

**ADDIS ABABA UNIVERSITY  
SCHOOL OF GRADUATE STUDIES  
COLLEGE OF SOCIAL SCIENCES  
DEPARTMENT OF PHILOSOPHY**

**Conceptual Analysis on the Competing View of Social Contract Theory**

**By**

**Hagos Desta**

**Advisor: Dr. Bekele Gutema**

**June 2016**

**Addis Ababa**

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**A thesis submitted to the Department of Philosophy in partial fulfillment of the requirements for the Degree of Master of Arts in Philosophy**

**Advisor: Dr. Bekele Gutema**

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Approved by the board of examiners

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## Abstract

*The debate on the origin of state or political authority is one of the controversial issues in the subject matter of philosophy. Different theories explain the source of political authority in different perspectives. In this case social contract theory is the most dominant theory. The advocates of this theory assert that consent is the source of political authority. In other words, government comes through the agreement of the people. And a government is legitimate if and only if it comes through the consent of individuals. This has the implication that no one has a natural right to rule others and no one has a natural duty to obey the rule of others outside of his or her consent. Even though the main exponents of this theory agreed on the idea that consent is the source of state authority, they differed on the issue that how and why people are consented to political authority. So, one purpose of this thesis is to propose the possibility for reconciling these antagonistic views of this theory. On the other hand, social contract theory as a whole faces a strong challenge and criticism from many perspectives. In this way David Hume is one of the philosophers who question the legitimacy of social contract theory in explaining the origin of government. Hume argued that social contract theory is illegitimate mechanism to explain the reason why and a government is originated. Based on Hume's criticism, in this thesis I defend the legitimacy of social contract theory to explain the origin of political authority. Therefore in this thesis my aim is two-fold. First, to propose the possibility of reconciling the competing views of social contract theory and to show whether social contract theory is legitimate mechanism to explain the emergence of state authority.*

## **Introduction**

Social contract theory is a philosophical explanation about the emergence of state authority or government i.e. how state and government institutions come to exist? It also deals with the relationship between the individuals and their government. It concerns with question: why we create a government? And after creating a government what should be the respective role of government and citizens, and seeks to analyze why we obey a government's authority? It asserts government in general and political obligation in particular emanated from the agreement of the people. This implies that people are the source of political government is the product of people's consent (Nbeta 2012:1-2, Olynk 2010:1).

The aim of this thesis is, through explaining and analyzing the antagonistic views of some exponents and well known thinkers of social contract theory, to defend and show the legitimacy of social contract theory in explaining the emergence of government and to reconcile the competing views of social contract theory. For this purpose I intend to select Hobbes', Locke's and Rousseau's conceptions of social contract theory. All these thinkers agreed on the issue that human beings are naturally free and equal. And they asserted that humans are naturally pre political. They call this pre political condition of humans as a state of nature. They agreed that people leave this state of nature and come to political authority.

To deal with the issue of why and how government come to exist all Hobbes, Locke and Rousseau tried to imagine what seems the life of humans in the absence of state or political power based on their analysis of human nature through rational or philosophical explanation. They believed that only consent can bind naturally free and equal individuals with the state or government authority. This implies that individuals' obedience to political authority emanate from the consent of naturally free and equal individuals. In this case, even though they agreed on this starting point of their argument, they differed on the issue of the reason why individuals quit the state of nature and come to government, how individuals consent to the political power and what kind of government can secure these naturally free and equal individuals i.e. who should rule or for whom the individuals should surrender their natural right and so on.

Therefore in this thesis my aim is twofold. Through explaining and examining the views of the thinkers, first to show whether social contract theory is a legitimate mechanism to explain the emergence of state and government depending on some of its critiques and second to propose the possibility for reconciliation of these competing views.

All Hobbes, Locke and Rousseau asserted that, before the emergence of government humans lived in the state of nature. This state of nature is some kind of imaginary or ideal state in which humans lived before they came to a covenant to form a government. They believed also whatever it is the case humans left the state of nature and came to a contract. But in this way what we should understand is that, social contract theory does not show a kind of historical fact that necessarily signifies humans had lived in the state of nature. Rather the state of nature implies absence of political authority or absence of civil and criminal law. And it is an imaginary or hypothetical explanation of humans' condition in the pre political state (Haworth 2012: 80-1, Grcic 2007: 1-2).

Therefore social contract theory does not necessarily narrate historical transition of human beings from the state of nature to the existing politically organized state. Rather simply it gives rational explanation of why and how government power occurred and it also includes the explanation of what will become the life of humans without governmental authorities. The reason is that no one can know exactly the source of state authority but it is mandatory to give a reason for the existence of something i.e. to give reason for why and how a government evolved. In this case social contract theory aimed at giving reason how and why this existing government appeared.

In general by the state of nature what the theorists try to say is that human beings are not naturally political. People are not naturally subject to governmental laws. This implies that state or government is not the creation of nature rather it is the result of the consent of humans. Therefore the advocates of this theory use the imaginary idea of state of nature to explain the emergence of state's authority and they tried to invite us to imagine the life of human beings without political power and state at all. But on the other hand this imaginary and theoretical explanation of the source of state and government criticized by different thinkers. For instance David Hume asserted that we cannot explain the source of political authority through theoretical and speculative way as social contract theorists did. Hume concluded that social contract theory

is illegitimate or improper mechanism to explain the emergence of state or political authority. On the other way this thesis defends the legitimacy of social contract theory in explaining the origin government by criticizing Hume's argument.

To deal with those above issues and purposes, I have arranged this thesis in four chapters. The first chapter analyzes and examines Hobbes's social contract theory. It offers a detailed explanation about Hobbes's doctrine of human nature, his conception of state of nature, a law of nature and his views of how and why contract is made and what should be the nature of the government i.e. power and limit of the authority of the government.

The second chapter is concerned with John Locke's social contract theory. It deals with Locke's idea of human nature, the social contract or agreement, the law of nature and the kind of government that should exist to protect the right of citizens and this chapter explains what Locke's social contract theory looks like in comparison to Hobbes's social contract theory.

The third chapter analyzes and explains Rousseau's social contract theory. It clarifies Rousseau's conception of human nature, state of nature, why and how the contract is made and his idea of "General will". And in this chapter there will be an analysis and explanation of Rousseau's social contract theory in comparison to Hobbes's and Locke's social contract theory. And at the end of each of these three chapters there are also my own critical assessments and reflections.

The fourth chapter is the final chapter. In this chapter I try to show the legitimacy or explanatory power of social contract theory as a mechanism in explaining the creation or existence of government's power or state's authority in general and the source of obedience to the political authorities in particular based up on examining some of the critiques of social contract theory. And I suggest the possibility for reconciling the competing views of Hobbes's, Locke's and Rousseau's social contract theory by pointing out the strong and weak side of each theory as far as my understanding is concerned.

## **Chapter –One**

### **Hobbes's Social Contract Theory**

#### **1.1. Hobbes's Doctrine of Human Nature**

Hobbes uses the theory of human nature as a basis to his political philosophy. He begins his discussion of the social contract theory by exploring human nature. In this topic I will not discuss about Hobbes's psychological point of view in detail. What I want to show is that the relevance of his conception of human nature in constructing his argument concerning the social contract theory. What I mean is to show the contribution of inherent behavioral nature of human beings to the emergence of government or the necessary connection between human nature i.e. human behaviors, actions and the need for government. In order to understand why a government is needed and how state's authority emerged in Hobbes's social contract theory it is mandatory to know his doctrine of human nature.

Hobbes was influenced by the mechanistic law of nature which asserts the universe is constituted by space and matter in motion. This law of motion which is manifested in material objects is also applicable to human beings. Analogous to this mechanistic law, he argued that individual behaviors are produced by the movement of basic passions within their body (*Grcic 2007: 3*). In this case Hobbes makes a distinction between two kinds of motions within human body. These are voluntary and involuntary motions. Involuntary motion refers to a kind of motions which are produced without the intention of humans just like breathing and blood circulation and so on. According to Hobbes these kinds of motion are called vital motion because they are essential for life of humans. And when the motion of sensory organs interact with these vital or involuntary motion by the means of what Hobbes calls "endeavor" they create the second kind of motions i.e. voluntary motions. Voluntary motions include activities like walking and speaking which are observed directly. For Hobbes "endeavor" refers to a name given to a small beginning of motion with in human body before they become visible or observable. In this sense the comprehensive behavior can be described as a certain kind of specific actions with in human body. For instance behaviors like walking and talking are the product of other inner actions inside of us. And in return these other inner actions are the result of the interaction of our

bodies with other organs or senses that finally create the human behavior that can be observe directly (Hobbes 1651:31-35).

For Hobbes humans are motivated by their inner passions or emotions either to move away from situations which are harmful or to come close to those which are beneficial. In other words, based on their emotions they motivate to move away from harmful actions, situations or come to those situations or actions which are believed to be useful. In this case Hobbes makes “desires (appetites)” and “aversions” (ibid: 160) as the driving force of all voluntary actions. He said desires (appetites) and aversions are two opposite human “endeavors” that help humans to describe things or situations in which they are interested on them or that want to be avoided. This implies that, desires are the basic motive of all actions that humans are interested to engage in or actions or situations their causes are needed by human beings whereas “aversions” are the basic motives of all actions that humans want to avoid or want away from the cause of the actions. So for Hobbes any human motivations depend upon the above two driving forces, what Hobbes calls the two opposite “human endeavors” i.e. desires and aversions. In this regard what Hobbes wants to assert, analogous to mechanistic law of nature, is that human beings are always in motion towards what they desire and away from what they want to avoid.

From these inner passions or emotions of human beings it follows that, “good” is anything that is desirably-attainable where as “evil” is something desirably avoidable. In this way “good” corresponds to “appetite” or “desire” and “evil” corresponds to “aversion” of human endeavors (Royce 2010: 3-4). In this case Hobbes denies any absolute measurement for the badness or goodness of an action. When an act or situation inspires desire, it is said to be “good” and when the situations or act stimulates hate then humans call that “bad or evil. This means that goodness or badness of something depends upon personal inclination or tendency of the subject.

According to Hobbes, the objects of emotional desires or passions towards something differ from person to person. In this way he said that “*the passions or emotions are in all men but this is not true the object of the passions, which are the things desired feared and hoped*” (Gert 2006: 163). This implies that naturally human beings have passion or emotion in common but they differ in the way that, in what thing, situation or any other thing they are desired or interested in and what they hate. In other words this can be explained as, human beings are

always in state of passion i.e. either in the continual desire of what is good for them and in continual fear of something which they think as harmful for their lives but the judgment to what thing or situation they desired or feared is subjective. This all can also be taken as the reason why he said humans cannot live without fear and desire i.e. humans are always in a state of fear and desire (Piirimae 2006: 3-5).

For him since human beings are governed and motivated by their passions or emotions, they desire things which are beneficial to their self preservation and they tried to avoid things which cause destruction up on them. Accordingly, from their subjective motivations humans are only responsible for the maximization of their self interest even at the expense of others. Whatever their activity is based upon whether the action is suitable for their self interest and their good i.e. to obtain pleasure and avoid harm. In other words humans are obsessed by their inherent selfish and egoistic nature and in any circumstance they prioritize their self interest above than anything else. For Hobbes this egoistic nature and lack of altruistic behavior of human being cause insecure and terrible life of humans in a state of nature or pre political condition because if every activities of human beings are conducted on the basis of maximizing one's own self interest without considering other's interest or desire obviously this will cause a clash of interest among them. In this case the need for government, for Hobbes, is to avoid this insecure and unstable life of humans in a state of nature that arises from the egocentric conduct of human beings (Haworth 2012: 81-83). We shall see this in detail in Hobbes's explanation of the condition of the life of humans in the state of nature.

According to Hobbes human beings are rational creatures but the role of reason in this way is to identify the most desirable thing for their self preservation because individuals are primarily concerned with their self preservation. In this case even though each individual is motivated by what he calls the driving force of human endeavors i.e. appetite (desire) and aversion (hate) and consequently there will not be anything absolutely good or bad, but he argued that fear of violent death and avoidance of pain is a common passion to all. This implies that there is common "aversion" to all human beings i.e. to fear violent death and avoid pain. In this way the purpose of all voluntary actions is to assure, what he calls the "contented life" (Wansveen 2013:26) and we can call this as secure life or preserved life. And this is called, according to Hobbes, rational desire that every individual by nature pursues. Therefore these are the reasons that led Hobbes to

claim that fear or need of security leads human beings to contract or covenant and the limited altruism of human beings results in quarrel and insecurity in state of nature and consequently he suggests the need for unlimited sovereign power to control and regulate the egoistic or self concern nature of human being. We shall see these issues in detail in the following sections.

## **1.2. Hobbes's State of Nature**

In Hobbes's conception of human nature we have discussed about the egoistic nature of human beings. Humans are always striving to satisfy their self interest. Humans are motivated on the basis of their self interest. And consequently there will be a clash of interest in the race of satisfying their personal desire. So according to Hobbes, life in the state of nature is full of quarrels and war of one against another. In a state of nature individuals do not have guarantee other than their own personal physical strength, mental ability or any other personal possession like wealth. In short Hobbes characterized the life of humans in the state of nature as "solitary, nasty, brutish and short" (Warburton 2006: 60).

The state of nature is characterized by the absence of governmental laws to govern the individual acts. This implies that People live without a common power which governs them with prescribed rules and authorities. This absence of superior power forced individuals to clash with one another. For Hobbes the state of nature lacks moral and legal sanction up on humans. Every individual has unlimited freedom to do what he or she wants. The state of nature is a life of continual fear and insecurity and it is a state of permanent conflict. In this condition humans experience a war of every man against every one. Every individual has natural right to act according to their will without any external limitations. This unlimited freedom and liberty of humans results the clash of one with another. The security of a person also depends up on one's own strength and power (Pojman 2003: 521-527). Generally Hobbes expresses this harsh condition of humans in the state of nature in the following way:

*Whatsoever therefore is consequent to a time of war, where every man is enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength, and their own invention shall furnish them with all. In such condition 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 such 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 fear, and danger of violent death; And the life of man, solitary, poor, nasty, brutish, and short* (Haworth 2012: 89).

In short this can be explained as, in the pre political life of human beings there was no any such thing secure and protected. Self preservation is guaranteed only by means of one's own strength and mental ability. It is impossible to engage in any activities of human beings in the absence of safety and security. Individuals cannot utilize their own products in secure and stable manner. This means that individual property is always in danger of being detained and robbed by any rivals. People are in a state of continual fear and danger. There is a sense of enmity between individuals as a result of a clash of interest and absence of any superior power that can settle disputes that arise among them. So absence of governmental power for Hobbes is a state of terrible and violent life.

According to Hobbes in the state of nature there are three causes of conflict. These are competition, diffidence and glory. By competition he means that when individuals are competing for the possession of resources for the attainment of their desires. If two persons desire the same thing which could not be enough for both, this would create hostility between them. According to Hobbes, human desire is not limited only to the immediate satisfaction rather it is also future-oriented that ever lasts until their death. So consequently humans are not only concerned with immediately attainable objects but they also desire objects which serve them to guarantee their future desire (Ryan 2006: 220).

