

**SUBJECT: POLITICAL SCIENCE I**

**COURSE: BA LLB SEMESTER I**

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**MODULE: MODULE IV, THEORIES OF THE ORIGIN OF STATE**

### **SOCIAL CONTRACT THEORY**

#### **II. JOHN LOCKE (1632 - 1704): CONCEPTION OF SOCIAL CONTRACT THEORY**

John Locke secured a prominent place in the history of English political thought. He is well acclaimed as a champion of natural rights, and also popularly known as the father of philosophic liberalism. The political ideas of Locke are to be found in his very important work *Two Treatises on Civil Government* (1690). The first Treatise is a logical refutation of the political and social philosophy of Sir Robert Filmer's work *Patriarcha* (1654). In the second Treatise Locke discussed his views on political philosophy. It is a comprehensive work explaining the origin, authority and purpose of civil government. Also, it deals with the state of nature, social contract, political society, forms of government, and right to property. The most important feature of Locke's work is that it analyses the various aspects of state and government. Locke not only opposed the divine rights of kings advocated by the Church of England, but also opposed the doctrine of absolute sovereignty advocated by his predecessor Hobbes. He ridiculed the view that all government is absolute monarchy that kings have a divine right to absolute power, and that mankind has no right to natural freedom and equality.

Locke adopted the technique of social contract to explain that legitimate political authority is derived from the consent of the people, which can be withdrawn when the freedom of the individuals is violated or infringed. The three cardinal principles that the Two Treatises exposed and defended were freedom, consent, and property. Men are naturally in a state of perfect freedom to order their actions and dispose of their possessions according to their will and wish within the bounds of the law of Nature.

##### **(a) HUMAN NATURE**

Locke developed his social contract theory on the basis of his views on human nature. A detailed discussion on Locke's conception of human nature is found in his Essay concerning

Human Understanding (1690). He assumed that human beings are naturally endowed with certain basic instincts such as decency, goodness, socially inclination, and capability of ruling themselves. Unlike Hobbes, Locke held that men are capable, efficient, and considerate beings. In fact, Locke's conception of social contract revolved around this idea that the individual was quite dependable and rational.

Locke believed that man is not as selfish and anti-social as portrayed by Hobbes. He held that man is social and rational being capable of and interested in living in a society. It is not a rule but only an exception that man is selfish, competitive, and aggressive. On the contrary, men are naturally able to govern themselves by the law of nature, or Reason. According to Locke, men are born free and equal. Their freedom is governed on the basis of reason, which guides them how to govern themselves. Men become morally equal as long as the reason in them recognises the natural laws. Human beings are disposed to be rational in their character, because of the presence of reason, which is a dominant factor. He maintained that men are moral because they are by nature rational and can therefore discover how they ought to behave. Thus Locke sounds Aristotelian in recognising rationality as an essence of human beings. With the help of reason, human beings learn to control their emotions, anger, love, and so on. Since men are social and good, they possess sympathy, love and affection towards one another. Consequently, claimed Locke, the first instinct of man was to live in peace and harmony with others. To quote ~ o c k in this context: "men living together according to reason, without a common Superior on Earth, with authority to judge between them, is properly the state of nature".'

## **(b) THE STATE OF NATURE**

Locke endorsed the view of Hobbes that before man's entry into the civil state, he was living in the state of nature. However, unlike Hobbes, he held that man was living in the state of nature where there was law, order, peace, and property. Like Hobbes, Locke too discussed the state of nature in order to show that the political power is derived from the state of nature. However both Hobbes and Locke held contrasting positions with regard to the conditions prevailing in the state of nature. Thus Locke began his political argument with a profoundly paradoxical assertion, namely, the political power. This is derived from the unpolitical state.

According to him, such a state is a state of perfect equality and freedom in which people can guide their own actions, and dispose of their possessions within the bounds of the law of nature, without seeking or depending upon the will of any other man.

Locke opined that state of nature is a state of equality that promotes the equality of right and freedom. In short, it is a state of equality. The power and jurisdiction in the state of nature are reciprocal to each other. Since all men are equal by birth, all of them have equal powers (rights) to exercise. So, one has to get recognition of the state to exercise power. For

example, 'A' can exercise his power as long as the other members in the state of nature recognise it. Similar is the case with every member of the state of nature. He further stated that in the state of nature no individual is superior or inferior to any other individual in terms of exercising ones power, for all created by God. Since God created all men, everybody has equal right to make use of the nature and faculties.

Locke clearly pictured that the state of nature is a state of liberty, but it is not a state of license. The state of nature has a law of Nature to govern it which obliges every one. Thus for him liberty is not the freedom to do whatever one wants to do, but to act within the framework of the law of nature. Therefore, he defended personal independence and freedom as man's fundamental right. Thus, the law of nature is nothing but the reason.

Locke opined that since all men are equal and independent, no one ought to harm another in his life, health, Liberty, and possessions. If all are created by the same God and equal to one another in all respect, then no one has to obey the dictates of other. This amounts to saying that, no man has a right to coerce or dominate any other man in the state of nature. Locke emphasised that everyman possesses an equal right to his natural freedom without being subjected to the will or authority of any other man.

Locke proclaimed that although the state of nature is not a state of war because it has a law of nature to govern it, yet the law of nature needs some authorities to enforce it. He himself raised the question that, suppose there is no authority in the state of nature to enforce the law of nature, what will happen to such a law? He answered that such a law would become vain. This means that some authority is needed to execute the law. Therefore, Locke held that the execution of the law of nature in that state is put into every man's hand. In other words, all the subjects have the right to execute the law of nature. In such a state everyone has a right to punish the transgressors or the violators of the law. The punishment should be so severe to deter others from committing the similar offences by the same person as well as by the others.

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