

The State of Nature X: Why Leave? A Preface on the State of Nature Theory

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Abstract

Great minds have addressed the issue of forming a polity, dating back to Plato. Yet, most of these great minds, such as Thomas Hobbes, John Locke and Jean-Jacques Rousseau, argue for the need to escape the state of nature into a civil form of government. However, after taking the three essential elements of man that these philosophers all comment on, self-preservation, reason, and will, a new state of nature model is created that is stronger. It is stronger because of its definition of man and the analytic inferences that flow from that definition. Therefore, the state of nature theory does not preclude man from living outside the bounds of government.

Preface: Strengthening an Old Theory

The ideas behind the state of nature theory can guide beliefs about man, political society, and law. The state of nature is a theory,¹ which speaks of a time between man's natural beginning on earth and his formation of government.² It is often viewed as fictitious, not representing a real time in man's history, but as many philosophical theories, this is irrelevant to its discussion.³ No modern author was found that created his or her own state of nature model similar to the one that is proposed here.⁴ So this problem became more than just a rehashing of great works, and moved into trying to make the state of nature a stronger theory by establishing a new state of nature model and new state of nature's man.

This was accomplished by selecting three ideas (self-preservation, reason, and will) that are not only intrinsic to natural man, but are touched on by Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. These three political philosophers would agree on this fundamental definition of man (man x), despite the varying elements surrounding these philosophers' three ideas. Hence, because man x could not fit into any of these three philosophers' state of nature theories, and because man x is established as a definition these three philosophers would agree on, a new state of nature theory is proposed that, it is assumed, these three philosophers would agree with as well (state of

¹ Laurence Berns, *Thomas Hobbes*, in *History of Political Philosophy* 396, 398 (Leo Strauss & Joseph Cropsey eds., 3rd ed., Chicago Univ. Press 1987) (1963).

² Plato, *The Republic*, in *The Collected Dialogues*, 575, 608 (Edith Hamilton & Huntington Cairns eds, P. Shorey tras., Princeton; 1961).

³ Robert S. Hill, *David Hume*, in *History of Political Philosophy* 535, 548 (Leo Strauss & Joseph Cropsey eds., 3rd ed., Chicago Univ. Press 1987) (1963).

⁴ Yet, a similar concept, the "state of exception" was discussed in Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* 9-12 (George Schwab trans., University of Chicago 1985) and Giorgio Agamben, *State of Exception* 1, passim (Kevin Attell trans., The University of Chicago Press 2005).

nature x). The state of nature x is best understood as a state of preservation in which man x is seen as a reasoning and willing creature. Subsequently, this proposal is believed to establish a more solid state of nature theory in which three philosophers, who talked on this theory at length, would not disagree.

Chapter I: What is it? An Overview on the State of Nature Theory

The Theory

The State of Nature theory is best understood as a work of political philosophy. As not all students can escape philosophy, defined by Aristotle in his work, *Metaphysics*, as “knowledge of the truth,” the entrapment of this theory is found in its interesting desire to understand exactly what man is and, therefore, by extension define political nature.⁵ The theory does this by trying to strip man of all his qualities that are added to himself by political society. In rudimentary terms, the state of nature theory is an a-temporal place where there is no government and no real society, there is just man and his interaction with his fellow man. Technically, this theory is not open-ended, but it does allow room for disagreement. The point of disagreement in this theory is in the degree of man’s qualities that are stripped away. Proposed here, man is only left with three essential qualities, self-preservation, reason, and will. This proposal seeks to establish a state of nature theory that truly lives up to its aforementioned purpose.

State of Nature Models

The state of nature has been most fully defined by Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Since these great minds preceded the writing of this work, their definitions will be used to define the characteristics of this state. Thomas Hobbes in

⁵ Aristotle, *Metaphysics*, in *The Basic Works of Aristotle* 682,712 (Richard McKeon ed., 1941).

chapter thirteen of his work *Leviathan* describes life in the state of nature as “solitary, poor, nasty, brutish and short.”⁶ Hobbes believes the state of nature to be a community⁷ in which man is equal, for even the strongest man can be killed by the weakest, while sleeping or by “secret machination.”⁸ This equality produces an “equality of ability,” which gives rise to “equality of hope in the attaining of our ends,” however; this hope produces enmity between men who believe themselves both able to acquire the same end.⁹

Hobbes believes this end of equality is sought by the man for his preservation and/or delight.¹⁰ Men in this state cannot “secure” themselves and attain “no pleasure” from communing with others who are not beneficial for them.¹¹ It is also noted that some men will seek to show off their power by conquering others for no rational reason.¹² Thus Hobbes holds three elements in the nature of man, which will not allow him to live amicably: “competition,” “diffidence” and “glory.”¹³ All three qualities will propel man to conquer other men in the state of nature for either “gain,” “safety,” or “reputation.”¹⁴ Thus, Hobbes believes the passions and desires of man will push him to be in a constant state of war, which is not only physical fighting, but includes the capacity for man to

⁶ Thomas Hobbes, *Leviathan*, reprinted in *Classics of Political and Moral Philosophy* 386, 403 (Steven M. Cahn ed., Oxford Univ. Press 2002). Also noted in, Sterling P. Lamprecht, *Hobbes and Hobbism* 34 *The American Political Science Review* 31, 32-39 (1940). Also, in Gordon J. Schochet, *Thomas Hobbes on the Family and the State of Nature* 82 *Political Science Quarterly* 427, 427 (1967).

⁷ Community can be defined as “an assembled multitude of rational creatures bound together by a common agreement as to the objects of their love,” which is how Augustine defines ‘people’ in the larger sense; see, Augustine, *The City of God*, reprinted in *Classics of Political and Moral Philosophy* 300, 307-8 (Steven M. Cahn ed., Oxford Univ. Press 2002). However, one must reject Augustine’s belief in love and its defining of moral character, therefore, love used in defining community is to indicate that the group is created for a mutual want of the same end.

⁸ See, Hobbes, *supra* note 6, at 402.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 402-3.