Hobbes places power as a means or a mechanism to attain human desire. This implies that humans need power that helps them to assure both their immediate and future desires. So, for him power is the fundamental desire of human beings because it serves them as means to acquire everything. In the state of nature individuals compete for power. When someone has more power this implies that he or she has more capacity to achieve his or her desire. In other words, having power implies enhancing the capability to realize what he or she is dreaming for. He defines power as " present means to obtain some future and apparent good" (Pirimaie 2006:4). In a sense, power is used as a means to fulfill their immediate and future desire. In this case, Hobbes

divides power in to two groups. These are “natural power” and “instrumental power” (ibid: 5). Natural power means a kind of power gained by nature or inborn that includes the power of healthy body, intelligence strength etc. whereas instrumental power refers to a power that is gained through social interactions or from other human beings in their day to day activities for instance, money or wealth, reputation or honor and so on. So, since human beings are egoist for the sake of fulfilling their self interest, the desire for power will become continuous throughout their life time. Hobbes describes this unlimited human desire for power by saying “*all humans have a general inclination towards a perpetual and restless desire of power after power that ceaseth only in death*”’. (Royce 2010: 49)

This indicates that since human desires are unlimited, so to attain this unlimited desire human beings necessarily pursue power to realize their interest. This implies that human desire never ends; as a result their desire for power will become unlimited because power is their main instrument to gain what they want in their day to day life.

The second cause of conflict in the state of nature i.e. diffidence or lack of trust on others results when each individual becomes a cause of fear and threat for one another. He said that everyone has a natural right to do anything to preserve himself. These unlimited rights of individuals for the purpose of self preservation cause a sense of insecurity and fear among them. Accordingly in a state of nature every individual fears for the possibility of being attacked by anyone else for self preservation because self preservation is possible even at the expense of others. So according to Hobbes if an individual is suspicious of being attacked by another one, consequently the individual intends to attack before being attacked to defend one self. Under such circumstances individual life would not be secured and this combination of fear and insecurity leads to conflict of one against another (ibid).

In addition to this he argued that humans have rough equality in mental and physical capacities. But this does not mean that they are equal in the strict sense of equality that all humans are physically and mentally equal. Rather it refers to when someone is physically weak; this weakness is covered by mental capacities. And when a person is mentally unable this inability is compensated by physical strength or capacity (Murray 1953: 54-56). And since the state of nature is manifested as absence of secure life, the weakest can kill the strongest either by secret mechanisms or by collaborating with other persons like him i.e. those who fall into the danger of

attack (Wansveen 2013:19-21). Consequently each one is equal in causing a danger for another. So, in this way humans have the same ability and capacity to do what they want in the act of fulfilling their desires and this leads a conflict one with another. In short Hobbes describes natural equality of human beings as follows.

*Nature hath made men so equal in the faculties of body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can there upon claim to himself benefit, to which another may not pretend, as well as he. For as to the strength of the body, the weakest has strength enough to kill the strongest, .either by secret machination by confederacy with others, that are with the same danger with himself (Pojman 2003: 542).*

Hobbes's assertion of equality of human beings in general indicates that even if someone may be physically weak or mentally lazy, this weakness and laziness does not prevent the person from the competition in attaining of his or her self interest. The stronger one may use his physical strength to cause a danger up on the weaker the same is true the weak can cause equal threat by any mechanism.

The third cause of conflict i.e. glory seeking results when people want reputation from others to be feared. Hobbes asserts that, in a state of nature humans fight for a glory. If an individual is not respected by another, he/she is in danger of being attacked, because the individual will be assumed as weak. So having reputation or glory is important for two things. One thing, it can use as a power to threaten and dominate others and second it is important to defend oneself from others attack because when someone is reputed as powerful others may refrain from attacking him (Ryan 2006: 217-218). In general Hobbes explains the natural glory seeking behavior of human being as follows:

*Every man looketh that his companion should value him, at the same rate he sets upon himself: And upon all signs of contempt, or undervaluing, naturally endeavors, as far as he dares (which amongst them that have no common power to keep them all in quiet, is far enough to make them destroy each other,) to extort a*

*greater value from his condemners, by damage; and from others, by the example*  
(Piiirimaee 2006: 5)

This implies that, everyone needs to be valued by others because if not, this lets the self preservation of the person questionable. This implies that if someone is undervalued by his or her rivals, the life of the person will fall into danger hence he or she may be attacked by others. In other way if the person is reputed and valued, he/ she secures his/ herself preservation and this reputation will serve as a way to dominate others.

### **1.3. Hobbes's Idea of the Law of Nature**

Hobbes characterizes human beings as having the faculty of reason to gain the knowledge of the cause and consequence of something. Such kind of knowledge is postulated on the basis of generalization from their day to day experiences. By using the faculty of reason humans have the capacity to calculate the most effective thing or the consequences of acts in the attaining of their personal interest. As rational creature, humans always pursue their self preservation (Ryan 2006: 218-219).

For Hobbes the state of nature is a state of war. Individuals could not enjoy secure life. He said human beings use their reason to escape from this miserable condition of life. Hobbes asserts that in the state of nature there is a law of nature. For him this law does not have any moral and legal ground because in the state of nature there is no a sense of morality or any legal authority. The law of nature, according Hobbes, is a kind of guide line or principle found out by reason that enables human beings to come to the more secure and stable condition of life (Haworth 2012:81-81). This implies that the faculty of reason provides to humans a kind of general principle to act in the best way for his or her self- preservation and this principle is called a law of nature. Hobbes defines the law of nature in the following way:

*A law of nature is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or takes away the means of preserving the same, and to omit that by which he thinks it may best be preserved (Murray 1953: 64).*

This indicates that, humans are refraining from doing something destructive of their life does not mean that they abandon by some sort of law or authority because law in a state of nature does not imply for any legal or moral meaning rather it refers to self preservation is the primary concern of humans. This implies that by nature humans want to save their lives. Still the source of the guide line that enables individuals to act for their self preservation is reason. In this sense reason implies some kind of prudence or care that enables them to secure their lives. Accordingly humans are guided by their reason to avoid any situation or action that can destroy them.

Hobbes argued that the law of nature provides natural rights to human being. Right refers to a liberty that enables individuals to use their own power for their own self preservation. For him liberty is understood as “ absence of any external impediment” (Pojman 2003: 550). In this sense, individuals use their own power to do what they want. Every individual has the right to judge the rightness and wrongness of acts according to his/her own reason. Consequently since everyone is guided by his/her own reason to act what is best for their self preservation without concern for other beings and this makes a condition of humans in a state of nature as a war of everyone against every one. In other words since everyone has the right to do anything without restriction, even he/she has the right over an others life, there would not be a secured and stable life. So Hobbes proposed a law of nature which is derived from human faculty of reason to escape from the condition of insecure and terrible life (ibid). Therefore, according to Hobbes, human reason provides a law of nature and this law of nature guides them to preserve their lives. Hobbes suggested a number of laws of nature; in this discussion we shall see the three main laws.

**1.3.1. The First Law of Nature:** for him this is the most fundamental of all laws of nature because this law of nature asserts that every individual by nature deserves to preserve himself and it gives the principle to act or perform in accordance with what is better to preserve one’s life i.e. either to seek peace and follow it or defending one’s self from another’s harm or injury. This law guides to prefer the most conducive situation that preserves their lives (Grcic 2007: 2-4). Hobbes explains this law of nature in the following way:

*Every man ought to endeavor peace as far as hope of obtaining it and when he cannot obtain it, that he may seek and use, all helps and advantage of*

*wars. The first branch of which contains the first and fundamental law of nature which is to seek peace and follow it, the second, the sum of the right of nature is by all means we can to defend ourselves (Murray 1953: 64).*

This indicates that, individuals as rational creatures desire to escape from the insecure condition of the state of nature. The escaping route may be either through self defense by the right of nature or by making peace with other i.e. not attacking others except for self defense. So this first law of nature provides two alternatives i.e. either to follow peace or entering into a war. Through the guidance of reason they prefer the best thing that assures their self preservation.

1.3.2. **The Second Law of Nature** this is derived from the first one and dictates that the reciprocal respect of the desire for peace. This law provides the principle that, every individual desires if and only if other rivals are also willing to seek peace. This implies that, if I seek or want peace and not harming others by laying down my natural right, the same is true others must do the same thing unless I will be disadvantaged by the harm of others. Hobbes states this in the following way:

*‘.that a man be willing, when others are so too, as far forth, as for peace and defense of himself, he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow men against him ( Murray 1953: 65).*

This expression of Hobbes shows that to seek peace and follow it, one must submit his/ her unrestricted natural right but this is possible when other persons are also willing to submit. This implies that, for instance, if I want to follow the way to peace you must be also willing to do so unless I will be harmed by your unrestricted natural right .i.e. if you fail to lay down your right in order to seek peace. So the second law of nature dictates that in order to seek peace and follow it, all individuals must lay down their natural right. If I submit my natural rights to everything but you fail to do so, my seeking or desiring to peace will become meaningless because you may use your natural right to attack me and I will defend myself and this leads reversal to the state of nature.

1.3.3. **The Third Law of Nature:** this is derived from the first and second law of nature. The first law of nature states that individuals are naturally inclined to peace and for the purpose of self preservation they are forced to obey this law .i.e. to seek peace and follow it. The second law of nature states that, if someone desires peace others must do the same thing. The combination the above two law of natures asserts that to seek peace it is mandatory to submit one's own natural right for the sake of common security or peace. So to realize this, individuals must keep their promise of seeking peace and or submit their natural right. And this is the percept of the third law of nature which states that individuals must keep their covenant or promises to secure peace among them (Hobbes 1651: 88-89).

According to Hobbes there is no guarantee whether any individuals will keep their promise or contract in seeking peace and submit their natural right if there is no common enforcer of that promise or contract. So there must be an appointed power that enforces the promise of individual's inclination or desire to peace. For Hobbes this is the way to agreement or contract and creation of the sovereign power.

#### 1.4. **Hobbes's Social Contract**

According to Hobbes the combination of competition, diffidence or lack of trust on others and glory seeking of human beings makes life in the state of nature unsecure and harsh. To escape from this condition of life, humans need some authorities that can guide them and provide peace. In addition to this, in the state of nature individuals are governed and motivated by their self interests. In this case, the moral terms of good and bad have a subjective meaning. Good means simply the object of one's desire or appetite whereas evil refers to the object of one's hate. Therefore after a contract, it is the task of the sovereign to provide an absolute measurement or standard for the moral terms of right and wrong or good and bad. On the other hand he argued that, human beings have a passion of fear of violent death and avoidance of pain. And these are universal and rationally required passions because these passions are basic or fundamental inclinations of humans to their primary concern i.e. self preservation. And accordingly this fear of death and avoidance of pain is the reason for escaping from the state of nature and come to the state authority or creation of government (Haworth 2012:87-90).

The law of nature provides the rules or guide lines that aimed at ensuring peace among the individuals. And through this people sought to escape from the state of nature and the route to escape is social contract (Ryan 2006: 222-223). Hobbes argued that there are two kinds of contracts. The first one is, just as expressed in the second law of nature, surrendering one's own natural right for no one (without authorizing one common power) in order not to harm others. Such kind of contract is simply renouncing one's natural right to do everything by expecting others to do the same thing. This kind of contract is unguaranteed because for the existence of one contract there must be one common power to enforce that contract. Hobbes expressed this as "covenants, without the sword, are but words, and of no strength to secure a man at all" (Ryan 2006: 226). The second kind of contract is surrendering one's own natural right to one authority by expecting that this authorized one exercise the self preservation of the members. This authorized one is the enforcer of the contract because to enforce a contract there must be one superior power. And according to Hobbes this superior power is called a sovereign. Through a contract every individual is forced to obey the rules and authorities of the sovereign (ibid).

The purpose of obedience to the sovereign is to overcome unpleasant and insecure life of the state of nature. So contract for Hobbes is the way to overcoming the life of state of nature and as a result it is the way to creation of state authority or government. According to Hobbes sovereign or the enforcer of the contract does not only refer to a single person but rather it refers to the ultimate power maker and enforcer of it. For Hobbes a parliament or assembly can be called as a sovereign and in this case what he wanted to express is only one single political authority i.e. absence of separation of power (Hobbes 1651: 103-104).

For Hobbes through the creation of a common power or sovereign, individuals will enjoy a communal guarantee from both foreign enemies and the tension between themselves. This common power is adopted by means of surrendering all individuals' natural right to one single person or a group of persons except the right of self preservation. This person or group of persons acts for common peace and safety. This implies that individuals' will, judgment and natural rights in general i.e. the right or liberty over everything without limitation will be surrendered to a single authorized person or group of persons (Pojman 2003: 542-547). Hobbes expresses this surrendering of one's right, will and judgment to the authorized one as follows: *I authorize and give up my right of governing myself, to this man, or to this assembly of men, on*

*this condition, that you give up your right to him and authorize all his action in like manner* (Steele1993: 33).

This shows that all individuals submit all of their rights endowed naturally to preserve themselves to the authorized one and this authorized one is also just the executive of what individuals wants for self preservation. This implies that individuals surrendered their rights to the represented common power and this common power exercise the act of securing the self preservation of individual's behalf of them i.e. behalf of the individuals.

According to Hobbes the unification of individuals under one authorized person or group of persons is called a commonwealth or sate (Pojman 2003: 553-554). He believes that, only under this common power is possible to settle conflicting interests and secure peace and defense. This common authority evolved out of the will of each individual in the commonwealth or state. The sovereign power enables to assure peace, harmony and defense from any kind of injuries and wars.

Hobbes said that the sovereign power can be derived in two ways. One, it can arise through involuntary submission of natural rights to sovereign power. In this case the sovereign power derived by force just like as parents acquire the submission of their children in order to preserve the children or when one country is conquered in war and then when the conqueror take a control of administering the people on behalf of the conquered government. The second way is, it can evolve through the agreement of the people among them. This is a voluntary surrendering of rights from the contractors. This surrendering of rights is for the sake of common protection and preservation. According to Hobbes the first way is called common wealth by acquisition and the second way is called common wealth by institution (Murray 1953: 56-57).

### **1.5. The Unlimited Power of The'' Sovereign''**

For Hobbes contract is made when people transfer their natural right to a sovereign. This sovereign can be a single person or a group of people. When a commonwealth or state is instituted the sovereign power is derived from the consent of the people. The sovereign rules the actions and judgment of the individuals to live peacefully among themselves. And every natural right of the individual is surrendered to the sovereign except the right of self preservation or the

right to life. The right of self preservation is the only limit of the sovereign power over the individual. For Hobbes law is the will of the sovereign. For instance, the right to private property is simply the willingness of the sovereign to let the individuals to possess and hold the property (Haworth 2012: 91-94).

According to Hobbes the sovereign power should have an absolute power over the people for various reasons. For him since the people are once bound by the covenant it is not lawful to be obedient for another new covenant except if the sovereign fails to protect the right of self preservation of the people. This implies that when individuals once surrendered their rights to one sovereign power, it is impossible to overthrow this and again giving one's right to another person or group of persons. So, for him it is injustice to disobey the sovereign. Everyone should not break the covenant that has already been made. He said that if someone attempts to overthrow the sovereign, and as a result the person can be killed or punished for such attempt because the person is the owner of the punishment itself, since he/ she is once bound or obliged to the covenant. So individuals cannot reclaim over any kind of punishment by the sovereign because he or she is punished by his or her own authority (Pojman 2003: 559-560).

