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Locke and Rousseau: From Natural Freedom to The Social Contract

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Abstract

John Locke and Jean-Jacques Rousseau are two eminent proponents of the contractual tradition, which asserts that political power is artificial, and its legitimacy stems from individual consent. The fundamental and common feature of all classical social contract theories is that the agreement concluded by all its participants is considered the basis of a true political body. Accordingly, only a political association based on the concept of a contract can create a form of government that binds naturally free people. The primary purpose of this work is to analyse and compare the contractual views of Locke and Rousseau. Thus, in the first chapter, we will explore Locke's main contractual ideas, developed in his book Two Treatises of Government, emphasising the concepts of the law of nature and private property. In chapter two, we will examine Rousseau's political ideas, particularly on human nature and the general will. Then, in the end, we will attempt to outline the differences and similarities between their views about the social contract.

Keywords: *Locke; Rousseau; social contract; state of nature; private property*

I. Introduction

The social contract theory is widely considered one of the most influential and consequential theoretical traditions in the history of political philosophy. The concepts developed within this tradition have significantly impacted the evolution of ideas related to the normative dimension of politics. Moreover, some authors even consider this theory as the quintessence of modern political philosophy.[1] The contractual tradition claims that political legitimacy, power, and obligations stem from individual consent, and the state is governed only by the consent of the people. Hence, government and society have an artificial nature, and their legitimacy and even their existence depend on an act of individual will rather than on the tenets of theocracy, patriarchy, or the naturalness of political life.[2]

The origin of contract theory can be traced back to classical antiquity[3] and the Middle Ages,[4] where the first discussions about the contractual nature of society and law can be found. Over time, these early ideas evolved, and from the seventeenth century onwards, political thought became dominated by voluntarism, which emphasised individual will. As a result, consent came to be seen as the main criterion of political legitimacy, mainly due to the advent of Christianity in Western thought, which gradually replaced the ancient quasi-aesthetic doctrines of the good political order and the naturalness of human sociality with an approach to politics based on the model of "good acts." Thus, just as good acts necessitated knowledge of the good and the will to pursue it, politics now necessitated moral consent and human participation in politics through one's own free will. The freedom to voluntarily submit to absolute norms has always been essential in Christianity, stressing the importance and merit of individual good will.[5]

In the modern period, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and Immanuel Kant, who are considered the foundational fathers of the tradition, developed the main concepts and approaches of the theory. We can

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[1] Deborah Baumgold, *Contract Theory in Historical Context: Essays on Grotius, Hobbes, and Locke* (Koninklijke Brill NV, 2010), ix.

[2] Patrick Riley, *Will and Political Legitimacy*: *A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant, and Hegel* (Harvard University Press, 1982), 1-2.

[3] For discussions of the origins of contract theory in ancient Greek thought, see C. C. W. Taylor, "*Nomos* and *Phusis* in Democritus and Plato," *Social Philosophy and Policy* 24, no. 2 (2007): 1-20; as well as Rachel Barney, "The Sophistic Movement," in *A Companion to Ancient Philosophy*, eds. Mary Louise Gill and Pierre Pellegrin (Blackwell Publishing, 2006), 77-97.

[4] See David G. Ritchie, "Contributions to the History of the Social Contract Theory," *Political Science Quarterly* 6, no. 4 (1891): 656-676; and John Wiedhofft Gough, *The Social Contract: A Critical Study of Its Development* (The Clarendon Press, 1957), 22-49.

[5] Riley, 2-3.

outline a unified conceptual approach to understanding human nature in this classical period. The concept of the natural state of humanity with its natural rights, such as the right to life, freedom, and property, emerges. Accordingly, the "natural man" becomes the primary agent of classical contractual theories.

The central and common characteristic of all concepts of the social contract is that the agreement concluded by all its participants is considered as the basis of the genuine political body. Accordingly, the social contract is not an agreement between the ruler and the people but between individuals to establish a government. Thus, individuals move from the "state of nature" to the "civil state." In this respect, the development of the idea of equality throughout the history of humankind eventually found political expression in the concept of the social contract, and the Protestant Reformation gave great momentum to the formation of this idea.[6] Therefore, it is not surprising that all classical contractarians were Protestants. The concept of equality implies that all people are equally free. Only a political body based on the concept of contract can create a form of government that binds naturally free people. Any other types of legitimacy, such as the divine right of kings, charisma, and physical strength are no longer valid.[7]