¹³ *Id.*

¹⁴ *Id.* at 403.

dwell on a future time of confrontation.¹⁵ Granted, Hobbes distinguishes the “right of nature,” a right being defined as a “liberty to do,” which is self-preservation, from the “law of nature, which is an “obligation.”¹⁶ The Law of Nature differs from “right” by being a “general rule found out by reason,” which prohibits man from not preserving his own life.¹⁷ Hence, this state of nature allows every man a “right to every thing: even to one another’s body,” and this being contrary to reason, advances man to strive for peace.¹⁸ Likewise, Hobbes holds this first law of nature to be the pursuit of peace, being the highest ability of preservation, and the second law to be the willingness of man to give up liberty for other men to abide by peace as well.¹⁹

In Locke’s *Second Treatise of Government*, his model of the state of nature is a natural “state of perfect freedom,” in reference to a man’s actions, and a state of “equality” in reference to “power” and “jurisdiction.”²⁰ Like Hobbes, Locke believes men in the state of nature are bound by the law of nature, but, unlike Hobbes, Locke holds this law of nature to deny men the ability to do anything they please.²¹ Locke also believes reason will lead man to the conclusion that others should not be harmed in “his life, health, liberty, or possessions.”²² Reason will also extend a man’s want of self-preservation to the preservation of other men, when his is not threatened.²³ Locke also believes all men in the state of nature have the power to “execute” and “punish the

¹⁵ *Id.*

¹⁶ *Id.* at 404.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 404-5.

²⁰ John Locke, *Second Treatise of Government*, reprinted in *Classics of Political and Moral Philosophy*, 461, 461 (Steven M. Cahn ed., Oxford Univ. Press 2002).

²¹ *Id.* at 462. Also, seen in John T. Bookman, *Locke’s Contract: Would People Consent to It?*, 43 *The American Journal of Economics and Sociology* 357, 358 (1984).

²² *Id.*

²³ *Id.*

transgressors” who seek to kill another.²⁴ This ability for all men to be executioners of the law of nature, place men over one another in the ability to deal out retribution to those who transgress the law of nature and seek to abide by their own rules.²⁵

The paramount difference of Locke from Hobbes is Locke’s belief that there is a divide between the state of nature and the state of war.²⁶ Locke’s state of nature is peaceful and governed by the law of nature, which does not allow the harm of others; however, the “state of war is a state of enmity and destruction.”²⁷ The state of war is entered into when one man tries to impose “absolute power” over another man without that man’s consent.²⁸ This attack on the peaceful man’s preservation allows him to treat the man as an enemy and kill him.²⁹ Unjust force is the determining factor between a peaceful state of nature and the state of war.³⁰ Although the state of war can cease when the force is over, he who is harmed, having no ability to appeal in the return to state of nature, will seek vengeance for his harms and an unstoppable cycle of vengeance will commence.³¹ Locke proposes that this cycle is why men seek to form a society.³² Locke also holds the right of men to their property to be a reason for man to enter into a

²⁴ *Id.*

²⁵ *Id.*, at 463.

²⁶ *Id.*, at 465. [This difference is what makes the two incompatible in this author’s view, an argument that Matt Zwolinski makes in his journal article *State of Nature*, 45 *Journal of Value Inquiry*, 27, passim (2011). Zwolinski wants to argue that the similarity is seen in “a certain sort of relationship between individuals,” thus arguing that people can exist “under some political authority” and in a state of nature “relative both to individuals, who exist under no political authority, and also to individuals who exist under a different political authority” (29). Although, an interesting observation, Zwolinski believes that the state of nature could not only exist separate from each other, but separate and in congruence with a political figure (34). He views each as solving different problems for different people; however, this misses the point of the state of nature’s essence (34). By the very definition, a state of nature is devoid of a “political authority” and the Lockean state of nature assumes a peaceful state while the Hobbesian assumes a state of war (29). Therefore, the similarity may be found in relational ties, but each philosopher’s definition of man and state of nature are too divergent to exist in harmony.

²⁷ See, Locke, *supra* note 20, at 462, 465.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 466.

³¹ *Id.* at 466.

³² *Id.*

society³³; however, the dissection of Locke's idea of property is beyond the scope of this paper.³⁴

Rousseau's model of the state of nature differs greatly from the models of Hobbes and Locke, but to understand Rousseau's state of nature, one must understand his state of man. In *Discourse on the Origin of Inequality*, Rousseau states that he will take the essence of man and strip him of all external qualities.³⁵ Therefore, Rousseau argues that man is purely an instinctual animal whose body is sculpted by the elements and seasons.³⁶ He parallels the selection of nature to that of Sparta who destroyed the weak children and encouraged the strong.³⁷ Thus, man is stronger in nature than when he is *domesticated* in society.³⁸ In this sense, man is not sociable, but neither is he miserable for he has no idea of misery and no introspection to make him miserable.³⁹ In this state, man is led by instinct and is neither good nor bad for he has no "moral relations or determinate obligations."⁴⁰ Rousseau scoffs at Hobbes' belief that man is evil because he does not know what good is for if this was so man would kill even his family, which would go against the reasoning of self-preservation.⁴¹

Rousseau considers passions to originate in society and believes man to naturally desire only self-preservation and compassion, which is seen in certain animals' sorrow

³³ Robert A., *John Locke*, in *History of Political Philosophy* 476, 486-96 (Leo Strauss & Joseph Cropsey eds., 3rd ed., Chicago Univ. Press 1987) (1963).

³⁴ See, Locke, *supra* note 20, at 467-74.

³⁵ Jean-Jacques Rousseau, *Discourse on the Origin of Inequality*, reprinted in *Classics of Political and Moral Philosophy*, 517, 517 (Steven M. Cahn ed., Oxford Univ. Press 2002). Also see, William A. Dunning, *Political Theories of Jean Jacques Rousseau*, 24 *Political Science Quarterly* 377, 386 (1909), <http://www.jstor.org/stable/2140885>.

³⁶ See, Dunning, *supra* note 35, at 382.

³⁷ See, Rousseau, *supra* note 35.