For Hobbes another reason why the sovereign should have an absolute power is that, since there is no contract between the sovereign and the individuals, there will not be a break of contract on behalf of the sovereign. There is no contractual relationship between the people and the sovereign. The contract is made only between the individuals. So the individuals are the subjects of the sovereign. For the existence of one contract there must be one enforcer of that contract. So the enforcer himself should not be a party to that contract because if he becomes a party to that contract we need another enforcer that contract. Therefore this will lead us to infinite regress of adopting an enforcer of a contract. He said to make the sovereign a party to the contract, either the sovereign has to be making a contract with the whole as a group or the sovereign must make several covenants with every individual. For him the first option is impossible because there is no a group before the contract. The second option is also impossible because if the sovereign makes several covenants with each person, after the sovereign gains its power, the covenants will become void because there will not be any agreed principles among the individuals with regard to the break of the contract by the sovereign. And under such condition the individual will not have a chance to reclaim over the sovereign's failure to assure

the self preservation. Hobbes believes that in such condition individuals will return to the state of nature in which the self preservation of each individual depends on one's own physical strength and any other possessions (Grcic2007:4-6).

Hobbes argues that, protesting against the sovereign is injustice. The reason is that in any case the actions of the sovereign cannot harm the subject, because the individuals are the founders or the creators of actions and judgments of the sovereign itself. So there would not be the possibility for the sovereign to be accused by the individuals. And since the individual is indirectly the owner of the sovereign's action, individuals cannot complain by every action of the sovereign because complaining by sovereign's action means complain to one's own action and judgment. So for Hobbes, accusing the sovereign means, on the other hand, accusing oneself. So every action must be done according to the will of the sovereign. For Hobbes in the state of nature individuals had the rights to do anything and consequently the life of humans become miserable. Therefore, since the sovereign strives for the safeguard of the individuals the whole power of prescribing rules must lie in the hands of the sovereign. This is also necessary to peace and security (ibid).

According to Hobbes the right of judiciary i.e. hearing all controversies which may arise concerning any laws, either civil law or natural law must be the power of the sovereign. Without the sovereign's decision of controversies there is no protection of one person against the injuries of another person. He said that if the protection decision lies on the individual's right of protecting oneself by private strength this would cause a condition of war of one against another which is opposite to the purpose of the commonwealth or state (Haworth 2012: 92-93).

The decision regarding making a war or peace with other nations is also the power of the sovereign. This implies that it is up to the sovereign decision to judge whether war is needed for some purpose or not and to decide how much money and man power must be expended to that end. In addition to this it must be the power of the sovereign to appoint officials like counselors, ministers and magistrates both in time of peace and war. And for him the sovereign power should not be divided. This implies that there should not be a separation of power. There should be only one single power and authority i.e. the sovereign. He believes that separation of power causes political unrest because separation of power implies allowing to exist a number of

dominant political powers and if there is a number of political powers in one state there will be a political tension between them( Hobbes 1651: 107-115).

In general from the whole of this discussion of Hobbes social contract theory, I find two contradictory ideas. To discuss with these conflicting ideas first let us see in short Hobbes's argument when he answers the questions why and how government emerged, why we obey government authority and what kind of government should be adopted in one state. According to Hobbes the state of nature is a state of war and insecurity and this is because of how humans behave naturally. Human beings lack sympathy and always act only for their self interest. They constantly compete against one another to acquire anything that can satisfy their immediate and future desire. This competition leads to clash one with another. He also asserts that human beings have a faculty of reason that enables to choose the best thing for their well being and accordingly through the guidance of their reason they pursue to escape from insecure life of state of nature either through peace or war by preferring the advantageous one. This reason provides what Hobbes calls a law of nature that rules individuals to make everything best for their self preservation. For Hobbes self preservation or escaping from death is a kind of universal passion. So this law of nature found out by reason guides them to seek peace and escape from the miserable condition of state of nature. The way to peace, for him, is making a contract between the people.

According to Hobbes contract refers to individual's mutual transferring ones natural right of self preservation to one authority that can do the same thing on behalf of the individuals. This implies that contract is the creation of common power that executes the mutual transfer of individual right to keep peace among them. The common power that enforces the contract is called the sovereign. In this regard what Hobbes claimed is that the sovereign not a party to the agreement. This indicates that, the sovereign is only the receiver of the promise or agreement of individuals and the executor of that agreement but the sovereign never makes a contract with anyone. In this case, it implies that the sovereign makes a law to enforce the contract of the people but the sovereign himself is not subject to this law. So the contradiction lies here as far as my understanding is concerned. As Hobbes asserts the sovereign can be a single person or assembly of men. Now let us assume the sovereign is a single person and then all of us consented to surrender our natural right to do anything to this sovereign to preserve our lives. So in this

way the sovereign made a law to settle our conflicting interests and to promote our common interest i.e. avoiding death and securing peace. But the sovereign is not forced to obey the law which is prescribed by him.

On the other hand, in his doctrine of human nature, Hobbes asserts that humans are naturally egoistic and lack sympathy towards other. Every action of human beings is motivated by self interest. So in this case, what Hobbes calls the sovereign is also a human being. Therefore my question is, if the sovereign is human and controlled by the principle of his/her law, how can the sovereign behave outside of the other human beings? What I mean is that, why not the sovereign would not make a law that maximizes his or her own self interest? Because, according to Hobbes, the sovereign has an absolute power over the rights of the individuals except the right of self preservation. And the sovereign does not have any kind of contractual relationship with the people and not bounded by the law of the contract.

In my opinion what Hobbes calls the sovereign must be a God (because by definition God is always concerned for the well being of his creatures) unless it is improbable, as Hobbes characterizes human being, a human can act for the well being of others if he or she is not controlled by any prescribed law. But Hobbes does not say the sovereign is God. Rather Hobbes characterizes the sovereign as 'a mortal God' (Warburton 2006: 58). This means the sovereign is someone who has absolute power over its subject (except the self preservation of individuals because it is the only limit of the sovereign) and the sovereign is not accountable or responsible for his action. The laws adopted by him are only the means to keep contract of the individuals but not him guided by that law. This implies that, there is no any law that controls the act of that sovereign.

The subjects can overthrow the existing sovereign and looks for another sovereign, if the existing one fails to keep the self preservation of the individuals. But on other hand, he argued that, there is no a checking mechanism for the power of the sovereign. So how can the sovereign, as a human being, act for the self preservation of individuals if he/she is not limited by any law? To understand this let us see the following expression:

*The uncontrolled and unregulated human nature will destroy any civil society. From deep within, since boundless human nature in society- due to its prevalent and never-ending source*

*factionalism, incongruity and discord will yield bipolar motion endeavor: appetite and aversion* (Royce 2010: 47) .

This expression of Hobbes has the implication that, humans are naturally motivated and governed by their self interest. So consequently there will be a diversity of interests. In this case there will be a conflict of interests. Therefore these interests must be controlled and regulated so as to avoid the destruction of one from the other. So what I want to say in this regard is that, the uncontrolled behavior of the sovereign can destroy the whole society because the sovereign is a human being and according Hobbes the action of human beings must be controlled by law so as to promote peace. Therefore in my opinion the same is true for the action of the sovereign must also be controlled and regulated. But claiming that the sovereign or king is striving for the common good of the people without subjecting himself to the prescription of his laws and claiming uncontrolled human behavior leads to the destruction and conflict are two contradictory ideas.

Despite my objection on the above Hobbes' contradictory ideas I believe that Hobbes is right in claiming that consent is the source of political authority and state. And I agree with him on the idea that fear and need of security are the main cause to why people come to contract. These issues are more clearly discussed in my explanation of reconciling the competing views of Hobbes's, Locke's and Rousseau's social contract theory and legitimacy of social contract theory in explaining the emergence of government or state authority.

## **Chapter Two**

### **Locke's Social Contract Theory**

#### **2.1. Locke's Conception of Human Nature**

Like Hobbes, Locke's social contract theory is also on the basis of his discussion of human nature. Both Locke and Hobbes use acts and behaviors of humans as a starting point to their discussion of the need and end of governmental power. But they characterize the nature of human beings differently. Unlike Hobbes, Locke asserts that mutual love and obligation to one another is the manifestation of human nature. For Locke human beings are rational who are concerned for the well being of others. This implies that human beings are not naturally self centered and obsessed by their self interest. They do not compete one against another for power and any other possessions. Instead they are capable of living together peacefully and harmoniously without any prescribed rule of political authority. Locke argued that humans do not fulfill their personal interest at the expense of others as Hobbes describes. This implies that they always consider the interest of other beings when they are doing something (Mouritz 2010:4, Steele 1994: 25-27, Nyamaka 2011: 7-8).

Locke agreed with Hobbes on the idea that humans are naturally free and equal. According to Locke humans are naturally free to govern their actions and administer their property. Locke argued that even though humans are free this does not entail that they are free to destroy the life and liberty of oneself and others. In this case Locke disagreed with Hobbes's assertion of unlimited freedom of humans. For Locke humans are free to do something to the extent that if their action does not harm others and as well as themselves (Cole 1968: 7-8). This implies that for Locke humans do not have a natural right to do everything what is best for their self interest. In this way the difference between Locke and Hobbes with regard to natural freedom of humans is that for Locke freedom is limited whereas for Hobbes it is unlimited. We will see this in detail in Locke's discussion of the life of humans in a state of nature.

Locke claimed about the natural equality of human beings. For Locke human beings are equal in a sense that there is no any level of superiority or inferiority between them. In this case Locke's assertion of equality of human beings is in relation to subordination and authority one

over the other. He argued that though humans can differ in some aspects like skill and mental ability, they are naturally free from subordination and subjection of one another. According to Locke to be free is ‘not to be subject to the inconsistent, uncertain, unknown, arbitrary will of another man’ (Haworth 2012: 118). He said that, human beings are the same creatures and placed at the same rank and have the same right over the utilizations of the provisions of nature (ibid).

According to Locke human beings are endowed with natural rights. These natural rights include life, liberty and property. And these natural rights are the possession of humans prior to the creation of government. For him property and freedom are inseparable. He said that the word property can be interpreted in wider and narrow sense. For him property in wider sense refers to life, liberty and property itself. And property in a narrow sense refers to only the material possessions. Therefore property both in its wider and narrow sense signifies freedom (ibid).

Locke asserted that, whatever is provided by nature is common to all. In this case by using their labor individuals have the right to cultivate and enhance the productivity of land. And if someone exerts his or her labor power over one specific property, then the property only belongs to that person. In this way the property should not be detained or taken by someone else under any circumstance. So according to Locke the earth and whatever provided by nature is common to all and what makes it private is the human labor. This implies that if someone invests his/ her skill, energy and knowledge over one specific property then that property will become privatized. He argued that, God gave the order and permission to utilize and improve the productivity of land and humans can adjust the provision of nature in the way as to become useful. And in addition to this God gave the order to accumulate property which is enough for their life. This implies that God gave them reason to accumulate not to spoil or waste the property of one's labor. But Locke does not give us the explanation of how much amount of resource is enough for the individual to live. According to Locke people claim the right of ownership over some property if they invest their labor (Alevy 2004:6-8, Mossoff 2012). From this we can understand that humans do not have a reason to fight one another for the possession of materials. And the law of nature teaches them to accumulate property as much as they can use. So, people do not conflict one another for the accumulation of resources for their immediate and future desire as Hobbes claims. Locke said that since all people are the creation of God, so accordingly there should not be a hierarchy

among individuals. No one should be fall under the dominant will of others. And individuals are free from the authority of others. In short Locke expresses the natural equality and freedom of humans in the following way:

*A state also of equality, where in all the power and jurisdiction reciprocal, no one having more than another, there being nothing more evident than that creature of the same species and rank, promiscuously born to all the same advantage of nature, and use of the same faculties, should also be equal one amongst another, without subordination or subjection (Hindess 2007: 6).*

Another contrasting idea between Hobbes and Locke with regard to their conception of human nature is that, the issue of moral knowledge of human beings. Unlike Hobbes, Locke asserts that naturally humans know a sense of duty and right that enables them to live harmoniously with one another even though there are no prescribed civil laws. Whereas Hobbes claimed that without government people will not have moral and legal duties and rights. Hobbes asserts that duties and obligation of individuals is the imposition of a government. This implies that for Hobbes prior to the creation of government humans have no any knowledge of moral duties and obligations. Hobbes argued that humans do not have any knowledge of just or unjust. So in Hobbes conception of human nature something is just only when it is preferable to one's self preservation. But for Locke people are naturally morally bounded. He claimed that humans are naturally capable of knowing the notion of justice and unjust. For Locke humans have duties to their fellow beings in their day to day activities (Mouritz 2010: 5-6, Cole 1968:1). In general Locke expresses this human duties and moral obligations to others as follows:

*The like natural inducement hath brought men to know that it is no less their duty, to love others than themselves; for seeing those things which are equal, must needs all have one measure; if I cannot but wish to receive good, even as much at every man's hands, as any man can wish unto his own soul, how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men, being of one and the same nature? To have anything offered them repugnant to his desire, must needs in all respects grieve them as much as me; so that if I do harm, I must look to suffer, there being no reason that others should show greater measure of love to me, than they have by me*

*showed unto them: my desire therefore to be loved of my equals in nature, as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection; from which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn, for direction of life, no man is ignorant (Cole 1968: 2).*

From this expression of Locke we understand that humans have a natural duty of respecting the interest and desire of other fellow beings. Individuals love other fellow beings as much as they love themselves. They are able to understand their equality among themselves. They do not have a tendency of dominating one another. In other words they do not compete for glory and social fame as Hobbes characterized human nature. And humans do not fulfill their private interest as the expense of others as Hobbes describes.

## **2.2. Locke's State of Nature**

For Locke and Hobbes the state of nature refers to the condition of humans' life without governmental. To analyze the source, end and limit of the existing political authority they try to discuss about what was the condition of humans prior to the creation of government. This pre-political condition of humans is called state of nature (Bishop 2007: 13). They believed that consent between people is the source of political authority. They argued that through consent people erect political power to avoid the condition of life in the state of nature. In this regard the idea of state of nature in Hobbes's and Locke's social contract theory is hypothetical explanation of what life of human beings without political authority. Both Locke and Hobbes use the state of nature as a way to analyze the reason why we obey governmental authorities i.e. the source or origin of the legal and somehow moral laws. And they use it as a way to suggest what kind of government should prevail based up on the nature and behaviors of humans. But they differ in the issue of what would be the life of humans without political authority. They provide opposite image of the life of humans in the state of nature. Unlike Hobbes, Locke argued that the life of humans in a state of nature is full of peace and mutual consideration (Hurtubise 1952:2-3, P. Kelly 2006:1-3). This is because of how humans behave naturally. As we have seen in Locke conception of human nature, humans are naturally considerate beings. And there is no sense of

enmity among them. According to Locke this good natural character of human beings makes life in the state of nature peaceful and harmonious.

