

STATE OF NATURE AND POLITICAL SOCIETY IN HOBBS AND ROUSSEAU:
JUXTAPOSING CONTRASTS WITH ANALOGIES

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Abstract: The unfold of the history of political doctrines underlines the existence of two antithetic human conditions, namely the state of nature and political society. Political philosophers expressed different views about the features of the state of nature and the consequent birth of political society. In this frame, Hobbes and Rousseau contributed enormously to the development of the debate. Through the analysis of the two authors' primary sources, I attempt to compare the conflicting visions of Hobbes and Rousseau around the state of nature and political society but also to highlight some noticeable, somewhat neglected similarities. I argue that, while Hobbes and Rousseau expressed clear contrasting views on the human conditions in the state of nature and on the need for consociating in political society, they also shared five main assumptions, that is a common contractualistic vision of the origin of the state, the possibility of living in the state of nature, the condition of human equality in the state of nature, the convergence of the will of the state and the will of the people, and the mutual skepticism towards representative democratic forms of government.

Key words: Hobbes; Rousseau; state of nature; political society; state

1. Introduction

The history of political doctrines has thoroughly investigated throughout the ages the dichotomy between two fundamental human conditions, that is the state of nature and political society. Numerous uppermost political philosophers believed in the necessity to overcome the original natural condition in favour of the institution of a societal apparatus in the form of a state. For instance, Hobbes referred to the state as the «*mortal God*, to which we owe under the *Immortal God*, our peace and defence» (Hobbes 1965, 132). Similarly, Bodin stated that men owed everything to the state, including their rationality and freedom, and that without the state men would return to a primitive feral life, characterized by violence, assassinations, massacres, and the continuous struggle for survival (D'Addio 2002, 137).

It is controversial what were the main reasons that prompted the natural man, that is the man who lived before the birth of the state, to abandon that original ontological condition to subscribe through deeds or words the formal agreement that established political society, thus significantly limiting his innate freedom. This agreement, which is often reported under the name of a social pact or social contract (*pactum societatis*), had the effect of demarcating the faculties and prerogatives of men within a fixed regulated space such as to guarantee, in principle and through coercive instruments, a peaceful survival for the associates.

And yet, the question that immediately arises is: Was it necessary? Could it not have been possible to live peacefully even before the agreement that established political society? The idea that agreement

would serve the purpose of guaranteeing peace among the associates would logically imply that the human natural condition was characterized by a state of war. But was this really the case?

Why would men ever want to leave behind a natural condition of equality, being «inequality almost nil in the state of nature», (Rousseau 1992: 107) governed by natural laws universally intelligible through reason and in which socioeconomic injustices stemming from private property are absent, since «Nature has given *each man a right to all things*» (Hobbes 1998, 28)? This is especially true when considering that the alternative condition to the state of nature turned out to be fictitious and cumbersome, either originating from an unnatural consent or from coercion, requiring, according to Hobbes, an absolute power by means of which individuals are deprived of their right of the private sword and governed with the fear of penalty (Hobbes 1998, 81-82). A condition that, moreover, has the power to legitimize social inequality through positive norms, potentially antithetical to natural ones.

The answer to this fundamental question may be addressed when considering in more detail the different views that political philosophers had on the characteristics of the state of nature. Moreover, since the state of nature would be, as stated by Rousseau, (Rousseau 1992, 33, 66) a purely hypothetical condition and a product of philosophical speculation, it can be interpreted and described in many ways, without necessarily empirical evidence supported by anthropology and history.

As known, the picture that Hobbes offers about the state of nature is radically pessimistic, depicting men's condition in it as violent, aggressive, and bellicose, and describing it as a perpetual struggle for survival filled with insecurity and danger. In this context, individuals would seize by right of the private sword the precarious goods in the hands of weaker individuals, until even more irresistible brutes would seize them in turn, thus triggering the spiral of eternal war of all against all (*bellum omnium contra omnes*). So being things, it would seem spontaneous to put an end to this condition and to establish a political society through agreement.

However, other philosophers like Grotius and Locke share a less pessimistic anthropological view and describe the state of nature as initially peaceful. In this respect, human beings would tend to become naturally aggressive towards one another only due to the scarcity of natural resources. Thus, at least for Locke, it is imperative to establish a civil society that guarantees the fundamental natural rights of men, including the right to life, private property, and freedom.

Contrariwise, Rousseau describes men in the state of nature as «neither good nor bad», (Rousseau 1992, 59) who, moved by natural pity, would instinctively help their fellow men in difficulty, by virtue of an innate spirit of conservation (Rousseau 1992, 61-64). In this case, altering the natural equilibrium with the creation of an artificial political society would be harmful – despite, paradoxically, Rousseau is the author of the famous book *The Social Contract*.

The different perceptions of the state of nature (Hobbesian, Lockean, Rousseauian) envisage different kinds of political societies. When the state of nature is considered the greatest evil for men, political society is conceived as a lesser evil, as Hobbes believes. For him, political society needs to be grounded on absolute obedience to the sovereign¹ precisely to avoid repetition within the state of the condition of anarchy that characterized the state of nature. Instead, if the state of nature is, like Locke deems, a condition in which men possess innate, inalienable fundamental rights, political society will manifest as a state of nature without the risk of abuses and transgressions. Finally, if it is viewed as a condition of equality and justice, as for Rousseau, political society should express the natural equality of men, suppressing unnatural inequalities and injustices typical of unjust and despotic forms of statehood.

