

## Locke and Rousseau: Government Operations in Civil Society

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### ABSTRACT

During the 19<sup>th</sup> century, and particularly the early years following the French Revolution, many theorists sought to completely re-define how government functioned, in hopes of bringing about a lasting new change to society. Even within this context, it is hard to imagine a more radical proposal for the functioning of government than Rousseau's *Social Contract*. The idea of a government with complete authority over all matters of society, yet consistently 'checked' through the power of the 'general will', and yearly assemblies comprised of every citizen in society, is one theory that has not had much influence on Western democracies.

In stark contrast to this, was the version of government put forth by John Locke, which while agreeing with Rousseau concerning the dangers of the 'state of nature', or an un-governed population, presented what has appeared to be the template for Western democracies today. A form of government not based on absolute power, but instead on a series of 'standing laws', specifically designed to counter this very thing.

This essay investigates these two opposing viewpoints, proposed by Rousseau and Locke in *The Social Contract*, and the *Second Treatise of Government*. Special thanks to Professor Michael Wallack of the Political Science department at Memorial University for his information concerning both these theorists and their respective views of government.

In the *Second Treatise of Government* and the *Social Contract*, Locke and Rousseau propose radically different concepts as to how government should operate in society, as a means of being the most efficient and legitimate ruling mechanism possible. In the *Social Contract*, Rousseau proposes a government that when legitimized by the "general will" of the people, is able to allocate property, define civil religion, and even censor the opinions of certain citizens. In the *Second Treatise of Government*, Locke presents a more pragmatic version of government, unable to meddle with the property of its citizens, and forced to rule by a set of strict procedural laws. Despite these radical differences in government power, however, both Locke and Rousseau emphasize similar themes and warnings concerning government power that grows too strong, no longer serving the needs of citizens, and growing beyond the strength of citizens to change. Both, in turn, propose different measures for limiting, or 'checking' sovereign power, eventually allowing for a reconciliation of their respective views concerning government power in society. Rousseau's idea of the general will, while granting government exceptional power by our modern standard, allows for a mechanism whereby government can be evaluated on a yearly basis, with its laws and rulings assessed by the population as a whole, who then have the capacity to vote to change any aspect deemed unsatisfactory. Locke, through the procedural rules and limits on property, method of taxation, etc, presents a framework that limits government power through its overall design, allowing government to function as the most ideal 'impartial observer,' correcting the flaws of nature, and nothing more.

Both Locke and Rousseau present civil society as the natural alternative for men who abandon the state of nature, for fear their property could be attacked, and they themselves left helpless, without the security of a greater power. As Locke states in the *Second Treatise*, "and thus every man, by consenting with others to make one body politic under one government... in

a secure enjoyment of their properties, and a greater security against any who are not of it” (Locke 96). Locke thus presents civil society as the natural inclination of men who long for safety and comfort, especially with regards to their property. Unlike both Hobbes and Rousseau, Locke does not paint a barbaric and warlike state of nature, instead believing that the natural law of self-preservation in the state of nature involves a pragmatic sense of reciprocity among men, which underlies the founding of government in civil society. “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 possessions” (Locke 6). Also, and again unlike Hobbes and Rousseau, Locke believes that overt speculation concerning the behavior of men in the state of nature is useless and futile, as since record keeping is a product of government, there will never be any way to determine how man behaved socially in the state of nature. “History gives us but a very little account of men that lived together in the state of nature... Government is everywhere antecedent to records, and letters seldom come in amongst a people, till a long continuation of civic society has, by other more necessary arts provided for their safety, ease, and plenty” (Locke 101). Thus, as we will never truly know how men behaved socially in the state of nature, Locke assumes that the idea of reciprocity, and not war, would have been a necessary characteristic that man would have needed to survive.

