

Abstract

John Locke speaks of a just society in the sense of a civil state that works for the overall good of the people. Individuals exchange some of their natural rights in order to enter into civil society for protection and subsequently more freedom. Individuals need to consent to being governed and if the government ceases to represent the people and their best interest, they are to be resisted and changed. This essay examines the ways in which state of nature and property call for the immediate protection of individuals. Protection comes with benefits but also comes at a cost. Locke argues the cost is worth the benefits while Rousseau has differing thoughts. This essay argues that political communities can only achieve justice and equality by imposing their authority on individuals, and, in doing so, they actually grant individuals freedom.

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John Locke in his *Two Treatises* presents a theory of civil society in which individuals sacrifice certain natural and physical freedoms, in exchange for protection from authority that helps guarantee greater civil liberties. Locke thus offers an argument on how political communities can achieve justice by imposing their authority on individuals, and, in doing so, actually grant individuals' freedom. Locke develops this argument by discussing the intersections of property, natural rights, and political society. In contrast Jean-Jacques Rousseau, argues that entrance into civil society emphasizes inequality and in turn, decreases freedom. Ultimately, both Locke and Rousseau offer compelling accounts of the origin of natural rights and the ability of authority to protect and grant freedoms. Locke's argument more persuasively captures, however, the idea that not only can individual freedom and centralized authority coexist—they can be complementary. dichotomy

The role property plays in society is foundational to Locke's philosophy. Locke argues that within the state of nature, each person owns their own body as property but may acquire more property and land through labor and different means. Governments begin to organize once individuals start accumulating large amounts of land and property. As the amount of property increases, so does the need for protection. [*add a sentence about why property can't be protected in natural law, why is it limited? Why is natural law inadequate protection?*]. Centralized authority thus steps in to protect property owners. People enter into civil society as a means to

protect their natural and inherent rights to property. To successfully protect property rights, a central authority must impose certain limits of individuals natural freedoms. But while the government's central authority imposes on individuals, it does so as a trustee of their rights. While the government does not create or grant man's right to property, it does protect the right. Individuals within a certain society must value the compromising of certain rights for the acquisition of protection from the government and inherently more freedom. Locke thus centers the protection of rights at the intersection between individual freedom and authority.

The support for this role of authority stems from Locke's analysis of the state of nature. Locke opens up *Two Treatises* by addressing State of Nature or the natural instinct of all people in order to define political power. According to Locke, men are endowed with inherent, natural freedoms. He explains, "[t]o understand political power aright, and derive it from its original, we must consider what estate 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." (Locke, 106). Locke describes the proper state of nature as "[m]en living together according to reason, without a common superior on earth, with authority to judge between them." (Locke, 106). Locke contends that individuals have rights, such as to life, freedom, and property, that are independent of the laws of a specific society. The notion that men are naturally free and equal is the foundation for creating a legitimate and just political government. A social contract is based on the understanding that while the government guarantees stability and protection, especially for property, individuals do not derive their rights from government. Governments that fail to protect the rights of their constituents and promote public good, should and can be resisted and replaced. A proper understanding of the state of nature is thus crucial for setting limits on a

political society or government. [*add a sentence summarizing the point of the quote before pasting in a long quote.*] Locke explains, “[t]hat in the state of Nature everyone has the executive power of the law of Nature—I doubt not but it will be objected that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends; and, on the other side, ill-nature, passion, and revenge will carry them too far in punishing others, and hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men.” (Locke, 110). Within the state of nature men are without reason act widely on own command, governments are created in order to protect individuals physically, emotionally and mentally. That why it is vital and of value for individuals to give up partial rights for the overall protection of themselves.