In this article, I compare the theoretical assumptions of Hobbes and Rousseau regarding the state of nature and political society underlining not only the fundamental divergencies but also the overlooked similarities. To do so, I divided the work as follows. In the first section, I analyse the state of nature. First, through the comparison of the literature, I try to offer a definition of the state of nature. Second, I illustrate the characteristics of the type of law that oversees interhuman relations in this state, namely

¹ By «sovereign» Hobbes means the holder of sovereign power, be it a single man or an assembly, and therefore not necessarily the monarch, see Hobbes, 1998: 75-90. Notwithstanding, the author does not hide pro-monarchical sentiments in his works, see Hobbes, 1998: 91-101.

natural law, that would be impressed in every man's reason and common sense.² Third, I consider the main reasons that led men to abandon the state of nature.

In the second section, I offer an account of political society. Here, too, I begin with a definition of political society, underscoring the salient differences vis-à-vis the state of nature. Second, I consider the type of law that governs intersocial relations in it, namely positive law, which is a form of artificial right established imperatively by the holders of political sovereignty. Moreover, I overview the genesis of political society in the frame of two contrasting interpretations, i.e., the consensual vision and the conflictual vision.

Finally, in the third section, I investigate the main characteristics of the state of nature and political society in Hobbes and Rousseau. I first analyse the core differences between the two philosophers' views and then underline what I believe to be some assumptions they both share.

2. The primary features of the state of nature

2.1. Description and definition of the state of nature

Today, except for Antarctica, all portions of emerged land are divided into sovereign states or at least into political entities with a disputed status. The very concept of frontier, that is, of a political border not fully defined, still present in some geographical areas until the beginning of the 1900s, appears by now obsolete. In other words, the so-called Westphalian model of state which appeared after the Thirty Years' War based on territorial sovereignty has spread throughout the world, incorporating forests, deserts, glaciers, and mountain ranges.

But then, so being things, where on Earth is the state of nature detectable? How can we describe something that does not exist anymore and that perhaps never really existed? First, it is important to highlight that, in principle, political philosophy considered the state of nature as either effectively extinct or a mere speculation. In fact, in the *Discourse on Inequality* Rousseau states that «it is no small feat to separate what is original from what is artificial in the present nature of man, and to know well about a state that no longer exists, that perhaps has never existed and probably will never exist» (Rousseau 1992, 29). These words show that the Genevan philosopher considered the state of nature as a hypothetical condition despite the existence at his time of indigenous peoples in lands of new discovery.³

However, unlike Rousseau, other philosophers considered the state of nature as something real and tangible. For instance, Hobbes interpreted the state of nature as a condition of anarchy that always tended to remain latent within states, like a sort of virus in incubation, that patently manifested with the outbreak of civil wars. According to Hobbes, the typical anarchy of the natural man, not bound by external laws and by a superior coercive power capable of making them executive, made him miserable and insecure and thus inclined to find a political society. In this sense, while the Hobbesian concept of the state of nature rests on the empirical reality of natural anarchy and warfare, the Rousseauian one is an *a priori* deduction.

Generally, the different opinions on the state of nature can be classified into three different groups, from the most markedly hostile to the most benevolent. First, Bodin affirms that natural society was characterized by a substantially feral human life, dominated by violence, oppression, and continuous struggles, in which men followed their instincts and passions (D'Addio 2002, 136). Similarly, Hobbes asserts that «men's natural state, before they came together into society, was War; and not simply war, but a war of every man against every man» (Hobbes 1998, 29). Accordingly, as soon as men acknowledged the misery of this condition, they wanted to leave it. Furthermore, Spinoza argues that in nature, governed solely by the instinct of self-preservation, men live in a state of continuous war, of absolute insecurity and misery, at the mercy of fate alone, and without any possibility of guaranteeing their future

² According to Hobbes, natural laws are founded on the principle of not treating others in ways that one would not want to be treated, see Hobbes, 1965: 264. This rule represents the core of the teachings of first five books of the Old Testament (the Pentateuch or Torah), which Christian doctrine re-interpreted in the sense of loving one's neighbour as oneself, see Matthew 22: 35-40.

³ Possibly, Rousseau considered coeval indigenous societies in America, Africa, and Oceania as already out of the state of nature, though perhaps closer to it than his contemporary so-called civilized societies.

(D’Addio 2002, 184). Finally, Kant also believes that the natural state is characterized by a permanent, total war and that as such it is a condition from which men must escape (Kant, 2006, 72).

The second group comprises a more moderate view of the state of nature. For instance, Locke argues that the state of nature «is a state in which men are perfectly free to order their actions, and dispose of their possessions and themselves, in any way they like, without asking anyone else’s permission – all this subject only to limits set by the law of nature. It is also a state of equality, in which no one has more power and authority than anyone else» (Locke 1998, 65). Moreover, he adds shortly after that «though this is a state of liberty, it isn’t a state of license in which there are no constraints on how people behave. A man in that state is absolutely free to dispose of himself or his possessions, but he isn’t at liberty to destroy himself or even to destroy any created thing in his possession unless something nobler than its mere preservation is at stake» (Locke 1998, 67).

Finally, the third group implies a positive vision of the natural state. For example, Rousseau believes that «in the state of nature, man is free and equal; the inequalities that can occur from a physical point of view do not affect the relationships between men: man, guided by instinct and urged by limited natural needs, leads a simple and peaceful life» (D’Addio 2002, 229). Noticeably, Rousseau’s vision of the state of nature is antithetical to Hobbes’s. For Rousseau, the exit from the state of nature was never the result of free will but rather the consequence of exogenous factors.

