

Social And Political Philosophy

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Hobbes Locke, Rousseau: the “State of Nature’ and the
beginnings of the ‘Social Contract’: Block Three

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Thomas Hobbes (1588-1679)

Hobbes rejected 'metaphysical' accounts of man: human beings are to be understood as working like a machine, thus, he may perhaps be described as a materialist. Further to this, we would be on safe ground to claim that Hobbes was also a sceptic as he argued our senses may permit us to construct 'a science of moving bodies', nevertheless, this does not mean can have certain knowledge of a world independent of the human mind.

Hobbes and Human Nature

Thomas Hobbes published his *magnum opus* *Leviathan: The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil* — commonly referred to as *Leviathan*¹ in 1651. The book focuses on the structure of society and the form of legitimate government, and is probably 'the earliest and most influential examples of social contract theory'. We are to see how Hobbes lays out his version of what we can call a 'social contract' in his idea of human nature. Human nature operates on the basis of two principles, desire (what Aristotle called *appetites*) and reason (or rationality; rationalising means and ends to the *appetites*). In this operation the 'good' is 'whatsoever is the object of any man's appetite or desire'; the object of his hate and aversion is evil (*Leviathan*, p.28). This notion of the good rules out 'objective' moral principles. Thus Hobbes's is a political philosophy makes its beginnings in the *appetites* that we as human beings have for survival with security. We human beings are, Hobbes goes on, in 'continual fear and danger of violent death'; and it is in response to this that man decided to band together in society - without which life would be 'solitary, poor, nasty, brutish and short'. We must not, of course, think that Hobbes believed that such a state of affairs actually ever existed; the state of nature is a hypothetical one. It is used to make his point that some form of negotiation must take place if human beings, given their human nature, are not to revert into a natural state of 'naked self-interest'² where lawlessness will prevail.³ Thus, to avoid moral relativism and, then, a state where conflicts are unavoidable and constant, human beings agree to surrender all their natural rights to a sovereign whose subjects they would then become.⁴ In this 'state of nature':

¹ My references are to, Thomas Hobbes, *Leviathan*, edited by C.B. McPherson (1968, Penguin; Hamondsworth). An online e-copy of *Leviathan* can be found here: <http://socserv.mcmaster.ca/econ/ugcm/3ll3/hobbes/Leviathan.pdf> (page numbers may differ)

² This, of course, is not and is quite different from 'selfishness'.

³ We have to remember that Hobbes was writing immediately after and with experience of the English Civil War.

⁴ Two points to note here. Firstly, that it here we see the emergence of a social contract founded on reason and rationality. Secondly, we note that 'self-preservation' is a natural right that is not surrendered as it is in Hobbes view 'inalienable'

... there is no place for industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing of things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continual! feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short. (Leviathan,p.186)

In the *Leviathan* Hobbes', pursues the idea that the protection of the state, with a strong and stable government, is essential to maintain security and social order. He believed that in the absence of a strong state, our human nature will inexorably lead conflict. Hobbes, political project thus makes the study of human nature its core, and insists that the understanding of human nature demands specific inspection in a number of key aspects. Essential is understanding, that is understanding of oneself; human beings must undertake self-examination into the nature of their innermost emotions, feelings and thinking. But this is no fruitless spiritual or psychological introspection, first an understanding is of the ‘material being’ which is the human being. Hence, his emphasis of the laws of physics as they impact on the ‘human being’ is encapsulated here:

'There is no such thing as perpetuall Tranquillity of mind while we live here; because Life it selfe is but Motion, and can never be without Desire' (Leviathan, p.129-30)

Therefore we understand ourselves through the laws of physics and this demonstrates bodies in motion, constant and perpetual motion. This Hobbes links with our dispositions, thus human beings are continually, even perpetually in the process of satisfying their *appetites*, which he calls ‘seeking ‘felicity’’. Remembering, also, that the ‘good’ is ‘whatsoever is the object of any man's appetite or desire’ therefore the drive to do ‘good’ is also the drive to achieve ‘felicity’. It is obvious then that to be assured of achieving felicity one must become powerful, as it is through the employment of power that is ‘one's ‘present means to obtain some future apparent Good’ (Leviathan, p.150). And human beings have ‘restlesse desire of Power alter power, that ceaseth onely in Death’ (Leviathan, p.161). Hobbes also thinks that humans can never reach a state of complete satisfaction⁵, and individuals ‘cannot assure the power and means to live well, which he hath present, without the acquisition of more’ (Leviathan, p.161). It is this drive, then, for satisfaction, that gives rise to conflict in the state of nature. Consequently, on this view, without a check on this search, a state of war was inevitable. In other words, without the establishment of a state, human nature were on course for all out war.

