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Locke vs Rousseau: Revolutions in Property

By Stephen Pierce

The writings of 18th-century political theorists John Locke and Jean Jacques Rousseau were critical to the Age of Enlightenment period of the 18th century. These writings influenced two of the significant Atlantic Revolutions in both America and France especially when it came to the topic of property. This paper will talk about the differences between both theorists when it comes to property, along with government structures. It will start with John Locke's theories on property and how property influenced the actions of the American Revolution. Then how Rousseau's ideas on property influenced the French Revolution. Finally, what both theorists agree/disagree on.

John Locke writes in the *Second Treatise of Government* that in the state of nature man is in perfect freedom to do whatever they want. It is anarchic, but it has some sense of morality, unlike Thomas Hobbes state of nature depicted in his work *Leviathan*. Individuals help each other in the state of nature out of reason. Humans in Locke's state of nature do give up some liberties to a legislative authority to live in a civilized society. This new civilization has its natural rights based upon a constitution, this is to ensure that the government does not subjugate its citizens from turning into mere subjects. Locke states explicitly that if the government tries to take away your ability to achieve, "Life, liberty, and estate"¹ you then have a right to rebel against that government. The acquisition of property to Locke is what he calls "first gathering"² or the action of taking something out of the state of nature for someone's own good. Locke believes that the human race would be seen as unclaimed, to use the gifts that God has given to the earth has given them. That is why Locke argues that the primary purpose of government is for it to protect that private property and to pass laws to make it so people can achieve it. This idea on property was adopted by the Radical Whigs in British Parliament who also warned about standing armies during peacetime, taking away trial by jury, and taxation without representation. The American Colonies were highly influenced by the Whigs in the 1760's and could see the British government was doing all of these illegal actions especially with property. *The Newport Mercury* a newspaper in Rhode Island wrote in 1767 that property was the "substance of liberty," that "fled to a distant country."³

One of the critical texts the American rebels cited in the early stages of the Revolution was section 138 of the *Second Treatise*. Locke states in this section that "the supreme power cannot take from any man any part of his property without his own consent." Locke adds on to say that, "no body hath a right to take their substance or any part of it from them, without their own consent; without this, they have no property at all. For I have truly no property in that which

1 Locke, John, and Crawford Brough Macpherson. *Second Treatise of Government*. Indianapolis, In: Hackett, 1980. 46

2 Ibid. 19

3 Dworetz, Steven M. *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*. Durham: Duke University Press, 1994. 75

another can by right take from me, when he pleases, against my consent."⁴ The opening lines from section 138 appeared in papers across the colonies like *Pennsylvania Gazette* the biggest newspaper at the time. It was such an important section that an anonymous author who signed his work "From the County of Hampshire" praised the "immortal Mr. Locke" stating that section 138 should "be written in letters of gold and sunk to the center of every man's heart."⁵

The colonists also emphasized the idea of consent with property; they cited 139 of the *Second Treatise*. That a government "can never have a power to take to themselves the whole or any part of the subjects' property, without their own consent. For this would be in effect to leave them with no property at all."⁶ Locke reconstituted his position in section 193, stating that property "without a man's own consent, it cannot be taken from him."⁷ The idea of consent also helped create the connection between taxation and property. Parliament, however, cut off that connection when it enacted the new taxation methods. William Pitt the Elder, a Whig in Parliament, demanded that "the sacred, ness" of the colonists' property "remain inviolable." It should be "tax, able only by their own consent, given in their provincial assemblies; else it will cease to be property."⁸

Locke's idea of property is also stated when he talks about his state of war; this is when the state of nature breaks down into violence. Locke believes that slavery is the state of war continued, and when a person is without property that person is no more than a slave. Locke states in Section 85 Chapter 7 "A slave has forfeited his life and with it his liberty; he has lost all his goods, and as a slave he is not capable of having any property; so, he can't in his condition of slavery be considered as any part of civil society, the chief purpose of which is the preservation of property."⁹ *The Essex Gazette* a colonial newspaper located in Salem, Massachusetts echoed Locke's words in 1771, "liberty, which distinguishes a free man from a slave, implies some sort of right and/or property of his own, which cannot be taken from him without his consent."¹⁰ In the mind of the colonists consent creates or at least preserves, property and stands between liberty and slavery. Many of the leaders of the Revolution understood this well because many of them were slave owners. Like George Washington who stated in a letter to George Fairfax in 1775, "America are either to be drenched with Blood, or Inhabited by Slaves. Sad alternative! But can a virtuous Man hesitate in his choice?"¹¹ Thomas Jefferson wrote in 1775 "we will, in

4 Locke, John, and Crawford Brough Macpherson. *Second Treatise of Government*. Indianapolis, In: Hackett, 1980. 73

5 Dworetz, Steven M. *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*. Durham: Duke University Press, 1994. 76

6 Locke, John, and Crawford Brough Macpherson. *Second Treatise of Government*. Indianapolis, In: Hackett, 1980. 74

7 Ibid. 99

8 Dworetz, Steven M. *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*. Durham: Duke University Press, 1994. 78

9 Locke, John, and Crawford Brough Macpherson. *Second Treatise of Government*. Indianapolis, In: Hackett, 1980. 17

10 Dworetz, Steven M. *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*. Durham: Duke University Press, 1994. 79

11 George Washington to George William Fairfax, May 31, 1775 - American Memory Timeline- Classroom Presentation | Teacher Resources." Library of Congress. Accessed April 17, 2018.

defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die freemen rather than to live slaves.”¹²

Locke also goes into detail on class and property. Locke believes that if the economic and political elites don't create laws for average citizens to acquire property, there will be class conflict. In Chapter 5 Section 34 of the *Second Treatise*, Locke states that God gave “to the use of the industrious and rational, (and labor was to be his title to it;) not to the fancy or covetousness of the quarrelsome and contentious.”¹³ That the super-rich in society cannot hog all the land or riches for their own. Thomas Jefferson saw the dry timber for class revolution in France as ambassador to France before it actually started. He stated that “The property of this country is absolutely concentrated in a very few hands, having revenues of from half a million of guineas a year downwards.”¹⁴ Then followed to give a very Lockean answer, “Whenever there are in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as a common stock for man to labor and live.”¹⁵ Jefferson was observing that the French nobles were monopolized the land and Royal French laws made it hard for the poor to gain property because that land was expensive. Jefferson wanted to solve it through the eyes of Locke, but most Frenchmen and women wanted to solve it through the eyes of Rousseau.