Rousseau depicts the state of nature along similar lines, however, without the pragmatic sense of reciprocity, which Locke believes existed. Again, while not characterized by the extreme level of conflict that Hobbes described, Rousseau’s description of the state of nature, with man exiting without a sovereign, is nonetheless very bleak. “For if any rights were left to individuals, since there would be no common superior who would adjudicate between them and the public, each being on some issues his own judge, would soon claim to be so on all: the state of nature would still exist, and the association would necessarily become tyrannical and pointless” (Rousseau Book 1 – Chapter 6). While the *Origin of Inequality* saw Rousseau describing a situation whereby man is able to function more efficiently in the state of nature, the *Social Contract* presents the argument that the only way for man to function socially is through the supervision of a sovereign. By itself, however, Rousseau believes the sovereign is useless, and will eventually descend into a master/slave relationship with the public. “When isolated men, however numerous they may be are subjected one after another to a single person, this seems to me only a case of master, not of a nation and its leader, an aggregation, but not an association, for they have neither public property nor a body politic (Rousseau Book 1- Chapter 6). Without the right foundational aspects in society required for civil government, any proposed leader or sovereign only serves himself, not the public interest. I.e., “Such as man is never anything but an individual, his interest, separated from the rest, is never anything but a private interest” (Rousseau Book 1- Chapter 5). Rousseau thus recommends that if man is to function socially, under a sovereign and outside the state of nature, he will be required to participate in the general will.

Rousseau presents the general will as a way of providing government with power, and both legitimizing and restraining its use. Rousseau describes the general will as a necessary aspect to the social contract of society. This contrasts greatly with the proposed “will of all,” which can in some cases lead to a consensus, involving citizens looking out for their own self-interest, but can never legitimize a government or civil society. For example, “there is often a

great deal of difference between the will of all and the general will; the latter regards only the common interest, while the former has regards to private interests, and is merely a sum of particular wills” (Rousseau Book 2 – Chapter 3). The social contract of a civic society and sovereign provides the solution to man giving up the freedom and right to all in the state of nature, however, is entirely dependant on the rule, and proper functioning of the general will. Rousseau summarizes the social contract in the following way, “if then, we set aside whatever does not belong to the essence of the social contract, we shall find that we can reduce it to the following terms ‘each of us puts in common his person and all his power under the supreme direction of the general will; and in return each member becomes an indivisible part of the whole’” (Rousseau Book 1 – Chapter 6). Thus, without the sovereign power and use of the general will amongst the population, men would still be in the state of nature. Participation in the general will unites citizens in society under one body politic, ensuring protection from corrupt government, and that the common interests of the population are always maintained. For example, “As soon as the multitude is thus united in one body, it is impossible to harm one of the members without attacking the body... Duty and interest alike oblige the two contradicting parties to give mutual assistance” (Rousseau Book 1- Chapter 7). While Locke primarily allows the protection of the population through restraining government powers, Rousseau believes that participation in the body politic will protect the population, and allow for a more effective government. “As long as a certain number of men consider themselves to be a single body, they have but one will, which relates to the common security and to the general welfare” (Rousseau Book 4 – Chapter 1).

The foundation of Locke’s civil society is built on the reciprocal characteristic of his state of nature. Unlike Rousseau, who believes that government cannot work unless completely supported by the general will, Locke adopts the viewpoint that government only needs to do very little to maintain a working society, in correcting the flaws of nature. Knowing that man will not descend into perpetual conflict, as Hobbes thought, it is thus safer to limit government’s reach to certain aspects of society only. This is not to say that civil society, as perceived by Locke does not require public participation, however, unlike Rousseau, citizens remain protected from government without strictly participating in an assembly, or general will, and instead legitimize government through consent, either expressed or tacit. I.e., “The examples of the world, that were begun in peace, had their beginnings hid on that foundation, and were made by the consent of the people” (Locke 63). Based on Locke’s idea of a reciprocal state of nature, which initially only required government for regulating property conflicts, Locke refutes the Hobbesian theory that a strong central power is required for the well being of society. For example, “For he that thinks absolute power purifies men’s bloods, and corrects the baseness of his nature, need read but the history of this, or any other age to be convinced of the contrary” (Locke 55). To his end, Locke proposes a series of measures, or standards, whereby the sovereign is required to govern by, limiting the power of government, and protecting citizens from a strong government, easily able to pursue its own private interests.