³⁸ *Id.*

³⁹ *Id.* at 518.

⁴⁰ *Id.*

⁴¹ *Id.* at 518, 519.

for the dead and a mother's care for her offspring.⁴² Rousseau holds these two elements of man to govern the state of nature and to be more pure than reasoning and philosophy, two concepts that, in Rousseau's mind, question the gifts of nature and ignorantly try to improve them.⁴³ Therefore, preservation is not governed by reason, but is ingrained in the nature of man and thus man has no idea of "vanity, deference, esteem, and contempt" nor of the concept of *mine*.⁴⁴ Male and female feel only physical love for one another, not able to feel ideas of "love and admiration" for man had no imagination in which to understand such concepts.⁴⁵ Rousseau concludes with his views on man in the state of nature, which holds man to be compassionate and merrily ignorant of all that does not "immediately [concern]" him.⁴⁶ In this conclusion, Rousseau also rejects the idea that because men are diversely created in the state of nature, the strong would oppress the weak.⁴⁷ Rousseau explains that the self-preserving man would never take on the burden of making a man a slave because a man will only remain a slave if he can benefit, if not, the *slave* will kill the other man.⁴⁸

In "The Second Part" of his work, Rousseau presents a change of causality that explains how an animalistic man fell into society.⁴⁹ The increase of man's number produces more cares in man, which included soil care, meal preparation and creation of items such as "bows and arrows."⁵⁰ The more encounters man had with his own kind, the

⁴² *Id.* at 519.

⁴³ *Id.* at 520.

⁴⁴ *Id.*

⁴⁵ *Id.* at 521.

⁴⁶ *Id.* at 522.

⁴⁷ *Id.* at 523.

⁴⁸ *Id.*

⁴⁹ *Id.* at 524-8.

⁵⁰ *Id.* at 524.

more his mind became aware of “certain relationships.”⁵¹ The differing relationships produced a “kind of reflection,” which produced “new intelligence.”⁵² Man used this reflection and was able to feel the “emotion of pride” and his life of self was promulgated against those men who were not evolving as quickly.⁵³ Rousseau notes that this opposite domino effect would continue, but for sake of time, he jumped to the fact that enlightened man became “industrious” and continual co-habitation led to the family structure, which was the first society.⁵⁴ Man began to devolve and his natural “strength and ferocity” was loosened.⁵⁵ Leisure produced want of unneeded conveniences, speech was established and a more “settled manner of life” ensued.⁵⁶ Feelings arose out of the necessity of seeing other men everyday, these feelings (such as love) gave rise to other feelings (such as jealousy) and man gave value to feelings of want by others (“public esteem”).⁵⁷ Man continued to deny his natural bent and became changed by society.⁵⁸ “Morality began to appear in human actions” and property was introduced as man saw it as advantageous to have more than was needed just for himself.⁵⁹ Rousseau held “iron and corn” to be the first property to ruin mankind and, although, he only hypothesizes how man learned how to use iron, he believes they discovered the act of “digging the ore” by “accidental fire.”⁶⁰ Rousseau goes on to discuss how property “gave rise to the first rules of justice” (property being established by man’s labor)⁶¹, and Rousseau again jumps to “all human

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 525.

⁵⁴ *Id.* at 525-6.

⁵⁵ *Id.* at 526.

⁵⁶ *Id.*

⁵⁷ *Id.* at 526-7.

⁵⁸ *Id.* at 527.

⁵⁹ *Id.* at 527-8.

⁶⁰ *Id.* at 528.

⁶¹ *Id.* at 529.

faculties” being established, the mind being almost completely accomplished in memory, imagination and reasoning.⁶²

Thus, Rousseau argues that the idea of private property gave rise to competition, which led to greed, which led to a state of war between the rich and poor.⁶³ Thus, the rich men, who Rousseau regards as thieves for taking too much from the common for themselves⁶⁴, collaborated to turn the venomous poor into their “allies” by forming a “join[ing].”⁶⁵ Sold as a “securing of liberty,” no man was keen enough to disagree and even though the rich saw the future dangers, the benefits outweighed the costs.⁶⁶ Rousseau saw this as the “origin of society and law” and held the creation to “destroy natural liberty” and “subject all mankind to perpetual labour, slavery, and wretchedness.”⁶⁷ The law of nature fell to the wayside only governing “communities” that were lacking.⁶⁸

Chapter II: The State of Nature’s Man

Man X: The Essentials of Natural Man.

One will notice that three elements of man that are ascribed to by Hobbes, Locke, and Rousseau are that man in the state of nature has self-preservation, reason, and a will.⁶⁹ While the context surrounding these terms may be different, they can all be molded to form a more structurally sound theory on man’s essential qualities and, consequently, a more solid state of nature theory (state of nature x). Concurrently, a new type of man (man x) will be established based on these three reoccurring essential-ideas.

⁶² *Id.*

⁶³ *Id.* at 529-31.

⁶⁴ *Id.* at 530.

⁶⁵ *Id.* at 531.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Refer to page 6-12 of this work.

Self-Preservation. Thomas Hobbes views a man's self-preservation as a "Right of Nature," which states that "each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing which in his own judgment, and reason, he shall conceive to be the aptest means thereunto."⁷⁰ Hobbes also holds the "Law of Nature" to be a "general rule, found out by reason, by which man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same."⁷¹ Hobbes defines rights as a liberty and law as a liberty that is binding.⁷²

John Locke views man in the "state of liberty" as able to "destroy himself."⁷³ Locke holds this desire of preservation to extend, by the law of nature (which is for peace), to include the desire that "no one ought to harm another in his life, health, liberty, or possessions."⁷⁴ In the "state of war," Locke holds self-preservation to allow the killing of men to "enslave" other men without the latter's consent.⁷⁵

Jean-Jacques Rousseau writes self-preservation to be man's "first care."⁷⁶ And, in response to Hobbes, that "the care for our own preservation is the least prejudicial to that of [the principles of nature], was consequently the best calculated to promote peace, and the most suitable for mankind."⁷⁷ Thus, Rousseau holds self-preservation to be based in instinct, a passion.⁷⁸

⁷⁰ See, Hobbes, *supra* note 6, at 404.