This drive for satisfaction is also a drive for power, and thus human nature is by this definition self-interested and competitive. However, contrary to Hobbes’ assertion,

⁵ It is tempting to see Hobbes’ ‘felicity’ as predecessor to Freud and Lacan’s notion of ‘lack’.

we can easily argue that competition does not inexorably lead to war. But for his reasons for such a claim we again have to examine the state of nature. For Hobbes', individuals in the state of nature are always 'equal', that is, specifically, equal in our ability to compete in a particular way, 'The weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others' (Leviathan,p.183).⁶ Hobbes 'economy' in the state of nature is a state of scarcity thus competition for the same goods is manifestly present. Therefore, given this particular version of equality that Hobbes' outlines in his state of nature, one can judge that no one individual can be said to be absolutely safe and secure from forceful and even violent competition.

From this equality of ability, ariseth equality of hope in the attaining of our Ends. And therefore if any two men desire the same thing, which neverthelesse they cannot both enjoy, they become enemies; and in the way to their End, (which is principally their owne conservation, and sometimes their delectation only) endeavour to destroy, or subdue one another. And from hence it comes to pass, that where an Invader hath no more to feare than an other mans single power; if one plant, sow, build, or possesse a convenient Seat, others may probably be expected to come prepared with forces united, to dispossesse, and deprive him, not only of the fruit of his labour, but also of his life or liberty. And the Invader again is in the like danger of another. (Leviathan,p.184)

One cannot argue that ‘possession in nine tenths of the law’ as the saying goes, as there is no law to secure one’s possessions. Hobbes, uses these grounds to argue that the state of nature will always be a state of war.

Reasons for conflict

As we have seen Hobbes it seems argues, that individuals will seek to satisfy their *appetites* by whatever means and methods they can muster. In Hobbes' state of nature, then, are we to take it that his view of human beings is that they are irrefutable selfish and naturally brutal? He does not have to categorically argue so, as we can concede to him the point he makes, that there are other reasons why individuals may attack others besides greed and gain, for example, in self defence or to secure their own safety. We can even concede to him that the attack of others to gain a reputation of strength as a means of future protection, may also be a form of ‘self-defence’. However, I think it beyond doubt that, Hobbes is claiming that human beings, in their fixation with felicity, continuously and increasingly seek power and possessions and it is not difficult to perceive these motives behind any rationale given in the name of ‘self-defence’. Yet he does state, seemingly contrary to this interpretation, 'that any man should take pleasure in other mens great harms, without other end of his own, I do not conceive it possible' (Leviathan, p.126), while still agreeing that human beings are generally, self-interested and self-seeking. Nevertheless, despite the reasons given for what is behind our ‘self-interested’

⁶ The concept of ‘respect for persons’ is often used as an avowal of natural equality in political and moral philosophy as a basis For Hobbes the notion is used in an opposite way.

actions that we take in this state of nature, we are in a state of, if not constant, then recurrent conflict.

One could object here that, despite being animals with appetites, human beings are, even evidently so, not without some kind of moral conscience. Therefore, while we may act self-interestedly we can also act rationally and this is not a rationality merely applied to find agreement practically or materially, but morally. In other words, a human being reasons morally as well as ‘materially’. Consequently, if this kind of moral accord could hold in a state of nature, it would be both necessary and sufficient to prevent anarchy and war. If we introduce the idea of say moral duty even in the absence of the state, could not this go some way to countering Hobbes’ threat of the inevitability of a state of war, even prior to the construction of the state? Why is it then that Hobbes does not discuss a sense of morality when stating the conditions in his state of nature? It is because Hobbes’ view, stated very simply, is that talk of morality makes no sense here as in the state of nature there are no concepts such as justice or injustice, no right or wrong. (Leviathan p.188) Yet we find also that Hobbes calls on what he describes as the ‘Laws of Nature’⁷ the most fundamental of which is that:

That every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of Warre. (Leviathan p.)