Rousseau in his *Discourse on Inequality*, looks at the growth of agriculture first establishment of private property, Rousseau discovers the emergence of inequality between the people who own land and those who do not. In his state of nature Rousseau says that in the state of nature people help each other out of piety, not reason like Locke says in his state of nature. Rousseau believes it is property that corrupts men. That is why he thinks indigenous people are happier because they have no concept of private property, this is known as the “noble savage.”¹⁶ Property makes you miserable; he states in the *Social Contract* that, “man is born free, but he is everywhere in chains.”¹⁷ Society creates that sense of perfection and makes us unhappy, putting us in constant competition. Rousseau goes back to the “fall” in which Adam and Eve ate the apple from the tree of knowledge. The apple is property which creates conflict or *Amour-propre*. The state of war for Rousseau is class warfare, not Locke who believes it is when someone is about to enslave you. To prevent the state of war citizens must come together to form a sovereign called the “general will.”¹⁸ This sovereign expresses the general will that aims for the common good. This assembly only deals with public concern, but it is absolute. When voting in assemblies, people should not vote for what they want personally, but for what they believe is a general will. Very much like colonial New England town halls, a small direct democracy. For

12 "A Declaration by the Representatives of the United Colonies of North-America, Now Met in Congress at Philadelphia, Setting Forth the Causes and Necessity of Their Taking Up Arms." Avalon Project - Declaration of the Causes and Necessity of Taking Up Arms.

13 Locke, John, and Crawford Brough Macpherson. *Second Treatise of Government*. Indianapolis, In: Hackett, 1980. 21

14 West, Thomas G. *Vindicating the Founders: Race, Sex, Class, and Justice in the Origins of America*. Lanham, MD: Rowman & Littlefield Publishers, 1997. 47

15 Ibid. 48

16 Rousseau, Jean-Jacques, and Donald A. Cress. *Rousseau: The Basic Political Writings*. Hackett Publishing Co, 2012. 8

17 Ibid. 141

18 Ibid. 158

Rousseau, you either had a direct democracy or none at all. He states in the *Social Contract* “the moment a people allows itself to be represented; it is no longer free: it no longer exists. The day you elect representatives is the day you lose your freedom.”¹⁹ Rousseau also said that a man could be forced to be free, he suggested the cult of a civil religion being established. All of these things were of significant influence in what would be the French Revolution.

Rousseau had such a massive impact on the ideas of the French Revolution that the French people moved his remains from his original burial place to the Pantheon in 1794. James Swenson author of *On Jean-Jacques Rousseau* wrote that “every party of the Revolution made some claim on the heritage of Rousseau.”²⁰ In 1789 the Marquis de Lafayette, a veteran of the War of American Independence, drafted the *Declaration of the Rights of Man* with some help by Thomas Jefferson. The document had some of Locke’s language but more of Rousseau’s. The document set up a new National Assembly that would fulfill the “general will” of the country. This is expressed in *Article Six*, “The law is the expression of the general will. All citizens have the right to take part, in person or by their representatives, in its formation. It must be the same for everyone whether it protects or penalizes. All citizens being equal in its eyes are equally admissible to all public dignities, offices, and employments, according to their ability, and with no other distinction than that of their virtues and talents.”²¹

This ended up turning into a national identity crisis because Rousseau also says that it is not laws that make up a nation. It is about blood, culture, food, and morals it is not a citizenship compact like Locke with a constitution. It started to turn into a class revolution to who would betray the general will. This is taken into effect by Maximillian Robespierre, Saint-Just, and the Jacobins in the late 1790’s during the Regime of Terror. These men saw themselves as trying to get rid of the corrupting influences of private property through the general will of the people. They also decided to set up an official state religion as Rousseau talks about in his works as well. Robespierre himself put it, “Rousseau is the one man who, through the loftiness of his soul and the grandeur of his character, showed himself worthy of the role of teacher of mankind.”²² Even though Rousseau would most likely not have agreed with Robespierre’s brutal tactics.

Locke and Rousseau differed on many ideas relating to property; these ideas showed the contrasting values America and France fought for in their Revolutions. Locke was more restrained when it came to the idea of setting up guidelines for governments to not infringe on the rights of its citizen's liberty. While Rousseau, through the assembly and the general will refuse to let individual freedom be taken away by any government unless it is done by the majority of the people. One thing that both of these theorists’ share is that they do not have considerable safeguards for the minority population. This would change in the 20th century as liberation movements started all around the world and economies changed. But both men were vital in starting the conversation of balancing freedom, equality, and security in a democracy.

19 Ibid. 180

20 Israel, Jonathan I. *Revolutionary Ideas: An Intellectual History of the French Revolution from the Rights of Man to Robespierre*. Oxford: Princeton University Press, 2014. 60

21 Hunt, Lynn Avery. *Inventing Human Rights: A History*. New York: W.W. Norton &, 2007. 396

22 Johnson, Paul. *Intellectuals: From Marx and Tolstoy to Sartre and Chomsky*. New York: HarperCollins, 2007. 17