⁷¹ *Id.*

⁷² *Id.*

⁷³ See, Locke, *supra* note 20, at 462.

⁷⁴ *Id.*

⁷⁵ *Id.*, at 465.

⁷⁶ See, Rousseau, *supra* note 35, at 524.

⁷⁷ *Id.*, at 518.

⁷⁸ *Id.*; see, also Allan Bloom, *Jean-Jacques Rousseau, in History of Political Philosophy* 559, 564.

All three men agree that self-preservation is, at its core, the continuation of one's life. However, self-preservation is the best benefit, on that man's life. This diverges from Hobbes' view in strongly ascribing self-preservation to be a right and law of nature, as these concepts go beyond the scope of this paper.

And one must disagree with Locke (and later Rousseau's view on "compassion"⁷⁹), who views the extension of self-preservation to include others, as this seems counter intuitive to the very definition of the word. By Locke's own admission, preservation of self is a more "fundamental law of nature," than protection of others, as the former is not stripped off in the state of war.⁸⁰ Likewise, Locke's stated belief that, "[t]o be free from [another's absolute power over himself] is the only security of my preservation; and reason bids me look on him, as an enemy to my preservation."⁸¹ Following Locke, it would seem that if self-preservation required one to preserve others, they would never be able to enter into a state of war with one another. Mainly because there is no differentiation (in Locke's view on self-preservation, not his view on the different state's of nature) between the desire to preserve others when they seek my good and the desire to preserve others when they seek my ill.

Likewise, Rousseau's view that self-preservation is a ruling factor of man, but man is primitive in understanding, is hard to reconcile together.⁸² As man's self-preservation needs to have some foundation and, thus, reason would be needed to secure self-preservation, as well as the will of man to follow through on what man reasons.

⁷⁹ See, Rousseau, *supra* note 35, at 518-20.

⁸⁰ See, Locke, *supra* note 20, at 465.

⁸¹ *Id.*

⁸² See, Rousseau, *supra* 35, at 522.

Thus, self-preservation must be a non-moral, rational good.⁸³ In other words, this is a good based on reason.⁸⁴ That is, self-preservation is used by man x to determine how to most benefit him in life.⁸⁵

As a result, essentially, self-preservation is the act of seeking to continue one's life. It is an intrinsic disposition, a natural goal. Self-preservation is a desire (for lack of a better descriptive) that can be attained by varying means and supported by varying emotions, based on the man's natural make-up. Self-preserving man finds himself neither in perfect harmony with his fellow man, nor plotting his fellow man's demise. As the self-preserving man concept assumes a state of preservation. In other words, if every man is looking out for himself, the state of nature will neither be one of continual war, nor one of continual peace. In this way, the right for self-preservation only extends to others in the case of a more beneficial state for either. This definition of self-preservation is a strong culmination of Hobbes, Locke, Rousseau, by boiling the concept down to its core and barring any inconsistencies in the concept.

Reason. Thomas Hobbes holds "to reason" to be when men,

conceive a sum total, from "addition" of parcels, or conceive a remainder, from "subtraction" of one sum from another, which, if it be done by words, is conceiving of the consequence of the names of all the parts, to the name of the whole; or from the names of the whole and one part, to the name of the other part.⁸⁶

⁸³ This distinction is made to separate this view from Adam Smith's view of self-preservation and moralities intertwined state. (Joseph Cropsey, Adam Smith, in *History of Political Philosophy* 635, 641-42 (Leo Strauss & Joseph Cropsey eds., 3rd ed., Chicago Univ. Press 1987) (1963)).

⁸⁴ "Rational," def. 1-www.dictionary.com.

⁸⁵ This author must agree with Michael Moehler in his article when he notes Hobbes' state of nature is not a "non-zero sum game," but is an assurance game (297, 304). A person in the state of nature will interact with others; however, this author would state that a person's desire for self-preservation is what supports that assurance, whereas Hobbes thinks this is unlikely (310). Michael Moehler, *Why Hobbes' State of Nature is Best Modeled by an Assurance Game*, 21 *Utilitas* 297, passim (2009).

⁸⁶ Thomas Hobbes, *Of Man, Being the First Part of Leviathan*, Harvard Classics 34. (New York: Bartleby.com 2001), <http://www.bartleby.com/34/5/5.html>.

Hobbes continues in defining reason as it relates in the mind,

[f]or “reason” in this sense is nothing but “reckoning,” that is adding and subtracting, of the consequences of general names agreed upon for the “marking” and “signifying” of our thoughts; I say “marking” them when we reckon by ourselves, and “signifying” when we demonstrate or approve our reckonings to other men.⁸⁷

Hobbes sees reason as a faculty only available to animal man and defines this faculty more specifically as when “he conceived anything whatsoever he was apt to inquire the consequences of it, and what effects he could do with it.”⁸⁸ Hobbes also adds that man can come to “general rules” through this faculty of reasoning.⁸⁹ He adds “reason is not, as sense and memory (“knowledge of fact”), born with us, nor gotten by experience only, as prudence is; but attained by industry,” which Hobbes holds to be science.⁹⁰

In *An Essay Concerning Human Understanding*, John Locke briefly touches on reason as “a faculty in man.”⁹¹ He too believes that reason, “consists in a perception of the agreement or disagreement of our own ideas, and the knowledge of the existence of all things without us.”⁹² He continues

[reason] finds out and...it so orders the intermediate ideas as to discover what connection there is in each link of the chain, whereby the extremes are held together; and thereby, as it were, to draw into view the truth sought for, which is that which we call...inference, and consists in nothing but the perception of the connection there is between the ideas.⁹³

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ John Locke, *An Essay Concerning Human Understanding* 573 (Alexander Campbell Fraser ed., 1689).

