

THE TENSION BETWEEN PRIVATE PROPERTY, FREEDOM AND ORDER IN
SOCIAL CONTRACT THEORIES

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ABSTRACT

THE TENSION BETWEEN PRIVATE PROPERTY, FREEDOM AND ORDER IN SOCIAL CONTRACT THEORIES

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The main aim of this thesis is basically to examine how and why the tension stemmed from economic inequalities and dependence arising from private ownership of the means of production are alleviated and legitimized by social contract theoreticians from the sixteenth and seventeenth century to the twentieth century. In this respect, the study chiefly concentrates on two important points. The first one is to evaluate the modern-term social contract theories developed by Hobbes, Locke, and Rousseau by linking them to the emergence process of the capitalist mode of production. The second one is to argue that the economic inequalities and dependence that appeared as a result of the emergence of the capitalist mode of production respectfully in England and France are not only still continuing in the present capitalist societies in different aspects but also still are being concealed under the mask of formal equality and formal freedom put forward by John Rawls in the twentieth century. More importantly, the study applies a methodological approach which underlines material and social conditions of a given period in which contractarian philosophers have lived in terms of analyzing the history of political ideas and political philosophy disciplines. As a result of this approach, the main hypothesis of this study suggests that positive or negative

portrayal of freedom by the social contractarians will not prevent the continuing social tension stemmed from the dependence and economic inequalities caused by private ownership over means of production in any political or economic order which legalizes the private ownership of the means of production.

Keywords: Social Contract Theories, Private Property, Freedom, Order



ÖZ

TOPLUM SÖZLEŞMECİ TEORİLERDE ÖZEL MÜLKİYET, ÖZGÜRLÜK VE DÜZEN ARASINDAKİ GERİLİM

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Bu tezin temel amacı üretim araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve özgürsüzlüğün/tutsaklığın yol açtığı toplumsal gerilimin on yedinci yüzyıldan başlayarak yirminci yüzyıla kadar toplum sözleşmecî teorisyenler tarafından ideal bir düzen maskesi altında nasıl ve niçin meşrulaştırıldığını incelemektir. Bu bağlamda, çalışma iki temel noktaya odaklanmıştır. Bunlardan ilki; Hobbes, Locke ve Rousseau tarafından geliştirilen modern dönem toplum sözleşmesi teoriler, özel mülkiyet, özgürlük ve düzen arasındaki ilişkiyi kapitalist üretim tarzının ortaya çıkış süreciyle ilişkilendirmeye çalışmaktır. İkinci temel nokta ise; sırasıyla İngiltere ve Fransa’da kapitalist üretim tarzının temel dayanağı olan üretim araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve tutsaklığın yol açtığı toplumsal gerilimin günümüz kapitalist toplumlarında farklı bir biçimde devam ettiğini göstererek bu gerilimin yine toplum sözleşmecî mantıkla yirminci yüzyılda bu kez John Rawls tarafından ideal bir düzen maskesi altında nasıl ve niçin meşrulaştırıldığını anlamaya çalışmaktır. Daha da önemlisi, çalışma siyasi düşünceler ve siyaset felsefesi disiplinlerini yöntemsel olarak, sözleşmecî teorisyenlerin yaşamış olduğu dönemin maddi ve toplumsal koşullarını dikkate alan yaklaşım içerisinde değerlendirmektedir. Bu yöntem sayesinde, çalışmanın temel hipotezi; toplum sözleşmecî teorilerin özgürlüğü negatif veya pozitif anlamda tanımlamaları, üretim

araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve tutsaklığın yol açtığı toplumsal gerilimin, üretim araçlarının özel mülkiyetini meşrulaştıran her hangi bir politik ve ekonomik düzende devam etmesini engellemeyeceğidir.

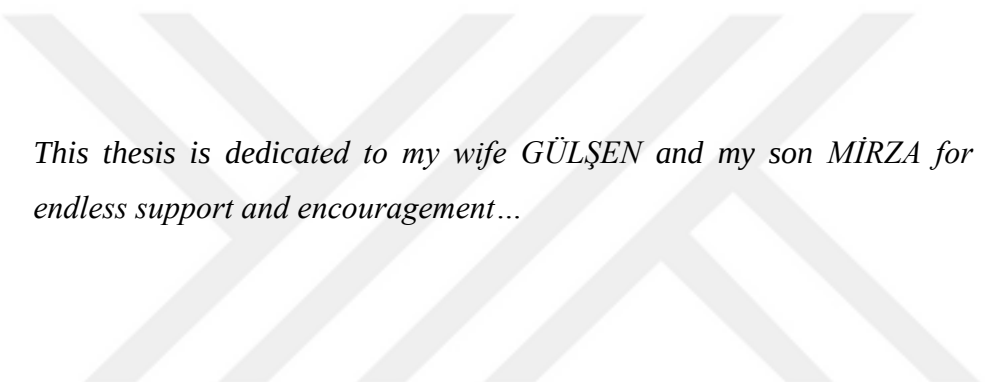
Anahtar Kelimeler: Toplum Sözleşmecî Teoriler, Özel Mülkiyet, Özgürlük, Düzen



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*This thesis is dedicated to my wife GÜLŞEN and my son MİRZA for their love,
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CHAPTER 1

PROBLEMATIZATION OF THE SUBJECT, METHODOLOGY AND GENERAL FRAMEWORK OF THE STUDY

Decoration does not conform to reality because reality does not need decoration!

-An African Proverb-

1.1 Introduction

The tension between freedom and private property in a legitimate private property based order has been the core subject of Western Political Theory. From Ancient Greek Political Thought to Modern Political Theory defining the notion of freedom has always paved the way for discussing its relation with private property and order (Ryan, 1984: 21). Since the notion of freedom is ‘Essentially Contested Concept’¹, it has been defined and analysed by political philosophers in different ways. While some philosophers who define order as an umbrella term including moral, political, and economic order argue that the initial condition of realizing freedom necessarily needs a politically and morally well-ordered society in which private property is morally and legally legitimized, others claim that any order which justifies private property-based economy necessarily does not only lead to emerging of propertyless people but also prevents them from realizing their freedom

1 ECC: Essentially Contested Concepts argued by Gallie as “inevitably involve endless disputes about their proper uses on the part of their users”. See. W. B. Gallie (1955). “Essentially contested concepts”, *Proceedings of the Aristotelian Society*, Vol: 56, Issue: 2, pp: 167-169.

in material life. In line with these claims it can be said that the notion of freedom and private property within the context of an ideal order has been questioned not only by Ancient Greek philosophers and medieval philosophers but also by modern-term philosophers.

In antiquity and medieval period human being, generally speaking, was viewed as part of a comprehensive cosmic hierarchy that ought to be reflected in the legal, political, and moral order. The inequalities among people and the fact that private property was gathered in certain hands have been regarded as a harmony of nature in terms of the natural order. Nevertheless, the inequalities, especially economic ones stemming from private property, which were depicted as an area in which one could experience freedom, have not only been ignored under the mask of citizenship virtue but also have been legitimated for the sake of public benefit. That is, in Ancient Greek poleis the existence of the slave community and inequalities arising from private property was generally seemed necessary for the continuity of ideal order. In this sense, although Plato has not welcomed the 'acquisition for ruling class and guardian class'² and has adopted an intrusive approach to property, he has gone on to arrange private property for the benefit of the Greek city-state among citizens (Plato, 2016: 39).

Likewise, Aristotle, generally speaking, regards the institution of property as an indispensable and a healthy element in human and social life. In this sense, for him, securing institution of private property under the name of property rights, which are, according to Aristotle, part of natural rights, thus provide an order in which "people will not complain about each other and will make more progress" (Aristotle, 1954: 61). By advocating the property rights as a kind of natural rights, Aristotle argues that a society in which everyone has common property cannot be a

² It is noteworthy to mention that Plato does accept the necessity of obtaining private property for Ruling class and Guardians class in his later work called as *The Laws* (Nomoi). See. Plato, (2014). *The Republic*, trans. Davies, John L & Vaughan, David, J., London: Wordsworth Press, 39-42.

desirable ideal society (Ibid). Moreover, for Aristotle, it would be irrational to assume that "everyone will make a very good friendship with everyone by removing property in the society" (Ibid). In line with his argument, he claims that the notions of jealousy and contention are common in every society but when the property rights are protected it is expected that people will respect each other's borders (Aristotle, 1946: 75). Therefore, it can be said that Aristotle regards private property not only as a general natural right but also as an instrument which provides harmony and justice in a just natural social order.

Understanding of the relation between private property, freedom and order based on natural reason in the Ancient Greek philosophy, especially in Plato's and Aristotle's theories, has been brought to a new content in the Medieval Europe, where the productive relations has turned into feudalism. While in Ancient Greek philosophy, especially in Plato's and Aristotle's philosophies, what morally and politically justifies any social order based on private property is reason-based arguments, in medieval Europe it is 'theological-based reason'³ that determines how political and economic order morally should be constructed by way of Christian's God rules. In other words, as George Sabine and Thomas Thorson argue, while the relation between reason-based natural harmony and order primarily makes room for defining Ancient's understanding of freedom, it is order derived from instrumental reason, aim of which is to legitimize all God's words in the earth, that determines what medieval understanding of freedom is (Sabine and Thorson, 1973: 128). In this period, since the structure and content of philosophy changed, free will, freedom, virtue and morality have been the notions that tried to be explained by means of religious dogmas instead of reason as well (Copleston 1950: 13 - 39). The question of 'how far are human beings free?' in the philosophy of the Middle Ages thus was discussed under the limits of reason which has served for faith (Ibid).