Thus, when Enlightenment ideas began to challenge the validity of traditional moral systems, philosophers turned to social contract theory as an alternative to outdated ethical doctrines, and the principle of the divine right of kings was among the first traditional elements to be called into question.[8] The idea that the monarch held the throne by divine grant lost its relevance even among those who supported the institution of kingship. Thus, while monarchs were ordinary men and women who inherited their extraordinary

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[6] It is believed that the social contract ideals found their most distinct expression, especially in Calvinism. For example, Calvinists believe that all of humanity is imperfect because of original sin, and therefore no one person or elite can be trusted with unqualified authority. Power is accountable and self-correcting only when it is widely distributed among people. For a more detailed discussion on this topic, see J. Philip Wogaman, "Protestantism and Politics, Economics, and Sociology," in *The Blackwell Companion to Protestantism*, eds. Alister E. McGrath and Darren C. Marks (Blackwell Publishing, 2004), 287-298.

[7] Murray Forsyth, "Hobbes's Contractarianism. A Comparative Analysis," in *The Social Contract from Hobbes to Rawls*, eds. David Boucher and Paul Kelly (The Taylor & Francis e-Library, 2005), 37-38.

[8] It is worth noting that the Enlightenment, alongside the contractual approach, gave rise to various views on political legitimacy and human nature, one of the most prominent of which was Edmund Burke's traditionalism. He argued that a political society is an organism that develops through the incremental accumulation of experience and wisdom, implying that the human will cannot create it. Accordingly, he was highly critical of the abstract and universalistic conception of the "rights of man" put forward by the French Revolution, advocating instead for inherited rights. For more details on this subject and the role of "enthusiasm" in political change, see Christos Grigoriou, "'Enthusiasm' in Burke's and Kant's Response to the French Revolution," *Conatus – Journal of Philosophy* 7, no. 1 (2022): 61-77.

position through chance, the question of legitimacy arises: how can it be justified that some individuals rule while others are ruled when everyone is inherently equal by nature?[9]

Accordingly, the first contract theorists were mainly interested in this specific inquiry: What is the source of our political obligations to those ordinary men and women in power? Their answer can be summarized as follows: In the absence of any natural or divine obligation to obey the rulers, such an obligation can be created through the voluntary act of promising to obey. This appeals to people's personal obligation to fulfil their promises and thus creates a legitimate basis for political obligations.[10]

Thus, unlike his compatriot Hobbes,[11] the prominent English philosopher John Locke described the state of nature positively, calling it the "rule of reason." According to him, people in the state of nature had a "moral consensus" that allowed them to have individual property. It was the violation of this state of affairs that prompted people to create a civil society that legally enshrines their rights to private property. John Locke introduced fundamentally new ideas into the contractual tradition, including popular sovereignty and the right of people to resist governments that fail to act on the trust placed in them. He also argued that absolute power is incompatible with the concept of civil society, and reasonable people would not enter into such an absolute contract.[12]

Jean-Jacques Rousseau was another influential follower of the contractual tradition who was periodically condemned for laying the theoretical foundation for various radical ideologies and regimes. He agrees with Hobbes[13] that in the state of nature, there are no concepts of law, rights, and morality, so people do not have a natural predisposition to follow the moral law.

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[9] Will Kymlicka, "The Social Contract Tradition," in *A Companion to Ethics*, ed. Peter Singer, 186-196 (Blackwell Publishers, 2000), 186-187.

[10] Ibid., 187.

[11] The first classical theorist of the contractual tradition, Thomas Hobbes, describes the natural state of man extremely pessimistically, calling it a "war of all against all." According to him, people in the "state of nature" are isolated and concerned only with self-preservation, and since everyone is equal and has a natural right to everything, people inevitably get into conflicts over various resources. Therefore, he asserts that there can be no morality in the state of nature: "To this warre of every man against every man ... nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice, have no place." Thomas Hobbes, *Hobbes's Leviathan: Reprinted from the Edition of 1651. With an essay by W.G. Pogson Smith* (Clarendon Press, 1909), 98.

[12] Baumgold, 17.

[13] Hobbes contends that without morality, human life is "Solitary, Mean, Nasty, Brutish and Short." He argues that morality is necessary for a peaceful life, and his First Law of Nature requires that we pursue it, and only if we cannot obtain it do we have a right to resort to the aid and benefits of war. For more details on Hobbes' stance on war, see Jan Narveson, "War: Its Morality and Significance," *Conatus – Journal of Philosophy* 8, no. 2 (2023): 445-456.