Is it possible then that these ‘laws’ could be construed as some kind of moral code? If so it seems to belie the claim that we saw Hobbes make that there are no moral concepts applicable in the state of nature. Hobbes hopes to avoid such a contradiction by not describing the Laws of Nature as moral laws, but as rules for guiding the application of reason, which accords to each the optimum opportunity of surviving the state of nature. But here we find what looks very much like a further contraction for Hobbes has already argued that in the state of nature it is rational to better oneself at the expense of others, in other words initiate a state of war. Therefore, how can one, at the same time reason to ‘endeavour peace’?

Not perhaps a contradiction from a Hobbesian position more the case that there is a need to distinguish between the two forms of rationality operating here. Hobbes could remind us that ‘The Laws of Nature’ relate to what can be said to be collectively rational. Collective rationality is applied to advantage each individual by working on the supposition that everyone else will act similarly in similar situations. In the state of nature, the Laws of Nature tell us there are alternative ways of acting open to individuals, thus while individually rational behaviour is to attack others and this will lead to the state of war, the move to collective rationality may bring about peace and security. However, the question can still be asked as to how collective rationality can be achieved.⁸

⁷ Hobbes includes a total of nineteen of these ‘laws’, far too many for us to go through here, but which can all be deduced from the ‘fundamental law’.

⁸ For the difficulties that need to be overcome to achieve such a move see the problem that is set out in what is referred to as the *prisoners dilemma*. Apparent from such cases is that it is common for individual

Locke and the State of Nature

We now turn again to Locke and compare his view of the matters in hand with those of Hobbes. Locke, as we have seen, also embraced a social contract theory, he also had much to say regarding the state of nature. I think it is fair to say he, as we have seen from our readings⁹, disagreed intensely with Hobbes in a number of respects. He did not see individuals in the state of nature as being in a condition of brutish hostility concerned solely with his own personal welfare. [chs II-V] In Locke’s state of nature individuals are subject to the rational laws of nature and thus are naturally social; if you remember they have natural rights, such as life, liberty, and property¹⁰

The State of Nature, and the State of War, which however some Men have confounded, are as far distant as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are from one another. (John Locke, Two Treatise of Government, §19 p113)

Locke believed that to live a satisfactory life even in the absence of government is mostly possible, while Hobbes, we know, identified the state of nature with a state of war. As we can see from the above quote, Locke is keen to emphasize that this is a mistake. It may, then, be beneficial for us to ask here, what Locke’s argument is against Hobbes and where it is Locke thinks he goes wrong? I think it can be answered simply in this way; Hobbes’ principle of equality was based on the material difference between individuals in their capacities and capabilities. In Locke’s view no individual has a natural right to dominate any other, thus Locke’s is a moral claim about rights.

While being both a state of perfect freedom, and a state of equality, the state of nature, is also structured by the Law of Nature. However, for Locke ‘The Law of Nature, is very close to what we can term a ‘respect for persons’. For example he argues, that except in certain special circumstances, we have a clear duty not to harm others in the state of nature and, if it will not result in our obvious detriment, to assist others where and when possible. It is obvious, then, that there are significant differences between Hobbes and Locke on the nature and content of the Laws of Nature. A still greater difference lies in their use of the term ‘natural liberty’. Locke’s understanding of the state of nature ‘is that while it is ‘a state of liberty’, it is not ‘a state of licence’ Now we are aware that natural liberty is important to both Locke and Hobbes but we see here that for Locke ‘The state of nature has a Law of Nature to govern it, which obliges every one’ (Second Treatise, § 6, p. 107). Yet natural liberty for Hobbes is wholly a product of a certain kind of rational reflection, and the individual, must, indeed is charged, to act in any way

and collective rationality to conflict and thus making it difficult to achieve agreement on a collective outcome.