3 By the term 'theological-based reason' I mean 'putting the mind in the service of religious arguments'. That is, reason as a methodological tool is acceptable provided that it justifies religious arguments for the sake of legitimizing political, social and moral order dictated by God.

However, as far as the relationship between freedom and order in modern political theory is concerned it is, before everything else, plain to say that the progress of modern science provided the model of knowledge in terms of methodology necessary for political theory, in general sense, and political science, in narrow sense, to shift away from earlier moral and philosophical types of reflection on assessing human beings and examining society and social structures. In line with this shift, moderns' understanding of freedom, contrary to the medieval, is mainly based on the notion of 'rational autonomous individual'. The definition of the individual as both rational and autonomous also has enabled most of the modern political theoreticians to make a formulation between freedom, private property and order in which ontological and epistemological roots of modern state as order founder is based on autonomous and rational individuals (Maris, and Jacobs, 2011: 32). The shift from Ancient Greek and Medieval understanding of freedom to modern understanding of freedom in this sense is stemmed from many reasons which also generally underline the basic philosophical, scientific, economic, and political aspects of modern political theory.

Before all else, one of the core features of modern political theory that distinguishes it from Ancient and Medieval political thought in this regard lies at the heart of its new methodological analysis which constructs an order that determines the relations among individual, society, and state. Such a method which is called contractarian way of analysing social structure dates back to the eleventh century in political theory though; modern social contracts are the products of sixteenth and seventeenth centuries (Boucher and Kelly, 1994: 21). In such a methodological shift, by taking the notions of 'human nature', 'state of nature', 'consent-based state as order founder', 'natural and positive laws' and 'atomistic individual' as their main theoretical premises, modern political philosophers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau in sixteenth and seventeenth century and John Rawls in twentieth-century developed theoretical frameworks in which the relation between freedom, private property and order has emerged as result of contractarian way.

Such a relationship between order, freedom and property inevitably transforms the economic and political freedoms to be built on the individual into market freedom through formal equality in a capitalist social formation when the arguments of contractarian philosophers are taken into account. In this context, there is no difference between the concept of ‘freedom of choice’, an extension of the negative freedom formulated in Hobbesian and Lockean theories of social contract, and the concept of ‘free to do something’, an extension of the positive freedom, formulated in Rousseauan and Rawlsian theories of social contract. Because the legitimation of both conceptions of freedom by order-regulating laws do not change the fact that the order is a bourgeois order stemming from the organic tie in relation to the consent of the property owners. In this sense, it can be claimed that contractarian orders formulated by contractarian theorists to justify the asymmetric relationship between freedom and dependence caused by inequalities stemming from private ownership of the means of production in a given capitalist social formation fulfil two main purposes. The first is to guarantee bourgeois freedoms. The second is to eliminate or alleviate the tension between private property and freedom in the sense that any potential threat that may come from the dispossessed is removed by order through making security prior to freedoms, as in the case of Hobbesian Leviathan, and formulating freedom as positive freedom, as in the cases of Rawlsian and Rousseauan just order. Consequently, the social contractarian theorists aim to eliminate the social tension that would threaten the survival of the order by taking the liberties directly linked to possession of property. In doing so, contractarian theories try to overcome the elements that could threaten the order by putting their bourgeois individual freedoms sometimes into the Hobbesian security sheath and sometimes into the Lockean natural rights sheath/mask. For the same purpose, by defining the relationship between order and freedom through positive freedoms, both Rousseau and Rawls tries to maintain bourgeoisie order in the last instance through improving the qualitative dimension of freedom of dispossessed masses in their contractarian way of analysis.

When these critical points of social contractarian way of analysis are taken into consideration, it first should be said that contractarian theoreticians' arguments cannot be understood by neglecting socio-economic changes emerged during philosophers' lifetime periods. In other words, as Ellen Meiksins Wood (2005) argues, studying political thoughts of modern term philosophers does not merely mean to study their fictional theories, rather, they are social and historical contexts which enable researchers to analyze what political theoretician try to achieve (Wood, 2005: 11). In this sense, by reading modern social contract theories from material and social context-based points of view, it can be claimed that while Hobbes, as Ernst Bloch argues, introduces a wolfish capitalism for the sake of Leviathanist order (Bloch, 1996: 539), Locke, as Macpherson claims, puts forward a property-based arguments for the sake of legitimating agrarian capitalist inequalities in terms of lessening the tension between private property and freedom within the context of liberal order (Macpherson, 1962: 115). As far as 'Rousseau and Rawls'⁴ are concerned, it is important to say that both contractarian 'liberal bourgeoisie scholars,'⁵ who indirectly favours modern term positive freedom, formulated an order in which negative results of wolfish capitalist mode of production is tried to be humanized and morally be justified in a private-property based capitalist state order.

Therefore, how the tension between private property and freedom is alleviated by modern contractarian theoreticians under the mask of an ideal/just

4 Of course, the arguments of Rousseau and Rawls point to many different points. In the same way, the socio-economic context of the centuries they live in is very different from each other. But what drives both to be evaluated in the same pot is that they are theoreticians who use similar methods, namely social contract theories. More importantly, the main reason why they are at the margin of this study is based on the idea that they both try to humanize or moralize the capitalist order based on private property instead of removing it, although they find out that the system based on private property leads to social inequalities in terms of exercising the notion of freedom. For more discussion on the similarities between two philosophers see. Frederick, Neuhouser, (2013). "Rousseau's Critique of Economic Inequality", *Philosophy and Public Affairs*, 41(3): 193-225.

5 Certainly, Rousseau is well known as a republican theoretician in political theory. Yet, I regard him as a liberal bourgeois, since, generally speaking, he does justify private-property-based economy based on principles similar to liberal arguments discussed elaborately in the fifth chapter of the study.

order is crucial because they not only do underline many aspects of the modern understanding of freedom today but also respond to the question of ‘how can freedom be achieved in a society in which private property-based economy is justified?’. In other words, Lockean justification of private property, Hobbesian secure order for freedom, and lastly Rawlsian and Rousseauian models to construct a well-ordered society and just society respectively are all still important in modern political theory in order not only to understand the relation between freedom, private property and order but also to understand how a capitalist order leading a system in which while propertyless masses are dependence, property owners are free. Also, it is this contractarian logic which enables one to understand how contractarian order legitimates an order one of the main duties of which is to prevent any possible threat that may come from propertyless masses against proprietors’s freedom for the sake of maintaining economic inequalities arising from private property-based means of production in a given social formation. However, before problematizing the subject of the thesis it is necessary to briefly underline how the notion of property and its relation with freedom and order has been assessed by Ancient Greek and Medieval political philosophy in terms of understanding basic lines of transition to modern political theory.

1.2 Private Property, Freedom and Order in Ancient Greek and Medieval Political Philosophy

In the light of the brief arguments mentioned in introduction section it is obvious to say that in their political theories both Aristoteles and Plato have problematized the issue of private property in terms of constructing a just order in which Greek citizens can be able to enjoy their freedom⁶. As far as Plato’s and

6 It is important to mention here that even though there are many arguments concerning private property in Ancient Greek Philosophy developed by other Ancient Greek Philosophers such as Herakleitos and Anaksimandros, the main point why this study just focuses on Plato’s and Aristotle’s

Aristotle's formulations of the relationship between private property, freedom and order are considered, it should be mentioned that Plato comprehensively discusses the subject in his two masterpieces called *Republic* and the *Laws*, respectively, while the same issue is raised by Aristoteles in his books, called *The Politics* and *The Nicomachean Ethics*.

Basically speaking, the *Republic* depicts an ideal political and economic order in which while the rulers and guardians have political power but almost have no private property, ordinary citizens have private property within limits but almost have no political power. Thus, Plato does not problematize the existence of the institution of private property in terms of whether it should be completely abolished or not in an ideal order. Rather, his argument legitimates an ideal order which tries to eliminate any handicaps of private property only for the rulers and guardians. In this sense, even though Plato is assessed by 'some scholars'⁷ as pioneer of advocating primitive communism, it is hard to support this hypothesis in the sense that Plato's argument does not support the idea of common ownership of any productive forces, namely land. Rather, he wants to bar unduly unequal distributions among ordinary citizens, for he believes that wealth and poverty can cause social disintegration, as he puts it; "wealth also leads to 'luxury' and 'indolence' and poverty to 'meanness' and 'viciousness'" (Plato, 2016: 126). Therefore, Plato's argument concerning private property, let alone eliminating the institution of private property in society, it tries to construct an order in which the issue of freedom can be hierarchically and unequally exercised in society. Hence, the legitimate institution of private property in Plato's ideal state formulated in *The Republic* is the most

arguments in this context is based on the idea that they have systematically and theoretically problematized and explained the notion of private property and its relevance for freedom and order.

7 Karl Raimund Popper, Jeremy Waldron, and Stephan R. Munzer are some of those scholars. See. Popper, Karl Raimund (1971). *The Open Society and Its Enemies*, New York: Princeton University Press; Waldron, Jeremy. (1988). *The Right to Private Property*, Oxford: Oxford University Press; Munzer, Stephan. R. (1990). *A Theory of Property*, Cambridge: Cambridge University Press.

important element in terms of maintaining inequalities arising from private property for the sake of his ideal political and economic order. Interestingly, contrary to the arguments put forward in *The Republic*, *The Laws*, Plato's other book, portrays a practical second-best social structure in which Plato does accept the necessity of possessing private property for ruling and guardians class, as well (Plato, 2016: 39-42).