However, unlike Hobbes and Locke, he believes that people normally try to avoid causing any harm to others, not because they consider it immoral, but because they have a natural aversion to harm, even if it is directed at others. Consequently, people naturally sympathize with others and get upset when they witness suffering.[14]

In this paper, we will argue that although both philosophers agree that legitimate political authority should be based on the voluntary consent of individuals, they diverge in their understanding of the nature of political power and the role of individuals in political communities. As we will demonstrate, Locke favours limited government, arguing that power should be limited to protecting individual rights and that people have the right to remove a government that fails in its original duties. On the other hand, Rousseau advocates absolute subordination of the individual will to the general will for the common good, believing that the general will is infallible and indivisible. Thus, by examining these different views, this paper seeks to emphasise the contrast between these two philosophers' ideas on the social contract and the nature of political power.

II. John Locke and the law of nature

John Locke considers freedom as one of the most important aspects of human nature. According to him, in the pre-political period, there was freedom and equality between people within the framework of natural law. However, this is not a state of disorder and permissiveness, but a law of nature comprehended by reason, which tells people to respect the natural rights of others to life, freedom and property. He writes:

> In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men for their mutual security.[15]

Thus, Locke contends that the law of nature has a divine origin; in other words, it is the command of God. He directly links natural law with divine law and states that reason does not constitute natural law; reason can only help us to find it.

Locke describes people in their natural state as social beings who live

[14] Jonathan Wolff, *An Introduction to Political Philosophy* (Oxford University Press, 2006), 25.

[15] John Locke, "The Second Treatise: An Essay Concerning the True Original, Extent, and End of Civil Government," in *Two Treatises of Government and A Letter Concerning Toleration*, ed. Ian Shapiro, 100-201 (Yale University Press, 2003), 103.

in peace and community despite periodic conflicts. Over time, these people gradually evolve into large families and tribes, but without political organization.[16] However, the people of this non-politicized society are not Stone Age people. Locke believes that all people who could not unite into a political society are in the state of nature, and he considers some people of his time, such as Indians and Peruvians, to be still in this natural state.[17]

Thus, people living in a state of nature have the liberty to defend their natural right to life, freedom, and property and punish those who try to violate them. Consequently, the right to punish violators belongs not to a particular group of people or the sovereign but to all people:

> And if any one in the state of nature may punish another for any evil he has done, every one may do so: for in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law every one must needs have a right to do.[18]

Thereby, the natural state is a state of freedom and equality in which individuals encounter each other without internal authority over each other in their shared status as God's creatures. They are equal in their common position in the normative order of creation. If they violate this order, they forfeit their normative status of equality. When their normative status descends to the level of the lowest members of the order, they become normative beasts that can be treated accordingly by others.[19] Consequently, people may destroy such violators of the order,

> for the same reason that he may kill a wolf or a lion; because such men are not under the ties of the common law of reason, have no other rule but that of force and violence, and so may be treated as beasts of prey, those dangerous and noxious creatures, that will be sure to destroy him whenever he falls into their power.[20]

As it became clear, even though the Lockean people live in peace in the state of nature, there are still partial conflicts between them because of their disobedience to the law of nature and the punishment of those who do not com-

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[16] Ibid., 133.

[17] Ibid., 106.

[18] Ibid., 103.

[19] John Dunn, *The Political Thought of John Locke: An Historical Account of The Argument of The 'Two Treatises of Government'* (Cambridge University Press, 1969), 106-107.

[20] Locke, *Two Treatises*, 107.

ply with it. Nevertheless, this state of conflict is not the war of all against all as described by Hobbes. According to Locke, the reason for these conflicts is the absence of a superior judge to resolve disputes among people. Therefore, the vacuum of authority to discipline those who transgress the natural law was a serious problem for people in the state of nature. Further, Locke also believes that people cannot be judges in their own cases because if they do, it will lead to disproportionate punishments, since:

> self-love will make men partial to themselves and their friends: and, on the other side, that ill-nature, passion, and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow.[21]

According to Locke, the original abundance of land eventually turned into scarcity not because of population growth but because of greed and the invention of money since there was no reason to take more land than necessary for the survival of families before its appearance. If you produced a surplus, it would just go to waste unless you could exchange it for something more permanent. However, when money was invented, it became possible to accumulate an enormous amount of money without the risk that it would go spoiled. This gave people strong motivation to cultivate more land in order to produce more goods for sale. This condition, in turn, created pressure on the land, which then became scarce. Thus, because of the shortage of land, there were more conflicts and other inconveniences in the state of nature.[22]

