

JEAN JACQUES ROUSSEAU'S CONCEPT OF FREEDOM AND EQUALITY IN *THE SOCIAL CONTRACT*


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Abstract: One of the common characteristics of early modern Western European philosophers is the emphasis on freedom and equality. Philosophers of this period looked for answers to “what is freedom and equality?” and realized freedom and equality into fundamental human rights. From John Locke to Montesquieu and Jean Jacques Rousseau, all consider freedom and equality as natural rights of human beings. Rousseau's concept of freedom and equality is reflected in *The Social Contract*. At the beginning of this work, he commented with a famous opening line, “Man is born free, but is everywhere in chains.” That is the fundamental argument to give a unique view of freedom and equality. Within the scope of the article, the author focuses on analyzing his views on freedom and equality in many different aspects – freedom and equality in the state of nature, freedom and equality in civil society, and how to achieve freedom and equality – thereby presenting the values and limitations of his views on freedom and equality.

Keywords: Civil society. Equality. Freedom. Rousseau. *The Social Contract*. The state of nature.

INTRODUCTION

Jean Jacques Rousseau (1712–1778) is a famous thinker of the French Enlightenment movement (BERTRAM, 2017). He spent his whole life fighting for the freedom and equality of the masses. Rousseau's *The Social Contract* was published in 1762. This was the period when both Europe and France were on the eve of the 1789 French bourgeois Revolution, when feudal autocracy became obsolete and inhibited the development of capitalist productive forces. Freedom and equality were the main ideas throughout the entire work. Rousseau's conception of freedom and equality resulted from selectively inheriting the humanistic socio-political ideas of his predecessors,

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such as Thomas Hobbes (1588–1679), Voltaire, John Locke (1632–1704) and Montesquieu (1689–1755).

Regarding the purpose of the work, Rousseau asserted “I INTEND to examine whether, in the ordering of society, there can be any reliable and legitimate rule of administration, taking men as they are, and laws as they can be.” Rousseau expressed a desire to “[...] combine what is allowed by right* with what is prescribed by self-interest, in order that justice and utility should not be separated.” (ROUSSEAU, 1999, p. 45) The birth of *The Social Contract* was likened to the birth of Karl Marx and Engels’ *Communist Manifesto* (1848). If the *Communist Manifesto* was considered the spark that led to the 1871 Paris Commune and the 1917 Russian October Revolution, Rousseau’s *The Social Contract*, along with several works by Montesquieu, Voltaire, Diderot, could be considered the theory that led to the great French Revolution 1789-1794. The work was considered a theoretical weapon of the bourgeoisie during revolutionary preparation, claiming freedom and equality. Its sphere of influence was not only in France but also throughout Europe. That contributed to the position and influence of the French Enlightenment philosophy of the 18th century on the development process of the history of Western philosophy. The article opens by analyzing the concept of freedom and equality in its natural state and civil society in order to demonstrate the need to move from a natural state to civil society. The second part of the article focuses on analyzing some measures to achieve freedom and equality. Maintaining common will and sovereignty to ensure freedom and equality demonstrated Rousseau’s genius. He overcame contemporary ideas by outlining a path to fight for human rights, freedom and equality. The article ends with some assessments of the values and limitations of Rousseau’s conception of freedom and equality, which will contribute to clarify his contributions to the French Enlightenment as well as the development of the history of Western philosophy.

1 FREEDOM AND EQUALITY

1.1 THE STATE OF NATURE

Rousseau was very sharp when presenting two opposing images: “freedom” and “chains.” He acknowledged that the right to freedom and equality is a natural right and human beings’ inherent necessity. However, there is a

contradiction between inevitable freedom and the stuck reality that human beings are suffering (NGUYEN, 2014, p. 85). Rousseau went to find out the cause of this by analyzing the man's current state at the most primitive time – the state of nature.

Like John Locke and Montesquieu, Rousseau assumed that humankind went through two stages in the history of development: the state of nature and the state of civil society. The state of nature has existed since ancient times in human history. Rousseau stated that nature is the most peaceful and lasting state in human history. According to his explanation, human beings are characterized by no difference between people in terms of economics in nature. So, there is no distinction in terms of social status and caste. This is the most peaceful, longest, and happiest colonial period (NGUYEN, 2019, p. 174). This state of nature is different from Hobbes' view, who considers the "state of nature" as when the "war of all against all" and the relationship as "man is a wolf to man" (ROSSELLO, 2012, p. 255).