Plato's vision of the ideal society was challenged by his pupil Aristotle. Aristotle shares his teacher's belief that extreme inequalities in the distribution of wealth lead to social strife. However, he regards the institution of private property as indestructible and positive force in the last instance in the sense that abolishing the institution of private property in society does not lead to eliminating social strife (Aristotle, 1946: 39). In this respect, he argues that an ideal society based on the legitimate institution of private property in a given society does lead to social harmony if the fair distribution of justice is achieved in a just order (ibid: 40). For instance, the questions of "what is the proper system of property for citizens who are to live under an ideal constitution?" and "Is it a system of communism or of private property-based?" are the questions that Aristotle tries to respond in his book called *Politics* in that sense (Ibid: 37).

In *Politics*, Aristotle points out some difficulties in systems of common ownership and particularly common ownership of land. In this respect, he argues that in a system of common ownership "Those who do more work and get less recompense will be bound to raise complaints against those who get a large recompense and do little work" (Ibid: 49). Such social disharmony will be avoided, Aristotle suggests, if each person is the exclusive owner of the plot that he works upon. To this, he makes a comparison between common ownership and private ownership by stating that:

When everyone has his own separate sphere of interest, there will not be the same ground for quarrels; and the amount of interest will increase, because each man will feel he is applying himself to what is his own". . .

What is common to the greatest number gets the least amount of care. Man pay most attention to what is their own: they care less for what is common; or, at any rate, they care for it only to the extent to which each is individually concerned. Even when there is no other cause for inattention, men are more prone to neglect their duty when they think another is attending to it: this is exactly what happens in domestic service, where many attendants are sometimes less assistance than a few (Ibid: 44).

Therefore, in *Politics* Aristotle favors private ownership of means of production rather than communal ownership of it because private ownership of a mean of production is not only much productive than common ownership but also it makes citizens feel free. Compared to his master, it can be said in short that both of Aristotle and Plato are not against the institution of private property which is legitimated as a natural right derived from reason-based arguments in an ideal order. Rather, they do support the idea and institution of private property for the benefit of public good and individual freedom.

More importantly, as far as the historical and material conditions of the Ancient Greek city-states are concerned, it is obvious to conclude that the reason-based arguments put forward by Plato and Aristotle about the relationship between private property freedom and order have not been developed to remove the institution of private property based mean of production system, namely land ownership, which constitutes the economic base of the Ancient Greek world. On the contrary, the main objective of the arguments they have developed is, basically speaking, to construct an ideal order in the Greek Police State over class inequalities and to continue embodying the freedom of the Greek citizens who have private property in a supreme manner. In this context, the continuation of private property based means of production is a necessary element of a given just ideal order to be established for both thinkers. In other words, the principles of freedom and equality that are to be established in a just ideal political and economic order are formulated by Plato and Aristotle, despite some nuances, in order to re-formulate class inequalities in a given social structure based on private property means of production in the last instance.

As to the link between private property and freedom in medieval philosophy is concerned, it is, in short, plain to claim that Christians could exercise their freedom provided that they use their richness that stems from obtaining private property for the sake of God's order in material world. Since freedom for medieval Christian world is defined as an inner religious freedom which can be achieved by means of obeying the God's rules, any private property is justified by Christian order if it is used for the benefit of maintaining God's worldly order. For instance; 'in spite of their theoretical differences concerning legitimation of private property in any given political and economic order, especially those of St. Saint Augustinus, Thomas Aquinas'⁸, and Gregory the Great, they all legitimate the institution of private property on land in the last instance provided that it serves for the sake of God. In this sense, while Gregory the Great claims that "Private property is a divinely appointed remedy for human sin, yet cautions that only the unjust man will use his property exclusively for his own benefit" (Gregory, in Lopata, 1973: 203), by following Aristotelian way of legitimizing private property on land in terms of distributive justice, Aquinas and Augustinus argue that the products of private land is justified provided that its products/fruits are fairly distributed among poor Christians for the sake of God (Ibid: 203-204). Therefore, the relation between freedom and order in medieval period, generally speaking, is based on justification of private property provided that any free Christians who possess property should bestow some amount of richness arising from private-property based means of production to the Church who is one of the main social and political order building

8 Of course, the theoretical perspectives of Thomas Aquinas and St. Saint Augustinus on the relationship between order, property and freedom are almost entirely different. It is different, because Thomas Aquinas, who tries to distinguish between the laws of God and Positive Laws in his political theory, accepts the existence of the institution of private property which has positive and negative impacts on social relations as part of Positive Law and tries to formulate it in his theory of worldly order, St. Saint Augustinus, on the other hand, regards the concept of private property as inherit in his theory of State of God in which God is the only ruler of the worldly issues including private property. For more detailed points see: Dauphinais, Michael, and et al. (2007). *Aquinas the Augustinian*, Washington, DC: Catholic University of America Press.

actors. More importantly, such a formulation between order and freedom enable one to obtain an outcome which claims that when the order and freedom are in conflict, the order is regarded by the Church as prior to individual freedom.

The influence of such teachings / philosophies of the representatives of the Catholic Church cannot be considered separately from the economic base of the society. In the feudal system, generally speaking, the land as a mean of production was formulated as private ownership and the products obtained from that land were built on the exploitation of serfs resulted from confiscating surplus value by feudal privileged groups. In such a system it is not surprising to see why the Church, which has a great amount of political power, has equalized free will to a kind of divine will. Both the closed structure of the feudal order and the Church's determination of social classes through religious dogmas mean that the notion of freedom has been formulated for the benefit of feudal lords and clergy in medieval order. The basic assertion of the Church, which confiscates the surplus value through taxes and has a large part of the land, is based on the fact that if people want to be emancipated they should arrange their life according to what God and religion say instead of according to what their own mind says. However, what Church's dogmas say is nothing more than this; 'by using his mind man can only reach the idea that he and all things outside him are created by God' in terms of exercising freedom (Gilson, 2007: 102). Therefore, the order established by the Church cannot be questioned in any way, and the freedom of man is subject to the Church's dogmas.

As a consequence, as far as the material and social conditions of feudal medieval is concerned the most basic privileged class of the order, generally speaking, was the clergy due to the fact that political power of the church's as well as its economic power had a say on earthly powers in the feudal system. In other words, as far as the classical feudal medieval classifications of society which consists of clergy, warriors, and producers is concerned it is obvious to say that two important classes, namely clergy and secular feudal lords who are subordinated to Church are entitled to define what freedom means for masses (Ibid: 127). That is, in

such an order millions of serfs who have no means of production at the same time have no freedom except 'religious freedom' which is bestowed by feudal order.

1.3 Modern Social Contract Theories and Problematization of the Subject

The social contract theories developed by Locke, Hobbes, Rousseau, and Rawls do not only pave the way for determining what the main premises of a state as an order constructor are but also do shed a light on how the relationship between private property, freedom, and order ought to be. The relation between state and individual in terms of freedom in modern term social contract theories thus are shaped by means of contractarian tools. For instance, the roles of the state in terms of where it should be located in society and how people exercise their freedom are the issues that are sorted out in a contractarian way. This kind of defining order and freedom which is different from those of Ancient and Medieval periods thus is based on modern methodological aspect / approach to the notions such as order, freedom and private property. Additionally, the relation between order and freedom during modern times has been shaped by means of capitalist relations, as well. In other words, the social and historical changes that emerged as a result of capitalist developments especially during the sixteenth and seventeenth centuries in Europe at the same time has led to re-defining the relations between order and freedom in a different paradigm. In this regard, the main premises of contractarian way of thinking which formulate the notions such as state, society, and individual cannot be understood without underlining socio-economic changes in European society that emerged with parallel to the changes in relations of production during the sixteenth and eighteenth centuries which also led to maintaining of capitalist developments in the twentieth century.

Taking historical and material conditions of the period in which contractarian theoreticians developed their arguments into consideration, it can be first claimed that by distorting historical facts based on socio-economic changes, the modern social contract theories fictionally formulate the relations between state, society, and

individual. More importantly, since the relations between individual, society, and state are derived from the reciprocal agreement resulted from rational reconciliation of atomistic individuals in social contract theories, contractarian theories try to explain the relation between freedom, private ownership and state underlying the importance of ‘rational individual’ and ‘reasonable individual’ who is the main subject of constructing state in terms of order and freedom.

Interestingly, the results of contractarian way of thinking which also leads to underlying ‘Methodological Individualism’⁹ are reflected in the works of many modern liberals and libertarian thinkers who formulate the notion of modern freedom in this sense. Even though the libertarians such as Robert Nozick (1971) and liberals such as Frederick Hayek (1978), Milton Friedman (2002), etc. do not directly use contractarian way of analyzing the relationship between state and freedom, they base their arguments on ‘natural liberal rights’ which can be linked to the theories of modern term contractarian theoreticians. For instance, although many liberal thinkers resort Lockean understanding of ‘labor’ to legitimate private property, they reach different outcome than that of Locke about the role of the state in ensuring political and economic freedoms¹⁰. Ironically, since many liberal writers such as Adam Smith (1892) regard private property as a natural phenomenon, they focus directly on the results of the institutions of private property instead of analyzing ontological foundations of private property in a given society (Smith,

⁹ ‘Methodological Individualism’ is a doctrine of social explanation that all social images and results can be reduced to interpersonal interaction. This approach rejects the view that social forces, society’s structural characteristics, and institutional factors are greater than the sum of the actions and decisions of the members of society. See. Jack, Turner (2011). “Individualism”, *The Encyclopedia of Political Science*, Edited by George Thomas Kurian, Washington: CQ press, pp: 779-780; Mehmet, Okayayuz (1999). “Yöntembilimsel Bireycilik ve Marksist Toplum Kuramı: Yetmişli Yıllarda Federal Almanya’da Bir Bireycilik/Toplumculuk Tartışması, *Marksizm ve Gelecek*, 16, (1), pp: 71-89.