Correspondingly, Locke argues that since people in their natural state are always vulnerable to encroachments from others, their possession of natural rights is insecure. This condition, in turn, creates fear and anxiety among people and forces them to leave their natural state to form a political alliance with others who pursue the same goal of protecting natural rights. All this ultimately leads to the birth of the commonwealth.[23]

Thus, by a social contract, individuals transfer their right to enforce the law of nature to the government, thereby creating a political association. As a result of the contract, Locke believes that people become one body politic:

> For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority; for that which acts

[21] Ibid., 105.

[22] Wolff, 23.

[23] Locke, *Two Treatises*, 141-142.

> any community being only the consent of the individuals of it, and it being necessary to that which is one body to move one way.[24]

Consequently, this implies that the state was created to guarantee people's observance of natural law and institutionalize punishment, which, in turn, means that people only transfer the right to punishment to the state and retain their other natural rights.

Accordingly, people always reserve the right to change the government they no longer trust. Moreover, Locke contends that resistance to repressive power is a requirement of human nature:

> For when the people are made miserable, and find themselves exposed to the ill usage of arbitrary power, cry up their governors as much as you will, for sons of Jupiter; let them be sacred and divine, descended, or authorized from heaven; give them out for whom or what you please, the same will happen. The people generally ill-treated, and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them.[25]

In this way, Locke regards resistance as morally justified and calls on all humankind to resist tyrannical forces.[26]

Hence, Locke argues that a government can be overthrown by its subjects if it violates natural law by using force without right. Thus, natural law can also help to determine whether a government is acting legitimately or not. Additionally, he asserts that natural law can only be directly applied in politics in exceptional cases, such as with foreigners or when rulers put themselves in a state of war with their subjects.[27]

Thus, Locke opposes absolute monarchy, arguing that it is incompatible with civil society because it lacks a common authority to resolve conflicts between ruler and subjects. Therefore, the absolute state is even worse than the state of nature because, in it, subjects are deprived of the right to punishment:

> Now, whenever his property is invaded by the will and order

[24] Ibid., 142.

[25] Ibid., 199.

[26] Ibid., 166.

[27] Riley, 68-69.

> of his monarch, he has not only no appeal, as those in society ought to have, but, as if he were degraded from the common state of rational creatures, is denied a liberty to judge of, or to defend his right: and so is exposed to all the misery and inconveniencies, that a man can fear from one, who being in the unrestrained state of nature, is yet corrupted with flattery, and armed with power.[28]

Therefore, Locke argues that civil society needs a peaceful electoral policy and believes that parliamentary sovereignty is the most suitable one. He writes that:

> the people finding their properties not secure under the government as then it was (whereas government has no other end but the preservation of property), could never be safe nor at rest, nor think themselves in civil society, till the legislature was placed in collective bodies of men, call them senate, parliament, or what you please.[29]

According to Locke, the state has three powers: the legislative, the executive, and what he calls the federative power, which is the power to conduct international relations. He defines legislative power as the power that has the right to determine how the state's power is used to protect society and individual rights. However, he also says that people with the power to make laws may also have the power to enforce them, creating the opposite situation where laws are made according to their private interests. Therefore, Locke believes that in well-ordered states, legislative power should be given to various people who seek the public good and disband after the law has been passed and are themselves subject to it.[30]

Hence, Locke argues that societies not governed by declared laws are no different from communities living in a state of nature. However, this does not imply that Locke, like Hobbes,[31] held a positivist view of the nature of law.

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[28] Locke, *Two Treatises*, 139.

[29] Ibid., 141.

[30] Ibid., 164.