In the light of the previous descriptions, I define the state of nature as *the ontological condition in which human beings lay before they gathered, due to innate impulse, practical reasons, or external imposition, into political society.*

2.2. State of nature and natural law

Since classical philosophy, there has been the perception that nature was characterized by a set of rules aimed at governing interpersonal interactions. These rules would transcend all human juridical norms, as they would be pre-existent. They would also be eternal, immutable, and everywhere the same. All human beings would be capable of understanding them by separating what is harmful from what is not in order to safeguard their existence. Humans would comprehend natural norms through logic and instinct when they combine common sense, correct reasoning, and the instinctive sense of fairness that manifests with distributive justice. In other words, the existence of intuitive natural norms would show that the distribution of justice is already assured in the state of nature.

These universal and unchangeable natural rules represent the content of that typology of law known historically as natural law. Aristotle already sensed that there existed a natural law parallel to positive law enhanced by the state. In fact, he stated that «natural is that right [law] which maintains the same effect everywhere and does not depend on whether it seems good to one [person] or not» (Bobbio 1996, 5). This implies that natural law has the same efficacy everywhere and that its validity does not depend on individual judgment, but it exists independently of the fact that it appears good to somebody and bad to another. Therefore, natural law prescribes actions whose rightfulness is objective and absolute, that is, a moral fairness which is such per se.

In the Roman world, the difference between natural law and positive law was highlighted with the two terms *jus gentium* and *jus civile*. Even the Latin authors accepted the idea that there existed a boundless natural law created by natural reason (*naturalis ratio*) characterized by its immutability in time and space and by its universal validity. This is also why natural law was named *jus gentium*, i.e., the right of nations, who, despite their peculiar local customs and traditions, could maintain civil international relations based on the pillars of common sense and moral, including good faith (*bona fide*) and keeping one’s word (*pacta sunt servanda*). Not by chance, modern international law derives from the *jus gentium* theorized by Roman juridical tradition. Moreover, its norms are still largely reliant on the principles of good faith and customary practices, that is, to the respect of natural law founded on reason and common sense.

The natural law theories of classical pagan antiquity would be re-interpreted by Christian political philosophers in the light of the Judeo-Christian moral doctrine. For them, natural law coincided with the unrevealed divine law that God had imprinted onto the souls of men. In this scheme, being the design of a benevolent superior Intelligence, Nature would dictate to men what behaviours should be approved

and what sanctioned: God would have engineered humans so that they could understand and internalize his laws, engraving them in the righteous minds of everyone. The unrevealed natural law would not act in contrast with the revealed divine law, that is, the Decalogue and the other norms contained in the Pentateuch since the latter would only reiterate the principles of the former in peremptory terms. Saint Augustine affirmed that «the eternal law [of God] corresponds to the reason and will of God, which commands us to preserve the natural order and avoid disturbing it [...]. This law is constituted by men's conscience, it is reflected in it and allows to unveil the basic principles of human behaviour, that is, the moral obviousness that is common to all men and that form natural law» (D'Addio 2002, 89). Similarly, Saint Thomas Aquinas believed that thanks to natural law humans are able to grasp the distinction between good and evil and the very idea of justice and that natural law is the source of human and societal rights (D'Addio 2002, 100).

Modern age continued to develop the theories of natural law with more markedly rationalist, secular, and liberal traits. The quest for universal natural norms increased after the spread of the Protestant Reformation, the decline of Catholic and Imperial universalism, the outbreak of religious wars, and the separation between church and state. Per Grotius, one of the fathers of modern international law, natural law is a dictate of correct reason, aimed at showing that an action is either shameful or morally necessary in accordance with human rational nature. In this sense, these actions are self-evidently either obligatory or illegal (Bobbio 1996, 9). As an advocate of natural law, Grotius upheld the need to safeguard the regime of freedom of navigation in international waters.⁴ Also, Suárez believed that natural law was meant to be the primary source of positive law. He claimed that political communities had to be grounded on natural laws that would mitigate and subordinate unrestrained political power (D'Addio 2002, 150). Moreover, Spinoza enriched the concept of natural law with rationalistic and democratic features. He argued that natural law, which is based on reason, would lead to the establishment of a democratic and tolerant political society, legitimized by a sovereign power that is an expression of the will of the community of citizens (D'Addio 2002, 185). Finally, for Locke, natural law is considered the guarantor of the fundamental freedoms of men. The establishment of civil societies should follow the prerogatives that natural law prescribes, that is the protection of people and health, private property, freedom of conscience, tolerance, and equality.