¹⁰ Among them they are Nozick, Frederich A. Hayek and Milton Friedman who regard possession of private property as a general basic right inspired mostly by Lockean understanding of the right to private property even though, they reject Lockean understanding of the role of state. See. Nozick, Robert (1971). *Anarchy, State and Utopia*, London: Cambridge University Press; Hayek, Frederich, A. (1978). *The Constitution of Liberty*, Cicago: The University of Chicago Press; Friedman, Milton (2002). *Capitalism and Freedom*, Chicago: The University of Chicago Press.

1982: 48, 49, 53). The main purpose of that kind of analyzing the relation between freedom and order is to find an answer to the questions of ‘does modern state constitutes an obstacle to the enjoyment of freedom? or is it indeed an institution that should take part in the realization of freedom? in a legitimate private-property based economy in a given society.

In the contractarian way of explaining the origin of the state as an order founder, the answer of these questions mentioned above makes a room in which the nature of freedom handled by many authors has led to a different understanding of how the state should relate to individual and society in a given social formation. Generally speaking, according to contractarian theories, which claim that state has been emerged by means of contractarian way, the main task of state should be to guarantee individual freedoms based on private property, since individual with their property is the ontological root of the state. In other words, any ideal order including political and economic order can be founded provided that state protects and guarantees individual freedoms based on private property in both public and private spheres, according to social contract theories. That is, the individuals, who are parties of a social contract, agree with obeying the rules applied by the state in a civil society formed by the rational individuals to guarantee their freedom resulted from obtaining private property. Therefore, in contractarian theories individual, as a main theoretical premise, at the same time determines both of how an order should be and how modern understanding of freedom defined in such an order.

This degree of liberation / fethisization of the individual in contractarian theories has emerged parallel to the end of feudal privileges and the establishment of bourgeois order. The attribution of freedom to the individual has been one of the most fundamental stones of the seventeenth and eighteenth-century of social contract theories and the concept of freedom with its negative and positive aspects has been constructed over the last two centuries based on the notion of contractarian rational and atomistic ‘individual’ in this sense. In other words, from the seventeenth and eighteenth centuries to the twentieth-century freedom has been tried to be defined through the ‘modern individual’ metaphor in social contract theories. In this

context, in the early nineteenth century by inspiring contractarian theories the French liberal Benjamin Constant (1997) has made a clear-cut distinction between the concept of ‘freedom of the ancient world’, which expresses direct and collective participation in social life, and the concept of ‘modern freedom’, which corresponds to independence from the negative intervention of the state and other people (Constant, 1997: 16). More importantly, Constant’s argument about the relation between order and freedom also indicates how the modern world formulates the notion of freedom in a different paradigm than that of Ancients’. Constant, in this sense, emphasizes that while the purpose of the Antiquities was to share social power among the citizens of the same motherland that was what they called freedom, the aim of the moderns on the other hand is to be able to experience the special pleasures in safety and they are free to ensure that these pleasures are secured by the institutions that are what they call freedom (Ibid: 110-111).

The distinction made by Benjamin has influenced many modern scholars, as well. Isaiah Berlin (1969) who has opened the debate about where the state should be positioned in relation to the individual and society in current social science literature is one of such scholars. By taking *the individual* as methodological analysis of ‘object of inquiry’, Berlin does put forward a theoretical base for assessing what freedom means for moderns. In this respect, he makes a distinction between the concepts of negative freedom (*free from* any obstacle to exercise freedom) and positive freedom (*free to* exercise freedom) (Berlin, 1969: 320).

Negative freedom advocacy, in this sense, rests on the notion of individual rationality and a minimal state metaphor. That is, since individuals are rational, they should be free from any possible intervention which may prevent rational beings from determining how to define and exercise their individual freedom. Therefore, for the supporters of negative freedom any legal order specifically ought to be served to guarantee everyone’s equal and negative freedom against unjustified infringement that may come from by others and especially by state (Maris and Jacobs, 2011: 38-39). On the other hand, the concept of positive freedom is basically related to self-perfection and personal development. The concept of positive

freedom, therefore, refers to the full human capacity needed to realize self-development. More importantly, the concept of positive freedom, as Thomas Hill Green argues, is more concerned with the distribution of material or economic resources (Green, 1991: 52). Thus, the legitimization of positive freedom is based on social support and state involvement in terms of fair distribution of income rather than the state's downsizing allegations, according to Green (Ibid). Since supporters of positive freedom entitle state's role with economic order, positive freedom is generally positioned against the negative freedom, especially the role of the state in the economy is taken into consideration in this sense. Particularly, because of state, possible intervention to economic order the concept of positive freedom covers various theories and principles, whose results are very different and sometimes contradictory. However, what is common among these different arguments is based on the idea that positive freedom corresponds to the effective power, self-realization, self-control and moral autonomy which can be realized through personal economic income.

However, despite different approaches to the notions of modern freedom in literature, as mentioned above, as far as the relation between private property, freedom and order is considered, it is obvious to say that no matter whether a social contract theory supports the idea of positive freedom or negative freedom, the main purpose of contractarian way of thinking, as it shall be examined through the thesis, is to alleviate the tension between private property and freedom resulted from the private property-based mode of production in a given social formation. More importantly, the order formulated by social contract theories may be prior to individual's freedom in the sense that when a property owner's freedom is threatened by propertyless people, market security, as in the Hobbessian Leviathan, or General Will which justifies economic inequalities stemmed from private property-based means of production, as in the Rousseauan Social Contract, takes priority over individual freedom. In this context, it becomes more understandable why the fact that it is not coincidence that in order to overcome a possible dichotomy between order and freedom of the proprietors, social contractarian

theoreticians formulates their ontological and epistemological roots of 'order builder state' based on autonomous rational property owners in a given capitalist formation. Therefore, what makes Hobbes', Locke's, Rousseau's, and Rawls' arguments important for the issue, in this sense, is not only their theoretical frameworks aiming at lessening the tension between private property and freedom but also their historical positions which function as a necessary tool to re-define what the relation between freedom and order should be in modern world. More crucially, one of the main reasons why freedom in today's modern world is discussed only in the grip of the notions of negative freedom and positive freedom can also be linked to the social contract theories' great attempt to define the relationship between private property, freedom, and order through atomistic individual isolated from any historical, social and material conditions.

As far as the relation between order and freedom is taken into consideration it is necessary to clarify what the term order means for contractarian theoreticians. The most important factor that makes the social contract theories important is that the social contract theories claim that there will be a social, economic and political disorder in a state of nature in which there is no state as order founder. In this context, generally speaking, any possible injustices between individuals and all kind of violations of natural rights, including the right to life, to be caused in such a chaotic atmosphere can only be prevented by the state as an order-founder, according to contractarian logic. By basing on their descriptive state of nature, Hobbes, Locke, and Rousseau all try to answer the question of 'why do individuals need an order?' in their social contract theories. According to all three political philosophers, any chaotic order in the state of nature or in a sense the disorder will lead to injustices among individuals. Thus, the fact that a just order would only be built by a state that would appear with the consent of individuals has led these philosophers to formulate their social contract theories. It is noteworthy to say that in contrast to these three theorists John Rawls, another social contract theoretician,

does not, use a direct analogy to a state of nature. However, by using some metaphors such as ‘Original Position’¹¹, Rawls also accepts the fact that the main reason causing injustices and systematic inequalities in existing society is lack of a well-ordered society¹². Therefore, Rawls, Hobbes, Locke, and Rousseau all agree-upon a point that state as an order founder can only be legitimate power in order to end a disorder/anarchy that may lead to injustices, violation of rights, and insecurity. In this context, the fact that there is a need for a state as a founder of order in order to end this chimera reveals what social contract theoreticians understand by the term order.

Therefore, social unrest or social injustice caused by inequalities in society arises from the absence of an order, which will regulate the relations between individual and state in terms of determining the notions of equalities and freedoms in a given social formation, is one of the main reasons of the need for an order. To build an order, the contractarian theorists make preliminary assumptions about the origins of inequality among people in their descriptions of ‘human nature’ directly related to the fictional or hypothetical desing of state of nature, as well. Similarly, the arguments concerning private property, which will constitute the material basis of the state of dependence caused by the artificial inequalities, are also associated with this hypothetical ground by contractarian theoreticians. In this context, the situation of dependence caused by inequalities stemming from private property is justified by the contractarian theorists in a political and economic order stemmed from a consensus among individuals in state of nature. Therefore, according to the social contract theorists, the asymmetric relation between freedom and dependence

¹¹ As Rawls’s precursors describe the notion of state of nature as a characterization of initial situation Rawls, even his objection to classical understanding of state of nature, formulates Original Position typology as a hypothetical tool in terms of explaining how and why parties/individuals come to an agreement on selecting Rawlsian principles of justice among other possible principles of justice. See, John, Rawls. (1971). *A Theory of Justice*, London: Harvard University Press, pp: 17-22.

¹² If Rawlsian theory of justice is taken into account it is plain to say that the role that entitled with state clearly indicates that one of the main actors of constructing a well-ordered society is state.

caused by inequalities arising from property acquisition in the state of nature can be legitimated through founding an ideal just order.¹³ In other words, according to contractarian theorists, property acquisition, which causes artificial inequalities in the state of nature, can be legitimated through formulating formal political and economic equalities and freedoms in civil society. Hence, the question to be asked, here, is ‘what will be the relationship between order and individual freedoms in such a formulation?’