[31] Hobbes adheres to the so-called positivist position regarding the nature of law. He contends that regardless of a law's content and how unfair it may seem if it was prescribed by the sovereign, then it is the law. In other words, law is determined exclusively by the will of the sovereign: "I define Civill Law in this manner, CIVILL LAW, IS to every Subject, those Rules, which the Common-wealth hath Commanded him, by Word, Writing, or other sufficient Sign of the Will, to make use of, for the Distinction of Right, and Wrong; that is to say, of what is contrary, and what is not contrary to the Rule." Thomas Hobbes, *Hobbes's Leviathan: Reprinted*

He believes that regardless of whether power is concentrated in one or many hands, the limit of power is determined by the state's laws, enacted strictly in accordance with the public interest and the law of nature, which is the will of God. In other words, every law enacted by the state must be in accordance with natural law, which commands not to harm the life, health, freedom, or property of others.[32]

Accordingly, in Locke's view, natural law defines only general moral obligations, which is insufficient to formulate political obligations; therefore, consent and social contract are necessary to define political rights and obligations. In other words, natural law defines common moral goods and vices; it cannot legally define what constitutes an offence in the commonwealth.

Thus, Locke argues that originally equal, free, and independent people give up their natural freedom to come together in community for a safe, comfortable life and secure ownership of property. Respectively, Locke considers property to be one of the natural rights of individuals and derives it partly from God, who gave the earth to people, and partly from human labour. He says,

> Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labor with, and joined to it something that is his own, and thereby makes it his property.[33]

Ultimately, it can be concluded that concepts such as natural law and natural rights are crucial to fully understand Locke's concept of rights. Locke argues that people create a political system by consent and contract to guarantee natural rights derived from natural law. However, some scholars criticise Locke's natural law by arguing that natural law must stem solely from reason, whereas Locke, in order to make his natural law a real law, used divine rewards and punishments based on immortality, which reason cannot confirm.[34] Accordingly, for Locke, natural law only defines general moral obligations, which is not enough to formulate political obligations, so consent and social contract are necessary to define political rights and obligations. In other

from the Edition of 1651. With an essay by W. G. Pogson Smith (Clarendon Press, 1909), 203.

[32] Locke, *Two Treatises*, 159-160.

[33] Ibid., 111-112.

[34] Riley, 61-62.

words, natural law defines general moral goods and vices; it cannot legally define what constitutes an offence in the commonwealth.[35]

Thus, having carefully examined Locke's central concepts, our attention will now shift to another eminent philosopher and one of the key social contract theorists, Jean-Jacques Rousseau. Close consideration of Rousseau's fundamental ideas on the essence of human beings and the nature of sovereignty will prove particularly useful for further comparing the two authors' views and identifying commonalities and differences in their respective contractual theories.

III. Jean-Jacques Rousseau and popular sovereignty

Rousseau believes that such qualities as greed, pride, oppression and desires, which Hobbes attributes to natural man, actually characterize social man.[36] According to him, the savage man has few desires and needs, which are usually satisfied through hunting and gathering, rather than by attacking others. The savage is a solitary creature who rarely interacts with others and desires only food, sexual satisfaction, and sleep. As for children, they would leave their mothers as soon as they could survive on their own. Hence, there are no families because, according to Rousseau, compassion is not a strong enough feeling to create family ties. Moreover, at this stage, the savage had not yet developed a language, so he was extremely limited in forming and transmitting thoughts and ideas.[37]

Thus, we can observe that all the motives, such as gain, security and reputation, which Hobbes claimed to lead to war, are invalid and defused in Rousseau's natural state. The key point in his thought is that people have two distinctive characteristics: free will and the ability to self-develop, which, according to him, are the sources of both human advancement and misery.[38]

Rousseau contends that the skills and abilities that people developed over time as a result of the progress of their minds eventually led to technological progress. As people began to work and produce, the division of labour and progress led to increased interdependence between individuals. However, this also increased inequality as people learned to compare and compete with each other. Consequently, due to the reality that talented individuals produce more, the division of skills and abilities between people revealed strong and weak, in other words, rich and poor people. The absolute equality and liberty of individuals from nature were irreversibly limited:

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[35] Ibid., 64.

[36] Jean-Jacques Rousseau, *Emile: Or on Education*, trans. Alan Bloom (Basic Books, 1979), 132.

[37] Ibid., 146.

[38] Ibid., 140-141.

> the moment one man needed the help of another; as soon as it was found to be useful for one to have provisions for two, equality disappeared, property appeared, work became necessary.[39]

Hence, Rousseau argues that the appearance of property opened a chasm between people and created dominant relationships between them. This situation resulted in an insecure and restless social order characterized by a master-slave relationship. He refers to this order as an aggregation of individuals, not association, because there is no political unity or public good.[40]

According to Rousseau, the creation of genuine civil society provides conditions for the moral improvement of people, and the totality of individual wills and freedoms united as a result of a social contract creates a political organism, the so-called "general will," which is infallible, indivisible and cannot be represented. This general will is collective decision-making, which is universal or the most popular and which must be followed by all citizens for the common good and harmony in the state. The general will manifests itself in the voting, the results of which serve as a guide to action. Rousseau writes,

> 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.[41]

Thus, when individuals become part of a political body, they unconditionally fall under the subordination of the general will, and this is not a matter of individual choice but a matter of duty[42]:

> In order therefore that the social pact should not be an empty formula, it contains an implicit obligation which alone can give force to the others, that if anyone refuses to obey the general

[39] Ibid., 167.