Locke argued that humans have a faculty of reason. For Hobbes the role of reason is to calculate the most effective thing for the satisfaction of their personal interest without considering the interest of others. But for Locke, the role of reason is to let them to live peacefully and not to harm one another. Both Locke and Hobbes assert that in a state of nature humans are free and equal. But they understand equality and freedom in different senses. In this case the difference is that, for Hobbes freedom implies the right to do everything even to dispose the body of others. And for Hobbes equality implies to individuals in a state of nature have equal capacity to cause a danger to one another. Hobbes's conception of freedom and equality has different meaning in Locke's social contract theory. For Locke freedom refers to being free from the domination of others. In this case Locke argued that individuals in a state of nature are free from any form of subjection. For Locke, individuals are free does not mean that they have the right to do anything. The reason is that individuals have a moral obligation that hinders them not to harm one another. And Locke's understanding of equality refers to no one is having more power than another. So freedom for Locke has limited implication to the extent that no one is having the right to possess and detained the life and property of another person (Haworth 2012:118-119, Bishop 2007: 4-6). Hobbes argued that a state of nature is a state of license i.e. it is a state of unlimited freedom. But Locke rejected this idea in the following way:

*Though this be a state of liberty, yet it is not a state of license; though man in that state have uncontrollable liberty to dispose his person or possession, yet he has not liberty to destroy himself or so much as any creature in his possession (Locke 1690: 107-108).*

In short this expression of Locke can be described as; even though humans are free this freedom is limited. In other words even though they have unlimited freedom to govern and administer their property and life, they do not have a liberty to destroy it. This implies that humans have moral sanction up on their life and property.

According to Locke, the peaceful and tolerable life of humans in a state of nature emanates from the very nature of human beings. For Locke humans are naturally rational (Bishop 2007: 16). He said that human beings are guided by reason to rule themselves. This implies that reason enables them both to be moral and rational in their character. Because of this good natural

character they learn how they can live harmoniously with each other. Locke expresses humans peace loving tendency as “men living together according to reason without common superior on earth, with authority to judge between them, is properly the state of nature” (O’Toole 2011: 55). According to Locke in a state of nature humans live with the presence of peace, law, order and harmony. But when he says law it does not mean a kind of prescribed civil law. Rather it is a law that emanates from human reason and he calls this as a law of nature (ibid). So for Locke it is the law of nature that makes the condition of humans in a state of nature peaceful and harmonious. We shall see what the law of nature is in detail in the following section and we will see what Locke’s notion of the law of nature seems like in contrast to Hobbes understanding of the law of nature.

### **2.3. Locke’s Idea of the Law of Nature**

Locke argued that in a state of nature there is a law of nature. For Locke the law of nature is a product of human reason that used as moral rule for individuals to live peacefully and harmoniously. Locke expresses this idea as follows:

*The State of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possession (Olynyk 2010:133).*

From this expression of Locke we can understand that the law of nature is a kind of moral sanction that guides the actions of individuals. It is a kind of percept that rules individuals to understand the natural equality of humans and to act in a manner to not to harm and dispose the life and property of others. Reason provides the law of nature that makes individuals to live harmoniously without any political power.

As we have seen in chapter one, Hobbes enumerates three main elements of laws of nature. According to Hobbes the laws of nature does not have any moral and legal ground. Rather it is simply a kind of prudence that guides the individuals to act the best thing for their self interest. The reason for this is that, in a state of nature humans do not have any knowledge of morality and they do not have any prescribed civil laws. So the law of nature for Hobbes a rational prudence that enables individuals to do everything that is necessary for their self preservation (L. Pojman 2003:553). Because for Hobbes individuals are self centered creatures and consequently

self preservation is the primary concern of human beings. In this case for Hobbes a law of nature is a principle of seeking peace and war by preferring the advantageous one to self preservation.

Contrary to Hobbes, Locke argued that a law of nature is a kind of principle that guides the individuals to live peacefully and harmoniously. He said that the law of nature provides duties and rights for the individuals to abstain from harming and destroying life and property of others and to protect oneself from such possible harm. But these laws of nature have no authorized power that enforces them. The law of nature for Locke is reason. And it is not a kind of written law and has no fixed penalties that apply on the breaker of that law. For Locke a law of nature is self evidently true without referring to any authority or civil law. For Locke Naturally people can live without superior power by using their reason. This implies that reason can guide them to live peacefully with one another without adopting a government (A.R.M Murray 1953:73-74).

## **2.4. Locke's Social Contract**

Locke argued that the law of nature has no common authority that enforces it. The enforcement of that law lies in the hands of each individual. This implies that every individual has the right to execute the law of nature. In this case there would not be any authorized person to punish the breaker of that law. Everyone can punish for the violators of the law of nature. He argued that in a state of nature every individual has the right to ask any kind of compensation if he or she harmed by anyone. These result from the natural equality of human beings. If every individual has equal power with every one there will not be any reason that a person can submit his natural right to any authority (Steele 1994: 41-42).

On the other hand as we have seen in his conception of human nature, he argued that human beings are naturally good in their character. Locke said that people can live without common superior power with the help of reason. And the state of nature is a state of mutual concern. People do not fight against one another. This implies that, unlike Hobbes, human beings are not self centered. They show sympathy and concern for others. They can live together without quarrel and enmity with guidance of law of nature. So this also makes the state of nature peaceful and orderly.

From the above idea we can ask that if the state of nature is a state of peace and order, why humans need a contract and why did humans leave the state of nature. He himself also raises this question to advance his argument. In this case Locke presents various reasons to answer such questions. He said that in the state of nature there is a law of nature. People live peace fully in accordance with the percept of law of nature. But according to him this law of nature is defective in many ways. So the reason why humans want to enter into contract is to fill such defects. Locke enumerates three main defects of the state of nature. He describes these as the three ‘‘inconveniences of law of nature’’ (Haworth 2012: 120).

The first defect of the law of nature is that it has no common measure of law. This means that in the state of nature there is no fixed and known laws. And there is no fixed application for these laws unlike to the civil laws. In civil laws there are common and fixed applications i.e. when some breaks a law there are fixed penalties for those violations and there is a common measure of law when they are applied to each specific case. But all these are absent in the law of nature. In the state of nature every individual is the executioners of the law of nature. Locke argued that even though humans are rational and considerate beings there are some vicious and corrupt individuals. These individuals are those who are unable to understand the principle and percepts of the law of nature. So, in this case when they execute that law there may be a tendency of bias for their own interest and their relatives. And since there is a variety of application of a law of nature there would be a quarrel and disagreement (ibid).

The second defect of the law of nature is that there is no known authorized authority. This implies that the law of nature does not have any reference to authorized power. Only they refer to the mind of each individual. There is no centralized power to which the laws of nature refer. The third defect is related to the above two ones. He argued that in a state of nature there is no impartial executioner and judiciary power when controversies and disagreements appear. In general what Locke wants to assert is that in a state of nature there are no the three organs of government. This implies in the state of nature the legislative executive and judiciary organs of a government are absent. As we have seen above each person in the state of nature is the judge and executor of the law of nature. This absence of neutral judge forces individuals to become partial to themselves and their relative ones. And since each individual has the right to punish the

breakers of the law of nature this would also leads to the creation of revenge among one another (O'Toole 2011: 3-7).

According to Locke, the above three “inconveniences of the law of nature” make the life of humans in a state of nature insecure and not guaranteed. Therefore for Locke why we need a contract is to overcome such “inconvenience” and to protect the properties of individuals. As we have seen earlier for Locke the word property can be interpreted in narrow and wider sense. In a narrow sense property implies any form of material possessions. In a wider sense property refers to life, liberty and property itself. So it is in need of impartial judges, fixed and known laws and property protection that lead individuals to come to agreement or contract. In general Locke answers the question why people leave the peaceful and harmonious life of humans in a state of nature as follows:

*If man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? Why will he give up this empire, and subject himself to the dominion and control of any other power? To which 'tis obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others. For all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit this condition, which however free, is full of fears and continual dangers. And 'tis not without reason, that he seeks out, and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties, and estates, which I call by the general name property (Haworth 2012: 120).*

In short this can be described even though a state of nature is a state of freedom and equality, the utilization of their freedom is not secured. This implies that there is a possibility for life, freedom and property to fall under the control of others. Locke argued that some corrupt and vicious people can cause a continual fear within the state of nature. Since individuals have equal power to execute the law of nature, there will be a tendency of bias and revenge among them.

This makes the right to property both in its wider and narrow sense unsecured. In this case the state of nature becomes full of insecurity and absence of guarantee.

According to Locke there is no fixed and known law to control some corrupt and vicious individuals. In this case the main purpose of uniting into state or government is to avoid insecurity and to preserve the right of property. And in addition to this Locke describes the main aim of people's obedience to the state authority in the following way:

*The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of nature there are many things wanting.. . an established, settled known law, received and allowed by common consent to be the standard of right and wrong, a known and indifferent judge, with authority to determine all differences according to the established law, power to back and support the sentence when right, and to give due execution (Cole 1968: 7).*

Therefore, according to Locke why humans make a contract to obey governmental laws is to gain secured property right and to bring impartial judges that can settle disputes arising within themselves. And in this case the source of political power emanated from the will of the people in search of secured peace and order. By entering into a contract individuals will benefit a secured right of property because in the state of nature the right to property is in danger of being disposed by some vicious and corrupt individuals. After a contract Laws will become settled and adopted by known authorized person. And laws will be executed and interpreted by impartial judges. In the state of nature everyone is equally the interpreter and executor of the law of nature. So there are always controversies and disputes within the application of the laws. So in general to overcome insecure and unstable life of state of nature, people come to contract (Locke 1690: 114-115).

Locke's contract is made between the people among themselves to form a government. In Hobbes's social contract, the government or the sovereign does not make a contract with the people. But in Locke's social contract the government itself is a party to the contract. This implies that the government is subject to its own laws. In this case, Locke argued that people surrendered some of their rights to the government. The right to property is not subject to

surrender in Locke's social contract. What the individuals surrender to the government is the right to interpret, implement and execute the law of nature. He said that the right to property both in its narrow and wider sense will not be surrendered to the government because such right is gained prior to the creation of political authority (P. Kelly 2006: 30). And in this case people do not surrender to one single authorized political power as Hobbes describes. Locke asserts that, people surrender their right not to one sovereign power but to the community as a whole through their representatives (ibid).

According to Locke the government should exist to serve the people. By using a contract individuals surrender their rights to the majority rule to secure mutual preservation. This implies that laws are adopted in accordance with the majorities' will. In Locke's social contract individuals can consent to political authority in two ways. This means there are two kinds of consents. These are tacit consent and express consent. Tacit consent implies when someone consents to obey one political authority without directly giving his voice to that authority. For instance if one person leaves for another country and enjoys protections and social services of that country, even though the government in power does not come through his will, the person is said to be tacitly consented. And according to Locke a child may not express his will to one government but he or she is ruled by that government's authority. In this case if the child inherited property from his parents this inheritance indicates that the child tacitly consented to that government's authority. The second kind of consent i.e. express consent is when someone gives voice to one government either directly or indirectly by means of election. So, people consent to government's power either through express consent or tacit consent. According to Locke both forms of consent signify that the source of state authority is the agreement of the people. In this sense he also argued that a government is legitimate when it comes through the consent of the people (Dietrich 2014:13-15).

## **2.5. Limit and Power of the Authorized Government in Locke's Social Contract**

As we have seen in chapter one, Hobbes claimed that the state of nature is a state of war one against the other. To escape from this state of war people entered into a contract. Through a

contract the people surrendered all of their natural right to one single sovereign power. For Hobbes sovereign power should have an absolute power over the people. And rebellion against the sovereign power is not justified. For Hobbes any form of law should be implemented, executed and interpreted by the sovereign. This implies that there should not be a separation of power.

Contrary to this idea of Hobbes, Locke argued that the state of nature is not a state of war one against the other. Rather it is a state of peace and order. This peace and order emanated from the guidance of the law of nature which is found out by reason. But this law of nature has many deficiencies that can possibly result in insecurity and disorder. This implies that as a result of the deficiencies of the law of nature the life, liberty and property of will fall into insecure and unguaranteed situation. So Locke asserted that the main reason why people entered to a contract with one another is not to overcome the war of one against another as Hobbes claims. For Locke it is rather to overcome the deficiencies of the law of nature and accordingly to make the life, liberty and property of the people secure and guaranteed (A.R.M Murray 1953:71-75).

Locke said that in a state of nature all individuals have equal right of executing the law of nature. Through a contract people do not surrender all of their natural rights to one single political authority. Rather what the people will surrender is only right of execute and implement law of nature. In this case the people give these rights not to single sovereign power but to the community as a whole through their representatives. In this way the duty of the government is to protect the life, liberty and property of the people which are unsecured and unguaranteed in a state of nature. If the government fails to preserve these rights the people have a right to rebel and overthrow it. In this way Locke argued that a government should have limited power. And the powers of the government should not be put in the hand of one dominant power. This implies that, there should be a separation of power among different branches of a government. And among these divisions there must be a checking mechanism. This refers to in order to control the performance of each branch of government there should be a checking mechanism among them. For Locke if the legislative, judiciary and federative organs of a government lie in the hands of one single political power there will not be impartial judges. And there would not be a standing power that the people appeal to and generally this makes the people the slave of the ruler (Haworth 2012:123-124, P. Kelly 2006: 38-40).

According to Locke the three organs of a government are legislative, judiciary and federative. Each of these organs has their own respective function. The legislative branch is the people's representative and its function is to make laws. The role of judiciary organ of a government is to execute law which is implemented by a legislator. The function of the federative organ is to deal with external affairs of the state. And its action is accountable to the legislative organ. It deals with external affairs by representing the will of the people. And for him the legislative branch is the supreme power in the state. And it is also derived from the consent of the people through their representatives (ibid).

The government's authority should emanate from the consent of the people. He said the government's authority should only prevail for the benefit of the people. For Locke a government is nothing other than a machine created for the well being of a society. Unlike Hobbes, Locke argued that the government should not have an absolute power. This implies that the power of the government should be limited in all circumstance. He said that, the government should not enslave or destroy the people. And the government should govern the people by known and clear laws. Government has no the right to take the property of the individuals. This is also contrary to Hobbes idea of the right to property is the willingness of the government to let the people to possess and hold property. Locke claimed that the government should not break the natural right of the people. And the legislative organ of the government should act according to principle of law of nature. According to Locke a government must not be monarchical rather it must be a limited democratic system. For him it is only limited democratic government that can assure the natural rights of the people. For Locke under absolute monarchy the status of the people dragged to the level of slaves. And this contradicts the natural freedom of the people (O'Toole 2011:60-62).

The obligation to governmental power depends so far as it is able to protect the life, liberty and property of the people. He argued that in the state of nature people are governed by the guidance of the law of nature. This law of nature teaches the percept that every individual is naturally free. This implies that, every individual is free from the subordination of others. And every individual has the right to use the provision of nature and have the right to execute the law of nature. So, except the right to execute the law of nature, every individual must enjoy all these rights. According to him the government has the duty to protect these rights which are dictated by the

law of nature. In this case the government should perform in accordance with the percept of the law of nature. Since the reason why people entered into contract is to assure these natural rights, so the contract continues until the government is able to do so (Haworth 2012: 126, and Murray 1953: 77-78).

According to Locke, a government can be altered, amended and changed under the following conditions. One whenever the ruler acts according to his own will rather than the prescribed and defined law of the state. Second it can be dissolved when the ruler hinders the legislative organ from implementing laws that can serve for the end of the community. Third when the ruler altered the time or the way of election without the consent of the people. Forth, it can be changed when government lets the people under the dominion of foreign power. Five, when the executive power of the government neglects to execute the laws which are implemented by the legislative organ (O'Toole 2011: 70-71).