⁹ *Two Treatise on Government*,

¹⁰ However, Locke also says that such laws are “instituted by God for the proper functioning of His creation” and thus may well be seen as having a metaphysical basis. [See Sec. VI of his Treatise.]

possible help secure our own survival thus, the pursuit for individual freedom is not open moral assessment.

Disagreements between Hobbes and Locke

Do these disagreements between Hobbes and Locke add up to enough to establish Locke's conclusion that the state of nature need not be a state of war?¹¹ Certainly, Locke suggests a strategy for resisting Hobbesian pessimistic conclusion on this. Hobbes argued that human beings would be driven by the search for felicity (the continued satisfaction of their desires), and this, at least initially, leads them into conflict. If Hobbes has misunderstood human motivation—if human beings, say, really are strongly altruistic—then peace might easily be achieved. This would be one route to

Locke's conclusion

Unlike Hobbes, however, Locke must place a great deal of weight for this conclusion on the Law of Nature. After all Locke unlike Hobbes who is perfectly prepared to accept that in the state of nature his Laws of Nature are ineffective cannot accept that the Law of Nature could be in vain: it is, after all, in Locke's view the law of God, who presumably does nothing in vain. Yet, and as we have seen from our earlier discussions of Locke, there will be those that transgress the Law and there must be punishment for such transgressors:

'Each transgression may be punished to that degree, and with so much severity as will suffice to make it an ill bargain to the Offender, give him cause to repent, and terrify others from doing the like' (§12 p110).

Therefore there must be a way of enforcing the law: somebody who has the power to enforce it. Locke concludes, there must be a natural right, held by each person, to punish those who offend against the Law of Nature. Each of us has the right to punish those who harm another's *life, liberty, or property*. However, the right to punish is not the same thing as the right of self-defence. It is the right not simply to try to prevent or ward off a particular episode of harm or damage, but to make anyone who has overstepped the Law of Nature pay for their transgression. This 'strange doctrine' as Locke calls it (§19 p113), plays a very important role in the derivation of his view of the state of nature. If the Law of Nature can be enforced, then we have good reason to hope that life could be relatively peaceful.

How different then is Locke's view of the state of nature from the Hobbesian view? I will only say this, as an initial response to our question, in actual terms, and despite the reversing of the role of the Law(s) of Nature in the state of nature for each. It

¹¹ Clearly it is important for Locke that even in the state of nature we have a moral duty to restrict our behaviour. Yet this, on its own, does not seem enough to show that in the state of nature fear and suspicion would not exist. And, as Hobbes argues, fear and suspicion may be enough for the state of nature to tumble into war. To avoid this Locke requires not only that the state of nature be subject to moral assessment, but that somehow or other people will be motivated to act as the Law of Nature instructs.

seems to me that in terms of an impact on the social and practical life of individuals there seems little difference.

Further differences between Locke and Hobbes

A central difference between Hobbes and Locke seems to be that in Locke’s world there is freedom with a natural abundance of resources:

...in the first ages of the world, and in places still where the thinness of people gives families leave to separate into unpossessed quarters, and they have room to remove and plant themselves in... (§174 p136).

Thus, Locke clearly in a situation where two people desire the same thing paints a very different picture to that of Hobbes. There is no position of economic scarcity here but nature providing abundance.¹² Moreover, in Locke’s state of nature there is the authority of moral law, backed by the natural right of punishment.¹³ Hence, the state of nature being safeguarded by this natural right means there is little room for conflict and dispute, and punishment would rarely have to enforced.

Hobbes would not, I think, find Locke’s account lacking considerable credibility, pointing out, reasonably I think, that the expediency or advantage of conflict is not frustrated by the abundance of resources. Hobbes has a point if the only thing that Locke can offer against a state of war prevailing in a state of nature is his thought that the initial abundance of resources would mitigate against conflict. To counter Hobbes’ objection Locke will have to demonstrate on the one hand, that the natural right to punishment is an effective deterrent, and on the other hand that human beings have a propensity to obey moral imperatives. Locke while recognizing that lack of resources can lead to disputes, and that if this proliferates can put pressure on the state of nature in equal measure, will not concede that such economic scarcity can initiate a Hobbesian state of war. Rather, and rather naively perhaps, Locke sees, the administration of justice as the principal problem. The conflict will be over whether there has been an offence or not; thus this a problem concerning the interpretation of the Law of Nature, simply it will be over what justice requires in terms of proper punishment and compensation. Thus it becomes essential to establish civil government. However, you will be aware that we have rehearsed a number of objections made by Hume to this Lockean conception of the state of nature elsewhere in the module, and we have it set out here to weigh it against the Hobbesian version. I will leave it to you to decide whether it fares any better against Hobbes than it did against Hume.