[40] Jean-Jacques Rousseau, *Discourse on Political Economy and the Social Contract* (Oxford University Press, 1999), 53.

[41] Ibid., 55.

[42] In this regard, Rousseau has often been accused of laying the ideological foundation for many repressive and radical movements and regimes, from the terror era of the French Revolution to the right and left totalitarian regimes of the twentieth century. Especially his idea of the general will has been criticized by scholars as abstract Platonism, which establishes the dictatorship of the state and rejects basic human rights. Some authors believe that all of Rousseau's authoritarian passages are only a restatement of arguments that can be found in French absolutist thought. Jeremy Jennings, "Rousseau, Social Contract and the Modern Leviathan," in *The Social Contract from Hobbes to Rawls*, eds. David Boucher and Paul Kelly, 117-134 (Routledge, 1994), 118.

> will he will be compelled to do so by the whole body; which means nothing else than that he will be forced to be free.[43]

Rousseau argues that democracy is the best form of government for free people. However, he rejects elective democracy and favours direct democracy because it alone can provide the conditions for citizens to act genuinely freely. Without freedom, it is impossible to imagine the emergence of moral citizens because unfree people primarily think about their needs and self-preservation rather than what should be done. Therefore, Rousseau argues that it is only through self-government that people can achieve freedom. By giving up the right to make laws through direct participation, people give up freedom, which means giving up basic needs and human duty:

> To renounce our freedom is to renounce our character as men, the rights, and even the duties, of humanity. No compensation is possible for anyone who renounces everything. It is incompatible with the nature of man; to remove the will's freedom is to remove all morality from our actions.[44]

Correspondingly, just as power is a constitutive characteristic of a person's physical side, so will is a constitutive characteristic of their moral side. As an individual who cannot legally transfer their will to another person, such as in the case of slavery, similarly, a collective body cannot transfer its collective will to others. Thus, for Rousseau, people, as a collective body, not citizens as individuals, become enslaved, transferring their legislative rights to others.[45]

Thus, in a representative democracy with an elected government, people lose their freedom by transferring it to the will of others as elected representatives cannot know the general will and are not obliged to follow it. Instead, they act according to individual will and make laws based on the values and beliefs of groups and individuals rather than on the interests of the whole population.[46] Rousseau contends, "The moment that a people provides itself with representatives, it is no longer free; it no longer exists."[47]

However, Rousseau recognizes that direct democracy can only be effective in geographically small states with homogeneous and unified populations. In exten-

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[43] Rousseau, *Discourse on Political Economy and The Social Contract*, 58.

[44] Ibid., 50.

[45] Robin Douglass, "Rousseau's Critique of Representative Sovereignty: Principled or Pragmatic?" *American Journal of Political Science* 57, no. 3 (2013): 740.

[46] Hope Sweeden, "Technology and The Social Contract: Is a Direct Democracy Possible Today?" *Susquehanna University Polititcal Review* 7 (2016): 32-33.

[47] Rousseau, *Discourse on Political Economy and The Social Contract*, 129.

sive and densely populated states, the importance of individual will in governance loses its force and relevance. Small ones make it easier for people to legislate and govern because a small and homogeneous population means greater unity in beliefs, values, and ideas. Therefore, Rousseau argues that an increase in territory and population leads to a decrease in the objectivity of governance and the substitution of the interests and will of all citizens for the will of groups and individuals.[48]

Hence, for Rousseau, the state is legitimate only when the people are sovereign and laws are made in accordance with the general will. Rousseau calls this type of regime a Republic. However, the state still needs executive power to enforce the laws passed. In this case, the government can be organised in the form of a monarchy (one magistrate), in the form of an aristocracy (a small number of private citizens), or in the form of a democracy (the entire population or a majority of people). Rousseau argues that all these government forms are legitimate and appropriate in different contexts.[49]