In general the government is the servant of the people and if the government fails to serve the people it is subject to recall. This implies that people have uncontrolled liberty to rebel against inefficient performance of the government. And according to Locke revolution is legitimate when the government fails to serve the well being of the people. Locke argued that rebellion over inefficient government should be supported by the majority of the people (P. Kelly 2006: 44).

Hobbes argued that, when the people once surrendered their rights for the sake of protection they should not be revolt against the ruler. Hobbes said that whatever the ruler acts cannot harm the people because the ruler comes through their consent. For Hobbes revolution causes reversal to the state of nature which is a state of war of one against another. So Hobbes presents two alternatives i.e. either to live under the law of absolute ruler or reversal to the state of nature. Locke denied this idea. Locke asserted that, government and people are two different things. The government is the machine that formed for the interest of the people. So the dissolution of a government will not result in the dissolution of the society. Hobbes argued that, a government can be formulated by force what he calls government by acquisition. For Hobbes this government has the right to rule the people if it secures the self preservation of each individual. Locke rejected this idea by arguing that, the aggressor or conqueror can never have right to rule the conquered people even through a just war (A.R.M Murray 1953:77-79, Haworth 2012:125).

In general in Locke's social contract theory a government is formed through the consent of the people among themselves through their representatives. This implies that individuals surrender their natural right of executing the law of nature to the government and the government performs in accordance with the percept of law of nature. In this case the purpose of surrendering is to preserve the life, liberty and property of the individual. And if the government acts contrary to the interest of the people and if it fails to preserve the life, liberty and property of the individuals, the people have the right to over throw the existing government. In this way the government has to be assessed periodically through its checking mechanisms. And according to Locke revolution against state authority should not be an act of the minority. He said that even though revolution begins with the minority it should gain the support of majority. For Locke the majorities' support makes revolution meaningful, moral, political and legal (P. Kelly 2006:43-45).

In my over all analysis and discussion of Locke's social contract theory I disagree on three of Locke's main concepts. To deal with these ideas first let us see Locke's argument in short. What Locke wants to assert is that human beings are naturally sociable but not political. And in their social interaction they show mutual love and affection for one another. This mutual love and affection emanates from natural reasonableness of humans. This implies that their faculty of reason enables them to understand their equality and freedom. And reason provides laws which guide individuals to live peacefully. These laws are called laws of nature. Laws of nature are known through the intellect or reason. They are just like the commandment of God. God gave reason to humans and through this reason they are able to know these laws. So because of the law of nature the condition of humans in the state of nature is peaceful and harmonious. But according to Locke there are individuals who are unable to understand and reveal these laws. In addition to this the law of nature has no authorized power that can implement, execute and interpret it. Every individual in a state of nature is the judge and executor of the law of nature. So the law of nature lacks impartial executer and interpreter. This absence of impartial judge paves the way some individuals (those who are unable to understand the percept of the law of nature) to become partial to themselves and their relatives. Therefore the partial tendency of some vicious and corrupt individuals makes the life of humans in the state of nature unsecure and unguaranteed. And the remedy for this is creating a government. In this way each individual surrenders their natural power of executing and interpreting the law of nature to one authorized political power. This erected government implements laws according to the will of majority to

enhance peace and security. The government must have a limited power and should not perform contrary to the will of the people. If the government fails to protect the natural freedom and equality of humans, the people have the right to revolt and overthrow the government. Revolution against insufficient government is the right of the people. But, in this case, the revolution must be supported by the majority of the people.

Therefore my first criticism for Locke is, regarding his idea of the reason why humans leave the state of nature and come to a contract to form a government. From his argument what we can understand is that the need for creating a government is to control the people who are unable to understand the principle of the law of nature. This implies that if all people are able to reveal and understand the percept of the law of nature there will not be a reason to form a government. And according to Locke human beings are naturally rational. But he argued that human reason at birth is not fully developed. When it becomes developed, individuals will start to rule by law of reason i.e. the law of nature (Bishop 2007: 13-15). So, this all shows that if mentally immature are few in numbers and can be controlled by the reasonable one's people will not come to a contract.

On the other hand Locke argued that the bias tendency of some corrupt individuals is the reason for why the state of nature becomes unsecure and unguaranteed. In the state of nature every individual is the executor and interpreter of the law of nature. In this case some individuals (those who are unable to understand the principle of the law of nature) may be biased towards themselves and their relatives. According to Locke the bias tendency of individuals results from the failure to understand the law of reason (the law of nature). And fail to understand the law of nature for Locke implies that their reason is not fully developed. So in this regard my question for Locke is that, if the individuals can be biased towards/ against themselves and their relatives how can we say that their reason is not fully developed? Because, in my opinion their bias signifies their ability to rationally calculate the most important thing for themselves and their relatives. So I believe that, unable to understand the principle of the law of nature does not refer to their reason is not fully developed rather it shows that they are selfish and rational who able to know the most important thing to themselves and their beloved one. So directly and indirectly Locke's reason why government is needed signifies to control the selfish nature of humans. So this contradictory claim about human nature and the law of nature can't lead us to believe his assertion of why humans decide to quite the state of nature. In my opinion the reason why people

come to agreement is to overcome the clash of interests among individuals which emanated from egoistic nature of human beings as Hobbes claims.

My second criticism for Locke is regarding his assertion of majority rule to adopt laws and regulation. Locke argued that to avoid the condition of the state of nature people surrender their natural right of executing and interpreting the law of nature to government through their representative. And the government adopts impartial executor and implementer of the law. But the laws are implemented according to the majorities' will. The government acts and performs in accordance with the will of majority. Today many scholars are criticizing the principle of majority rule since it is the denial of the minorities. In this regard I do not intend to criticize Locke's support for the principle of majorities rule by itself. But what I want to show is that Locke's principle of majority rule is contradictory to his idea of the natural equality and freedom of humans. In his doctrine of human nature he asserts that human beings are naturally free from the subordination and subjection of others without their consent. This implies that they should not fall under the domination of others. But in this regard if rules and laws are implemented according to the will of majorities and if there is no any attempt to harmonize the will of minorities with the majorities through consensus still the minorities are under the subordination and subjection of others. The reason is that the minorities do not have any chance other than subjecting and subordinating to the will of majorities. So in my opinion Locke provides inconsistent way of rule to the naturally free and equal humans.

My third criticism of Locke is with regard his idea of the right to revolution against inconsistent and insufficient government. According to Locke people have the right to revolt if the government fails to protect the life, liberty and property of the individuals. But he said that the revolution must be supported by majority people. In my opinion if the revolution is limited by majority support, the minorities do not have the right to overthrow the government. What I mean is that, the minorities do not have the chance to overthrow and revolt if the government acts contrary to their will. So there will be the possibility for the minorities to fall under the arbitrary will of government. And if the minorities fall under the domination of the majorities rule, this against the natural equality and freedom of human beings. Therefore Locke's idea of the right to revolution which is supported by majority is contradictory to his idea of all human beings are naturally free and equal.

Apart from these criticisms I agree with Locke's idea of Government should be limited and must be a party to the contract. Hobbes argued that a government should have an absolute power over the people. But this is inconsistent with natural liberty and freedom of humans. According to Hobbes human beings are selfish and egoistic by nature. And for him the selfish nature of humans must be controlled. But for Hobbes the government that should be erected to control the egoistic nature of humans has unlimited power. I believe that, in this regard Hobbes is mistaken because the sovereign by itself is human so it needs a law to control his or her power. Therefore the proper remedy for this inconsistency of Hobbes is Locke's idea of Limited government. We will see this in detail in my reconciliation of the competing views of Hobbes's, Locke's and Rousseau's social contract theory.

## **Chapter Three**

### **Rousseau's Social Contract Theory**

#### **3.1. Rousseau's Conception of Human Nature**

Like Hobbes and Locke, Rousseau also uses the concept of human nature as a basis for his political theory. In his discussion of human nature he asserted that "man is born free and everywhere he is in chains" (Rousseau 1762: 2). This has the implication that human beings are naturally free but they are in a state of domination and subjection. Therefore, for Rousseau the purpose of social contract is a remedy to this unnatural subjection and domination of humans one over another. This implies that the aim of social contract is to restore the natural freedom and liberty of humans.

According to Rousseau the only social attachment that exists among human being is the family. In this social bondage the children are subjected to their parents. Rousseau argued that this subjection of children to parents continues only until the children become self-sufficient. This implies that the dependence of the children is only for the sake of preservation and it dissolves after they become able to take care of themselves. He said that if the connection between the parent and children continues this is because of the agreement between them. And family by itself is the result of agreement between persons. He asserts that family is the first model of political society. For him from this model, the father can be taken as the ruler and the children as the people. He argued that both these members are born free and equal. They alienate their liberty only for the sake of their advantage. This implies that the children benefit preservation from the family and father benefits love from the children. In this regard Rousseau argued that, no one has a natural authority over the other. This implies that a person cannot have a natural right to rule someone outside the consent of the governed. So it is only by convention that someone can have an authority over another ((Bennet 2010:3, A. Cress 1987: 35-36).

In the case of human traits and behaviors, Rousseau characterizes human beings naturally as solitary and primitive. In this case, he agreed with Hobbes before the birth of the state and

government, humans were solitary but unlike Hobbes, Rousseau argued that even though they were solitary they were good and happy. For Rousseau human beings do not fight one another for resource, fame and glory as Hobbes describes. Opposite to Hobbes, Rousseau argued that humans were concerned only about their immediate satisfaction. And humans do not have any reason to fight one another at all. Rousseau characterizes individuals in a state of nature as “savage man” (Labde 1972: 2). For Rousseau humans do not have a faculty of reason to calculate the most effective thing for their lives and they lack reason as guidance on how to behave with other fellow beings. He said that the desire of the humans is only limited to what we call the basic needs. This shows that human beings do not have extended desires other than their simple and immediate satisfactions. Rousseau asserted that human beings are amoral. This amoral behavior of humans is neither immoral as Hobbes asserts nor moral as Locke describes. This implies that, for Rousseau humans do not manifest immoral acts to one another and they did not govern according to moral principles (ibid).

So from this explanation we can conclude that, Rousseau’s assertion about natural goodness and happiness of humans is somehow similar with Locke’s idea. In this regard the difference is that, Locke claimed that good character of humans emanated from the percept and guidance of law of nature. This implies that, the law of nature served as a normative principle to guide them as how they ought to behave. This shows that, according to Locke people are naturally social beings but they are not political. And for Locke it is the law of nature that makes the social interaction of humans harmonious and peaceful. But for Rousseau humans are naturally solitary i.e. not social beings and not political. And unlike Locke, Rousseau argued that humans are not naturally subject to any law or moral prescriptions. In general we shall see how Rousseau describes the life of humans in a state of nature in the following section.

### **3.2. Rousseau’s State of Nature**

Rousseau’s conception of the state of nature is in some part similar with Hobbes’s and Locke’s concept. Similar to them, for Rousseau the state of nature signifies absence of political power. Rousseau shares Hobbes’ idea of the solitary life of humans in a state of nature. For Hobbes and Rousseau the state of nature is both the absence of political power and social existence. This is what differed Rousseau’s with Locke’s idea. For Locke what the state of nature lacks is only

political power. This implies that in the state of nature there is no commonly assigned authority that can govern the acts and traits of human beings. Locke argued that, acts and traits of humans are governed according to the percept of law of nature. And this law of nature is the product of human reason. So we can equate the law of nature with reason. For Locke in the state of nature every individual is the interpreter, executor and legislator of the law of nature. And it is the law of nature that makes humans social being and capable of living together without common authority. Contrary to Locke's idea, Rousseau asserts that in the state of nature there is no law of nature and any other civil law that can guide human beings. Rousseau said that, in a state of nature individuals were savages who are concerned only about their immediate existence. So for Rousseau humans are naturally not social beings and political (Labde 1972: 11-12, Aondohemba 2014: 5-7).

With regard to the condition of human beings state of nature, Rousseau agreed in some part with Hobbes and in some part with Locke. Rousseau shares the idea of Hobbes; in the state of nature humans are solitary. This implies that in a state of nature individuals are not social beings who live through the guidance of moral and legal prescriptions. But in this regard the difference between Rousseau and Hobbes is that, for Hobbes in the state of nature individuals are self centered. This means that they are egoists and try to satisfy their personal interests even at the expense of others. Hobbes argued that, individual desires are not only limited to the immediate satisfaction but also extends to the future. For Hobbes this egoistic behavior of human beings makes the life of state of nature as a state of war one against the other. And he claimed that, in the state of nature there is no absolute measure for the moral terms of good and bad. In general for Hobbes in a state of nature human beings are immoral. But for Rousseau even though in a state of nature individuals are solitary and individualistic, they do not quarrel one with another for their personal satisfaction. This implies that there is no sense of enmity and competition between individuals. Rousseau said that the desire of humans is limited only to immediate satisfaction. This means that their desire is not future oriented (Labde 1972: 12-14, Simpson 1999:7). So like Locke, Rousseau describes the life of humans in the state of nature as peaceful and harmonious. But Rousseau disagreed with Locke, with the idea that the peace and harmony is the result of the guidance of the law of nature. Because for Rousseau in a state of nature individuals are free from any moral and legal sanction.

According to Rousseau the solitary and isolated life of human beings in the state of nature could not exist longer. Rousseau insisted that, people transform from the nomadic and solitary life to the more communal and settled way of life. He said that, as a result of the growth of the number of population they begun to live together. And accordingly they start to cooperate and unite for their common interest. This social cooperation paved a way to form the first social institution i.e. family. And the creation of several families leads to the formation of societies. He argued that with formation of society the idea of private property began to appear. And within the community agriculture also started. Therefore this activity of agriculture creates a sense of inequality and a claim of private property. This implies that, the productivity of individuals begun to contrast by their values. And consequently they began to compete for the possession of more property. So, according to Rousseau the peaceful and harmonious conditions of life started to destroy with the formation of society and the beginning of private property (ibid). Rousseau describes the result of private property to social inequality as follows:

*The stronger did more productive work, the more adroit did better work, the more ingenious devised ways of abridging his labor; the farmer had greater need of iron or the smith greater need of wheat, and with both working equally, the one earned plenty while the other had hardly enough to live on. It is thus that natural inequality merges imperceptibly with inequality of ranks, and the differences between men, increased by differences of circumstance, make themselves more visible and more permanent in their effects, and begin to exercise a correspondingly large influence over the destiny of individuals (Haworth 2012:152 ).*

This expression of Rousseau indicates that, the working ability of individuals creates the competition to get more valuable materials and it paved the way to create the standards or ranks among naturally equal and free individuals. And this has the implication that an individual having more and valuable resources creates the opportunities to dominate and subjugate to those who have not. This artificial inequality of human beings destroys natural equality and freedom of human beings. So the beginning of private property leads to the creation of extended desires and pursuit of valuable materials. For Rousseau this competition for resources and extended desire causes social inequality.