The answer of the contractarian theorists to this question, generally speaking, can be formulated as follows: Since it is highly reasonable to share qualitative of freedoms among individuals in different levels in civil society, freedoms that are directly related to the notion of possessing property are among one of the first tasks to be guaranteed by the order (Hobbes, 1985: 67; Locke, 2003: 74, Rousseau, 1994b: 42, Rawls, 1971: 25). In such a social formation, since the political and economic order originates from social consensus, the security of the order can be prior to the individual freedoms in order to suspend a possible threat that comes from dispossessed masses against the order. In other words, in case of any threat that may come from the dispossessed masses against order, individual freedoms may be put on the secondary plan for the survival of the order based on private property, since the legitimacy of the order depends on the consensus in which proprietors are the main participators or agencies. More importantly, it is a fact that social contractarian theorists accept the fact that inequalities caused by private property lead to qualitative differences among individuals in terms of exercising freedoms. In such an ideal social formation to be built on this fact, the definition of freedoms as negative or positive freedom will not change the primary task of order which is to fend threats that may come from the masses that are deprived of the ownership of the means of production.

¹³ Even though Locke and Rawls do justify acquisition in ‘state of nature’ based on some conditions such as labour, this justification, as will be discussed in the next chapters, does not lead to prevent any asymmetric relation between freedom and dependence in civil society.

1.4 Methodology and General Framework of the Study

Every scientific study in the social science disciplines is fed by a certain ontological, epistemological and methodological basis. Social scientists and researchers, especially those working on political science, interpret the results of their research based on where they are located in the economic and political formation of the society in which they live. The situation is not different for researchers of political ideas, as well. Here, the important point is indeed the question of which method do researchers need to obtain data which enable them to analyze and comment on the results? Therefore, it will not be exaggerated to claim that any scientific content of any research is directly related to the content and characteristics of the method to be applied in the research. In this context, it is plain to claim that any methodless study will have no relation to science. In other words, as David Stoker and Garry Marsh points out that if there is no methodological distinctiveness which gives scientificness to the study in one work that means this work may have only one purpose, which is nothing than being a magic or fortune book (2002: 6). Shortly, the methodology to be followed in the sense of gaining a scientific content for a researcher in the field of social sciences is ‘sine qua non’¹⁴. Despite the importance of the scientific meaning of the method to be applied in scientific research in the social sciences, around the Anglo-Saxon world and particularly in Turkey studies on the history of political philosophy and political ideas have remained at a level that can be called quite a while methodological blindness.

The way in which researchers do not make any statement about what the methodology will be in their work, or pass the arguments of their work with few sentences in introduction part of their studies, is the way in which the authors refer

¹⁴ ‘Sine qua non’ is a Latin word which is used in literature in order to refer to a thing that is absolutely necessary.

to the great texts of the great writers in a way that they are completely disengaged from the linguistic, intellectual and historical-social context. Such an approach to the history of political thought, as Ateş Uslu points out, has become increasingly widespread in the period from the early nineteenth century to the middle of the twentieth century (2017: 45). More importantly, this kind of approach towards the political philosophy in general sense and discipline of the history of political ideas in narrow sense has been adopted by many researchers not only in the Anglo-Saxon world and Continental Europe but also in all over the world (Lakatos, 1978: 11). Despite many criticisms raised from the middle of the twentieth century to 1970s about this methodological approach, historians of political thoughts, who have adopted this approach, examine consecutively the views of a certain number of thinkers as supposed to be ground-breaking figures and analyze them particularly based on the similarities and differences between their ideas (Ibid). Researchers of the political philosophy and history of political ideas in this sense begin their work in examining the history of political ideas from the fundamental works of Socrates, Plato, and Aristotle, who are generally labeled as ancient Greek philosophers. Subsequently, by referring to the works of the Medieval philosophers, generally to Seneca, Cicero and St. Augustinus, these researchers conclude their research by examining modern political thinkers such as Bodin, Machiavelli, Hobbes, Locke, Rousseau, Kant, Hegel, and Marx.

When researchers, who are attached to this general framework, conduct a thematic study they consider the philosophers' thoughts on the subject in the same way, that is, only through periodic distinctions that are far from any contextuality, including linguistic, historical, material and even intellectual contexts. The only point that will make a difference in the studies carried out those adhering to the same method is their comparative studies which try to compare the same subject over different thinkers. In this context, let us assume that a researcher who wants to conduct a study titled as 'Freedom in Plato' or let us imagine another researcher who wants to deal with the issue of freedom in Hobbes' and Locke's political thoughts. In both cases, it would be no surprise to witness how these two researchers, who use

this kind of methodological approach, refer only to the major texts of the great philosophers without underlining any historical, social, material, and even textual contexts. Therefore, the first methodological mistake to be made by researchers conducting such a study is to accept in advance that the issue of freedom is a non-historical and supra-social reality. Indeed, this kind of methodological approach has been criticized by social scientists in many different ways in the literature especially when the literature debates concerning the issue of which method should be applied to the studies of the history of political ideas and political philosophy disciplines is examined.

Above all, besides criticisms against ‘great writers and great texts approach’, many feminist researchers claim that great thinkers and great texts approach does deliberately neglect possible emergence of women thinkers that’s why the history of political ideas has been driven into a male-dominated pattern (Pateman, 1988: 9). In addition to these two criticism terrains, the works of ‘E. P. Thompson and Christopher Hill’¹⁵ which aim at uncovering the ideas of the oppressed, slaves and workers that are neglected in the history of classical political thought can also be read as one of the contemporary critical readings of the classical political philosophy and history of classical political ideas. In this context, the common conclusion of these criticisms directed to the history of political ideas and political philosophy is that ‘great writer and great text-based methodological approach’ is far from objectivity and scientificity. However, a great effort to make a new room in analysing history of political philosophy has been made by Cambridge School. John Dunn and especially Quentin Skinner, one of the influential figures of the school, criticize this method applied for many years in the history of political ideas as follows; in this method not only the conventional narratives of the ideas are

¹⁵ E. P. Thompson and Christopher Hill have contributed to the discipline of history of political ideas in terms of exposing ideas/thoughts of oppressed and neglected people in the discipline of history of political ideas. In this sense, the work of Thompson titled ‘The Making of the English Working Class’ published by Vintage Books in 1966 and the work of Christopher Hill called ‘The World Turned Upside Down: Radical Ideas During the English Revolution’, published by Penguin Books in 1991 are two great efforts that aim at uncovering the ideas of oppressed and neglected people in the discipline of history of political ideas.

developed by the great men in the history of political ideas compared with the ideas of other great men but also the history of political ideas is just deduced to the establishment of some great texts in relation to other great texts (Dunn, 1980: 15, Skinner, 1969: 7). Besides, Dunn argues that 'great writers and great texts based approach' leads to reading the history of political ideas as fictional history, since the history of political ideas is no longer assessed as part of the real world in which writers have lived (Dunn, 1980: 16). While the inadequacy of such a methodological crisis in analyzing the history of political thought is quite sensible, such an approach is unfortunately still found in the studies on the history of political thought and political philosophy in the literature. John G. Gunnell's explanation of this situation as a 'lack of disciplinary approach in the historiography of political thought' (Gunnell, 1982: 114) is extremely meaningful in this context.

The critical contribution of many historians in a methodological sense which came from the formation of the so-called Cambridge School since the 1960s has provided an important methodological contribution to the 'great writers great texts' based methodological approach basic features of which elaborately pointed out above. In this context, according to Skinner, one of the important representatives of 'linguistic contextualism' methodological approach, the texts of philosophers should be analyzed within a linguistic and intellectual context in the history of political ideas (Skinner, 1969: 92). That is, any researcher of political philosophy and history of political ideas, to Skinner, should first analyze writers' text from linguistic and intellectual context; since the works of political philosophers are formed in an atmosphere in which writer's thoughts reflect basic points of intellectual debate that they witness during their life-time period. Also, by criticizing text-based methodological interpretation of past thinkers in the discipline of history of political philosophy, Skinner claims that "the 'great text' assumption that past texts should be read for the purpose of shedding light on 'fundamental concepts', gave rise to 'a series of confusions and exegetical absurdities'" (Skinner in Lamb, 2009: 56). Therefore, according to Skinner, the problem with this interpretation is that it does not only lead to avoiding any reference to the intentions of the author in

question but also to uncovering the contributions of political philosophers to trans-historical political problems (Skinner, 2002: 65). To summarize the methodological approach of the Cambridge School, where Skinner made a methodological contribution to the history of political ideas and developed arguments for the examination of the historical texts, it is particularly important to reveal how this school uncovers the contextual relationship of a given text. In this context, Robert Lamb (2009) summarizes the common point with which all historians of Cambridge School agree in his article called 'Quentin Skinner's Revised Historical Contextualism: A Critique', as follows:

What is usually thought to define the Cambridge School is a commitment to a form of linguistic contextualism: the belief that political texts can only be understood correctly by locating them within their intellectual context and, in turn that this intellectual context can only be properly understood in terms of the language available to individual authors. The key to understanding a text thus lies in understanding the language within which an author makes a particular statement: language is here understood simultaneously as a structural constraint (one that limits the actions of a particular author) and a resource for agency (one that provides the author with various available opportunities for action) (Lamb, 2009: 55).