Living in a state of nature, human freedom is not restricted; this means absolute freedom – more specifically, humans freely do all that the force of nature can do and are not contrary to the law of nature. According to Rousseau, man is born free. The first law of freedom is that each person must take care of his or her existence. Therefore, the first concern is self-care. At the age of reason, "[...] man must determine his means of subsistence, and thus master himself." (ROUSSEAU, 2018, p. 58). In the state of nature, people are allowed to live and act according to their instincts without being hindered by any laws. "In that state, man is everything to him, and he is an arithmetic unity, an absolute integer, any natural law does not bind him." (NGUYEN, 2015). Thus, the right to freedom and equality in the state of nature that Rousseau talked about is freedom and absolute equality inherent in human nature. Because Rousseau believes that "man is born free" (DENT, 2017, p.201), he upholds the idea of freedom. He identifies freedom as human qualities and human rights. This also means that "[...] to renounce freedom is to renounce one's humanity, one's rights as a man and equally one's duties." (CURTIS-WENDLANDT; GIBBARD; GREEN, 2016, p. 60; KOSKENNIEMI, 2021, p. 494).

Rousseau said that man is not born of God or that some supernatural force is an authentic product of the natural world and belongs to it. Hence, human

nature is its nature. Because of natural origin, people will have the same innate characteristics of the same rights given by nature: freedom and equality. Humans are born with the right to liberty and equality. Essentially, they are inalienable and unalienable rights in human nature. It can be accepted that the most significant value in Rousseau's thesis of freedom and equality in the state of nature is the affirmation that liberty and equality are innate: natural human rights that belong to human nature. Since it is a natural and an inherent right, that belongs to human nature, it inevitably has universal, eternal, and immutable values. This Rousseau's thesis had come close to Karl Marx's one, when Marx (1818-1883) stated: "But because human rights are also called natural, innate rights [...], so those rights are naturally brought to me by birth." (MARX; ENGELS, 1995, p. 469).

Nevertheless, this absolute freedom is what causes people to erase their natural freedom. Because human beings have equal rights and can perform their unlimited acts in the state of nature, complete freedom will cause conflict between individuals, between individuals and people's groups, and between one group of people and another one. Clashes were inevitable and going to be "the war of all against all" (KAVKA, 1983; ROSSELLO, 2012), as Hobbes mentioned in *De Cive and Leviathan*. Thus, man's freedom in the state of nature can be detrimental to all others and himself because others have the opportunity to do the same.

However, the early state of nature is symbolic of humanity's childhood and youth, a time of hunger interspersed with impatience. People gradually realize that they need to relate to perform communicative behaviors, thereby interacting with and deepening their awareness. Over time, progress has made them more skillful and more perfect in life skills. People make more and more wealth, which leads to an abundance of riches and then to some individuals or people's groups with a desire to possess an amount of goods that should belong to everyone. They make that happen, and as a result, there is a disparity in wealth. This inevitably leads to a social conflict between one group possessing a large amount of riches and the other having nothing in hand. The first human conflicts occurred when private property emerged, followed by disagreement, injustice, and countless other events. Therefore, the state of nature is destroyed, and people officially step into civil society – a society with state and politics (DINH, 2004, p.153). In other words, natural development

requires people to leave “the state of nature” (OPITZ-BELAKHAL, 2010) to step into civil society.

1.2 CIVIL SOCIETY

With freedom and equality in the state of nature, people live according to their personal preferences and desires. People can do what they want without being hindered by any laws. To do that, people rely entirely on their strengths, being spontaneous and disorganized. In contrast, freedom in the state of civil society is civil liberties. According to Rousseau, it is necessary to distinguish natural freedom, that is narrowly limited to the physical capabilities of an individual, from civil rights, which are broadly defined as many people’s “the general will” (DAGGER, 1981; FARR; WILLIAMS, 2015; HILEY, 1990; KAIN, 1990).