Locke’s first requirement, or limit for government, involves government operating by a series of standing laws, as a means of regulating man’s ability to punish others in the state of nature, which he is no longer able to do in civil society. “And so whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people; by different and upright judges, who are to decide

controversies by those laws; and to employ the force of the community at home, only in the execution of such laws” (Locke 78). Men join society to escape the unpredictability of the state of nature, and so desire a government upheld by law and custom, not a variant of the state of nature, which they just abandoned. In the chapter titled, “On the Extent of the Legislative Powers,” Locke elaborates on the idea of standing laws, reinforcing the limits of government with regard to the safety of the population, property, and taxes. First and foremost, as government is no more than the joint power of every member of society, and therefore has no more power than what one individual has over another, government “is not, nor can possibly be absolutely arbitrary over the lives and fortunes of the people” (Locke 135). As a man only has as much power as the law of nature gives him to preserve himself, and therefore no liberty over the life or possessions of another, government is therefore “limited to the public good of society,” and as such cannot take the life of one of its citizens. Secondly, government cannot, by itself, condemn citizens for breaking laws, but must instead delegate this authority to independent judges, uninfluenced by either the proceedings of government, or the condemned acts of the population. “The legislative or supreme authority cannot assume to itself a power to rule by extemporary arbitrary decrees, but is bound to dispense justice and decide the rights on the subjects by promulgated standing laws and known authorized judges” (Locke 136).

Locke believes that there is no real way of truly knowing the written laws of nature, and as such justice cannot be left at the hands of government, who may corrupt it in pursuit of their own private interests. “For the law of nature being unwritten, and so nowhere to be found but in the minds of men, they who through passion or interest shall miscite, cannot so easily be convinced of their mistakes where there is no established judge” (Locke 84). Perhaps one of the most important limitations on government power concerns its limited influence over property. Locke believes that men enter into civil society primarily as a means to protect their property, and as such this is an area of society where government cannot interfere. As Locke states, “The supreme power cannot take from any man any part of his property without his own consent. For the preservation of property being the end of government, and that for which men enter into society” (Locke 85). Similar to government’s limit concerning property, they are also unable to tax society, without first getting consent from the population, as taxation without consent breaks the fundamental rule of property as well, again violating the original use of government. “For if anyone shall claim a power to lay and levy taxes on the people, by his own authority, and without such consent of the people, he thereby invades the fundamental law of property, and subverts the end of government” (Locke 87).

Finally, Locke believes that as the population delegates power to rule to government, government has no right to transfer lawmaking power to anyone else in society. As such, the population specifies the founding rules by which government is meant to govern, and once these laws are established, the government must follow suite. While in some instances these laws may appear extreme, Locke believes it necessary to limit the power of government at the founding of society, allowing the legislative to govern without succumbing to temptation or corruption, placing man in a worse state than he was in prior to joining civil government. “Absolute arbitrary power, or governing without settled standing laws, can neither of them consist with the ends of society and government, which men would not quit the freedom of the state of nature for, were it not to preserve their lives, liberties, and fortunes, and by stated rules of right and property to secure their peace and quiet” (Locke 84).