Moreover, essential to Locke’s theory is the conception of the natural self, which determines the specific rights governmental establishments must protect. To develop a theory on proper government action, Locke identifies the set of man’s natural rights. As noted above, Locke argues that people are all born with rights and freedoms and that a social contract helps protects those inherent rights. Locke also adds that due to the inconveniences of the state of nature men, have an incentive to enter civil society, in order to establish protection for their person liberties. This is accomplished by giving up certain powers and rights, they are born with, specifically their executive power of nature and pieces of their rights to self-govern; “for the execution of the judgements of the commonwealth” (87-8). Yet Locke proclaims the concept of consent being a driving force for the establishment of a governed body. The terms of which a political society is to be formed is when any group unanimously consents to give up a few of their rights to the majority of the same group (96-99). In layman terms, you give up some of your freedoms for the benefit of the larger group. Locke’s arguments of state of nature and property

lead to his conclusion that protection from government should be favored over few personal liberties. Locke reiterates that certain inalienable rights, provided by God, cannot be touched or confiscated even by civil society. In order to protect your liberty and property one must give up a few rights when entering civil society, and adhering to a social contract, in turn getting more freedoms.

Locke believes that authority arises from the will and agreement of individuals—with a particular emphasis on consent and right to resistance. And that consent has been passed down from God. Locke speaks heavily of God and religion in the second treatise and uses theology as evidence for his claims. “Adam’s private dominion and paternal jurisdiction”; so that he that will not give just occasion to think that all government in the world is the product only of force and violence, and that men live together by no other rules but that of beasts, where the strongest carries it, and so lay a foundation for perpetual disorder and mischief, tumult, sedition, and rebellion” (Locke, 105). In this quote Locke speaks directly about the role of government within society and how government and rulers must be just due to the decree from God. Due to this decree from God, he adds that owning property is also an inalienable right, and that everyone should have the liberty to acquire land. Even though individuals in the state of nature are protect themselves and have God as a protector, further protection need to be put in place due, so that no one treads on each other’s property, and eventually liberties and freedoms.

The next argument Locke presents is the distinction between state of nature and state of slavery. He draws this distinction in order to further explain the necessity of civil society. He describes the state of war as “enmity and destruction brought about by one person’s pre-meditated attempts upon another’s life” (Locke, 108). The law of self-preservation (which falls

under law of nature) states that one is allowed to kill another in the name of “self-defense.” Similarly, there is a presumption that any aggression inflicted onto an individual hinders or endangers his freedom or liberty. In the state of nature, the lack of authority and central governments forces people to protect themselves. In contrast, in society individuals can appeal to a common authority for the resolution of their conflicts. The government that is formed within the state of nature provides protection to individuals that the state of nature doesn’t provide. Individuals who give up few of their liberties and freedom within the state of nature, are guaranteed protection and freedom through conflict and the state of war. Thus, lack of protection can actually endanger personal liberties and freedom. Whereas protection from civil society and a social contract can secure the expression of those personal liberties and freedom.

Locke structures his political society in a way that subconsciously forces individuals to subject to a social contract. The appeal of protection from government, but also the guarantee that the government is based off of consent, shows people that their freedoms and liberties are not only going to be protected but untouched. Locke argues that nature lacks three important components that a well-serving and just civil society can and will provide: “an established, settled, known law;” “a known and indifferent judge;” and the “power to back and support the sentence” (Locke, 112). And in order for individuals to acquire the three components, they must relinquish some of their natural rights. The central theme that Locke basis his argument around “is for the sake of the public good” and he prefaces that with the structure of a system that would be contingent on the three components mention earlier; a law, a judge, and an executive that works to no other end, but the peace, safety, and public good of the people" (Locke/108). Locke’s analysis relates directly to his structure of government, executive, legislative, and judicial powers. He argues that government requires a judicial system to mediate conflict

between constituents in a society, laws that all members must follow, and an executive branch to enforce and regulate the law. This society is just and valid as long as the three elements are in balance and exist to serve the public, who have limited certain freedoms to join the civil society.