First, civil liberties – political freedom: the security and safety of citizens – cannot be violated by the individual’s wrongs and by the ones of the state. People inherently have the right to protect their security, but when they enter into the “social contract,” they give their security to civil society. This requires the state to have an obligation to protect that security; that is, the freedom of each individual is guaranteed by the strength of the collective (DINH, 2004). Rousseau upholds the right to free will. For him, this is essential freedom because “[...] moral freedom, which alone makes man truly the master of himself.” (AFFELDT, 1999; BLUHM, 1984; WILLIAMS, 2010, p. 149). Man is spiritually free; he suppresses his desires, thus mastering himself. Once a person is governed by instinctive desires, that cannot be controlled, he or she is in a state of slavery. Then freedom in a state of nature is not absolute freedom because man is always in fear for his life. Hence, people need to give up their natural freedom to complete the state of freedom in civil society. Thus, with Rousseau’s argument, we can understand that people act according to the calls of instinctive needs and desires separate from the social community. In contrast, in civil society, the freedom of each individual is associated with the freedom of the community and society.

People have freedom in the political sphere and in the economic field of civil society. Rousseau valued the wealth humans have in the state of nature. However, it only becomes a private property by law. Thus, the essential thing in economic freedom is owning what one has. Rousseau believes that financial

finance is within the framework of the law. If “[...] in the state of nature, everyone has a right to what he needs” (ROUSSEAU, 2018, p. 75), then in civil society, each individual has the right to own only what he has and he or she must not appropriate other individuals and collectives. Only then one person’s freedom will not infringe upon the others’ freedom (HODGSON, 2010). This can be considered Rousseau’s improvement compared to his predecessors because the freedom he talks about is no longer general but is concretized in the law and guaranteed to be implemented in practice.

Rousseau considered the transition from the natural state to the civil state inevitable when people could not live in harmony. When conditions of excess wealth lead to the appearance of private property, there is inequality in society. At the same time, this change can be considered significant because it gives people moral values that the natural state does not have. Instead of a temporary and unstable lifestyle, they lead a better and more stable life; instead of fearing others, they gain their safety.

In civil society, human equality is reflected in the fact that everyone has the same rights and obligations. Rousseau (ROUSSEAU, 2018, p. 89) argues that “[...] the social contract regulates equality among citizens; everyone must commit to the same conditions and enjoy equal rights.” More specifically, “[...] the social contract does not destroy natural equality; it builds spiritual and legal equality to replace what nature has made man physically unequal.” (ROUSSEAU, 2018, p. 78). In terms of contracts and the rule of law, people are still wholly equal, although they are not equal in body and mind. Thus, although not stated as a definition but as a concept, Rousseau has highlighted the meaning of equality with those arguments. This idea is further asserted by Engels in *Anti-Dühring* as follows: “[...] equality of men as men, a claim to equal political resp. social status for all human beings, or at least for all citizens of a state or all members of a society.” (MAURIZI, 2021). According to Rousseau, freedom and equality are not genuine if equality only exists in the law but is not realized in practice. Furthermore, if there is a lack of equality or excessive inequality in property, then freedom and equality are just shams. He asserts that “[...] in respect of riches, no citizen shall ever be wealthy enough to buy another, and none poor enough to be forced to sell himself.” (TANGIAN, 2020, p. 120).

Thus, compared with society in the natural state, the state of civil society has reached a qualitatively higher level of development. The social contract does not nullify genuine equality but intervenes in physical inequalities through legal and moral equality. Rousseau evaluates the social compact using economic logic, comparing costs and profits: “What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses.” (FENNELL, 1999; ROUSSEAU, 2016, p. 29; STOER; MAGALHÃES, 2002). People lose when they accept that joining the social contract is natural freedom and unlimited rights in what they try to do and get it done, but they get freedom in civilization and ownership.

Rousseau's view of freedom has similarities and differences compared to John Locke's one. According to Locke, freedom in the state of nature is obtained when man obeys the laws of nature, so there is no need for man to give up his natural freedom. Unlike Locke, Rousseau believed that man must give up genuine freedom for the common good. However, he agrees with Locke that the social contract is the only way to ensure general will. Both advocated full participation in that general will.