Throughout the *Social Contract*, Rousseau proposes a variety of powers available to a government supported by the general will of the people. Unlike Locke, who felt the pragmatic reciprocity of the state of nature was echoed in civil society, Rousseau believes that a strong sovereign authority is required to regulate the population in a civil society, in order to prevent the conflict of social behavior that characterized the state of nature. “For if any rights were left to individuals, since there would be no common superior who would adjudicate between them and the public, each, being on some issue his own judge, would soon claim to be so on all; the state of nature would still exist, and the association would necessarily become tyrannical or pointless” (Rousseau Book 1 – Chapter 6). Rousseau cautions that while government may appear strong, it will never err towards the population while supported and maintained by the general will. “As long as a certain number of men consider themselves to be a single body, they have but one will, which relates to the common security and to the general welfare. In such a case all the forces of the state are vigorous and simple, and its principles are clear and luminous” (Rousseau Book 4 – Chapter 1). To this end, and assuming the general will is strong and clearly supported by every member of the population, Rousseau proposes a series of powers government is able to use when governing society, concerning property, censorship, and civil religion. Unlike Locke, who believes that for government to meddle with the property of citizens would negate the idea of civil society, Rousseau believes government should control property, to the point where it is government who allocates property distribution in society. In chapter 4, “Real Estate,” Rousseau argues that when joining civil society, men give up their property, along with their right-to-all, and liberty. While Rousseau believes that, similar to Locke, ownership of property is dependant on labor, he differs by stating that the sovereign is always the first occupant of property in the state. “... For the State, with regard to its members, is owner of all their property by the social contract, which is the State, serves as the basis of all rights, but with regards to other powers, it is owner only by the right of first occupancy which it derives from individuals” (Rousseau Book 1 - Chapter 4). In order to preserve the rights of the entire community, as upheld by the general will, men must be prevented from taking more of their share of property, which is why the sovereign must always have first occupancy of property in society. “His portion having been allotted, he must confine himself to it, and he has no further right to the property of the collectivity” (Rousseau Book 1 - Chapter 4).

In keeping with the idea that government must protect property for the collective good, Rousseau also grants government a similar power, with regard to censorship. Rousseau describes censorship as “supporting morality by preventing opinions from being corrupted, by preserving their integrity through wise applications, sometimes even by defining them when they are still uncertain” (Rousseau Book 4 - Chapter 7). Although seemingly dictatorial by our modern standard, Rousseau believes censorship necessary in a society upheld by the general will, as a means of screening the opinions of those who may destroy or corrupt the moral character of society. For example, “it follows from this that censorship may be useful to preserve morality, never to restore” (Rousseau Book 4 – Chapter 7).

Rousseau concludes the *Social Contract* with a chapter concerning civil religion, and as his proposed power for the sovereign when dealing with this issue. Backing his claim that the sovereign should have control over some aspects of religion in society, Rousseau cites numerous examples whereby religion became separated from civil religion, and the dissent and disorder that followed. “Whatever destroys social unity is good for nothing: all institutions

which put a man in contradiction with himself are worthless” (Rousseau Book 4 – Chapter 8). Rousseau believes that anyone is free to choose their religion, except when the practice of said religion “affects the morality, and duties which he who professes it is bound to perform towards other” (Rousseau Book 4 – Chapter 8). Rousseau points out that there is instead a “civil profession of faith,” allowing citizens to pursue rituals in a religious fashion, pre-determined by the sovereign, in a way that isn’t harmful to society. “There is, therefore, a purely civil profession of faith, the articles of which it is the duty of the sovereign to determine, not exactly as dogmas of religion, but as sentiments of sociability, or a faithful subject” (Rousseau Book 4 – Chapter 8). Again, while similar to the previous power of censorship that Rousseau grants the sovereign, this also appears dictatorial by our modern standard. Rousseau, however, assumes that these powers only take place “when the sovereign is upheld by a general will, of which it is the sovereign’s duty to protect through these measures” (Rousseau Book 1 – Chapter 8).