⁹² *Id.*

⁹³ *Id.*

Furthermore, Locke notes that reason is “the faculty which finds out the means, and rightly applies them, to discover certainty in the one, and probability in the other.”⁹⁴ He views reason as containing four levels: (1) “the discovering and finding out of truths,” (2) “the regular and methodical disposition of them, and laying them in a clear and fit order,” (3) “the perceiving [the thoughts] connection,” and (4) “making a right conclusion.”⁹⁵

At first glance, Rousseau does not agree with the above definition of reason, as he does not believe man to be “a rational animal,” and, subsequently, he does not view man as able to “think far into the future.”⁹⁶ However, if this is true, Rousseau is unable to reconcile this inability of man with man’s ability to have sympathy only so far as it “does not conflict with his own preservation.”⁹⁷ This is a problem, as the question arises asking how man can follow his self-preserving nature, if there is no mechanism to choose one path over another because the former is a more self-preserving path. Because of this, one would be more apt to say that Rousseau is speaking of mere philosophical-moral reason, especially because he bases his definition of reason as only possible by speech, and has simply defined the ability to infer (“reason”) as instinct.⁹⁸ Likewise, if man was not able to infer, the question arises how man is able to later reason in society in perceiving future effects?⁹⁹ Hence, Rousseau does not disagree with Hobbes or Locke in their definitions on reason.

At its core, reason is similar to the above since it is the deduction of the cause and effect relationship of ideas and actions, as well as, the interaction between thoughts and

⁹⁴ *Id.*

⁹⁵ *Id.*, at 574.

⁹⁶ See, Bloom, *supra* note 78, at 563.

⁹⁷ *Id.*, at 564.

⁹⁸ *Id.*, at 563; see, Rousseau, *supra* note 35, at 520 for the philosophical-moral reason that Rousseau was probably concerned with and 524 for reason defined as instinct).

⁹⁹ See, Rousseau, *supra* note 35, at 531.

reality. Ironically, it is similar to an instinctual inferring. Therefore, the above definitions of reason, ascribed to Hobbes, Locke, and Rousseau, are not inherently unworkable under a general theory of reason as described here.

Will. Thomas Hobbes defines will as the “act...of willing,” which is not a “rational appetite,” for then it could not overcome reason, but “the last appetite in deliberating.”¹⁰⁰ John Locke views will as the power of the mind to act.¹⁰¹ Later, he defines this act as the “ability to prefer or choose.”¹⁰² He refers to the actualization of that power as “willing.”¹⁰³ While Rousseau does not define will specifically, he does define will in relation to man through his concept of the “general will.”¹⁰⁴ Thus, it can be inferred that Rousseau would not disagree with will as defined above.

Essentially defined, a man’s will is an intrinsic quality (for lack of a better term) of power. Power refers to the ability man has to act. Man’s will is not bound by reason, as the two are warring forces by necessity. For man does not always will to do what he reasons to be more beneficial. The will is an illusive concept of action that, if taken away, leaves man unable to act. Hence, why the three philosophers assumed will in man’s makeup.

Therefore, man x is a self-preserving animal whose intrinsic disposition is based on his inferred reasoning, which is carried out by his will to do so. It is this man who Hobbes, Locke, and Rousseau would not disagree on and who, consequently, would find the redefined state of nature to fit this man quite well.

¹⁰⁰ See, Hobbes, *supra* note 6, at 397.

¹⁰¹ See, Locke, *supra* note 91, at 174.

¹⁰² *Id.*, at 179.

¹⁰³ *Id.*

¹⁰⁴ See, Rousseau, *supra* note 35, at 532 “force,” 534 (“a single motive power,” 538 (see how Rousseau uses the term ‘will’).

Chapter III: State of Nature Redefined

The State of Nature X: Environment

Seeing as the state of nature's underpinnings, as a concept, are strictly related to how man is defined, the state of nature x is what that state would look like if man is assumed to function and relate as man x in that state. This intimate relationship between man's makeup and the state of nature's interaction is unmistakable. However, the state of nature's environment is also promulgated on man's qualities as well. Thus, based on man x, the environment must assume an original cause, natural laws, and a man of belief.

An Original Cause. First, to account for man x's beginning, the state of nature x will need a man with the capacity, "the ability to receive or contain," basically, the ability for abilities, to function in any situation or reflection, a necessity of reason.¹⁰⁵ Therefore, it follows that the first man must have been created in totality, not evolving or changing over time, as capacity must be there from the beginning and there seems no other way to later infuse man with this capacity. The cause and effect nature of reality would bring the question back through all generations until the need for a "prime mover" is needed.¹⁰⁶

Laws. Second, the state of nature x has three types of laws of nature: (1) absolute, (2) scientific and (3) philosophical. The absolute law of nature is that absolute laws do exist, absolute meaning complete, as a circle is complete.¹⁰⁷ Scientific laws of nature are merely laws of how the universe functions, such as gravity. Lastly, philosophical laws are seen in reason and are rational, such as the law of non-contradiction. There are no

¹⁰⁵ "Capacity"-www.dictionary.com

¹⁰⁶ See, Aristotle, *supra* note 5, at 830. (This concept is not meant to insinuate a deity of any faith, but simply to point out the need for man's existence to be caused.)

¹⁰⁷ "Absolute"-www.dictionary.com.

moral laws that govern man's actions. Such laws of ideas would have no weight, since there would be no one to reinforce them.

Religious Man. Third, although the state of nature is not to be considered a real historical state, it is important, as a theory, to answer the question, "Is man by nature social and political?"¹⁰⁸ Thomas Hobbes and Jean-Jacques Rousseau believe that man is neither, as evidenced by the theory of the state of nature, in which man can be conceived to "live without civil government, or without a common power over them to keep them in fear."¹⁰⁹ Thus, man is neither innately "a political animal," as Aristotle would define it in *Politics*.¹¹⁰ Nor is man born social,¹¹¹ as noted pointedly by Hobbes.¹¹² Thus, man can be stripped of all external qualities, and what one is left with is the state of nature's man. Yet, man as described by Rousseau, as instinctual, is vague.¹¹³ In this state of nature, man is not any animal, but a distinct animal, which at the very least can be described as a "religious animal."¹¹⁴

¹⁰⁸ See, Burns, *supra* note 1, at 398. (Yet it should be noted that John Locke, and even Thomas Hobbes believed it existed in certain countries, see, Robert A. Goldwin, *John Locke, in* History of Political Philosophy 476, 478 (Leo Strauss & Joseph Cropsey eds., 3rd ed., Chicago Univ. Press 1987) (1963); and see, Burns, *supra* note 1, at 399).