Rousseau was convincing when he proposed freedom and equality in two different states (the state of nature and the state of civil society) for their reasons. Freedom and equality in civil society are necessary. However, to have freedom and equality, it is impossible not to affirm the role of people's natural rights. Then freedom and equality in civil society are reflected in ownership, the highest being political freedom, freedom of thought, and freedom of speech. Moreover, these freedoms must be regulated by law and enforced in life. Freedom and equality in the two states mentioned above are logical continuations of development. Although they are different, they are not opposed to each other, but one is a condition for the other as a necessity. There must be a rule of law to protect genuine natural rights, and a state must be built based on the social contract. The tight logic and interconnectedness of Rousseau's thoughts are so precise that he relied on freedom and equality in the state of nature to argue the struggle for freedom and equality in civil society. The natural rule of law is the basis of the law in practice. Thus, the state of man's nature was considered by thinkers of this period as the core idea in building notions about the state, law, politics, and society. This has created a widespread concept of freedom and equality among philosophers during this

period (DINH; DOAN, 2018, p. 227). The French Enlightenment thinkers' idea of "freedom, equality, fraternity", especially Rousseau's one, became not only the motto of the French revolution (STROMBERG, 1988) but also became the ideal of the times (HEILBRONNER, 2005).

2 MEASUREMENT FOR EXERCISING HUMAN RIGHTS TO FREEDOM AND EQUALITY

In the context of the social conventions that all citizens have joined, it is necessary to have a "force" that acts as a "guideline" for all actions and ideas to orient society in a certain way. However, this is not an individual or an organization that, voluntarily, implements it. But it must carry the public spirit expressed in it. Rousseau calls it "general will" and "sovereign" (KAIN, 1990).

2.1 GENERAL WILL AND HUMAN FREEDOM

Rousseau states the general will in his commentary on the necessity of forming the social contract. It is understood as the familiar voice drawn from the will of majority. The general will is the premise of the social contract. Rousseau wrote: "In order for the social contract not to become a mere formula, it must implicitly imply an obligation to the individual. Only personal bondage gives strength to all other individuals; whoever resists the general will is resisted by the whole body." (ROUSSEAU, 2018, p. 72) Only when a man is rational, moral, and perfect will he succeed in achieving the social contract and build a rational and ethical state. On the other hand, the actualized common will is found only in a just state. Only an appropriate state can rest on the universal, indestructible will.

Although people with different aspirations in a society, commonalities, and shared interests can still be drawn after removing individual extremes. These shared interests are what Rousseau calls the general will. Rousseau (ROUSSEAU, 2018, p. 86-87) mentioned the possibility of a difference between the general will and the particular will:

If the particular will can agree with the general will on certain points, it cannot agree with the general will in long-term; for the particular will is, by its very nature, oriented toward self-priority, while the general will

tends toward equality. Such consensus cannot be guaranteed; no matter how guaranteed, it is not the effect of skill but the effect of chance.

To add to this point, he explained the difference between an individual's will and the general will. The general will consider only the common good; each person's will looks to its interests and is the total of the particular wills or the will of all. If the particular wills are incompatible with each other, the balance will be a general will. Therefore, the general will is determined when society performs its responsibility in the leading role in society. Humanity will discover the common good of the community to determine the general will. To determine it is necessary to remove all the members of society's different opinions so that the general will can be synthesized. Rousseau made a clear distinction between the general will and the particular one.

According to Rousseau, "[...] the general will always right and always tends toward the public utility. But it does not follow that the people's deliberations always have the same rectitude." (KAIN, 1990). Everyone wants to be good, but people do not always see the good. People never intentionally corrupt people, but often people still deceive people; that is when it seems like they want bad things. For him, the entire population's general will was announced as an act of supreme authority – the law. This law must have all people's opinion and take effect only when the majority approves it.

Nevertheless, sometimes the majority is not necessarily suitable, and the minority is not necessarily wrong (WALDRON, 1990). Rousseau believes that it is necessary to provide enough information to publicly discuss and decide for themselves. He also warned against tricks of taking advantage of the majority, hiding in the collective shadow for personal gain. According to him, each person must ignore sectarian interests and act as a country citizen when contributing ideas. Society must eliminate groups or organizations with specific interests.