The key characteristic of the Cambridge School many historians of which have been inspired by the works of philosophers of language such as John Langshaw Austin and Ludwig Wittgenstein is the methodological criticism of the great writers and great texts approach which, to them, and especially to Skinner, neglect linguistic and intellectual contextuality. However, there are many flaws in this method developed by the Cambridge School, particularly by Skinner. First of all, addressing the texts and thoughts of the great writers, which existed in the history of political thought, by means of only linguistic and intellectual contexts in the way Skinner claims entails those who defend both the Cambridge School and the classical method in the history of political ideas to a similar error. That is, since the method developed by Cambridge School, especially by Skinner, neglects the historical, social and material conditions that are important in the formation of the ideas of the

great writers, both methodological approaches ignore material conditions that shape philosophers' ideas. For instance, Skinner, while examining the context of political ideas in his work, rarely takes into account the relations of ideas with social processes of transformation or with economic developments by essentially trying to answer the question of 'which do intellectual and linguistic debates, namely context, shape philosophers ideas in a given period?' Therefore, Cambridge Schools' methodological approach inspired mostly by Skinner, as Uslu claims, leads to the denial of the importance of the material and social formation in which thoughts have emerged (2017: 77). Similarly, Ellen Meiksins Wood (2009) criticizes the methodology of members of the Cambridge School, in particular of Skinner. According to Wood, the linguistic-based contextualism method proposed by historians from the Cambridge School was originally developed to oppose pure textual historians or historians of abstract thought. In this sense, Wood argues that despite linguistic-based contextualism's deeper and great effort, it creates another kind of 'supra-historical based texts analysis' and fictional history (Wood, 2009: 20). Therefore, it is obvious that a researcher who takes the empirical data (ie the texts/passages) that are the primary sources of history of political thought to the center of his or her research in the way linguistic-based contextualism formulates will unavoidably be dragged into similar errors with the classical 'great writers great texts based' methodological approach. For instance, an effort to try to analyze the texts and passages developed by Locke in order to justify private ownership in a linguistic and intellectual context is equivalent to claiming that Locke without knowing the social and material changes caused by agrarian capitalism during the seventeenth century of England which is the period he developed his theory did just mental exercise beneath shadow of the tree that he had developed as a metaphor to justify private property.

Apart from these two approaches, the method used to analyze the ideas of political thinkers which can be evaluated among the disciplines of political philosophy and political ideas is the social and material context based approach. One of the most important features of this approach is the explanation of the historical

and social context by taking ‘the mode of production’ and ‘class conflicts of a given period’ into account. In this sense, basically speaking two important reasons why this approach, which demonstrates the relationship between modes of production, class conflicts and political ideas, is more convincing than other two methodological approaches. First of all, since the social and material context based approach frees any researcher from the abstract non-historical intellectual atmosphere, it lays the ground for researcher to associate the issue with material and social contexts. Secondly, it enables one to evaluate the relationship between freedom, private property and order in any capitalist social-formation from historical, social and material-based context points of view. Besides, when we further elaborate on these two fundamental reasons we will understand better why the material and social context-based approach is important and should be taken into consideration in terms of analysing material and social conditions of a given period in which philosophers have lived.

In this sense, when it is returned to the first reason mentioning that both the classical methodological approach and the linguistic-based contextualism approaches it can be claimed that they have similar flaws. That is, researchers who apply one of these two methods do not only evaluate the philosophers and their ideas as mental practices but also contribute to the bourgeois historiography by evaluating the phenomenon that they subject to research, for example, the phenomenon of freedom, as fictional and mental activities. Here, it is worth remembering the criticism of Lukacs against bourgeois historians. In this sense, George Lukacs criticizes bourgeois historians by claiming that bourgeoisie historians regard the history of philosophy as the history of those who generate only philosophical ideas (2006: 9). More importantly, Lukacs argues that a phenomenon that can be considered within the history of political thought, for example, the phenomenon of freedom, can only be analyzed in a context that takes the evolution of the mode of production, social developments and the development of class struggles into account in a given period (Ibid). By taking Lukacs critical points into consideration one can easily claim that methodological approaches that ignore social, historical and

material conditions when analysing the thinkers and ideas in the history of political thought lead any researcher not only to regard political philosophers as imaginary or abstract, a-historical figures who had nothing with any political-material determination of the social formation, but also to assess their thoughts as if they are mere commands of their mind. Whereas, as Soviet thinker Viktor Afanasiev states, political philosophers are not only those who take a position in the social forms of consciousness but also those who influence the forms of social consciousness reflected in law, morality, art, religion, philosophy, and science by means of their ideas (Afanasiev, 1990: 560). To add to Afanasiev's view, most importantly, philosophers sometimes bring class orientation to the ruling class in society and sometimes into the service of a particular class. When the relationship between freedom, private property, and order developed by social contract theoreticians is taken into account, it is possible to say that any researcher applying first or second methodological approach most probably will suggest that arguments such as human nature, state of nature, atomistic individual, which are among the theoretical premises in social contractarian tradition, are pure fictions produced as result of philosophers' mental activities. However, when a methodological approach inspired by historical materialist approach in terms of underlining social and material conditions of a given period in which philosophers have lived is applied, it will be understood that this fictional ground is not merely a mental activity developed by philosophers or a mutual intellectual argument that emerges in the intellectual context. On the contrary, it will be witnessed that this fictional effort indeed aims to alleviate and legitimize the tension resulting from inequalities and dependency arising from private property-based mode of production in a given existing historical, social and material context.

As far as the second reason is concerned it can be said that in the field of history of political ideas and political philosophy applying a methodological approach which takes social and material conditions into consideration enables scholars to analyze theoretical concepts such as equality, justice, freedom, order, and private property, definitions of which are still problematic in discipline of history of

political ideas, with their relation to historical and material conditions. In this respect, the fact that a researcher in the disciplines of history of political ideas and of political philosophy should consider the subject of research from a chronological and thematic point of view when he/she examines political ideas can be best-realized thanks to social and historical context based approach especially in focusing on the subject-oriented (thematic) issues which provides a clear and analytic examination of concepts such as ‘order-founder state’, ‘freedom’ and ‘equality’ in this study. Besides, the chronological method which can be empowered by this approach, on the other side, enables researcher not only to analyze the formation of political ideas within historical process but also to shed light on the interaction bonds between political ideas in the historical process (Uslu, 2017: 1-2). In other words, historicizing a subject in the light of ‘material and social contex-based’ methodological approach not only means placing it in a relational position both in historical, social and material terms but also means revealing the situation of the subject to the research within the context of political life and the social material relations that emerged in a dialectic way.

Of course, there are different results that researchers who adopted a method which underlines material and social conditions of a given period have achieved in applying this method on the same subject. But despite these differences, the point where researchers agree on such a method is based on the idea that when someone who examines the history of political thoughts has identified any subject in political ideas as an object of inquiry, he or she is entitled with the role that reveals how the arguments developed by the philosophers work in legitimizing class domination resulting from existing mode of production and its elements in a given historical period. For example, Wood, who adopted such a method and referred to the importance of social context while analyzing the history of political ideas, has obtained different results from the results of the researchers who applied the same method during analyzing the emergence process of capitalism. In her work, Wood argues that the emergence process of capitalism has experienced different steps in Europe when the social and material formations of pre-capitalist societies are taken

into consideration. In this context, it can be said that in contrast to the rise of agrarian capitalism in England, to Wood, the opposite situation existed in most parts of Europe, especially in France (Wood, 2007: 17). Based on this explanation, Wood's argument which claims that in the West outside England, capitalism is an urban phenomenon and the capitalist is the bourgeois, but in England, the source of capitalism is the rural areas where the great land aristocracy is dominant (Ibid) plainly demonstrates that a researcher applying similar method can reach different results. However, to reach such a conclusion does not indicate/prove the inconsistency of the material and social context-based method. Rather, it allows researchers to develop a wide variety of analyses through a specific mode of production and class conflicts which are the main elements of the historical and social context when analyzing a subject that can be considered within the discipline of political philosophy. In addition, as Wood herself argues, the historical analysis of political theory does not alter the fact that the texts are constructed through the relationship between the world of ideas and the world of action in which the writers live and within the social, political and economic contexts of the texts (Wood, 2012: 11). In line with this information, the second reason for applying material and social context based method in this study becomes more important. That is, it will provide a profound insight into study especially in terms of explaining the issue of how capitalism, which is a significant subject of this thesis, is influenced by the historical, social and material specificities of Britain and France respectively. More importantly, thanks to this methodological approach which provides a general framework to evaluate the arguments concerning the relationship between freedom, private property and order developed by Hobbes, Locke and Rousseau, the reflections of arguments developed by these three contractarian theoreticians become quite understandable in terms of analysing the arguments of any contemporary contractarian theoretician such as John Rawls in the light of material and social context of a given capitalist social formation.

In the light of the above information, the general scheme of the study to evaluate the empirical data to be obtained through the method applied in this study

in a scientific coherence can be summarized as follows. Since the primary aim of this thesis is to examine Hobbes's, Locke's, Rousseau's and Rawls' arguments about the relationship between private property, freedom, and order from the point of material and social context-based approach, the first thing should be done here is to wear historical spectacles. For this purpose, especially the historians who contributed to the formation of important literature in Marxist historiography by describing the material and social context of the modern period are among the primary sources used in this study. By the same token, the main masterpieces of philosophers related to the subject are the main sources used in our study as objects of inquiry. In this context, Hobbes's 'Leviathan', Locke's 'Second Treatise of Government', Rousseau's 'Social Contract', and Rawls's 'A Theory of Justice' are among primary sources used in this thesis. Additionally, the philosophers' other works which directly or indirectly support their arguments concerning the relation between private property, freedom, and order will be evaluated among primary sources. In this context, Hobbes's 'De Civis', Locke's 'On Toleration', Rousseau's 'Emile' and 'Economy Politics', and Rawls's 'Political Liberalism' are important sources in order to deepen the issue and achieve concrete objective results.