¹² We have seen in earlier blocks the objections that David Hume makes to this kind of claim.

¹³ According to Hobbes, the only way of subduing any power is through the exercise of a greater power. So we might all gang up on a villain to exact reparation and deter future such acts. But then the villain—who may well be an unreasonable person with like-minded friends—might return, armed, with forces united, to gain revenge. Such thoughts could act as a powerful disincentive to those thinking of exercising their executive power of the law of nature.

Contract and the community

Hobbes' state of nature, a contract is made between individuals, and, although we have said little about this, is ‘arbitrated’ by de jure authority (the sovereign) but for Locke their rights are given up to the community ('commonwealth') and not to a sovereign. [ch. VIII] Indeed Locke has it that an absolute monarchy for which Hobbes argues¹⁴ is inconsistent with civil society. A consequence of this kind of rule, Locke, would argue, would see ‘a citizen is denied appeal for any injury suffered’ [§ 90]. Locke's rule by the majority as a practical necessity, it makes for a more 'democratic' society and without it the state would be enfeebled and would not be viable (§ 98). As we saw in block two, authority thus lies with the government of the 'commonwealth' and is grounded in the agreement of the majority. Locke states the legislature 'must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies' (§ 142, p.167)

Thus it must be noted that in Locke's versions of the social contract, only those natural rights are surrendered which are necessary for the well-being of the community. [chs IX, XI, XII-XIV] As he says, quoting Cicero, '*Salus populi suprema lex*', that is, 'The welfare of the people is the supreme law' (§ 158, p.174). The role of the state is to be confined to protecting the individual's life, liberty and property.¹⁵ Hobbes is of course much more 'absolutist'.

Jean-Jacques Rousseau (1712-78)

It is with the romantic French writer and philosopher Jean-Jacques Rousseau (1712-78) that the social contract theory is especially associated. To understand his account of the contract and therefore what he means by authority, we need, as we did with both Hobbes and Locke first of all to look at his notion of 'natural man' which he presented in an early essay, the *Discourse on Inequality* (1755).¹⁶ Two central points should be noted here. Firstly the 'savage' man referred to is essentially amoral. 'Men in a state of nature, having no moral relations or determinate obligations one with another, could not be either good or bad, virtuous or vicious.' However, this is a preliminary view. Rousseau goes on to stress that primitive man is naturally *virtuous*. For although akin to other animals in that his behaviour is instinctive (and also in not possessing language), natural man manifests two principles 'prior to reason':

one of them deeply interesting to us in our own welfare and preservation, and the other exciting a natural repugnance at seeing any other sensible being, and particularly any of our own species, suffer pain or death. It is from the agreement and combination which the understanding is in a position to establish

¹⁴ Hobbes argues that absolute monarchy is to the best form of government to secure peace within the state. We have not had the time and space to go into this in any detail here but I recommend you read the *Leviathan* in more detail to assess his arguments.

¹⁵ see, for example, §131

¹⁶ An online version is available at: <http://www.constitution.org/jjr/ineq.htm>

between these two principles, without its being necessary to introduce that of sociability, that all the rules of natural right appear to me to be derived – rules which our reason is afterwards obliged to establish on other foundations, when by its successive developments it has been led to suppress nature itself.
(Preface)

The ‘repugnance’ Rousseau refers to here is product of a compassionate nature in each individual which produces a going beyond ‘self-love’ and thus is efficacious in the preservation of the whole species’ [Part I]. He goes on to suggest that natural man, although amoral, was *perfectible*, that is, possessed a capacity for moral and social improvement which could be developed given the right conditions for growth.