Rousseau also distinguishes between the general will and the will of factions. For him, the general will is the expression of common interests: always aspire to "the common good" (DIGGS, 1973; HUSSAIN, 2018); hence, it is always just or justifiable. In contrast, the will of factions is only a partial one, and "[...] the formation of factions or partial associations is not conducive to the general will." (BOVENS; BEISBART, 2007). If there is a struggle between factions in a country, the general will shall not exist. Thus,

to adequately express the general will, so that there are no local divisions and sections in the country, each citizen needs to vote only on their own opinion, avoiding agreement with the others when voting. Only in such an order can the general will be achieved and maintained.

In short, the general will is the basis for forming a social contract and is also a necessary condition for the citizens' freedom in civil society to be guaranteed. Moreover, the general will can only be exercised through specific "state forces" as the supreme authority that Rousseau calls "the sovereign" (SIMPSON, 2006). Considering the general will as the embodiment of the sovereign, Rousseau believed that man was an object of state power relations and a subject when he was both a citizen and an individual. According to Rousseau's interpretation, when each one signs a social contract, it means voluntarily giving up all his or her natural rights to the state, thus submitting to the general will. Nevertheless, this does not mean that people will lose their freedom because obeying the general will also follows the individual's will.

2.2 ROUSSEAU'S SOVEREIGN – THE SUPREME AUTHORITY

As mentioned above, the standard will be viewed as the "embodiment" of the sovereign. So sovereign is the expression of the standard will to serve the common good to create harmony of interests and ensure the existence and development of society. This sovereign is conferred on the supreme authority in the name of "a collective man," and since, according to Rousseau, the leading authority is "a collective man," only it represents itself. Authority is transferable, but will is not" (ROUSSEAU, 2018, p. 86).

Rousseau believes that sovereign or supreme power can only realize the general will in the present, not in the future. The supreme power can say it wants what the other person wants now, but it cannot say it will also like what the other person will enjoy tomorrow. Because the common will to tie itself to the future is ambiguous. Besides, there is no need to depend on any will to agree on something contrary to what one wants. If the people promise to submit unconditionally, the people cease to be the people; then, there will be only the master, not the supreme power, and the whole political body will have to disintegrate (ROUSSEAU, 2018, p. 87).

The sovereignty or supremacy established by the social contract would be infinite and absolute. Only the state has the authority to decide what it

requires of its citizens. For the general will to be implemented appropriately, each person must submit only to a decision or law that he or she passed. Meanwhile, the association of individuals with political alliances inevitably requires unconditional reciprocity.

It is not an individual in the sovereign's name, but it must be a collective person, according to Rousseau. The standard will must govern the sovereign because, if an individual represents the sovereign, it is no different from an autocratic society with the rulers and the ruled. Therefore, the sovereign always belongs to the people and is not limited by law. The people's supremacy is reflected in the fact that it is not bound by previous rules and can even change the original agreements of the contract.

In short, it must be understood that in Rousseau's conception of freedom, the general will and sovereignty are seen as immutable and inviolable ideas that represent the entire people – who share a commitment to that social contract. From the transition from the state of nature to society, the general will and supreme power are meant to guarantee the fulfillment of human rights. In other words, it is creating an accessible environment and ensuring stability for that free environment for citizens within the social framework.

2.3 MAINTAINING THE GENERAL WILL FOR GUARANTEEING HUMAN LIBERTIES

Through analyzing the necessity of the general will in the social contract, and the representativeness of the general will of the supreme power, Rousseau emphasized the need of these elements in maintaining the social contract and guaranteeing human liberties. The solutions proposed by Rousseau are found in Book III of *The Social Contract*.

By introducing the concept of division in the organs of state power, Rousseau argued that the government is the agency representing executive power: “[...] an intermediary between the subjects and the supreme authority, so that the two sides correspond to each other, enforce laws, preserve civil liberties as well as political freedoms.” (ROUSSEAU, 2018, p. 134). Thus, the government is an intermediary between the supreme authority (legislative power) and the people. Its mission is to enforce laws that preserve civil liberties and political liberties. The people in this agency are entrusted by the people to hold executive power but are not the people's masters but just civil servants.