Contrastingly, Jean Rousseau argues that inequality and lack of freedom derives from a process of human evolution that has corrupted man's nature and forces him to laws and property. Both of which support a moral inequality. Moral inequality can lead to increased conflicts and, in turn, lack of personal freedoms. Rousseau explains, "[i]n fact, the real source of all those differences, is that the savage lives within himself, whereas the citizen, constantly beside himself, knows only how to live in the opinion of others; insomuch that it is, if I may say so, merely from their judgment that he derives the consciousness of his own existence" (Rousseau, 32, 112). *[you have to add a sentence tying the quote in and your analysis of it.]*

Rousseau also presents a different perspective on the entrance into civil society and the effects formed government has on one's natural self, which he argues can lead to great inequality and constraints on individual freedom. Rousseau describes the unspoken contract that all people in a society agree to in order to create social order and increase their likelihood of survival, but also the chances of inequality and strain on freedom. Social order is a "sacred right" that is not found in nature or created through force but brought about through agreed upon laws. When people agree to live together under an organized government, they give up their natural liberty and unlimited right to take things as they please. The difference between natural and civil liberty is that natural liberty relies on strength. Natural liberty thus gives an unfair advantage to certain individuals, while civil liberty relies on laws and creates a fair ground for all people in the society. Rousseau posits that there should be a sense of compromise between the government and the governed, and that each body must give and take in order to fulfil their best duties and

live with utmost civil freedom. He believes, however, that pushing individuals into a social contract or civil society restricts freedom and benefits those in power, or those who have property.

Rousseau and Locke's contrasting perspectives on the social contract, also manifests in their understanding of government. Even though Rousseau and Locke have many similarities when it comes to the intersectionality of authority and individual freedom, they differ on multiple key aspects of political mobility. For example, Rousseau bases many of his arguments on the idea of common opinion, while Locke disagrees slightly. Common opinion is the concept that all individuals are capable of taking moral standpoints. This allows people to reach a unanimous decision, for the common good of the group, which leads to the conclusion that an ideal state has laws that express the general will of the constituents. Locke believes that authority arises from the will and agreement of individuals and emphasizes consent and resistance. Locke has differing point of views on the branches of government and believes that there should be a legislative body with elected officials to complete the idea of "self-governing." Rousseau's emphasis is on a pure democratic legislature and a carefully monitored executive. Rousseau ironically states "I limit myself, following common opinion, to considering the establishment of the body politic as a genuine contract between the people and the leaders it chooses for itself—a contract by which the two parties obligate themselves to observe the laws stipulated in it and which form the bonds of their union." (Rousseau 85, 109). He revises his treatment of government in the *Social Contract* and goes beyond this conception, which contrasts with Locke. Essentially, Rousseau contends that Locke's social contract will never prove durable enough, because of the inequality that is bound to persist with the acquisition of property and rights. Rousseau overall stresses that people do not have a choice once they join the community, or even

if they are in its ambit. He claims that within the Social Contract that people may be “forced to be free...” (Rousseau, 12, 106). [WHO?], however, believes that *amour-propre*, self-love, guides men, who in the state of nature gain from inequality, to create civil society for their own preservation. This contrasts greatly with Locke, who believes that entrance into civil society will protect oneself from inequality and in turn provide more liberties and freedom.

Ultimately, the thinkers provide an account on how political communities can achieve justice and protection of rights by imposing their authority on individuals. Locke argues that individuals must give up some of their rights in return from the government, self-preservation, which enables civil freedoms. When the government imposes their authority it in turn allows the individual to be the freest and live within a civil society. John Locke continues to say that men join society for the robust purpose of protecting existing rights, which is the central function of the state. As the source of these rights is outside of the comprehension and are established prior to the state; the government is limited by them. As for Rousseau, rights are a social creation, and he believes that we should grant society the power to alter itself radically in order to attain a just society but highlights the implications of a social contract through inequality and stagnant freedoms. For Locke, the preservation of existing rights is supreme to all things, which preserves natural inequalities. Ultimately, both Locke and Rousseau offer a persuasive account of how authority and individual freedom do and do not conflict and provide details on how they can either complement each other in civil society or tear down the social contract as a whole.

Sources

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