Although Hobbes may not be considered an advocate of natural law, he nonetheless explores with interest the conditions of humans in the state of nature and offers a relevant definition of natural law: «For precisely what is meant by the term *Right* [natural law] is the liberty each man has of using his natural faculties in accordance with right reason. Therefore, the first foundation of natural *Right* is that *each man protects his life and limbs as much as he can*» (Hobbes 1998, 27). Hobbes lists twenty-one laws of nature which, if respected, would allow the state of natural war to cease. The first, which is the one from which all others stem, is that one must seek peace or alternatively find allies for war. Hobbes also affirms that the only natural disposition of not doing to others what one would not want to be done to himself encompasses all the other laws of nature. Hobbes's natural norms, aimed at making survival in nature less precarious, could suggest that the philosopher, despite what is commonly believed, would accept the idea of remaining in the state of nature and avoiding the establishment of a parallel political society.⁵

In conclusion, the idea of the existence of a natural law that prescribes rules that are to be observed in nature is very ancient and will continue to have great importance in Europe until at least the late eighteenth century. Only then, in fact, the idea of natural law would be downsized due to the spread of the first positive codifications aimed at guaranteeing greater juridical certainty and homogeneity and at countering particularisms. Between the nineteenth and twentieth centuries, positive law would almost

⁴ Grotius supported the principle of *Mare liberum*, as opposed to the principle of the *Mare clausum* theorized by Selden. The development of international law would see Grotius's principle prevail vis-à-vis the regime of international waters. The Dutch philosopher had theorized the concept of freedom of the seas in an anti-Spanish fashion since he feared that imperial Spain would gain possession of all the sea lanes in the Atlantic Ocean, thus significantly damaging the interests of the United Provinces of the Netherlands.

⁵ However, in the state of nature there would be no supreme sovereign power capable of enforcing and executing natural laws.

completely replace natural law, which, however, would still play a role in international relations and international law.

2.3. *The exit from the state of nature*

Why did men prefer to abandon the state of nature and replace it with a political society? What was it that made the state of nature undesirable? What were its main vulnerabilities? The most intuitive answer would be that in the state of nature, there is no guarantee of safety since this can be provided only by a superior power appointed for this purpose. This power can only be found in a sovereign state, which maintains a monopoly on the use of force and the sanction of crimes.

Hobbes stressed very clearly that where no civil law exists, as in nature, no felony will exist and thus everyone is judge of himself, thus inevitably not impartial. Furthermore, if sovereign power disappears, collective protection is no longer provided, and everyone will have to protect himself individually by his own forces (Hobbes 1965, 257). Often, the fear of divine punishment is not sufficient to avert people to commit natural crimes, and therefore those who in nature are stronger and bear no divine fear will prevail over the weaker, who will then lose property, freedom, and even life.

It is true that, as Hobbes states, (Hobbes 1998, 28) in nature every individual has the right to everything, but it is also true that this right is entirely ephemeral since it does not ground on juridical certainty to protect it, but is entrusted to the might of individuals, which can always question it without risks.

The condition of anarchy typical of the Hobbesian state of nature self-evidently implies its overcome through the establishment of a well-ordered and disciplined political society. The state of war would be overcome by alienating from the associates that surplus of freedom that allows them to harm each other, devolving it to a supreme power legitimized both to repress internal antisocial conduct and to protect against external threats and aggressions, therefore benefiting the community and the commonwealth. However, liberal interpretations reiterate that this should not justify the idea that civil society would be constituted by overwhelming human natural freedoms and prerogatives. On the contrary, the creation of civil society should reflect the attempt to forge a state of nature without the risk of prevarications.

Indeed, according to the most widespread idea, the risk of oppression, the lack of juridical certainty, the fear of losing human natural rights, the precarious condition of existence, and the struggle for limited natural resources were some crucial determining factors that prompted the exit from the state of nature. Humans decided to renounce to their potentially unlimited natural freedoms in exchange for security, agreeing to be bound by a social pact that governed interhuman behaviour. Though, as we have already seen and shall further see, while this idea is firmly confirmed in Hobbes's works, the view of the state of nature as characterized by war, violence, and uncertainty has not always been accepted.

3. The primary features of political society

3.1. *Description and definition of political society*

As previously noted, the only form of political society existing in the whole world today is the state. Indeed, there exist other supranational institutions like international organisations and transnational fora or intranational institutions like regional bodies or civic initiatives that enjoy some forms of sovereignty; however, the Westphalian nation-state still typifies the supreme and sovereign political entity par excellence. In this scheme, the terms civil society, political society, and state are interchangeable concepts, and in the continuation of the article I will consider the terms as synonyms. Thus, the description and definition of the concept of political society can be provided by offering a description and definition of the concept of state.

Defining what the state is may seem simple at first glance, but it is not at all: the concept is elusive. In all epochs, the notion of state has been defined in a vast number of ways, often offering only a partial and incomplete vision of the phenomenon. Perhaps, it is impossible to be otherwise.

However, there are some well-known definitions of state that appear particularly significant. According to Aristotle, the state (*polis*) is to be understood as a community (*koinonia*) that includes all

others, being the result of a merge of several villages, and that does not acknowledge superior communities. It is constituted for the safeguard of life, and it is maintained for the pursuit of well-being (Aristotle 2006, 63).

Per Bodin, the state is a just government that is exercised with sovereign power over several families and over the things they share in common (Gambino 2002: 118). Therefore, the determining elements are four: a just government, that is, legitimate and respectful of natural laws; sovereign power; families, that is a microscopic image of the state with domestic power in the sovereign hands of the *pater familias*; and common things, in the sense that within the state there are both privately and publicly owned assets.

Moreover, Hobbes describes the state, which he calls «commonwealth», as a «one person, whose will, by the agreement of several men, is to be taken as the will of them all; to make use of their strength and resources for the common peace and defence» (Hobbes 1998, 73). The foundational agreement of the commonwealth is of course the *pactum societatis*.

Instead, Kant believes that the main differences between political society and the state of nature are given by the fact that the former is governed by a peremptory law, the observance of which is entrusted to the legitimate exercise of coercive power. Also, precisely by virtue of juridical coercion, political society guarantees the natural right of every man to freedom, which he conceives as «the independence from the constricting will of others» (Kant 2006).