While contradictory in many respects, the views of Locke and Rousseau concerning the power, and limits of government can, in fact, be reconciled through a variety of different ways. While seemingly more powerful than the government depicted by Locke in the *Second Treatise of Government*, the sovereign presented by Rousseau is granted these powers only by the general will, which is also capable of changing, and removing the sovereign. The fact that the sovereign is an extension of the will of the people, makes it impossible for the sovereign to do anything harmful to the body politic, of which he is included. For example, “Now, the sovereign being formed solely by the individuals who compose it, neither has nor can have any interest contrary to theirs... It is impossible for the body to wish to harm all its members: and we shall see hereafter that it can harm no one as an individual” (Rousseau Book 1 – Chapter 7). This is very similar to the idea Locke proposed of the *Rule of Law*, as a way of limiting the power of government. For example, “Therefore, in a well-ordered commonwealths... The legislative power is put into the hands of divers persons who duly assembled... they are themselves subjected to the laws they have made” (Locke 89). Therefore, the sovereign power in both civil societies cannot initiate harmful laws, due to being both a member of the body politic, and also subjected to the laws of the society.

Fear of sovereign rule, which may lead to a dictatorship, is present in both the *Social Contract*, and the *Second Treatise of Government*. However, both Locke and Rousseau present uniquely different ways whereby dictatorships are prevented from occurring. Throughout the *Second Treatise*, Locke makes clear the dangers of dictatorships, absolute monarchies, and the justifications for having concentrated power in society. For example, “For he being supposed to have all, both legislative and executive power in himself alone, there is no judge to be found, no appeal lies open to anyone, who may fairly, and indifferently, and with authority decide, and from whose decisions relief and redress may be expected of any injury or inconveniency that may be suffered from the prince or by his order” (Locke 91). Locke believes government power should be reigned in at the founding of civil society, before it grows too strong, and beyond the limits of the population. To this end, the standing laws Locke describes, and government limits with regard to property, taxation, etc, require government to delegate authority to indifferent judges, thereby removing any change of a prince or sovereign consolidating authority to himself. This also fulfills Locke’s original statement for the use of government, as an impartial decision-making authority that corrects the flaws of nature, and allows men to live peaceably together.

In the *Social Contract* Rousseau also cautions against a dictatorship, where laws are cast in stone and government is free to pursue its own private interests. “It is therefore not a good idea to establish political institutions so rigidly, as to take away the power to suspend their consequences” (Rousseau Book 4 – Chapter 6). Because Rousseau does not allow for the reciprocal idea of self-preservation, with a limited government power acting as an impartial observer, he accounts for the greater power of the sovereign by allowing the general will to assess government on a yearly basis, with the power to dispose of government if necessary. For example, “These intervals of suspension, in which the Prince recognizes or ought to recognize the presence of a live superior, have always been dreaded by him; and these assemblies of the people, which are the shield of the body politic and the curb of the government, have in all ages terrified leaders” (Rousseau Book 2 – Chapter 14). Rousseau believes that the mere threat of the assemblies will create better behavior by the sovereign, by making clear the employment of the sovereign by the general will, and not a master/slave relationship present in monarchies and dictatorships. The use of assemblies as a means of correcting government behavior is in keeping with Rousseau’s belief that there is no middle ground with the functioning of the general will, or the strength of the sovereign in society. If civil society does not contain equal participation from citizens and the sovereign, it will descend into a dictatorship, placing people in a worse position than they were before, while in the state of nature. “Sovereignty cannot be represented for the same reason it cannot be alienate; it consists essentially in the general will, and the will cannot be represented; it is itself or it is something else; there is no middle ground” (Rousseau Book 3 – Chapter 15).

To conclude, while there are obviously many areas where the views of Locke and Rousseau cannot be reconciled, they do agree in several areas, especially concerning government power that becomes too strong. While Locke believes that certain characteristics of the state of nature are replicated in civil society, Rousseau states that unless all citizens participate in the general will, civil society will descend into a dictatorship. Both men place a variety of restrictions on government, as a means of avoiding this aim, which tie-in directly with their foundational views concerning the formation of civil society, and the abandonment of the state of nature. While Locke stresses civil society as an extension of the reciprocal elements in the state of nature, Rousseau argues that unless citizens are fully prepared to participate in the general will and work towards civil society, the state of nature is the better alternative.

## **BIBLIOGRAPHY**

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