¹⁰⁹ See, Burns, *supra* note 1, at 399; see also Bloom, *supra* note 78, at 562-63. John Locke's view on this question is not as straight forward, but it seems he would not contest that man in the state of nature is not social or political in the sense of civil society, see, Goldwin, *supra* note 108, at 478-79).

¹¹⁰ Aristotle, *Politica, in* The Basic Works of Aristotle 1127, 1184 (Richard McKeon ed., 1941). (It has been noted that Aristotle's use of political could have a more "conjugal" bent as stated by Carnes Lord. Lord holds the meaning of political to be seen in man's need to "congregate in groups," see Carnes Lord, *Aristotle, in* History of Political Philosophy 118, 136 (Leo Strauss & Joseph Cropsey eds., 3rd ed., Chicago Univ. Press 1987) (1963). Political, as used here is in reference to a communing of people for the sake of "administration of government," see Black's Law Dictionary 910 (2nd ed. 1910), *available at* <http://blacks.worldfreemansociety.org/2/P/p0910.jpg>.)

¹¹¹ Social is best understood as man living in a community with others, in contrast to the political, which deals with "administration of government," see Social"-www.dictionary.com; Black's Law Dictionary 910 (2nd ed. 1910), *available at* <http://blacks.worldfreemansociety.org/2/P/p0910.jpg>.

¹¹² Hobbes argues against Aristotle's bee example that man is social and would live amicably with one another, see Hobbes, *supra* note 6, at 416-7.

¹¹³ See, Rousseau, *supra* note 35, at 518.

¹¹⁴ Edmund Burke, Reflections on the Revolution in France (1790), http://www.constitution.org/eb/rev_fran.htm.

Edmund Burke used this phrase in his work, *Reflections on the Revolution in France*.¹¹⁵ The term *religious* seems to be inescapable when defined as being concerned with “religion,” which is defined as “a set of beliefs concerning the cause, nature, and purpose of the universe.”¹¹⁶ Man, even in the state of nature, is easily defined as having beliefs, “confidence in the truth or existence of something not immediately susceptible to rigorous proof,” as reason necessities belief, for example, that a chicken is easier to catch than a cheetah.¹¹⁷ This is so because truth can never be known one hundred percent and, thus, man must hold to beliefs.

The State of Nature X: Interaction

Morality. Hobbes has taken civil man and has stripped him of all good and called the evil left, natural man.¹¹⁸ Hobbes believes the state of nature is a dangerous place because man is evil, yet does not believe man to be immoral.¹¹⁹ Evil cannot be argued to be natural for its very essence is the negation of good. The nature of man is neither good, nor bad for morality cannot be argued without some foundation of law, as Hobbes admits.¹²⁰ Even Hobbes notes that in the state of nature, good and evil are mere “private appetite[s].”¹²¹ Therefore, one does not condemn man, for the whole of his actions are based on self-preservation, which is a natural need. This need cannot be labeled either

¹¹⁵ *Id.*

¹¹⁶ Dictionary.com “religious,” “religion.”

¹¹⁷ Dictionary.com “belief”

¹¹⁸ As seen in Lamprecht’s work when she notes that Hobbes’ state of nature is something civil men should guard against least they fall into it. This view shows how Hobbes views man when separate from the polity as evil. Sterling P. Lamprecht, *Hobbes and Hobbism*, 34 *The American Political Science Review* 31, 40 (1940).

¹¹⁹ See, Hobbes, *supra* note 6, at 402-3.

¹²⁰ *Id.* at 403.

¹²¹ *Id.* at 415.

morally good or morally bad, since as Rousseau notes, good and bad can only be used to described actions that go against the need for self-preservation.¹²²

Law. While C.S. Lewis states, “The Moral Law, or Law of Human Nature, is not simply a fact about human behavior in the same way as the Law of Gravitation is...[o]n the other hand, it is not a mere fancy, for we cannot get rid of the idea, and most of the things we say and think about men would be reduced to nonsense if we did.”¹²³ Yet, one can still hold to this statement and not disagree that man x’s relations with one another in the state of nature x is devoid of moral significance. This is so, because morality is inherently linked to law and law needs an executor. Professor Sinha is noted as commenting, “...the western concept of law, derive form[sic] the greek *nomos*, was based on specific commands from a divine authority, such as Zeus...”¹²⁴ Likewise, because law (without a executor) is simply left as a “judgment” by “public decision” as Plato so aptly put it through the mouth of the Athenian in Laws, there must be an overarching executor of moral rights and wrongs.¹²⁵ William Blackstone defines the “law” as more than just qualitatively, a “rule of action,” but also considers it to be a universal command “by some superior being.”¹²⁶ Blackstone’s view is strong enough to support the idea of actual law. This is so because without a “superior,” the law becomes relativistic.¹²⁷ As law has a sense of a universal system of “procedures.”¹²⁸ Because of a

¹²² See, Rousseau, *supra* note 35.

¹²³ C.S. Lewis, *Mere Christianity*, reprinted in *The Complete C.S. Lewis Signature Classics*, 1, 27 (C.S. Lewis Pte. Ltd 2002) (1952).

¹²⁴ Book review on Surya Prakash Sinha, *What is Law? The Differing Theories of Jurisprudence* referenced in Marie-Louise Berbal, *International Journal of Legal Information*, 19 137, 138 (n.d.).

¹²⁵ Plato, *Laws*, in *The Collected Dialogues*, 1244, 1225-1513 (Edith Hamilton & Huntington Cairns eds, A.E. Taylor tras., Princeton; 1961).