In conclusion, for the sake of synthesis, I define political society as *the ontological condition in which human beings lay after the exit from the state of nature, that is, the condition in which, by personal choice or by imposition, their natural freedoms are subjected to the general will of the associates. Moreover, it is a condition in which human relations are governed by well-defined political-juridical constraints, conceived to safeguard public order and juridical certainty. Finally, it is also the condition in which the union of many individuals has constituted a single body, which has made human survival possible.*

3.2. Political society and positive law

The exit from the state of nature, be it conjectural or real, led to the appearance of political societies that did not necessarily ground their juridical system and legislation on natural dictates. Historically, there have been plenty of examples of positive legislation decidedly at odds with natural laws, especially in countries with dictatorial, tyrannical, or totalitarian governments. Throughout history, positive law has been used to oppress what are generally considered to be natural inalienable rights, like the right to life, dignity, health, private property, and so on. In some extreme cases, positive law has justified political persecution, intolerance, racial discrimination, religious hatred, and inhuman practices like slavery. In other words, in some cases, positive law can be transformed into an instrument that justifies political behaviour in contrast with the principles of nature, reason, and common sense.

However, what is positive law? Positive law may be described as a “particular” and “changeable” law, stemming from the will of the holder of political sovereignty and containing provisions that are not necessarily good or bad per se, that are considered as useful for the purposes of achieving the state’s goals; it is “particular” because it is effective only within state boundaries, and it is “changeable” because the legislator who put it in place can repeal it at any time (Bobbio 1996, 11). In other words, positive law refers to the imperative state law that a particularistic will be endowed with political sovereignty has brought into being.

As long as positive legislation reflects or hinges on natural law, no serious issues arise. However, when positive laws are in contrast with natural law they become objectively “unfair” or “wrong” and yet, being laws, their binding power could not be questioned by the associates within the political society. In other words, the *raison d’être* of positive law relies on the fact that it must be applied within the state regardless of what individual opinions think about it. Usually, legislators understand that positive law cannot be separated from natural reason and common sense. For example, Montesquieu argues that positive law reflects «human reason insofar as it governs all the peoples of the Earth; and the political and civil laws of each nation ought to be only the particular case where this human reason is applied» (Krause 2003, 241).

Notwithstanding, from a historical perspective, positive law helped in making the law certain, tackling juridical particularism and local customs through the proliferation of codification – especially in countries that follow the European continentalist civil law tradition, and not the Anglo-Saxon one based on common law. It also contributed to spreading juridical equality, overcoming the privileges of specific castes, jurisdictions, and social classes, and introducing the concept of citizens' equality before the law. Furthermore, it laid the foundations for the diffusion of the model of the rule of law, that is, a well-disciplined form of state in which every juridically relevant aspect of civil life is regulated by organic and homogeneous rules.

3.3. Two visions of the genesis of political society: The theory of conflict and the theory of consent

The genesis of political society has been analysed through different interpretations. Two of these have been the theory of conflict and the theory of the contract (Rush 2014).

According to the theory of conflict, states arise because of clashes between individuals and groups of individuals or between societies. From this point of view, a group of individuals would be able to impose itself on another, subordinating it and imposing its power on it, which would then be consolidated through the creation of stable political-administrative institutions.

Contrariwise, for the theory of contract, the state is the result of the individual's need for protection that leads to the expression of consent to create a common society. Here individuals would have decided through their consent to submit to certain rules contained in the pact that established the state (*pactum societatis*) to put an end to the continuous struggles that occur both inside and outside civil society itself.

The difference between the two views is that in the first the genesis of political society depends on external, uncontrollable causes, while in the second on an internal consensus: the first theory is exogenous and objective, being the result of an imposition, while the second is endogenous and subjective, being consequent to a choice.

Bodin's thought offers one of the clearest examples of the conflictual view. According to the French philosopher, the state would be born when the chief of the family, endowed with full power over his children and subject only to God, joins his other peers, i.e., other chiefs of families who bear equal prerogatives, and transforms into a citizen, that is, a free subject dependent on the shared sovereignty of peers. Now, this would have happened when the family chiefs contracted an alliance, chose a commander, and defeated the other rival family chiefs in war. Thus, the state was born with three key figures: the monarch (the victorious commander), the free subjects (the victorious chiefs of families), and the slaves (the defeated chiefs of families). In this sense, Bodin believed that «force and violence gave rise to the state» (Gambino 2002, 128-129).

The idea that conflicts among groups of individuals (families, clans, tribes, peoples) would generate the state and that stronger groups were meant to subdue and govern the weaker would be welcomed by social Darwinism. In this respect, individuals or groups of individuals who constitute the ruling socio-political classes through their superior ability, adaptability, and organizational capacity managed to win the struggle against rivals, thus assuming leadership.

Even the elitist political doctrine, specifically Gaetano Mosca, accepts the idea that who governs and holds a position of power in society is always an organized political elite that rules over a disorganized mob. This would not only be typical of dictatorships but would also occur in allegedly democratic political systems.