Rousseau goes on to condemn modern political life for the lack of common morality, virtue, and civic religion. Instead, he revered ancient political systems for their high unity, which encouraged people to entirely socialize and be truly political. Rousseau believed that in ancient polities such as Sparta, with its morality of the common good, civic religion, moral use of fine and military arts and lack of individualism, people felt part of a larger entirety. He regarded it as an example of a proper political society and argued that modern people have lost this ancient spiritual vigour due to extreme selfishness.[50]

Thus, Rousseau sought to adhere to both the position that the ancient highly organized political community is the best kind of political system and the idea that all political society is conventional, which is possible solely due to individual will and social contract.[51] Nonetheless, he does not think that the ancient polities were created by a social contract. Instead, he contends that they were created by the genius of legislators such as Moses and Lycurgus.[52]

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[48] Ibid., 94.

[49] Pedro Abellan Artacho, "Rousseau, Democracy, and His Ideological Intentions: Conceptual Arrangements as Political Devices," *Revista De Estudios Políticos* 186 (2019): 47-48.

[50] Riley, 100-102.

[51] Riley points out that the will, which Rousseau considers the source of all political obligations, is at the same time the cause of everything he hates in modern society. Moreover, he says that the absence of the idea of individual will made possible unified ancient states with common morality. He suggests that Rousseau's idea of a general will was an attempt to combine the generality of ancient morality (unity) with the will of modernity (consent, contract). However, Riley believes that the concepts of generality and will are mutually exclusive, and the will can be considered general only metaphorically. The general will that Rousseau admired in ancient communities is not the general will but the political morality of the common good, where the individual will does not appear with objections to society. Riley, 108-113.

[52] Ibid., 106-107.

Rousseau, thereby, seeks to bring the individual will into line with the general will through the role of the great legislator. He tries to replace the lack of morality of the common good with the wisdom of great legislators. It should be said that Rousseau rejected natural law and believed that the will should correspond to ancient perfection. This creates a contradiction since the ancient standard is non-voluntarist; the standard that gives the will its object is in itself a negation of voluntarism.[53]

Nevertheless, Rousseau's novelty consisted in denying authority identification with one individual. Sovereignty was based on the will of all those who made up the political body. Thus, the theory of absolute monarchy has been altered into an alternative democratic version of absolute popular sovereignty. For Rousseau, sovereignty is an inalienable possession of human beings and part of their essence. It is this idea that distinguishes him from his predecessors, who viewed sovereignty as a temporary possession that had to be transferred to the appropriate authority.

Ultimately, Rousseau ascribes to the people not only the origin but also the exercise of sovereignty. Thus, for him, there was only one contract of association, no contract of subordination, and no losses, only benefits. The individual is "doubly committed" to his contract partners and as a citizen to the sovereign. Thus, the role of a government is to execute the general will expressed by the people as sovereign.[54]

IV. Comparison

As demonstrated, both authors employed the concept of the natural state to develop their contractual theories. However, their accounts have significant differences: Locke's natural man is a social being, while Rousseau's natural man is an antisocial and solitary being. Both depict the natural man as good, free and equal, but in Locke, he is free and equal in the community, while in Rousseau, he is free because he lives alone and is equal only when he encounters others. Thus, for Rousseau, the state of nature

> is the state in which the care for our own preservation is least prejudicial to the self-preservation of others, it follows that this state was the most conductive to peace and the best suited to mankind.[55]

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[53] Ibid., 115-121.

[54] Jennings, 119.

[55] Jean-Jacques Rousseau, "The Discourses and Other Early Political Writings," in *Cambridge Texts in the History of Political Thought*, ed. V. Gourevitch, 134-160 (Cambridge University Press, 1997), 151.

According to Locke, the law of nature declares that no one has the right to infringe on the life, liberty, and property of others. This can be applied by anyone; in other words, everyone can punish violators of the law of nature. In general, the natural state was characterized by happiness, freedom and equality:

> To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man.[56]

Rousseau, for his part, argues that there was true equality in the natural state and that the differences that existed between people were not so significant that they depended on each other, unlike modern civilized society based on illusory equality. Therefore, he asserts that in the natural state before the social contract, our emotions were genuine, and our traditions were crude but natural. According to Rousseau, modern man is born, lives and dies in slavery:

> At his birth he is sewed in swaddling clothes; at his death he is nailed in a coffin. So long as he keeps his human shape, he is enchained by our institutions.[57]

Thus, despite being born free, modern man finds himself bound everywhere, and even those who consider themselves masters of others cannot escape the reality of being slaves.