According to Rousseau with the increase of population people started to live with limited resources. They started to fight for these resources and some of them also began to depend on others for survival. In general for Rousseau the growth of population causes a number of phenomena. For instance it leads to create an association among them. He said that with these human associations the savage man began to be aware of himself or herself i.e. an individual began to compare him or herself with others and as a result passion like pride and honor began to manifest. Rousseau argued that the growth of population contributed to develop a language which was not in solitary life of humans. After they began to merge together, they created family and other relationships. And at this stage individuals started to realize and be attracted towards luxurious objects and to particular persons. According to him the use of luxury thing becomes habitual. Consequently as the consumption of luxury goods becomes habitual the happy nature of humans starts to be distorted because, competition becomes mandatory to get these luxury objects. And Rousseau said when humans started to live in communal life individuals desired to be esteemed and valued more than others. And individuals learn the idea of how to behave. For Rousseau this stage is the birth of morality. The moral terms of virtue and vice started to dominate the passions of humans and consequently individuals began to compete for this status ranking (Rousseau 1762: 2-10).

According to Rousseau the formation of societies also results in the transition from hunting to agriculture and then to metal works and so on. For him his transformation creates division of labor and social inequalities. He argued that, with the division of labor individuals started to depend on the labor work of others for survival and accordingly this creates the subjection of one person to others. This implies that individuals started to depend on the supplier of one specific product and they began compete with one another to possess valuable properties. According to Rousseau these factors created inequality of properties and somehow the competition leads to humans to change their behaviors. So, according to him when people began mixing together the healthy condition of humans in the state of nature destroyed (ibid).

Therefore in general Rousseau discusses the condition of humans in a state of nature in to two sections or stages. What I want to say is that, Rousseau classifies the life of humans in what he calls the “ pure state of nature” (Labde 1972: 13) and the condition of humans after the birth of social life or interactions. According to Rousseau the condition of humans’ life in the pure state

of nature is better than that of modern and civilized life of societies. In Rousseau's pure state of nature humans do not have families and other kind of social relationships among them. He said that even the relation between child and mother ceases after the child becomes self sufficient. And as we have seen in the above section the primitive humans do not have language. All the language and any kind of relationship created through a number of progresses. In this case he argued that, as the number of population increases, people were forced to collaborating with one another and as a result language becomes mandatory (ibid).

So we can conclude that for Rousseau it is this social interaction and relationships that makes the state of nature corrupt and insecure. This implies for Rousseau insecure and corrupt condition of the state of nature does not emanate from the natural tendency of human beings as Hobbes describes. Rather Rousseau claimed that such deficiencies of the state of nature originated from the artificial things just like social interactions and collaborations among themselves. In general what Rousseau asserted in relation to Hobbes, is that, human beings are not naturally immoral. Rather he claimed that these immoral traits resulted as a result of social interaction. And opposite to Locke, Rousseau said that human beings are not bounded by moral and legal laws. This implies that individual live outside of any moral knowledge. So for Rousseau why contract is needed is to overcome the deficiencies of the state of nature which resulted from human's social interactions and relationships among themselves. We shall see in the following section how contract is made in his discussion of social contract.

According to Rousseau the inequality of human beings and natural freedom of humans would only be restored by a social contract. This implies that Rousseau proposes a social contract as a remedy to overcome such social problems which resulted from private property and other social institutions. In other words why humans entered into a contract is to avoid inequalities and to maintain natural freedom which was enjoyed in the pure state of nature. This pure state of nature implies that the condition of human beings before they began to merge together or when they were solitary (Haworth 2012: 155-1556).

### **3.3. Rousseau's Social Contract**

In the above sections we have seen the factors that led people into contract. Now in this section we will see how this contract can be made. Rousseau's social contract describes the relationship

of individuals among themselves and with their government. Depending upon his analysis of human nature he attempts to show the source and limit of governmental power. In this sense like Locke and Hobbes, Rousseau said that consent between people is the source of political authority. This implies that government is the product of the agreement among humans. And why we obey a governmental law is because we consented to do so.

But Rousseau disagreed with Hobbes and Locke with the issue of how this contract is made. Rousseau argued that at the pre stage of the state of nature or what he calls the pure state of nature humans were solitary, good and happy. But as solitary life of human's ends i.e. with the beginning of social life, this happy and good condition of humans is destroyed. So accordingly these lose of happy and good life is the main reason why humans were forced to enter into contract. In short Rousseau explains the aim of the social contract; "to find a form of association which defends and protects the whole common power the person and property of each associate, and in which each, uniting himself to all, yet obeys himself alone, and remains as free as before (A. Cress 1987: 141).

This explains that; the aim of social contract is to form an association that created through the willingness of individuals to secure their peace. So social contract is an act of erecting a government and the duty of this government power is to assure liberty and security of individuals as a whole. This implies that since this common power emanated through their consent directly, individuals are governed by their own laws and principles. And for Rousseau ruling and governing by one's own law is freedom. So in the other way the purpose of erecting government or social contract is to gain freedom. In this case social contract is a remedy to the hazards of the state of nature which resulted through a number of progresses. And accordingly social contract or consent aimed at restoring the natural freedom of humans which prevail in the initial stage of the state of nature.

According to Rousseau in the act of social contract individuals surrender their right to that of what he calls the "general will" (Canivez 2004: 6). This general will is neither the will of majority nor the will of all. For him only the general will can secure the natural freedom of humans. According to Hobbes, to overcome the harsh conditions of humans in the state of nature individuals must surrender their natural right to one sovereign power. Rousseau rejected this idea by arguing that, the natural rights should not be surrendered to anyone. This implies that entering

into social contract should not be by losing one's own absolute sovereignty. For him sovereignty is "indivisible and inalienable" (C.R. Merriam. JR 2001: 18). This implies that the power of ruling oneself should not be given to one assigned political power and there is only one sovereign power which constituted each member of the community.

According to Rousseau, the natural right should not be also surrendered to the majority's rule as Locke describes. Rousseau's claim seems the reconciliation of the individual's and the communities' interest as a whole. According to Rousseau the interests and desires of individuals must be harmoniously united with the interest of community as a whole. This shows that individuals' desire and interest should not be sacrificed for the sake of the majority's interest. And also for him interest should not fall under the arbitrary will of single dominant political rulers. In this case, in a given community each one has a natural freedom and the variety of desires and interests should be united for the sake of communal freedom. This implies that every case in a community should not be decided by the majority or by rulers alone rather it must be decided by all members. For Rousseau in this act what is needed is not the total agreement of the members but the differing opinions and desires taken for use of the entire community not for the sake of majority or the ruler. As Rousseau said when one issue and law is presented to the assembly, the individual will not be asked whether he or she agrees or disagrees on the issue or law. He said that what the individual is asked is that whether the issue and law conform to the common interest. So in this case the individual's interest and majority's interest would not take as the primary task. Each individual enjoys his or her natural right as a whole (Haworth 2012:160-161, A. R. M Murray 1953: 84-83, Stones 2013:6 and Carrthers 2008:3-4).

Rousseau describes the rights of individuals when they enter into social contract as "each individual nevertheless recovers the equivalent everything he loses, and in the bargain he acquires more power to preserve what he has" (Carruthers 2008: 4). This implies that individuals consent to political authority should not result in a total loss of what they have acquired before a contract. When they surrendered their natural right to one political authority they will gain a liberty proportionate to what they have surrendered. So the power of deciding up on matters still remains in the hands of the people and in this case the government or the "body politic" is only the executioner of what is adopted and decided by the people commonly.

### **3.4. Rousseau's Concept of 'General Will'**

According to Rousseau the general will represents the desire and opinion of the sovereign body. For him the sovereign body is the people as whole. This implies that sovereign body is not the absolute and totalitarian political power as Hobbes asserts. For Rousseau the sovereign power is created when the whole people surrender their natural right to what he calls the general will. This general will act for the common interest. He argued that legitimate sovereignty is the exercise of the general will. Rousseau defines the concept of general will as "the total alienation of each associate, together with his all of rights to the entire community but in giving himself to all, each person gives himself to no one" (Stone 2013: 8 ). This implies that each individual give themselves to the entire community equally but does not give to any other individual. In other words each individual surrenders his or her freedom to the sovereign and this sovereign is equal to each member of the community. This shows that each individual has equal rights of deciding anything in the community or the decision of the community as a whole rules the opinion and interest of the people. So he argued that sovereignty should not be represented. This implies that the decision making should not be represented by the majority or the single ruler as Locke and Hobbes discussed respectively. Rousseau said that when the sovereign is represented by the representatives then this represented one always acts in accordance with the interest of the represented ones. So those who are not represented or minorities will be oppressed (H Woolner 2009: 3-4, Schwartzberg 2008: 1-2).

Rousseau argued that each individual is a part of the sovereign body. He describes this idea as "Just as nature gives each man an absolute power over all his members, the social compact gives the body politic an absolute power over all its members" (Stone 2013: 10). This implies that the rule and decision posed by the general assembly becomes the moral and legal standard to the whole members of the community. Each individual is active participant in the exercise of the general will. In this case the interest of the general will must also be the interest of the members of the community. For him the will of an individual should not be contrary to the interest of the general will. In this case if someone has an opposite interest with the general will, the person is in the state of wrongness. He elaborates this idea by saying "when therefore, the opinion contrary to mine prevails, this proves merely that I was in error, and that what I took to be the general will was not so. If my private opinion had prevailed, I would have done something other than what I

had wanted. In that case I would not have been free'' (ibid: 12). This implies that when an individual wills becomes contrary to that of the general will, he/she is opposing one's own will.

For Rousseau when the individual opposes the general will, this will is not true and actual will of the individual. According to Rousseau true will of the individual is always conforms to the general will. The sovereign make the interest of the individual to conform to the interest of the general will. Rousseau argued that the general will is different from the will of all and majority will. Majority will implies ideas or interests which are shared by the majority people out of the whole community. And the will of all refers to ideas which are shared by the whole people. This will of all can be described as total will of individuals. But the general will is the will of individuals in the community which conforms to the will of the community as a whole. So what makes the will is general is not the total number of wills shared by the individuals rather it is the conformity of individual wills with the will of community as a whole (Haworth 2012: 164, Schwartzberg 2008).

According to Rousseau the people are both the sovereign and the subject. This implies an individual is a subject because each one submitted his or her rights to the community as a whole. In this case the individual is forced to obey the laws of the community. So this refers to he or she is subject to the laws posed by the assembly or body politic. On the other hand he or she also a sovereign body because the person is active participant in decision making and adopting laws and regulation of the community. This implies that he or she is obeying one's own rules and laws. For Rousseau the executed law is the expression of the general will. He argued that the general will is both the will and interest of people as a whole and it also includes the will of each individual (Rousseau 1762: 11-14). In this case the will is true and this will is always right. The general will is always right implies that, it secures the liberty and freedom of each person in the entire community. Since each individual is obeying one's own laws, only the general will is genuine in securing the freedom of the person. According to Rousseau freedom means'' being ruled by one's own laws'' (Cavinez 2004:6). Therefore for Rousseau if law is adopted according to the majority will, in this case the members of majorities are free because they are ruled by their own laws. In this way the minorities are not free, because they are ruled by the laws of majorities not by their own laws. So for Rousseau freedom is a matter of ruling by one's own

law. In this case only the general will can secure the freedom of each individual in the entire community (Haworth 2012: 167-168, A. R. M Murray 1953: 85-86).

In general what we can understand from Rousseau's social contract theory is that, humans are not naturally egoistic as Hobbes describes. And they are not also social who care for the well being and harmony of others as Locke insists. Rather Rousseau claimed that, human beings are naturally solitary and savages. But according to him this solitary and savage condition of humans could no longer exist. Through a number of factors the lives of humans began to change. As a result, this happy and good nature of humans is converted into harsh and unsecure. The factors like increase of population, divisions of labor, social interaction and so on distorted the harmonious and secure condition of humans in a state of nature.

Therefore according to Rousseau corrupt and unsecure condition of humans in a state of nature does not emanate from the natural traits and behaviors of human beings. In this case Rousseau puts social contract as a remedy to these man-made social problems. In this case, for Rousseau through a contract people do not surrender their natural right to a single political power as Hobbes explains. And they do not also surrendered to political power through their representatives as Locke describes. According to Rousseau rather they surrendered their natural right to the community through direct assembly. And the political power that executes the law made by the people is called the general will. This general will act in accordance with the community's interest without denying particular interests. Laws are made directly by the members of the community and the function of this general will is only to execute these laws which are made by the people. In this connection he also asserted that every individual is sovereign because he or she is ruled by his or her own laws. According to Rousseau sovereignty should not be represented. This implies that laws should not be implemented by the representatives of the people. In this case the power of the government or body politic is only limited to execution of laws. It does not include making and interpreting laws.

In my analysis of Rousseau's social contract theory I find two main questionable issues as far as my understanding is concerned. The first one is his idea of the reason why humans left the state of nature and come to political authority. And the second one is his idea of sovereignty should not be divided and represented.

So let me begin with the first one. As we have seen in the above sections, for Rousseau why humans come to contract is not to control the selfish nature of human beings as Hobbes describes. And it is not also to overcome the deficiencies of the law of nature as Locke asserts. Rather Rousseau presents a number of factors, like social interaction, institution of private property, the increasing number of population and so on, for the reason why humans come to a covenant or a contract. As Rousseau said at initial stage of the state of nature the life of humans was good and harmonious. But as the result of the above factors this good and harmonious condition of humans was destroyed. For Rousseau these human made factors, directly or indirectly, made the behavior of humans corrupt. This implies that these man-made factors make human being egoistic who fight for resources, social fame, glory and the like.

So in my opinion Rousseau does not provide a genuine reason why humans quit the state of nature and come to contract like Hobbes. Indirectly what Rousseau is saying is that, selfish behaviors of humans did not emanate from natural tendency of human beings. Rather he said that, these egoistic behaviors prevail as the result of the above enumerated factors. So my question is, if humans are naturally good, free from egoistic passion and so on how can the factors he have mentioned corrupt their traits and behaviors ? Rousseau characterizes human being as lacking the faculty of reason. For him humans are naturally solitary and savage. They are only concerned for their simple and immediate satisfaction. For me Rousseau's reasoning is defective for in many ways. First if humans are naturally free from passions like egoism, social fame and so on, in my personal opinion it is unlikely that this inherent human nature will change under any circumstance. For instance let us take animals. So how these natural traits or behavior will change by the above factors? Because Rousseau characterizes human behavior at the first stage as other animals.

Therefore in my opinion factors like, social interaction and collaboration among people by themselves cannot happen unintentionally. Rousseau insists that the savage humans come to social interaction without realizing its importance. I don't agree with this idea. I believe that social interaction and collaboration which comes as a result of increase of population can emerge only by calculating the benefits which could be gained from these collaboration and interaction. I think these factors mentioned by Rousseau may contribute to humans to behave more aggressively more than before because as Rousseau claimed humans are by nature solitary.

So in my opinion rather than claiming humans are naturally solitary, harmonious and equal but later they became social, egoistic and unsecure through a number of manmade factors, it is more logical to say humans are naturally egoistic and rational even though they are solitary. And it is better to say that, this egoistic and rational behavior manifested and realized itself as a result of increase of population, private property, social interaction, division of labor and so on. In general what I want to say in this regard is that social interaction itself cannot emanate from external factors like increase number of population as Rousseau describes, rather it is the result of the rational calculation of the benefits gained through it. So, directly or indirectly, egoistic behaviors, the desire to possess property and the desire to gain honor, respect and glory and so on are the result of inherent human nature. Escaping from state of inequality i.e. the state of nature is the result of rationally calculating the most effective thing. So consent can be made when humans are rational who understand the importance of living under political authority. In this case externalizing the behaviors and traits of humans does not make Rousseau's thought argumentatively valid and persuasive.