In terms of secondary sources, it is also important to mention that since there is a wide range of literature related to the philosophers' studies besides primary sources; dozens of secondary sources that are important for our subject have been used to obtain empirical data in the study. Therefore, the study, which is formed in line with the thematic and chronological use of these resources, consists of five main following chapters and a conclusion part except this chapter.

As far as the following chapters of the thesis is concerned, it can be said that in the second chapter of the study the questions of 'what is private property and its relation with freedom and order?' and 'how is the notion of private property justified for the sake of individual freedom in an ideal order?' are clarified elaborately by particularly underlining how the property systems should be assessed.

In the third chapter, the study provides a framework in which the basic features of social contract theories and their flaws are clarified. In other words, the

main elements of social contract theories and their methodological flaws are indicated in the third chapter.

The historical and social conditions of modern Europe, especially of England, compared to feudal order during the emergence of capitalism, which in particular enable me to assess modern social contract theories, namely theories of Locke and Hobbes within the context of material and social formation of seventeenth century of England, are examined with their all clarity in the fourth chapter. It is also the fourth chapter which enables readers to grasp early seeds of historical, social, and material conditions of the any contemporary social order in which the tension between private property, freedom, and order has been tried to be alleviated or eliminated by contractarian logic for the benefit of the bourgeoisie class.

As to the fifth chapter, it is plain to say that this chapter comparing capitalist developments in England to capitalist developments in France tries to elucidate Rousseau's arguments concerning private property, freedom, and order. In other words, it is the fifth chapter that puts Rousseau's argument into historical and material conditions of the eighteenth century of France in which Rousseau formulates a just ideal order in which the tension between private property and freedom is eliminated for the benefit of property owners.

By linking the modern understanding of freedom to the capitalist system and its historical background, the sixth chapter of the study discusses contemporary contractarian theoretician John Rawls's arguments concerning the subject. Besides, it is this last main chapter which links modern contractarian philosophers' arguments to Rawlsian contractarian theory in order to shed light on why contractarian logic, no matter whether it supports negative or positive notions of modern freedom, formulates an order in which on one hand the tension between freedom and private property is eliminated for the benefit of owners of private property, while the notion of dependency, on the other hand, is still common for propertyless people as it was same during the emergence of capitalist mode of production.

As to the conclusion part, the conclusion section of the thesis is, in short, dedicated to indicating how the thesis has reached its objectives. In this context, in the conclusion part, firstly, it is summarized how social and material context- based approach makes a methodological critical contribution to ‘the great writers and great texts’ method as well as to the ‘linguistic/intellectual contextualism’ method which are the leading approaches to the political philosophy discipline in general sense and history of political ideas discipline in narrow sense. Secondly, it is proved that contractarian theories in general sense formulate an order in which economic inequalities and social inequalities resulting from the private ownership of the means of production is being tried to alleviate or eliminate for the benefit of owners of the private property over means of production from the emergence of capitalism to the twentieth century. Above all, by comparing social contract theoreticians’ arguments concerning the subject this section also indicates that the state of dependence and inequality resulting from the private ownership of the means of production that can be associated with the emergence of capitalism is not only continuing even in a different formats in any contemporary capitalist social formation and but also being tried to be justified by another social contractarian theoretician, John Rawls, in terms of legitimizing them under the mask of formal freedoms and formal equalities.

1.5. Goal of the Thesis

Given basic points related to the method and general framework of the thesis above, it is essential to explain the main purpose of the thesis in order to demonstrate consistency in the thesis. In this context, I can summarize the main purpose of the thesis in three points by taking into consideration the fact that the researchers, as Uslu underlines, cannot analyze the texts in the history of political ideas and the political philosophy as well as the fact that the authors cannot analyze and explain them fully as they are (2017: 149).

The first of these is about the lacuna in the literature. Of course, there are hundreds of sources that evaluate each subject related to freedom, order and private property separately, but the number of comprehensive studies dealing with these three topics together at the same time are not so many in the literature. Of these three topics, one of the respectable and comprehensive studies dealing with only two of them is Richard Pipes's book titled 'Property and Freedom' which was published in 1999 by the Vintage Book Press. Similarly, the number of studies dealing with the subject of private property on a theoretical basis is quite low. The first work to come to mind in this context is Stephen R. Munzer's book titled 'A Theory of Property' published by Cambridge University Press in 1990 and Jeremy Waldron's book titled 'The Right to Private Property' which was published in 1988 by Clarendon Publishing House. Therefore, in terms of the context of the thesis it can be said that hundreds of books and articles written about each thinker or hundreds of studies in the literature on freedom and private property indeed indicate the richness of the literature. However, despite this richness in the literature, the limited number of a study which directly examines the relationship between freedom, private property and order has led to the emergence of one of the main objectives of this thesis.

The second aim is to make a critical contribution to the classical 'great writers great texts' methodology and 'linguistic/intellectual contextualism' method applied for analyzing political philosophy and history of political ideas from the material and social context-based methodological point of view. In this regard, by the same token, one of the main goals of the study is to reveal that the notions of freedom and order are not intellectual's mental activities developed by philosophers, rather they are reflections of the ideas of thinkers who can be positioned in a given political-economic formation resulted from a certain material and social context in a historical moment.

The third goal in this thesis, which is related to the first and second objectives at the same time, is to prove that the basic function of contractarian theories in terms of both 'methodology' and 'historical and material conditions' is to formulate an order in which social inequalities and dependence resulting from the

private ownership of the means of production are legitimated in favor of the bourgeois class and its fractions. In other words, one of the main objective of this thesis related to the first and second purpose is that the state of dependence and artificial inequalities arising from private ownership of the means of production in any capitalist social formation has been and is still masked by social contractarian theoreticians by means of justifying them on the basis of formal freedoms and formal equalities. Also, it is argued in the thesis that no matter modern social contract theories formulate the notion of freedom in positive or negative sense the issue of dependence will exist in any political and economic order which legitimize private ownership of the means of production.



CHAPTER 2

THE CONCEPTUAL FRAMEWORK OF PRIVATE PROPERTY AND ITS RELATION WITH FREEDOM AND ORDER

In political theory, there is a large literature related to the concept of private property. But there are few resources that directly deal with the relationship between private property, freedom and order. In some of these sources, it can be said that the concept of private ownership is blurred and even it is claimed that since the term private property has different meanings throughout the history, it is difficult to make a common definition of private property (Grey, 1980: 69). Even the more interesting point is the fact that the concept of private property is consciously desired by some liberal and libertarian scholars to be confused with the concept of property as 'personal belongings'. More importantly, since the concept of personal belonging, which is generally dealt with in the context of legal framework of individual freedom, is regarded as a phenomenon that is not directly reflective of social relations especially of economic inequalities in a given society, the first thing should be done in terms of clarifying what private property is to make a distinction between the terms 'property as personal belonging' and 'property as mean of production'. If such a distinction is not made during the process of examining literature about what property is, it is clear to say that the notion of private property is vulnerable to be misused by ideological figures of bourgeoisie class as it has already done. For instance, the arguments put forward by some liberal and liberal conservative scholars such as Pipes, Hayek, Nozick, and Kirk which legitimize the idea that there is no difference between having a toothbrush and having a factory within the framework of individual possessiveness; in this respect, do indeed mask the reality that factory compared to toothbrush directly leads to social-economic

inequalities, since a factory is a direct mean of production. In other words, according to some liberal and conservative intellectuals having a toothbrush and having a factory are the same things in terms of justifying personal belongings and its necessity for realizing freedom. However, when it is dealt with the concept of private property by distinguishing it from the concept of personal belongings, it is plain to say that the concept of private property as a mean of production ownership of which plays key role in founding economic base of a given society has a direct political, legal, and economic effect on social inequalities. Therefore, the relationship between private property, freedom, and order can first be understood by responding to the questions of ‘what does private property mean?’, ‘what are the property systems and how should they be assessed?’, and ‘what is the relationship between private property, freedom, and order?’, respectively. That is, a classification of property and property systems should be analyzed first in order to link the notion of property to freedom in any political and economic order.

2. 1. Property and Property Types

The idea of property as an individual possessiveness dates back to thousands of years ago. We witness the idea of possessiveness even in Ancient Greek myths. For instance, the sentences following as; ‘after Zeus defeated Kronos, he became the only true owner of the universe. Deciding to divide the universe, Zeus took the sky and gave his brother Poseidon the sea and Hades the underworld. Then he classified the earth and especially Olympos as common ownership’ (Phillips, 2015: 19) indicate that the idea of personal belongings dates back even before to first Greek philosophers who put forward comprehensive arguments concerning private property. Yet, what makes them different is based on the idea that they have put forward comprehensive arguments concerning private property compared to mythological arguments. When the first time Plato and Aristotle arguments of whom discussed in introduction part; in this regard, have argued the role that property must

play in society, and since then, by defining what property means almost every political philosopher has touched on the social role of property and its direct relation with freedom and order as well. The state's position as a builder of order between private property and freedom has also been an important determinant which has been elaborately questioned by these scholars in terms of determining what the limit of individual property should be. Thereby, the origin of the state which dates back to thousands of years ago as well as the relation of state with property and freedom has been discussed throughout history and are still being discussed today. Different theoretical approaches; in this respect, explain the origin of the state and its relation with property and individuals freedoms by basing on different theoretical arguments. From anarchists' arguments to conservatives' arguments the ontological aspect of the property is explained from two different points of views. Yet, since the goal of this thesis is to argue the relationship between private property, freedom, and order within the context of social contract theories, it can be said that what an unquestionable fact in social contract theories about the ontological aspect of state is based on the idea that the reason for the emergence of a state is protecting individuals basic rights including the right to private property derived from justification of natural rights or common agreement. That is, the emergence of the state as an order founder in social contract theories is stemmed from consent based-agreement carried out by rational and reasonable individuals in order to make legal arrangements about what property is and who has the right to use that property. Since such an approach considers the state as a result of consent, the relation of state with the concept of private property and freedom is determined by the parties of that agreement as well. Any definition of property in social contract theories also determines its relationship with state and freedom; that is why a correct and comprehensive definition of property including its personal belonging and mean of production versions is a core need.