These people must operate within the framework of the law and be under the constant supervision of the legislature with the highest power.

Rousseau mentions the possibility of conflicts between parts in that relational system. The potential here is that the government can act autocratically according to its own will and more robust than the will of the supreme authority because “[...] private will often work against the general will, so the government is also often inclined to contradict the supreme power of the people.” (ROUSSEAU, 2018, p. 176). Furthermore, the consequences of such alienation are “[...] nothing but potential death that destroys the human body.” (ROUSSEAU, 2018, p. 176).

Faced with the risk of abuse and usurping power mentioned above, Rousseau analyzed the need to dissolve the government in two cases. First, when the head of the government does not rule according to the law, it overwhelms the supreme authority, breaking the social contract. In this case, the people’s liberties, including civil rights and political freedoms, will be affected in the people’s front; only the boss and the dictator remain. Second, cabinet members share usurp power, so the government and the country are divided and disintegrated. Rousseau considered both state disintegration and government abuse to be anarchies.

To prevent the abuse of government power and maintain supremacy, Rousseau proposed that a general assembly be convened, including extraordinary and periodic groups, which must be extraordinary meetings when things need to be discussed that have not been foreseen. There must be regular meetings that no one is allowed to postpone or cancel. All people will return to the forum on the due date, convened by the law, without needing any form of summoning procedure (ROUSSEAU, 2018, p. 185).

The “superior” that Rousseau refers to in work is the people. When the all-people assembly took place, “[...] the head of government admits or is forced to acknowledge an existing superior.” (ROUSSEAU, 2018, p. 188). From there, the government can be dismissed if it does not comply with its responsibilities and duties. It can be said that the organization of all-people conferences demonstrates the active maintenance of the people’s standard will, through which they can exercise their political freedoms but also ensure their civil liberties happen naturally.

3 SOME EVALUATIONS OF ROUSSEAU'S CONCEPT

Rousseau's *The Social Contract* can be seen as a call for freedom – freedom from the enslavement of feudalism. Like Montesquieu's *The Spirit of the Laws* (BOK, 2014), *The Social Contract* is considered one of the essential works in the French Enlightenment. Through the research, we draw some values in Rousseau's concept of freedom and equality as follows.

First, Rousseau and other French Enlightenment thinkers' contribution is in the idea of promoting freedom and equality. They affirm that freedom and equality are innate, sacred, inviolable, universal, and eternal. Thanks to these affirmations, the movement around the world toward freedom and equality has made great efforts and developed. Many declarations of independence and human rights were born, such as the United States Declaration of Independence, “the French Declaration of the Rights of Man and of the Citizen” in 1789 (JANIS, 1992; LUDWIKOWSKI, 1990), and the Proclamation of Independence of the Democratic Republic of Vietnam in 1945. President Ho Chi Minh quoted the American Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that their Creator endows them with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” (HALL, 1923). The quote can also be found in the French Declaration of the Rights of Man and the Citizen of 1789: “Men are born and remain free and equal in rights” (DUIKER; SPIELVOGEL, 2016, p. 525; WARMAN, 2016). This is the most profound humanistic meaning of Rousseau's concept of freedom and equality.

Second, the state results from an agreement between people to ensure natural human rights, such as the right to live and pursue happiness, freedom, and equality. This, at the same time, rejected the entire ideology of feudalism that relied on theocracy to pacify and enslave the masses. The state has to protect these fundamental rights. Hence, building a regime in which state power must belong to the people is necessary.

Third, Rousseau's concept of freedom and equality in civil society associated with the law is a very progressive thought. When he analyzed the advantages and drawbacks of moving from natural freedom to civil liberties, these ones are spiritual freedoms, and only they can turn people into their true masters. Once a man is stimulated by instinctive desire, he is in a state of

slavery. On the other hand, when he obeys the law he ascribes to himself, he obtains freedom. From this point of view, it can be considered that this is the seed of the later Marx and Engels' views, considering freedom as an action based on an awareness of necessity.