The second idea that seems to me questionable is that, his idea of sovereignty should not be divided and represented. This implies that there should not be separation of power among different sovereign organs. And all individuals must participate in adopting laws and other decision making. According to Locke, the power of a government should be divided among legislative, executive and judiciary organ of a government within their respective function. And with in this division of power there is a checking mechanism. But in Rousseau's social contract, there is no division of power among the organs of government. For Rousseau the task of making laws belongs to each individual. It is not belongs legislative organs of a government as Locke describes. In this case each individual in the community is the sovereign. So it seems to me it is impossible to run political authority without division of power among different organs especially with community having high number of population.

Rousseau argued that the general will which encompasses the common interest of each individual is the only sovereign. For Rousseau the task or function of the government is to execute the common interest of the people. So, in Rousseau's social contract the government is a single political body without having organs which have distinctive roles or functions. In Locke's social contract sovereignty is divided among the three organs of the government with the

prevalence of checking mechanism among them and their sovereignty is also depend upon the consent of the people. But this is absent in Rousseau's social contract. For Rousseau there is only one body politic or political power i.e. the general will which encompasses the will of the community as a whole and this is the only sovereign power. In my opinion if there is no division of power there is no a mechanism to control the proper functioning of the general will. So this makes to fall the freedom and liberty of individual in to question. In this case it seems to me Rousseau overlooks the importance of checking mechanisms for function of the general will to maintain and secure common interest.

In addition to this Rousseau makes another problematic claim. He argued that sovereignty should not be represented. And laws should be adopted by the direct involvement of all citizens. I believe that, although only under this condition the freedom and liberty of individuals can be realized, it is very difficult to perform in practical application. Many people also question the applicability of this democratic system in vast and high number of population even though the ideology is very admirable. In this case I am not saying that, problems with practice and applicability of direct democracy signifies the deficiency of the theory itself but it only remain in theory alone. It is almost impossible to apply in today's society.

Despite of these criticisms I agree with Rousseau on the idea that particular interests should not be denied at the expense of the will of majorities. The decisions and law making must have targeted in fulfilling the interest of both parties i.e. minorities and majorities.

## **Chapter- Four**

### **The Explanatory Power of Social Contract Theory and Reconciling the Competing Views of Hobbes's, Locke's and Rousseau's Ideas**

#### **4.1. Social Contract Theory and Its Critique**

As we have seen in the introductory part, social contract theory is a philosophical explanation of how and why governmental power comes to exist. In other words it is the explanation of why people obey state authority. It deals also with the respective roles of individuals and government. This implies that it explains what the government should provide to the people and what is expected from the people in exchange of the provision of a government. In order to analyze the need and purpose of a government, the theorists engage in theoretical and rational explanation of what seems the life of humans before they come to political authority. In other words, they try to imagine the life of humans with any political power. To deal with those issues the advocates of this theory begin with the study of human nature. Based on the analysis of human nature they attempted to explain how humans behave in their pre political condition. For them this pre political condition of human being is called a state of nature. Based on the traits and behaviors of human beings, the theorists attempt to provide the image of what seems the condition of human being in this state of nature. This means they try to give us the imagined life of human beings in a state of nature. And why this condition of humans is imaginary is that, because it is not supported by any empirical evidences and it does not refer to any historical achievement.

Despite their differences on their analysis, the advocates of this theory asserted that humans quit this state of nature and come to political society. In this case they claimed that, the source of political power is the consent of humans among themselves to escape from the life of the state of nature. Therefore according to the advocates of this theory, why humans obey governmental rule is because they consented to that authority. In general, social contract theory is the study of the source or origin of state authority and the relationship between individuals and their government. In this regard they believe that a government is legitimate if and only if it comes through the consent of the people. In this way the theorists concluded that there is no any source of government and obedience to government laws other than the consent between individuals.

Apart from its importance of explaining the origin and source of political, social contract theory faced various criticisms from different perspectives. To limit the scope of this thesis, I intend to mention David Hume's criticism of social contract theory. One of my purposes in this thesis is to show whether social contract theory is legitimate mechanism for explaining and analyzing the source of government. When I defend the legitimacy of social contract theory in explaining the emergence of state and government, I want to object the idea that social contract theory is a fiction and imaginary hypothesis and to oppose the view that social contract theory is an illegitimate mechanism to explain the emergence of government's power. Therefore in this case I prefer to focus on the criticism which questions and challenges the relevance of social contract theory in explaining the origin of state authority and the reason why individuals are obedient to this political power. Hume is also one of the philosophers who questioned the legitimacy of social contract theory to explain the emergence of political power. And that is why I take Hume's criticism in to account in my argument in defense of social contract theory as legitimate mechanism to explain the source political power and why people are obedient to this authority.

#### **4.2. Hume's criticism of Social Contract Theory**

Hume was one of the philosophers who challenge the ideology of social contract theory. He criticized social contract theory as an illegitimate mechanism to explain the origin of government and the reason why people are obedient to governmental power. Hume rejected the idea that legitimate government depends on the consent of naturally free and equal individuals. In this case, he argued that the source of authority is not consent. Rather it is the hereditary or received power of the rulers based on experience and beliefs. And according to him it is this source of authority that can secure peace and order in one given society. Hume asserts that the subjection of individuals to government authority does not emanate from intentional choice. Rather it depends on unconditional or not deliberative acts of individuals. In other words, this can be explained as, for Hume, political authority cannot emanate from rational choice or deliberative act of each individual rather it comes through historical experiences and traditions of the people (Lemmens 1998: 1-5). This shows that, Hume is questioning the reasonable capacity of humans to adopt a government. And he is criticizing the importance of the legitimacy of a government which comes through the consent or agreement of individuals.

Hume rejected voluntary consent of the people as the source of political authority. He said that throughout experience there is no any government that comes by the voluntary consent of people. Instead governments originate through war, violence and conquest. Hume describes this idea as follows: “almost all the governments, which exist at present, or of which their remains any record in story, have been founded originally either on usurpation or conquest, or both, without any pretence of a fair consent or voluntary subjection of the people” (ibid: 6). This shows that, for him, force and violence are the source of political authority but not the voluntary agreement of individuals.

Hume argued that we never experience when people are obedient to the government through their voluntary consent. This has the implication that consent had never existed in human history. He said that why humans are obedient to government’s authority is because of their traditional and historical experiences. This implies that it does not come as result of rational choice or voluntary consent as the social contract theorists asserted. According to Hume in order to know and explain the origin of government it is legitimate to consider human histories and traditions. Hume argued that if people don’t have consented to their government in their traditions and histories it is inadequate to claim consent as a source of people’s obedience to political authority. Therefore for Hume people’s obedience to governmental rules and norms are not based on consent but based on habits and experiences unconditionally (Chwasca 2013:1-6). This implies that people’s obedience to state or political authority did not originate from the deliberative act of rational individuals.

According to the social contract theorists individuals give their promise to the ruler for the sake of securing peace and order. The advocates of this theory asserted that human beings are born free and equal. Therefore no government can impose any moral and legal imposition or up on individuals if they have not promised to obey the sanctions and impositions of that government. And people become obedient to political power in exchange for protection and security. This implies that individuals give promise to government to obey its sanction and imposition upon them and in return the government provides protections and security in exchange of that promise. So individual’s promise to their government is conditional. This implies that individuals promise to political power emanated from the rational calculation of the benefits gained through

obedience to one political power. And individuals are forced to keep their promise for the sake of security and guarantee (Jassay 2013:1-8).

Hume rejected this idea by saying that, the obligation to keep promise as the foundation of political authority is absurd. He said that, the obedience to ruling class or sovereign power is supported by custom and habit. So the source of political power is loyalty to one's government who supported by custom and habit along with understanding the practical importance of being obedient to that ruler. So the source of individual's obligation to governmental power is utility not promise. And this kind of obedience is also important for harmony and security of the community as a whole (Lemmens 1998: 9-11).

In general Hume criticizes social contract theory as illegitimate to explain the emergence of government. He rejects the hypothetical approach of social contract theory for analyzing the source political authority. Hume said that, social contract theory is insufficient to provide a genuine evidence for the foundation of political authority. According to Hume social contract theory is an imaginary hypothesis and not historically founded. And he opposes the theoretical reconstruction of individual's subjection to political authority. He argued that, we cannot investigate the source of government and individual's obedience to political power through speculative and philosophical approach as social contract theorists did. In other words, according to Hume normative and legal source of obligation should not be analyzed through imaginary and hypothetical analysis rather it should be through actual feeling and motives of individuals to follow these rules and norms. For him the source of political authority is habit and traditional experience of subjecting to one political authority. So he said that, an attempt to amend the political situation of one society based on social contract theory cause societal destruction and political disorder (N. Jones 1987:4-5, A. John 2008). In the other way Hume is advocating the stagnant and non revolutionized authority of a government. This implies that, Hume rejects the attempts of social and political amendments and revolutions in a given society.

#### **4.3. Objection against Hume's criticism of Social Contract Theory**

As we have seen in the above section, in short Hume makes the following main assertions about social contract theory. One, social contract theory depends on theoretical analysis to explain the emergence of political authority. He argued that, the theory do not founded on historical

conditions of humans and empirical evidences. Second he claimed that, rational analysis or thought experiment is unable to help us to deal with the source state authority. Third, for Hume what makes humans obedient to political authority is utility not consent among them. Based on these assertions Hume concluded that social contract theory is illegitimate to explain the emergence of political authority. And he considered social contract theory merely as a fiction.

In this thesis contrary to Hume, I want to argue is that social contract theory is a legitimate mechanism to explain the foundation of government authority. And I want to defend my idea or argument based on the following assumptions. One, historical and actual condition of human beings cannot provide us with the origin of government. And along with this assumption, no one can give us the empirical evidence for the source of a government. So I believe that, the only choice we have is rational and theoretical explanation i.e. thought experiment. Second, the legitimacy of social contract theory should be also viewed on the basis of its significance for existing political and social amendments. Third, I believe that only consent can make people obedient to political authority. I agree with social contract theorists on that idea that humans are naturally free and equal. So, I believe that only through their consent they can be obedient to government's legal and moral rules. Based on the above assumptions I will argue that social contract theory is a legitimate mechanism to explain the foundation of political power and I object Hume's critics. So let me begin with my first assumption.

Hume argued that, the source of political authority is habit and tradition of individual's subjection to that authority. And it is this existing condition authority that can secure peace and security. But I believe that, traditions and habits could not tell us about the source government. In my opinion these traditions and habits of individual's subjection to political authority reveal the source of unjust subordination and domination of people to the ruling class. I believe that, people's obedience to government through tradition and habit only manifests the exploitative relationship of rulers and people. In order to understand or reveal the source of political authority we should go back to imagine beyond the actual human political conditions. This implies that, to explain the origin of a government we should begin through rational and philosophical speculation based on the analysis of human nature as the advocates of social contract theory did. I believe that, it is only through this rational and theoretical analysis that we can deduce the origin of political authority. And it is only through the assertion of natural equality and freedom

of human beings that we can suggest the possible source of political authority and it is only through this that we can adjust the mal and corrupt relationship between the ruler and the people.

In my opinion habitual and historical political relationship between the rulers and people secures the benefits of few ruling class. This does not reveal the origin of political power and this kind of analysis of the foundation of government privileges the ruling class and it undermines natural equality of human beings. And this habitual and traditional obedience of humans to political authority aims at securing the continual dominance of rulers over the individuals. Habitual and traditional obedience of individuals to political authority shows us only the corrupted existing relationship between the people and rulers. Therefore in general I can assert that, we cannot explain the emergence of political authority from this historical and habitual analysis as Hume did. I believe that to explain the origin of government we should go beyond this habitual and historical political condition of humans. The explanation of the origin of political authority requires rational and theoretical analysis by imagining what would be life without political authority and why we need such authority depending on traits and behaviors of humans.

Along with this idea what I want to say is that, no one can give us conclusive and empirical evidence about the source of political authority. In my opinion the issue of social contract is analogous to the issue of metaphysics. Metaphysics is the rational and theoretical analysis of the essential nature of all things. It analyzes the question what is the real or the one thing which is the source of all things and how the other things derived from this one thing (Miller 1984:53-52). Metaphysical explanation does not depend on historical, empirical and experimental evidence rather it depends on rational and conceptual analysis. Analogously the same is true for social contract theory. Social contract theory depends on rational and theoretical analysis to explain the origin of political authority. In this case what makes them analogous is that, in the issue of metaphysics, the origin of all things is absent empirically. So to deal with this issue which has not empirical evidence, it is important to engage in rational and theoretical analysis. The same is true with regard to the origin of political authority. This implies that, we do not have empirical and any other tangible evidence about the source of political authority so we should explain it through conceptual and rational analysis.

The advocates of social contract theory explain the emergence of political power through imagining the life of humans in pre political condition. They characterized this pre political condition as the state in which all individuals are free and equal. It is through this imaginary hypotheses the theorists explain why individuals need political power. Alan Haworth describes the argument of social contract theory in his book of “ Understanding Political Philosophers from Ancient to Modern times” as follows:

*It is a kind of giving reason for the existence of something or the reason why some event has occurred. Try to imagine a world from which the thing whose existence you are trying to explain is absent. It is purely imaginary, hypothetical situation from which whatever it is you are trying to explain is absent. On this view, that is just what” the state of nature is”. In social contract theory argument this state of nature signifies trying to imagine living without state and government, not because humans ever lived in such condition but because it is the existence of a state and government for which the theorists are trying to give a rationale. And imagined away whatever it is you are trying to explain, you then try to figure out what reasons people would have introducing it (Haworth 2012: 92).*

This can be explained as there is no empirical or any other evidence for the origin of government. So, social contract theory aimed at providing reason and rational explanation to the question why and how government comes to exist.

Therefore, it is this speculative way of providing reason and rational explanation that Hume primarily criticized. In this regard I can argue that, Hume’s critique is not only limited to the methodology of social contract theory alone but he also questions the subject matter of philosophy as a whole. What I mean is that, the subject matter of philosophy by itself is trying to answer about most important questions in our life through rational enquiry (Keller 2006). In my opinion giving theoretical and rational explanation about the source and origin of political authority is also one philosophical agenda. But Hume questions the impossibility of speculating and imagining through theoretical analysis about the origin of government. In my opinion, Hume’s critique is all about doing philosophy. The reason is that, philosophical methodology is not only limited empirical and historical facts and evidence.

Therefore, in general if we don't have any empirical evidence about something or if the source or origin for the existence of something is absent, we can deduce its source through rational and theoretical speculation i.e. thought experiment. In this way, social contract theory is legitimate mechanism to explain the origin of a government. In addition to this I believe that in order to deduce the origin of government we should begin by analyzing human nature. In this case I believe that humans are naturally rational, free and equal. And it seems to me, only consent can make these naturally free, equal and rational individuals obedient to government.