¹²⁶ Sir William Blackstone, *Commentaries on the Law of England Section 2, Introduction*, available at <http://www.laits.utexas.edu/poltheory/sidgwick/elempol/elempol.c02.xr03.html>.

¹²⁷ *Id.*

seeming need for law to be based on a universal, it could be better said that the ability for man x to know (capacity) what is moral and immoral (aside from self-preservation) is present, deriving from the first cause, but it takes a divine conviction to awaken man x from his animalistic blindness that is found in the state of nature x, which is found when men choose a leader.

War. Hobbes makes a giant leap in reasoning to argue that man's need for self-preservation is best seen in the desire for peace.¹²⁹ However, this is irreconcilable with Hobbes' belief that man's passions and delights would drive him into continual war with one another.¹³⁰ As it is not noted how the desire for peace is more than a mere passion or delight. Seeing as man x seeks to preserve his own life, it is not peace, but the cycle of vengeance that keeps man on amicable terms with one another. Man will seek to avoid continual confrontation for he knows that if he does not, he will be unable to preserve himself against continual attempts at his life.

Logically, Hobbes is more correct than Locke in Hobbes' belief that the state of nature and the state of war are one; however, the state of war creates the peaceful state of nature that Locke believes in.¹³¹ Locke's view is weak for if the use of force is what separates the state of nature from the state of war, it seems impossible to separate the two for force is always able to come from nature. The ability for man to fight against another man is not only physical and immediate, but force can also be looming and slow in coming. Therefore, the two states are one. Hobbes wants to argue that groups will arise,

¹²⁸ Black's Law Dictionary 701 (2nd ed. 1910), available at <http://blacks.worldfreemansociety.org/2/L/10701.jpg>.

¹²⁹ See, Hobbes, *supra* note 19.

¹³⁰ *Id.* at 402.

¹³¹ See, Locke, *supra* note 20, at 461.

men will take sides and conquer others; however, if all men form groups, a stalemate will eventually ensue where the victor no longer wishes to keep fighting.¹³²

The biggest problem with Rousseau's causal timeline is the transition from primitive man into societal man.¹³³ Rousseau wants to argue that man can only see what "immediately" concerns him, but then holds man to adapt to society by the introduction of others like him.¹³⁴ Yet, if all men are born to only be immediately aware, how do they develop by the presence of others? This question causes Rousseau the most trouble, for he does not even address if man had any such capacity to develop his mental capacities, which is assumed in the state of nature x. Thus, Rousseau's man is not ideal and the aforementioned reason why this author had to further boil down natural man from Rousseau's definition of man.

Rousseau's problem does bring up a good point for discussion. The question could be raised as to how man finds himself in the society of today.¹³⁵ The answer for the state of nature x is that man x was brought from the state of nature x into society by man x's will, which has the potential to diverge from his desire of self-preservation and reasons itself to a different conclusion on what would be best for himself.¹³⁶ Just because man is naturally born with the framework as has been described does not mean he cannot deviate from his natural proclivities.

¹³² See, Hobbes, *supra* note 6, at 416.

¹³³ See, Rousseau, *supra* note 35, at 517-31.

¹³⁴ *Id.* at 522, 524.

¹³⁵ Rousseau finds man to be able to "[shake] off the yoke" of society, but never explains just how man would be able to return to the state of nature. This notion works backwards as well for Rousseau has a problem defining the former because the latter is lacking. *Id.* at 532.

¹³⁶ Aristotle notes that not all animals are born with the same capacities in his work; see, Aristotle, *Posterior Analytics*, in *The Basic Works of Aristotle* 110,185 (Richard McKeon ed., 1941).

Chapter IV: Why Political Society is not the Answer.

Brevity of Conversation on a Polity Lacking

It could be argued that even if man can function in a state of nature x based on man's natural qualities of self-preservation, reason, and will, it is better for him to commune under a government. This section will show how government is more detrimental to man x than a state of nature. The detrimental affects are seen in the arbitrary nature that government becomes when self-preserving man is involved.¹³⁷ Government is simply arbitrary power, which is seen in the idea of common laws, security, protections, and consent.

Problems with Common Law. In his *Summa Theologiae*, Aquinas wrote that man is "a law to himself," because his following of a ruler's directions shows that he can be his own master.¹³⁸ Yet, the essence of law is to have an outside governing force. Therefore, man cannot be a law without a governing force and only one governing-enforced law is authoritative. The essence of law is to govern, and without a judiciary other than man, man cannot be a law unto himself. Aquinas also held law must be declared in public to be law and the ability of some to tell another of the law while others read written law, makes it "promulgatory."¹³⁹ Still, if one imagines two completely isolated men in a room, devoid of all outside influence, could one man kill another? Certainly, if all that must be done is to isolate the hearer to take away law, man's law

¹³⁷ Spinoza faces this problem in asserting that nature will be left to form a government that's main goal is "...to free every man from fear, that he may live in all possible security..."It seems odd for self-preserving man to leave a state of complete freedom because of fear and join a government that places him under fear of punishment with less freedom; Baruch Spinoza, *Theologico-Political Treatise*, reprinted in *Classics of Political and Moral Philosophy* 445, 452 (Steven M. Cahn ed., Oxford Univ. Press 2002).

¹³⁸ Thomas Aquinas, *Summa Theologiae*, reprinted in *Classics of Political and Moral Philosophy*, 312, 314 (Steven M. Cahn ed., Oxford Univ. Press 2002).

¹³⁹ *Id.*, at 315.

becomes a dangerous force of power. While Aquinas goes on to state that the “discipline of laws” is needed because without this discipline, man would easily “use his reason to devise means of satisfying his lusts and evil passions.”¹⁴⁰ However, Aquinas ignores the element of interpretation. Given Aquinas’ premise, man could just as easily create law for his own good as for others, or interrupt the law to harm. The problem with law is that it must be applied to a community and this weakens law.¹⁴¹ Aquinas’s law is applied to many “actions,” yet this is analogous to a teacher in a classroom.¹⁴² The more students, the more difficult time the teacher has of meeting the needs of each individual and enforcing the rules. However, the more teachers to enforce and create “law,” the more the law is convoluted and becomes contradictory and confusing.