Fourth, Rousseau gave ideas on the possibility of revolution and argued for the right of the masses to overthrow the government when it became corrupt, violated human rights, and abolished the social contract. This thought encouraged and sparked the success of the bourgeois revolutions during this period.

It could not go beyond the framework of his time; however, Rousseau's political thought in general and his thoughts on freedom in particular still had limitations.

First, the thought of the social contract has not found the true root of the state and law because he thinks that it is only the result of social agreement. It is necessary to consider the basis of economic relations and production relations. In addition, the ideas of the standard will, direct democracy, and unquestioning belief in legislative power lack concreteness, practicability, and even utopia.

Second, the absolutized public will is also a limitation. Rousseau demanded that people give up their natural freedom, transfer it to the state, and submit to the general will to protect individual liberty. Although the general will is the ultimate "guideline" for all thought actions, it is represented by specific people. There cannot be a completely "just" and "righteous" quality in human beings, so it must be admitted that there is still a particular will in it. This includes the risk of abuse of power if the lack of a mechanism to control power and the lack of institutions lead to the inability to guarantee citizens' human rights and freedoms in that state.

Third, Rousseau absolutized the idea of direct democracy and all citizens' roles in passing laws (LUND, 2003). For the full implementation of the general will to be possible, a perfect democracy without representation is required.

Fourth, Rousseau considers private property to be the cause of social inequality, but he does not oppose private property but acknowledges the necessity. Furthermore, in favor of natural rights, especially human civil liberties, Rousseau was against abolishing private property. Advocating

egalitarianism, he defended small property against large property owners, especially feudal rulers. Rousseau wished to prevent the consequences of private property and considered private property inevitable in society. Therefore, it can be seen that in his views, sometimes there are contradictions: on the one hand, affirming the necessity and, on the other hand, negating the very argument.

FINAL COMMENTS

Jean Jacques Rousseau's work *The Social Contract* was born with an enlightening meaning on building civil society, paving the way for French social thinking toward the excellent bourgeois revolution. Rousseau's central ideas are about freedom and equality throughout the work, with profound influence and great historical value. This is shown through the solid and widespread development of the French Enlightenment movement, which became the theoretical banner for the success of the French bourgeois revolution in 1789.

Rousseau's conception of freedom and equality encourages the contemporary anti-feudal struggle movement when this regime exhibits tyranny oppression to the extreme and capitalism is strong enough to replace the contemporary polity. Until now, his conception of freedom still has theoretical value; many current works have been being studied his concept of freedom, thereby deepening human knowledge and reasoning. Therefore, in general, Rousseau's conception of freedom and the ideas of liberty of the Enlightenment period fulfilled its historical task and affected society and people today.

DO, T. O conceito de liberdade e igualdade de Jean Jacques Rousseau em O contrato social. *Trans/Form/Ação, Marília*, v. 46, n. 2, p. 167-192, Abr./Jun., 2023.

Resumo: Uma das características comuns dos primeiros filósofos modernos da Europa Ocidental é a ênfase na liberdade e na igualdade. Os filósofos desse período buscavam respostas para “o que é liberdade e igualdade?” e transformaram a liberdade e a igualdade em direitos humanos fundamentais. De John Locke a Montesquieu e Jean Jacques Rousseau, todos consideraram a liberdade e a igualdade como direitos naturais do ser humano. O conceito de liberdade e igualdade de Rousseau é refletido em *O Contrato Social*. No início desse trabalho, ele comentou, com uma famosa frase de abertura: “O

homem nasce livre, mas está em toda parte acorrentado.” Esse é o argumento fundamental para dar uma visão única de liberdade e igualdade. Dentro do escopo do artigo, o autor se concentra em analisar seus pontos de vista sobre liberdade e igualdade, em muitos aspectos diferentes – liberdade e igualdade, no estado de natureza, liberdade e igualdade, na sociedade civil, e como alcançar a liberdade e a igualdade – apresentando, assim, os valores e as limitações de seus pontos de vista sobre liberdade e igualdade.

Palavras-chave: Sociedade civil. Igualdade. Liberdade. Rousseau. Contrato Social. Estado de natureza.

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