Moreover, National Socialism would adhere to the theory of conflict, colouring it with markedly racist traits. In fact, the propaganda of the Hitlerite regime adapted this theory to the idea of the master race (*Herrenvolk*), who, due to its biological and cultural superiority, was entitled to subjugate the underman (*Untermensch*).⁶

⁶ Many historical cases have been cited as examples of the *Herrenvolk*'s supremacy over the conquered people. A classic example is that of Sparta, when the invading Dorians subdued the pre-existing population of Laconia giving rise to the ruling class of the Spartiates and the servile class of the helots. Another example is that of the Aryan invaders of India who, to the detriment of the indigenous population, constituted a rigidly hierarchical

Finally, even Marxian political thought adheres to the conflictual vision, viewing the state as the political arena that legitimizes the abuse of the lower, exploited classes for the benefit of the economic profits of the upper, exploitative classes.

As for the consensual vision, one of the most famous advocates is, of course, Hobbes. As already anticipated previously, he argues that the constitution of the state is the only possible way to put an end to the natural condition of perennial war. Its establishment cannot take place through violent or coercive means since its purpose is precisely to cease any situation of violence among individuals. It is therefore the consensus, per Hobbes, at the foundation of the state. Each associate implicitly expresses his agreement in the very moment he accepts to be bound by the clauses of the social pact. Just like any other juridical act, the Hobbesian *pactum societatis* obliges the signatory parties to abide by its provisions in good faith in compliance with the brocade *pacta servanda sunt*. Thus, contrary to what happens in nature with natural laws, the transgression of the pact's clauses would lead to the intervention of a higher, sovereign, and coercive power, which the pact itself gave birth to, that would sanction them. The holder of this absolute sovereign power, be it a single man, as in the monarchical form of government, or an assembly, as in the democratic one, Hobbes called the Leviathan:

The only way to erect such a Common Power, as may be able to defend them from the invasion of Foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industry, and by the fruits of the Earth, they may nourish themselves and live contentedly; is, to confer all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by the plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to bear their Person; and everyone to own, and acknowledge himself to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safety; and therein to submit their Wills, everyone to his Will, and their Judgements, to his Judgment. This is more than Consent, or Concord; it is a real Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up I my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner.* This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in Latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speak more reverently) of that *Mortal God*, to which we owe under the *Immortal God*, our peace and defence. For by this Authority, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is enabled to form the wills of them all, to Peace at home, and mutual aid against their enemies abroad (Hobbes 1965, 131-132).

According to Spinoza, the societal pact would have the sole purpose of transferring an individual's natural rights to the society as a whole, of which now he would become a member; this would guarantee that individuals would maintain the same they possessed in the state of nature. In other words, the pact would have the purpose of recreating a natural egalitarian state without the risk of oppression, and therefore could only establish, in Spinoza's idea, a society supported by a democratic form of government.

Likewise, Locke argues that the state is born through a pact to avoid the potential condition of natural warfare. Since all men would be naturally free, equal, and independent, they cannot be removed from this condition and subdued to a political power without their consent. Thus, the only way an individual accepts to give away his natural freedom and to become part of a civil society is through a consen-

society based on the caste system. Another example is offered by the history of Ancient Rome, with the contrast between patricians, who would be the descendants of the invading Latins, and the plebeians, who would instead be the descendants of the pre-Indo-European population. In the same way, it is possible to cite the example reported in Sir Walter Scott's *Ivanhoe* regarding the cultural hegemony that the Norman invaders of England imposed on the Anglo-Saxon and Celtic populations of the island. Finally, the most famous example is perhaps constituted by European colonial domination through which the white race would bear, to use an expression of Rudyard Kipling, the "burden" of "civilizing" the colonised populations.

sual arrangement with other individuals. This pact is meant to unite and bind a community guaranteeing security, peace, and the safeguard of property. When men accept the establishment of a community or government, they are immediately associated with it and become a single political body in which the majority has the right to deliberate and decide on the rest (Locke 1998, 189).

Finally, Rousseau considers the birth of the democratic state because of the stipulation of a pact. He believes that the social contract would be concluded when each party would accept to put his person and all his power under the supreme direction of the common, general will of the associates, thus becoming an indivisible part of the societal whole. Immediately, this act of association produces a moral and collective body. This public person formed by the union of all the other creates the state while the associates collectively take the name of the people as a whole and citizens as single subjects to the sovereignty and laws of the state (Rousseau 1997, 21).

4. Conclusion. Hobbes and Rousseau: Is a reconciliation possible?

Hobbes and Rousseau bore two antithetical visions of the state of nature and thus conceived political society starting from divergent theoretical premises. In this section, I attempt to compare the contrasting views of the two authors vis-à-vis the state of nature and the birth of political society, but also to outline some assumptions they both share.

4.1. Contrasts

In his works, Hobbes delineates all the advantages and merits of civil society, while underscoring all the disadvantages of the state of nature. He begins from the assumption that the state of nature, as already seen, is a condition of violent anarchy, in which everyone can carry out any action without being punished since nature itself would have granted everyone the right to all things (Hobbes 1998, 28). This implies that the state of nature consists in a condition of permanent war of all against all (Hobbes 1965, 164). It is a condition in which there is no crime, as there is no civil law or common blame, and in which everyone is therefore the exclusive judge of his actions. Since there is no sovereign power, everyone has the faculty to protect himself as best as he can and believe (Hobbes 1965, 225).

Although in nature natural laws that allow men to survive through the cessation of the state of war can be grasped through right reason, there is no coercive power that makes them certain and enforceable (Hobbes 1998, 27). Therefore, since their application depends exclusively on the good will of individuals, the laws of nature cannot be sufficient per se to guarantee peace.