In Question 96, fifth article, Aquinas establishes a notion that law contains (1) “a rule of human acts” and (2) “coercive power.”¹⁴³ Under this definition, law becomes a weapon because giving a self-preserving man power over another most certainly will lead to tyranny, even with checks and balances. Aquinas wants to argue that the ruler’s “will” keeps him under the law, but “positive” law has no master, but its enforcer and this is its danger.¹⁴⁴

No Security in Government. Niccolò Machiavelli was another great mind who briefly addressed the argument for government. One of Machiavelli’s beliefs was that the “...security for man is impossible unless it be conjoined with power...”¹⁴⁵ Machiavelli

¹⁴⁰ *Id.*, at 324.

¹⁴¹ *Id.*, at 326.

¹⁴² *Id.*

¹⁴³ *Id.*, at 330.

¹⁴⁴ *Id.*, at 330-31.

¹⁴⁵ Niccolò Machiavelli, *Discourses, reprinted in* Classics of Political and Moral Philosophy, 359, 361 (Steven M. Cahn ed., Oxford Univ. Press 2002).

was speaking of the advantage of men to commune together under the banner of a city.¹⁴⁶ However, this is quite applicable to laws for the foundation of law is authority, which either quickly or over time gives way to power. Machiavelli would retort that a state must be continually “restored to its original principles” if it is survive.¹⁴⁷ He believes this will occur by an external event, intrinsic good sense, a take-over or a virtuous man and/or law.¹⁴⁸ Machiavelli places too much stake in these events occurring. Ironically, Machiavelli himself notes that a polity must change with the times despite the fact that most men will not want to change for (1) “it is impossible to go against what nature inclines us to” and (2) if something works, they will not see a reason to change it.¹⁴⁹

Too Much Concentrated Power. Hobbes’ sovereign entity is the logical next step to Machiavelli’s propositions. Hobbes also believes the sovereign (whether one or many) becomes the people when the people give him their authority.¹⁵⁰ Hobbes gives complete power to the sovereign believing his will is equal to the peoples’; however, what if it is not? Hobbes believes that the ability for the sovereign to proscribe judges to administer the law will be sufficient to stop the sovereign’s lust for advancement.¹⁵¹ Yet, if the judges are given the ability to become law as the sovereign is law, the power of a few will advance. This also brings up a problem for Hobbes’ belief that man has a right to defend his own body against the sovereign.¹⁵² One wonders from where this right comes from since, if the sovereign has become the people themselves, there are no rights left.

¹⁴⁶ *Id.* at 360.

¹⁴⁷ *Id.*, at 377-8.

¹⁴⁸ *Id.* at 378-9.

¹⁴⁹ *Id.*, at 382.

¹⁵⁰ See, Hobbes, *supra* note 6, at 417-22.

¹⁵¹ *Id.*, at 420.

¹⁵² *Id.*, at 437.

The Negatives of Consent. The next to be considered is John Locke who holds that the consent of the majority will constitute the voice of the commonwealth,¹⁵³ acting as the whole. Yet, Hobbes' leviathan still holds, for a majority holds the power to rule. It seems presumptuous to believe men in power will not seek to stay in power, corrupting the system.¹⁵⁴ Locke continues with his belief in tacit consent, which he defines as the giving of consent by non-members who acquire "possessions or enjoyment of any part of the dominions of any government."¹⁵⁵ Yet, it seems impossible for Locke to separate members from non-members under a government when speaking of positive benefits.¹⁵⁶ As Locke also states, "...submitting to the laws of any country, living quietly, and enjoying privileges and protection under them, *makes not a man a member of that society...*"¹⁵⁷ Locke has created an unworkable framework for defining membership if only "positive engagement" is considered consent.¹⁵⁸

Chapter V: Why Theorizing on the State of Nature is Important

Whether one agrees with the thesis that man x's (as a self-preserving, reasoning, and willing creature) is better seen in the state of nature x than a polity or not, the state of nature is an important theory of political philosophy, as it tries to boil man down to his essential qualities and dissect social constructs and discuss the political state. Grafstein puts it astonishingly well when he states,

The significance of state of nature theory, however, does not hinge solely on its explanatory potential....The issue, in other words, is not so much whether state of nature theory *explains* politics as whether it explains

¹⁵³ Lock defines "commonwealth" as an "independent community" whose purpose is to "preserve" that community. See, Locke, *supra* note 20, at 485, 490.

¹⁵⁴ *Id.*, at 481.

¹⁵⁵ See, Locke, *supra* note 20, at 482.

¹⁵⁶ *Id.*, at 482-83.

¹⁵⁷ *Id.*, at 482.

¹⁵⁸ *Id.*, at 483.

politics. . . If politics is an irreducibly holistic phenomenon, state of nature theory could never explain it, however accurate its assumptions about individuals. If politics, on the other hand, is an individualistic phenomenon, then there is no reason in principle why some individualistic theory cannot explain it.¹⁵⁹

And Sir William Blackstone put it best when he noted satirically,

Not that we can believe, with some theoretical writers, that there ever was a time when there was no such thing as society either natural or civil; but that, from the impulse of reason, and through a sense of their wants and weaknesses, individuals met together in a large plain, entered into an original contract, and chose the tallest man present to be their governor.¹⁶⁰

One cannot skip to noting what a group of people are without first diagnosing what those people are as individuals. In this way, this author finds man to best be defined as man x and the state of nature theory to best be understood as the state of nature x, or the state of preservation. This proposal not only strengthens the state of nature theory, but the goal of that theory is still accomplished by this author's proposal that man would not desire to leave the state of nature. It allows man the ability to form a polity, but holds that man does not need a polity. Thus, man is not solely defined by external relations, but by internal ones.

¹⁵⁹ "Robert Grafstein, *The Significance of Modern State of Nature Theory*, 19 Polity 537, 529-50 (1987).

¹⁶⁰ See, Blackstone, *supra* note 126.

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