Secondly, the fact that natural man did not fulfil this potential is due, argues Rousseau, to two factors: (a) the idea of private property, and (b) the increasing domination of ‘passion’ by reason once man is in society. Now (as against Locke) Rousseau suggests that primitive man did not have any possessions: ‘the only goods he recognizes in the universe are food, a female and sleep: the only evils he fears are pain and hunger’ [Part I]. But in Part II he sets out to show how man became ‘civilized’ and therefore corrupt as he acquired property and established the ‘artificial’ institutions of society. As he puts it:

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... Society and law, which bound new fetters on the poor, and gave new powers to the rich; which irretrievably destroyed natural liberty, eternally fixed the law of property and inequality, converted clever usurpation into unalterable right, and, for the advantage of a few ambitious individuals, subjected all mankind to perpetual labour, slavery, and wretchedness. [paras 1 and 37]

Rousseau’s account of man’s ‘fall from innocence’ - from primitive simplicity, through to the invention of tools, development of skills, the foundation of family life, the emergence of language, the introduction of morality, law, and punishment (as *amour propre* came to dominate the natural feeling of ‘self-love’), and finally to the full-blown complexity of modern societies with their violence, misery and inequality - is set out with great clarity; and you should experience no difficulty in following it.

Rousseau Social Contract

Of more relevance to the topic of this Block is the thesis of his major work, the *Social Contract*,¹⁷ which has a positive aim, namely, to suggest the means by which the human condition might be ameliorated - though he recognized that there could be

¹⁷ I am using Jean-Jacques Rousseau, *The Social Contract*, translated by Christopher Betts, (1994, OUP: Oxford). However, an online ecopy can be found here: http://www.ucc.ie/social_policy/Rousseau_contrat-social.pdf

no return to the hypothetical 'state of nature'. He starts Book I, (please read chpts i-v) by attempting to show that there is no natural 'sacred right' in social order; any such right must be grounded in conventions. Right can be created neither by force nor by any 'natural authority' of one man over another. It follows then that those who would claim the right to enslave others may, in the last analysis, justify their presumed authority only by appealing to the consent of the slave; and this is absurd. 'The words *slavery* and *right* contradict each other, and are mutually exclusive' (I, iv p.53. As Rousseau says at the very beginning of chapter i, man, although everywhere in chains, is *born free*. To renounce freedom is to renounce being a man, to surrender the rights and even the duties of humanity. ' [I, iv p.50]. The problem then is how man's intrinsic freedom is to be realized. Rousseau's solution is nothing if not radical. If rights are ultimately to be grounded in political convention, then political structures must be established so as to ensure that freedom of the subject is preserved. And this can be achieved only with the surrender of each and every man not to an *individual* authority but to what Rousseau calls the general will (*la volonté generate*). This is the basis of his 'social compact':

Each of us puts his person and all his power in common under the supreme direction of the general will; and we as a body receive each member as an indivisible part of the whole. (I, vi p.55)

This authority (Republic or body politic) is called variously the State (when passive), Sovereign (when active) and Power (when compared with other similar bodies). In so far as they are under the laws of the state the people are called subjects, but they are also citizens in that they share in the 'sovereign authority'. Rousseau's 'body politic' is an 'organic' community. It cannot 'alienate any part of itself. It cannot 'offend against one of the members without attacking the body', while to attack the body must lead to the resentment of its members [I, vii, p.57]. It follows that there can be no place for the manifestation of a particular will or interest in conflict with the common interest; this would be to drive a wedge between the individual as subject and as citizen. He must therefore give up to the corporate body his natural liberty in order to gain civil liberty and thus moral liberty 'this being the only thing that makes man truly the master of himself; for to be driven by our appetites alone is slavery, while to obey a law which we have imposed on ourselves is freedom' [I, viii p.59].¹⁸ As Rousseau says:

In order then that the social compact may not be an empty formula, it includes an implicit obligation, which alone can give force to the others, that if anyone refuses to obey the general will he will be compelled to do so by the whole body; which means nothing less than that he will be forced to be free; for such is the condition which, by giving each citizen to his country, guarantees that he will not depend on any person. This condition is the device that ensures the operation

¹⁸ This is an important and controversial feature of Rousseau's theory of the state. You might compare it with the rational man's self-imposition of the categorical imperative in Kant's moral philosophy and with the Marxist conception of society which we will discuss in a future block.