The second issue I want to advance is that, the legitimacy of social contract theory can be viewed also on the basis of its importance for existing political and social amendments and revolutions. I mean that significance of social contract theory can justify its legitimacy of explaining the foundation of political authority. In this way, we can say that social contract theory as an ideology is important to overcome and struggle tyrant and oppressive government and to overcome and struggle oppressive views like racism. The central claim of social contract theory is that, human beings are naturally free and equal. And among these naturally free and equal individuals, there is no any superior power that can guide them other than their faculty of reason. In this case political power comes only through their consent. So government is formed for the benefits of the individuals. In other words, government comes not because the rulers have a natural right to rule the people and the people are naturally obedient to that political power. But people make a government through their consent and they are obedient because they consented to the agreement. Therefore I believe that, the theory is important to struggle and to overcome the ideas like, some people are created to rule and others to be ruled.

In this way, Bary Hindess also discussed about the importance of speculative and rational explanation of social contract theory in his article of '*History of the human sciences*'. Hindess argued that, the idea of an original condition of freedom and equality played a central role both to undermine the view that humans were born into a natural condition of subjection to the rule of others and to justify European expropriation of lands in the Americans'' (Hindess 2007: 12).

Therefore social contract theory as an ideology can be used to struggle against oppressive government by practically applying in existing governance system. In today's modern world there are many governments that use their power as a tool to oppress and subjugate their people. So social contract theory as an ideology can use as a mechanism to construct a government that

can secure equality and freedom of humans as a whole and to overthrow such oppressive and tyrant governments. If a government formed on the basis of social contract theory there would be a proper and harmonious relationship between the people and their government and enhance peace and prosperity in one community or state.

On the other hand, in my opinion social contract theory can be use as a weapon to struggle racist ideologies that manifests in our day to day activities. The Racists propagate the idea that, their respective race is naturally superior to the other. So this false consciousness of racists can be altered through ideological preaching of social contract theory. Natural equality and freedom of human beings is the primary slogan of the advocates of social contract theory. In this way we can advance this preaching to highest level in order to avoid and struggle racists ideologies. Therefore, it is illegitimate to consider social contract theory as mere fictional and imaginary, theoretical hypothesis. I believe that even though it is theoretical and imaginary hypothesis it is functional and applicable to social and political amendments. So its legitimacy can be also assured through its practical applicability to existing political and social phenomena.

#### **4.4. Reconciling the Competing View of Hobbes's, Locke's and Rousseau's Social Contract Theory**

In the above section I argued that social contract theory is a legitimate mechanism to explain the origin of government. Now in this section I intend to advance the view that, the competing views of Hobbes, Locke and Rousseau can be reconciled by identifying the weakness and strength of their argument. In my opinion these competing views of social contract theory have to be reconciled in order to make the theory as a whole effective and legitimate for the purpose it is intended for. In other words, the arguments and thoughts of the theorists must be reconciled at higher degree of synthesis through avoiding their logical errors. I believe that, it is the combination of the ideas of these three thinkers that can make the theory as thought experiment more legitimate and effective in practical application.

From the whole discussion of social contract theory we infer two important concepts. These are liberty and equality on one hand, security and need of guarantee on the other hand. This implies that, individuals are naturally free and equal but they are forced to surrender their natural right to a government in order to gain security. So the central discussion of these three thinkers lies on

the theoretical and rational explanation of why people need security, how they surrender their natural right to political authority and what kind of government can preserve security and guarantee of the individuals.

To deal with the reason why humans want security, the thinkers begin with the discussion of human nature. And they characterize human nature differently. This difference also leads them to have competing views of why humans leave the state of nature and come to political power. For instance Hobbes characterized humans as egoistic and this egoistic character makes the state of nature insecure. The self centeredness of humans along with unlimited freedom of humans makes the state of nature full of fear and insecurity. So why government is needed, for Hobbes, is to control this egoistic behavior of humans in order to bring peace and security. For Hobbes the government that should be adopted must have absolute and unlimited sovereign power. He believed that only unlimited and absolute sovereign power can control the self centered nature of humans and bring peace and order. This absolute sovereign adopts laws but the sovereign power itself is not subject to this law.

But Locke characterized humans opposite to Hobbes. Locke argued that even though human beings are naturally free and equal, their freedom is limited. This implies that they are bounded by moral sanctions and this moral sanction makes them to become considerate to their fellows. This moral sanction is called a law of nature. In this way Locke argued that, even though this law of nature is a natural guide line to individuals, it is deficient in many ways. He enumerates deficiencies like absence of common judge, absence of common standard for these natural laws and absence of impartial judge to interpret this law of nature and so on. So the need of government for Locke is to fulfill these deficiencies of the law of nature. And the government that should be adopted must have limited power. This limited government is formed by the consent of the people. In this case laws are adopted according to the will of majority. For Locke unlimited and absolute government is inconsistent for the naturally free and equal individuals. If the government fails to perform its respective function, the people have the right to revolt against the government.

Rousseau, on the other hand, tries to reconcile the ideas of Hobbes and Locke. Rousseau divides the pre political condition of humans into two stages. The first stage, according to him, is called the pure state of nature. Like Hobbes and Locke Rousseau argued that human beings are

naturally free and equal. Rousseau agreed with Hobbes, in this pure state of nature humans are solitary and egoistic. But even though they are egoistic they are not in a state of fear and insecurity. For Rousseau, rather it is a state of peace and harmony as Locke asserts. But unlike Locke, Rousseau argued that this Peace and Harmony did not emanate from the moral knowledge of humans or the law of nature. For Rousseau with increase in the number of population and other factors the solitary life of humans ended. And this marks the second stage of the state of nature. In this stage humans began to live together and started different social activities like agriculture. Rousseau argued that, with the beginning of this social life and social activities the peaceful and harmonious life of humans was destroyed. For instance the idea of private property and division of labor started. He said that, with the beginning of private property and division of labor, individuals began to compete for the possession of resource and began to depend on the productivity of one another. So this competition among individuals to gain property and dependence on the product of others corrupted the harmonious natural relation of humans.

Therefore for Rousseau why humans come to consent is to restore the natural harmony, freedom and equality of humans which is corrupted through human made problems. And Rousseau argued that, the government that should be formed through consent must not have absolute and unlimited power. And he said that, individuals should not consent to their government through their representatives. In addition to this, he argued that laws should not be adopted according to the will of majorities. According to Rousseau individuals directly consent to their ruler and laws are adopted through the approval of all members in the community. In this case individuals will not surrender their natural rights to one sovereign political power as Hobbes describes and they will not surrender to people as a whole through their representatives as Locke asserted. Rather the people surrender their natural right to what he calls the general will. This general will contains the common will of individuals in the community as a whole. And, for him, only this general will can secure the freedom and equality of individuals.

In my opinion even though Rousseau attempted to reconcile the ideas of Hobbes and Locke, he makes a number of contradictions in his argument. As I have discussed at the end of chapter three Rousseau gives us unconvincing reason when he answers the question why people need a government to escape from the state of nature. And I believe that Rousseau is right in claiming

sovereignty should not be represented. One problem of this unrepresented sovereignty is that, it is difficult to apply in community who has high number of population. What I mean is that even though unrepresented sovereignty is consistent with natural freedom and equality of human beings, it is inapplicable in all form of society. So this will lead us to choose a representative way of democracy. In this way we should make the way of representation inclusive. I mean that, all sections of the community should be represented. But in this regard decision and law making should not be a matter of the approval of the majority of representatives. Rather it must be the consensus of both minorities and majorities. So in my opinion Rousseau is right in claiming that, rules and laws should not be adopted in accordance with the will of majorities and at the expense of the interest of minorities.

In order to reconcile the competing views of Hobbes, Locke and Rousseau we should begin by identifying the weak and strong sides of their arguments. All of them provide their argument in the form of speculative and theoretical analysis of the transition from the state of pre political condition of humans to political one. In this case I believe that, Hobbes provides the genuine reason for the question why human quit the state of nature and came to political power. For Hobbes humans came to agreement or consent to form a government in order to escape the harsh condition of humans in the state of nature which is caused by egoistic nature of humans. For me if individuals are naturally free and equal as Hobbes, Locke and Rousseau described, it is fear and need of security that can force people to come into contract or agreement to form a government. So it seems to me, it is reasonable to claim or assert, since individuals are naturally equal and free, they compete for glory, resource and social fame to satisfy their personal interest as Hobbes describes. I believe that, only this fear and insecurity which emanated from natural freedom and equality can lead them to form a government.

Therefore as I have claimed at the end of chapter two and three, Both Locke and Rousseau failed to provide sufficient and persuasive reason for the question why people leave the state of nature and came to form government. For instance Locke provides the deficiencies or inconvenience of the law of nature as the main reason. As I have already said, Locke's reason seems to me government's power comes only to control some corrupt individuals who fail to understand the principle of the law of nature. It does not imply government or political power formed through the rational choice or consent of all naturally free and equal individuals.

Not only Locke, Rousseau also failed to present a genuine reason for the question why humans leave the state of nature. Rather he provides unconvincing and contradictory reason as far as my understanding is concerned. Rousseau claimed that, human beings are naturally free and equal. He characterized these naturally free and equal individuals as amoral, savage and lacking reason. But on the other hand, he argued that government comes as result of consent of individuals. So, if human beings naturally lack reason how will they choose to form a government because, consent implies deliberative act or rational choice of individuals. And another unconvincing issue with regard to Rousseau is that, if humans are naturally savage and lack reason how can these natural characters be corrupt through societal changes like increase of population, social interaction, private property and so on? In this case, Rousseau's reason for the question why people quit the state of nature and come to political power is insufficient and unconvincing.

On the other hand, even though Hobbes provides us with a genuine and sufficient reason for the question why humans leave the state of nature and come to political power, he also makes an unconvincing claim. In my opinion, as I have said at the end of chapter one the weak side of Hobbes is that, in the act contract or agreement individuals must surrender to one absolute and unlimited sovereign power. Hobbes claimed that, only absolute and unlimited sovereign power can control the unlimited desire and egoistic nature of human being. So in my opinion if all human beings are egoistic and need some power to control them, the same true the sovereign is egoistic and it needs control or guidance. And unlimited and absolute sovereign is inconsistent with naturally free and equal individuals. This idea will lead to the assertion that, government must have limited power and only limited government can settle the interest of naturally free and equal individuals. I believe that, this is also the strong side of Locke. In my opinion, Locke is right in claiming sovereignty should be belonging to the people rather than to ruler as Hobbes asserted. And in addition to this, Locke argued that, government should be over thrown if it fails to perform its respective purpose.

Apart from these strong sides, Locke also makes contradictions like Hobbes and Rousseau. As I have described at the end of chapter two, his idea of majority rule in adopting laws and overthrowing corrupt and inefficient government are problematic claims. In my opinion, his idea of the will of majority both in decision and law making and in revolting against inefficient government limits and undermines natural equality and freedom of human being. This means

that Locke's idea makes the minorities oppressed in adopting laws because only it considers the interest of majorities. And his assertion makes the minorities incapable of looking for a government which secures their interest. The reason is that, for Locke decisions and laws should be adopted in accordance with the will of the majority. And Locke asserted that, revolution against inefficient government should be an act of majorities. So to solve this political problem in Locke's social contract theory, we should look at consensus which focuses on adopting laws based on reconciling the majorities and particular interests. This is also strong side of Rousseau's argument in his social contract theory.

In general what I want to say is that, the competing views of Hobbes, Locke and Rousseau can be reconciled by taking their common idea of humans are naturally free and equal as starting point and identify their logical error in their overall argument. In my opinion, it is the combined or reconciled ideas of Hobbes, Locke and Rousseau which makes social contract theory as thought experiment, legitimate mechanism to explain the emergence of state or government authority. And the reconciled or combined ideas of these three thinkers make social contract theory as an ideology practically applicable for existing social and political amendments or changes. What I mean is that we can use social contract theory as an ideology to revolutionize and amend oppressive government and replace with democratic government. In other words, as far as my understanding is concerned, the strong side of these three thinkers can make the social contract argument valid and effective in applying to existing political situation or governance. So I believe that, the reconciled idea of Hobbes, Locke and Rousseau can make the social contract theory as thought experiment coherent and legitimate. And this coherent and legitimate thought experiment or theoretical analysis could make it easy and effective to apply in practical application.

## Conclusion

As we can understand from the analysis of Hobbes, Locke and Rousseau social contract theory, the central claim of their idea is that human beings are naturally free and equal. They asserted that government that comes through consent or agreement can secure the natural equality and freedom of individuals. Along with this, they advanced the view that a government is just and legitimate if and only if it comes through the consent or agreement of the people. In this regard government or state authority is founded by the consent of these naturally free and equal individuals. This assertion has the implication that, before people come to agreement or consent there was no a legal sanction up on them. This implies that were free from any political or governmental power. In this way both of them agreed on the idea that, in order to analyze why people are obedient to government's power, how government come to exist and what form of government can assure the natural freedom and equality of humans, we must rationally explain what seems the life of humans in the original condition i.e. state of nature. So the theorists try to speculate through rational and theoretical explanation about the life of humans before they come to government or state authority. In this regard even though they begin with the common assumption that human beings are naturally free and equal, they provide different assertions about life of humans in the pre political condition. But still the methodology they employed to explain the condition of humans in the pre political condition is rational and theoretical speculation. It is through this rational and theoretical explanation or thought experiment that the theorists try to explain the source or origin of political or state authority.

Philosophers like Hume, on the other hand, criticized the idea of social contract theory. Hume asserted that, we cannot explain the emergence or source of state or political authority through speculative and theoretical explanation. Rather, he said that, only we can explain it through historical and traditional political obedience of people. This implies that we should explain the emergence or origin of the state and government by observing what happens through human histories and actual political conditions. In this case for Hume the source of political authority or government is habits and traditional beliefs of people's obedience to political power. According to Hume it is not consent rather it is actual motives and feeling of individual that makes obedient to government or state authority. So Hume considered social contract theory as fiction and imaginary hypothesis.

In this thesis, I have argued in defense of social contract theory in order to explain about something which has no any empirical and experimental evidence, we must use theoretical and rational explanation as Hobbes, Locke and Rousseau did. To know the source or origin of state or political authority, we should not limit ourselves to the existing relationship between the people and government. And we should not also engage in historical relationship of governments with their subjects. Rather I believe that, in order to know and explain the source of political authority we should employ theoretical and speculative method of explanation. Through this way of explanation we must speculate what human beings naturally are. In this case I agree with social contract theorists on the idea that, humans are by nature free and equal. Humans cannot be naturally obedient to any legal and moral norms outside of their consent or agreement. So it seems to me only they can adopt legal and moral norms through their consent or agreement. In this regard consent or agreement is the foundation of state and government.

In this thesis as an objection to Hume's criticism, I argued that social contract theory is a legitimate and proper mechanism to explain and analyze the emergence or source of state or political authority. And I intend to advance the view that we should not have considered social contract theory merely as a fiction and imaginary hypothesis. The reason is that, one in order to explain or analyze something which has not empirical and historical evidence for its source or origin we must depend on theoretical and rational explanation or thought experiment. Second, in order to know whether social contract theory is legitimate to explain the source of government state authority we should also consider how much the theory is important for existing political and social amendments and improvements. In this way I believe that social contract theory as an ideology is important to avoid oppressive and dictatorial way of governance and to overcome racist ideologies.

In addition to this, in this thesis I argued that we can make social contract theory a legitimate mechanism by reconciling the competing views of Hobbes, Locke and Rousseau. And I believe that, by combining and reconciling the views of these thinkers we can make social contract theory logically coherent and easily applicable in existing political system to enhance good governance and harmonious relation between the people and the government.

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