From this follows that the state of permanent war can be interrupted only by establishing the state, which is born through an artificial social pact that requires a common power that governs with the fear of punishment. The nature of the state thus created entails total submission to a sovereign power, be it a man or an assembly, to which the associates alienate those excessive natural rights that grant to harm their fellow men (Hobbes 1965, 172). In this way, the state becomes the exclusive owner of natural rights and may use them to guarantee the common defence against internal and external enemies.⁷ The state constituted by the pact must have the characteristics of an absolute state, in the sense that the sovereign must in no way share sovereignty with other powers, nor can the sovereign's authority be questioned: in fact, if this were to happen, the seeds of the state of war would re-emerge with seditions, conspiracies, and factions, which would lead individuals to civil war and to a return to the anarchic and violent state of nature. In other words, the sovereign must be obeyed, even if his orders may appear, according to the private judgment of citizens, wrong or unjust; moreover, the sovereign, being absolute, is not subject to the laws he emanates.

From all this, it emerges that the core of Hobbesian political thought consists in the full obedience to the established power to avoid the state of war between men. Hobbes considers the state necessary since is the only instrument that men possess to avoid the excessive violence and misery of the state of nature. Though it is true that the state is born from mutual fear, because of the characteristics of human beings in the state of nature, it is also true that it represents a lesser evil than the *bellum omnium contra omnes*. In *De Cive*, Hobbes emphasises these concepts in the following terms:

⁷ However, according to Hobbes, the natural state of perennial war continues among states in international relations.

Outside the circumstances of a commonwealth [*statum civitatis*] each man does indeed have the most complete liberty, but it does him no good. And the reason is that he who does all things of his own free will because he has his liberty, also suffers all things at the will of others, because they have their liberty. But once a commonwealth is formed, every citizen retains as much liberty as he needs to live well in peace, and enough liberty is taken from others to remove the fear of them. Outside the commonwealth every man has a right to all things, but on the terms that he may enjoy nothing. Outside the commonwealth anyone may be killed and robbed by anyone; within the commonwealth by only one person. Outside the commonwealth, we are protected only by our own strength; within a commonwealth by the strength of all. Outside the commonwealth, no one is certain of the fruits of his industry; within the commonwealth all men are. To sum up: outside the commonwealth is the empire of passions, war, fear, poverty, nastiness, solitude, barbarity, ignorance, and savagery; within the commonwealth is the empire of reason, peace, security, wealth, splendour, society, good taste, the sciences and good-will (Hobbes 1998, 115-116).

To surpass the bellicose state of nature, Hobbes endows political society with such an irresistible absolute power, that no other powers can contrast it. It is so indestructible and powerful that it is virtually capable of crushing without contrast any force that opposes it, especially internally. Although it was established through a social pact expressing the will of all associates, it benefits from virtually unlimited power, which, among other things, would offer it the right to expropriate the properties of its subjects, to be released from its own laws, to centralize legislative, executive, and judicial powers in the hands of a single body, and to make the wills of its citizens coincide perfectly with its own. It is, in a word, a state with totalitarian traits that demands blind obedience to avoid a return to the state of natural warfare.

On the contrary, per Rousseau, the state of nature is a condition in which humans do not harm their fellows unless it is for the purpose of self-defence (Rousseau 1992, 31-32). In the state of nature, men are unequal to other men only for physiological but not political reasons (Rousseau 1992, 35). Moreover, humans live a simple and solitary life, (Rousseau 1992, 44) moved by innate piety in helping their fellow men (Rousseau 1992, 61). Markedly, there is no private property, (Rousseau 1992, 64) which arose because of the discovery of agriculture, which involved the partition of land plots (Rousseau 1992, 82). It was civil society that gave birth to the state of war between individuals and originated all human evils. It was civil society to introduce inequality due to the emergence of private property and the division of labour, which are otherwise absent in nature (Rousseau, 1992, 80). The spread of private property and the unequal distribution of wealth gave rise to slavery and oppression within civil society. Therefore, civil society is deeply hypocritical and evil, whereas the most desirable condition is the state of nature, which is halfway between the original indolence of primitive man and the coeval civil society full of pride and injustice (Rousseau 1992, 79-80).

However, despite these bitter criticisms, Rousseau is not against the idea of establishing a political society. On the contrary, he argues that social inequality can be avoided through the stipulation of a social contract that creates a state that is the expression of the general will of the people. As an expression of the whole community, the purpose of the contract will be to create a just society, based on moral and political equality, that abolishes all inequalities that are absent in nature.

Paradoxically, the political society that Rousseau wants to create through the social pact is another species of Leviathan. In fact, when a state is the expression of the general will of the associates, it represents another model of a “totalitarian” state in which the will of the majority overwhelms and cancels that of the minority. Such a “Leviathan of citizens” would logically lead to the idea of “tyranny of the majority” as theorized by Tocqueville.

In conclusion, according to Hobbes political society allows the natural state of perennial war to cease, while in Rousseau’s view, it epitomizes a condition of inequality and injustice. Vice versa, the Hobbesian view of the state of nature implies a typically anarchic, chaotic, and violent condition, whereas Rousseau describes it as a condition close to equality, spontaneity, and piety towards fellow human beings, though deprived of a common, sovereign power that safeguards human security. However, the

Hobbesian political society typifies an absolute and totalitarian state grounded on the obedience of the subjects, while the one theorized by Rousseau would cancel political inequality through the enhancement of a social contract that is an expression of the general will of the associates.