According to Locke, a person's ownership of oneself presupposes that everything they do with their body and hands belongs to them. Therefore, anything a person creates through their labour becomes their private property. He argues that the transformation of products into property results from people's industriousness and that God has provided for property acquisition as a reward for hardworking and intelligent individuals. Hence, Locke considers the right of ownership as the ownership obtained through human labour, emphasizing labour's role in the acquisition of property:

> It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it that

[56] Locke, *Two Treatises*, 101.

[57] Rousseau, *Emile: Or on Education*, 42-43.

> excludes the common right of other men. For this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.[58]

On the contrary, Rousseau thinks that property resulting from labour ended peace among people. He believes that as people became enlightened, they became industrious. They stopped falling asleep under the first tree or in the first cave and started inventing tools, building huts and covering them with mud to improve their living conditions: "This was the epoch of a first revolution, which established and distinguished families, and introduced a kind of property, in itself the source of a thousand quarrels and conflicts."[59]

Both authors consider the main reason for the transition to a political society to be the emergence of private property and the subsequent need for protection from related violence cases. For Locke, the reason for the transition is the absence in the state of nature of an authorized judge who could resolve disputes that arise, as well as an inadequate ratio between guilt and punishment. Although there are rules based on reason in the natural state, there is no neutral authority that would ensure justice in case of disobedience. Consequently, Locke maintains that while human nature is inherently good, property acquired through labour is still vulnerable to encroachment. Therefore, he believes that the property a person possesses in a state of nature necessitates the establishment of a political association formed through a social contract. Thus, Locke argues that all rights inherent in the natural state are preserved in a political society.

Whereas for Rousseau, the central reason for the transition to a political society is the desire to overcome the state of war that arises as a result of the emergence of private property. In this sense, the social contract is a way to address this issue, preserving some rights during the transition period, while denying others, particularly the right to property, which is the original cause of the problem. Thereby, property is transferred to the sovereign with subsequent redistribution.

According to Rousseau, private property is the basis of civilization. He contends that any progress in civilization is also progress in human inequality. In his opinion, all social and political institutions that have emerged due to civilizational progress have changed their essence and initial purpose, and property is the root cause of this.[60]

Ultimately, both philosophers believed that legitimate political authority should be based on the voluntary consent of the people. Locke, however,

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[58] Locke, *Two Treatises*, 112.

[59] Rousseau, *The Discourses and Other Early Political Writings*, 164.

[60] Ibid., 161.

favoured limited government and argued that power should be limited to protecting individual rights, maintaining that the people had the right to remove a government if it failed in its original duty. In contrast, Rousseau advocated absolute subordination of the individual will to the general will for the common good because he believed that the general will was infallible and indivisible. Therefore, Rousseau also opposed representative democracy, arguing that the moment people elect representatives, they are no longer free.

V. Conclusion

In conclusion, it has become evident that the concept of the state of nature is one of the integral parts of the philosophical justification of Locke's and Rousseau's contract theories. However, there are significant differences in their views on human nature and the concept of private property, even though both describe the natural man favourably. For Locke, the natural man is a social being living in complete freedom and equality, while Rousseau's natural man is an anti-social and solitary being whose natural state is characterised by true equality.

Locke believed that the natural law governing all things declares that all men are equal and free and that no one should infringe on the life, freedom, and property of others. Moreover, he considered labour mixed with natural resources as the basis of legitimate property ownership. On the other hand, Rousseau argued that private property destroyed harmony between people, and the main reason for the transition to a political society was to overcome the state of war which resulted from the emergence of private property. He believed that concentrated property fuelled social contradictions and favoured a more equitable distribution. Thus, Locke believed that property was necessary and that the social contract preserved all the rights that existed in the state of nature. On the other hand, Rousseau saw private property as the source of inequality and the cause of many of the problems of modern society.

Moreover, it became clear that the issue of sovereignty was central to both authors. While Locke's conception of sovereignty is based on individual rights and government with limited power, Rousseau's understanding refers to the general will reflecting society's common interests. Thus, it is safe to say that the ideas of Locke and Rousseau continue to influence political philosophy today, as people will always strive to create societies that are both just and harmonious.

Author contribution statement

Both authors have contributed equally to the conception and design of the work, the drafting and revising of the manuscript, and the final approval of the version to be published.

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