „Denker“ (herausgegeben von *Otfried Höffe*) des Verlags C.H. Beck, München, zu  
*Jean-Jacques Rousseau*:  
*Hartmut von Hentig*, Rousseau, München 2004  
*Dieter Sturma*, Jean-Jacques Rousseau, München 2001

**Paperback editions of the main writings in English language**

„Penguin“ paperback series:

*Rousseau*: The Discourse on the Origins of Inequality (1755); The Social Contract (1762)  
*Montesquieu*: Persian Letters (1721); The Spirit of the Laws/De l'esprit des lois (1748)

**Internet-Links on Rousseau and Montesquieu**

Deutsch: [http://de.wikipedia.org/wiki/Jean-Jacques\\_Rousseau](http://de.wikipedia.org/wiki/Jean-Jacques_Rousseau)  
<http://de.wikipedia.org/wiki/Montesquieu>  
English: <http://en.wikipedia.org/wiki/Rousseau>  
<http://plato.stanford.edu/entries/contractarianism/>  
<http://en.wikipedia.org/wiki/Montesquieu>  
<http://plato.stanford.edu/entries/montesquieu/>

**Text Examples**

**Rousseau, Discourse on the Origins of Inequality (1755)**

Le premier qui, ayant enclos un terrain, s'avisa de dire: Ceci est à moi, et trouva des gens assez simples pour le croire, fut le vrai fondateur de la société civile. Que de crimes, de guerres, de meurtres, que de misères et d'horreurs n'eût point épargnés au genre humain celui qui, arrachant les pieux ou comblant le fossé, eût crié à ses semblables: Gardez-vous d'écouter cet imposteur; vous êtes perdus, si vous oubliez que les fruits sont à tous, et que la terre n'est à personne.

The first man who, having enclosed a piece of ground, bethought himself of saying This is mine, and found people simple enough to believe him, was the real founder of civil society. From how many crimes, wars, and murders, from how many horrors and misfortunes might not any one have saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows: Beware of listening to this impostor; you are undone if you once forget that the fruits of the earth belong to us all, and the earth itself to nobody.

**Rousseau, The Social Contract (1762), Book I, ch. 1**

Man was born free, and he is everywhere in chains. Those who think themselves the masters of others are indeed greater slaves than they. How did this transformation come about? I do not know. How can it be made legitimate? That question I believe I can answer. (...)

**Ch. 8 (Civil Society)**

(...) Suppose we draw up a balance sheet, so that the losses and gains may be readily compared. What man loses by the social contract is his natural liberty and the absolute right to anything that tempts him and that he can take; what he gains by the social contract is civil liberty and the legal right of property in what he possesses. If we are to avoid mistakes in weighing the one side against the other, we must clearly distinguish between natural liberty, which has no limit but the physical power of the individual concerned, and civil liberty, which is limited by the general will; and we must distinguish also between possession, which is based only on force or 'the right of the first occupant', and property, which must rest on a legal title. (...)

**Montesquieu, The Spirit of Laws (1748)**

Definition of laws in general as "the necessary relations deriving from the nature of things": "... in this sense, all beings have their laws: the divinity has its laws, the material world has its laws, the intelligences superior man have their laws, the beasts have their laws, man has his laws." (...)