of the political machine; it alone legitimizes civil obligations, which, without it, would be absurd, tyrannical and subject to the most terrible abuses. (I, vii: p.58)

Rousseau's 'general will' as expressed by the Sovereign, that is, the body politic when active, thus has supreme *de jure* authority. Sovereignty is ‘inalienable’ ‘indivisible’ and ‘infallible’ - provided citizens can communicate with each other and the general will can make itself known (see II, i –iii). The 'pluses and minuses' of particular wills can then cancel each other out, so that the general will, which is concerned only with the common interest, 'remains as the sum of the differences'.

The remaining chapters of Book II are concerned mainly with law and legislation. A law, according to Rousseau, is an act of the general will carried out by the community for the community and thus it ‘combines universality in its object with universality of will’ (II, vi, p. 74). However, it is difficult for a public body to implement a system of legislation because it does not always see the good it wills; individual judgement is not always enlightened. A legislator is therefore necessary, who will occupy an office in the state which is neither magistracy nor sovereignty. He will himself have no personal right of legislation and must submit his decisions to the free vote of the people. But, says Rousseau, he must ultimately have recourse to an authority of a different order, namely God, if he is to constrain without violence those whom human prudence cannot move. ‘The great soul of the legislator is the true miracle by which his mission is proved’ (II, vii, p.79). Such a being will thus unite understanding and will in the social body: the parts will be made to work exactly together and results in the greater strength of the whole’, (II, vi, p.75]. Throughout Books III and IV Rousseau examines different forms of government. (You should note in particular his view that because the government itself is not sovereign, but merely an agency subject to the dictates of the community as a whole, the general will is as likely to be expressed in a democracy as in a dictatorship.)

Conclusions

There are clearly both differences and similarities between these various versions of the social contract theory. Note especially the contrast between Hobbes's view of man in the 'primitive' state and that of Rousseau and compare what all three thinkers have to say about 'nature' and 'rights'. In relation to the social contract itself, there are a number of things to note.

Firstly, according to the theory in its simplest form a contract is made between individuals. Leaving aside any consideration of what man was like in the so-called 'state of nature', it is certainly not easy to ascertain when or how or in what form actual agreements were made. It is for this reason that social contract theories are said to be 'hypothetical'. Thus far they can be useful in providing us with an explanatory framework which can help us to analyse actual societies.

Their value in providing an account of the origin of societies must, however, remain doubtful. (In the final block of this module we will be looking in detail at a modern version of the 'hypothetical' social contract theory.) It can be argued that the

social contract theory treats the 'individual' as an abstraction, that is, as a separate entity possessing rights who then freely consents to submit himself to the authority of a sovereign individual or government. Some critics have claimed that the attempt to incorporate essentially asocial individuals in the social framework of a contract is to introduce a tension into the theory if not a direct inconsistency. Finally, as we have seen, while the versions of the theory put forward by Hobbes and Locke tend to emphasize individualism as being prior to 'collectivity', Rousseau's society is distinctly 'organicist'. However, because of this gives creates a number of difficulties. See if you can list some of these difficulties before reading the below.

Specifically, and I will go into no great detail here, as Rousseau's notion of the 'general will' can be identified with neither with any particular will nor with a collectivity of individual wills one could argue it is at least metaphysical if not, as some philosophers would argue unintelligible. Secondly, and closely connected with this first point, in Rousseau's account of freedom, true freedom, I hope you will have noticed, comes from the exercise of real will which is to be identified with that of the community as a whole,, wherein the individual must be compelled to understand that his particular viewpoint and that any conception of ‘individual willed freedom’ is false. In short the individual is forced to be free, which to say the least, does seem to be paradoxical. Finally, as Rousseau will insist that the individual citizen must subordinate herself, not only to the law but to the community's conception of morality, could suggest that the distinction between the two concepts virtually disappear and, if so, in practice morality turns out to be merely sociological, that is, it becomes merely the collective opinion of an definite grouping within society This, of course, makes the weaknesses we have outlined all the more serious as it remains unclear as to what the moral ideals or standards of the community, as expressed through the general will, can actually be.