4.2. Analogies

Despite the radical differences highlighted above, Hobbes and Rousseau shared some common assumptions. The pages of their works highlight at least five remarkable analogies. First, both Hobbes and Rousseau share a common contractualistic vision of the origin of political society. Both contemplate the birth of a civil society that is the consequence of the constituent will of the future associates. It is not considered possible to establish a political society that is detached from the consent of those who bring it into being, since, as argued by Rousseau in the *Discourse on Inequality*, a state cannot be constituted by force, since force cannot create law, and law can only be the expression of free will. Hobbes also accepts this principle, since the stipulation of the social pact that establishes the Leviathan implies the will of the constituents themselves to authorize and assign the right to be governed by a sovereign power. However, the difference between the Hobbesian and the Rousseauian social pact relies on the fact that in the former case, the rights are alienated to the state, while in the latter to the totality of the associates. Moreover, per Hobbes the associates must cede the right of self-government to the holder of sovereign power, be it a single man or an assembly of people, by offering complete obedience; instead, per Rousseau each associate alienates all his rights to the whole community, that is, to the general will of the people. In this sense, Hobbes theorized a kind of “Leviathan of the subjects”, in which everyone is subjected to irresistible, absolutist state power, while Rousseau a sort of “Leviathan of the citizens”, or a form of “tyranny of the majority”.

Secondly, both philosophers believe that living in the state of nature is possible. Indeed, while for Rousseau it is even desirable, Hobbes himself through listing in his works a long number of natural laws implicitly admits the idea that the state of war can cease even in nature. For this purpose, the natural man just needs to abide by the golden rule of not doing to others what he would not want to be done to himself. At the same time, both philosophers also accept the idea that one can live within the state. This time it is to Hobbes that this appears desirable, and yet Rousseau too hopes for the birth of the state, provided however that it eliminates the political and socio-economic inequality and that it is an expression of the will of the people.

Thirdly, both Hobbes and Rousseau admit that, except for their physical characteristics, by nature men are all the same. Inequality depends on positive laws and therefore it is a product of political society. In this sense, Hobbes states that “all men are equal to each other by nature. Our actual inequality has been introduced by civil law” (Hobbes 1998, 26). Moreover, he adds that “if then men are equal by nature, we must recognize their equality; if they are unequal since they will struggle for power, the pursuit of peace requires that they be regarded as equal. And therefore, the eighth precept of natural law is: everyone should be considered equal to everyone” (Hobbes 1998, 50).

Furthermore, a fourth analogy concerns the will of the state. Both for Hobbes and Rousseau, the will of the state, once it is established, must coincide with the will of the citizens. Hobbes affirms in *De Cive* that “the will of the *assembly* or the *man* to whom *sovereign power* has been committed is the will of the commonwealth; hence it comprehends the wills of individual citizens; and therefore one to whom *sovereign power* has been committed is not bound by the *civil laws* (which is an obligation to himself) nor obligated to any of the citizens” (Hobbes 1998, 84). He further adds that the constitutive will of the state must be univocal:

Since therefore a *combination* of several wills at the same end is not adequate for the preservation of peace and stable defence, it is required that there be a *single will* [*una voluntas*] among all of them in matters essential to peace and defence. This can only happen if each man subjects his *will* to the *will* of a *single* other [*alterius unius*], to the *will*, that is, of one *Man* [*Hominis*] or of one *Assembly* [*Concilium*], in such a way that whatever one *wills* on matters essential to the common peace may be taken as the *will* of all and each [*omnes et singuli*] (Hobbes 1998, 72).

How not reconnecting this concept to Rousseau's idea of the indivisibility of the general will? In this regard, Rousseau shares a very similar view to Hobbes's, believing that the constant will of all the members of the state is the general will: "When a law is proposed in the Assembly of the People, what is being asked of them is not precisely whether they approve the proposal or reject it; but whether or not it conforms to the general will which is their own: each in giving his vote states his opinion on that question, and from the counting of the voting is taken the declaration of the general will" (Grofman & Feld 1988, 568).

Finally, the last analogy refers to the democratic form of government. The two philosophers seem to consider democracy a form of government easily subject to civil wars and, in principle, against nature. At first, one would certainly not expect to find similar declarations in Rousseau's theory, yet, in *The Social Contract* he states that a true democracy has never existed and will never exist and that it is against the natural order that the majority govern, and the minority to be governed (Rousseau 1997, 97). Moreover, he adds that no government is more subject to civil wars and internal turmoil than a democratic or popular one, because no other tends to be more volatile or requires more vigilance and strength to be kept (Rousseau 1997, 99). It is known that Rousseau despised specifically the representative form of democracy, in which the citizens had to elect their representatives in a parliamentary assembly, supporting instead the idea of direct democracy as an expression of the direct, indivisible will of the majority of the associates. At the same time, it is well-known that Hobbes opposed the democratic form of government since due to factionalism and partition of political power it could easily lead to a state of anarchy and thus once again to the natural state of warfare (Hobbes 1998, 94).

To conclude, by citing these five examples (probably only a few among many) I attempted to show that there are some points in common between the theoretical schemes of Hobbes and Rousseau. Clearly, Hobbes is commonly considered a supreme theorist of absolutism and state power, whereas Rousseau is deemed one of the topmost advocates of egalitarianism and people's power. The former is still counted among the spiritual fathers of conservatism, the latter of socialism. And yet it should not be neglected that, despite the contrasts, the two philosophers shared some analogies. Nevertheless, no one should fall into the trap of highlighting the similarities, while hiding or minimizing the yet undoubtedly great differences.

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