Etymologically, “‘property’ derives from the Latin “*proprius*”, meaning particular to, or appropriate to, an individual person” (Pipes, 1999: xv). Though the

word property arouses in our minds the idea of physical objects such as land, bank accounts, house, car, etc, it has much broader meaning including copyrights, patents and even life and liberty in a Lockean sense as well. Since the concept of ownership has such a wide content, the concept of the property, first of all, ought to be divided into two categories as mentioned above. That is, ‘property as personal belongings’ and ‘property as a mean of production’. A lot of things can be considered as personal belongings in this sense. From tubes of toothpaste to houses, clothes, and books which satisfy the basic needs of a human being can be regarded as non-productive elements of the property. On the other hand, properties such as land, capital, factory, etc. which are productive forces can be regarded as property as means of production within the context of this categorization. Therefore, personal belongings differ from the property as a mean of production in the sense that every kind of property systems inevitably includes personal belongings. That is, one may have personal belongings no matter whether he or she lives in a society in which common property is legitimated and applied or not.

Such a basic categorization is necessary especially when historical and anthropological works are examined. For instance; many ‘anthropological pieces of evidence’ discussed below clearly indicate that even in a common property system or collective property system people had their personal belongings such as clothes, toys, weapons, housings, jewelry, etc. in the history. Having made this distinction between property as personal belonging and property as mean of production, it can be said that there are three property types which are private property system, common property system, and collective property system which have been applied from primitive communities to today’s capitalist societies as far as property is regarded as mean of production. In other words, it is noteworthy to say that these three property systems have become dominant property systems at a certain time in a given society. At the same time, as Jeremy Waldron notes, socialists’, capitalists’, anarchists’ and conservatives’ understanding of property are derived from these three types of property system; that is why, literature about the private property has to include common elements in social science (1988: 44). Generally speaking, in the

light of literature review it can be said that while classical socialists are collectively defending collective property-system and radical anarchists are defending common property-system, liberals, conservatives, libertarians, and social democrats, on the other hand, advocate an economic and social system based on the institution of private property (Ibid). Given this brief info concerning the importance of property, the definitions of property in literature will vigorously clarify how property systems ought to be assessed as well.

2. 1. 1. Private Property

There is much debate in the literature about what private property is. The most interesting of these is the hypothesis based on the argument that the notion of private property cannot be defined, for it has been used in different meanings throughout history. Moreover, according to this view, it is claimed that private property does play no important role in contemporary political theory due to its elastic and ambiguous aspect of the definition. Thomas Grey is one of the pioneer writers of those who support this idea. In this sense, Grey's hypothesis is based on three propositions (P) and three conclusions (C) which are pointed out the table below:

TABLE A

P1. The eighteenth century conception of private property, which is also the ordinary conception, views private property which is	Therefore	C1: The eighteenth century neglects various of intangible properties such as copy rights, proprietorship, and etc.

only linked to material things.		
P2. Traditional capitalism supported the notion of private property which is assessed as material things, and Traditional Marxism attacked private property which is assessed as material things, as well.	Therefore	C2: Both traditional capitalism and Marxism are undermined in terms of assessing private property
P3. The traditional misunderstanding of property has nothing with today's broader meaning of property	Therefore	C3: Property is no longer an important category in political theory.

Note: The information in the table was prepared and collated by using Thomas C. Grey's work which is titled as "The Disintegration of Property,". See, Grey. Thomas C. (1980) "The Disintegration of Property", in *NOMOS XXII: Property* edited by J. Roland Pennock and John W. Chapman, New York: New York University Press, 69-85.

When the argument put forward in the table is examined, it can be claimed that even though Grey's hypothesis is thought-provoking, it sounds unreasonable owing to two specific reasons. First of all, the emerging of various aspects of private property throughout history does not mean the original meaning of private property is meaningless in the twenty-first century. It can be only claimed that the examples that are to be evaluated in the category of private property has been diversified throughout the history which does not undermine the reality and definition of private

property in today's political theory. Secondly, although there are tens of categories in political theory such as freedom, equality, state, etc. all of the meanings of which have been changed throughout the history, political philosophers still regard them as categorical bases. That is, the understanding of justice, freedom, and equality may have been changed from one distinctive historical period to another historical period, yet this does not mean that we do not need discussing what equality, freedom, and justice are and how they should be categorized in political theory. Moreover, we do not give up these categories in political theory. Rather, we do assess them as 'essentially contested concepts' as natural and inevitable aspects of social science.

Another hypothesis which has a skeptical attitude to the definition of private property is based on a kind of pragmatic view. That is, according to this hypothesis, there cannot be any definition of private property, "since private property is indefinable it cannot serve as a useful concept in political and economic thought: nor can it be a point of interesting debate in political philosophy" (Noyes, in Waldron, 1988: 26). The main premise on which this hypothesis based is about the one-dimensional relationship in analyzing the notion of private property. It is claimed by this group that the relation between a person and a thing does not lead to legal and economic relations, since economic and legal relations should involve a relation between persons not between a person and an object (Ibid: 28) Yet, such an approach to the concept of private property is unsound, because it ignores the potential emergence of multidimensional relations of private property in a free-market economy. That is, suppose you live and have a car in a capitalist social order in which 'basic rules of a free-market based economy'¹⁶ determine most of the economic and social relations. In such a society you are allowed to rent or sell your

¹⁶ By 'basic rules of free market based economy' I refer to a liberal social order in which there is no difference between the notions of 'property as personal belonging' and 'property as mean of production' in terms of linking a relation between private property and freedom. More importantly, in such a liberal social order two types of properties are regarded as 'unviolable natural rights' and are protected by positive laws. For instance; theoretically and generally speaking, most of the capitalist Anglo-Saxon countries such as England and USA can be labelled under the name of liberal social order.

car to another person because you have rights concerning how to control and use your own material resource. In free-market economy based society since you are allowed to sell, rent or exchange your personal belongings, your economic relations will negatively or positively affect other groups in society in terms of economic and social inequalities. In other words, such a social order inevitable may lead to a social order in which the more you may get richer the more other people of the society may get poorer and vice-a-versa even if the thing you have is your personal belonging.

However, consider you live in a society in which material resources are used collectively or commonly and money is not in use which means you are not allowed to rent or sell your personal belongings, since all people's personal basic needs have already been satisfied. Thus, only in such a collective property based social order, it is possible to say that the relation between a person and a thing does not lead to legal and economic relations in terms of social-economic inequalities. Thus, what needs to be said is that in a free-market economy the relation between a person and an object does lead to legal and economic relations, that is, to multidimensional relations in terms of both economic and social inequalities.

Apart from these skeptical and unsound arguments which deny any possibility of definition of private property and private property system as well, it can be claimed that the notion of private property and private property system are concepts that need to be considered together. In this regard, private property can shortly and particularly be defined as "that domination which one man claims and exercises over the external things of the World, in exclusion of every other individual" (Madison, in Pipes, 1999: vii). More importantly, another comprehensive argument related to private property is clarified by Fahri Bakırcı (2004). In this regard, Bakırcı defines one of the important aspects of private property system as "a system of rules governing ownership and control on tangible assets" (Bakırcı, 2004: 139). Yet, it is noteworthy to say that 'by rules concerning tangible assets' Bakırcı does not mean all rules concerning tangible assets. Therefore, property here is directly related to the question of 'who will use that asset and when to use the material asset?' (Ibid). Nozick, in this sense, regards private

property as something which enables the possessor to decide how to use this thing by underlining basic core of possessing private property in the sense that private property gives its owner the right to do what he or she wants about that thing (Nozick, 1971: 171).

What distinguishes private property system from common and collective property systems is rested on the idea that any material resource can be possessed by a person or a group and kept for their private rights. As far as private property system is concerned, in this system, as Waldron writes, “the rules governing access to and control of material resources are organized around the idea that resources are on the whole separate objects each assigned and therefore belonging to some particular individual” (Waldron, 1988: 38). Moreover, in a private property system, any person who is entitled to his/her specific object is the same person who will decide how to and whom to use this object. Therefore, the response to the questions of ‘how are resources allocated?’ and ‘how should they be used?’ lead to the point which distinguishes the private property system from other kinds of property systems. That is, as Eleftheriadis argues, what distinguishes a private property system from other property systems is based on the idea that in private property system “property owner is not simply the current possessor but the one who has a “final determination” over the use of the thing” (Eleftheriadis, 1996: 35).

The common point of these definitions is that in order to be able to name something as private property; the first thing need to be expressed is a need for making a relation between a subject and an object. Additionally, as can be understood from the above definitions, the principle of ownership between subject and object is necessary in terms of analyzing the private property and private property system. The principle of ownership in this respect gives rise to the two distinctive results which are as follows;

- a-) the person has the right to dispose of the object and;
- b-) the subject who owns the object will also have the right to deprive/exclude others’ right to use of this object as well as the right to dispose of the object.

To illustrate and underline these two points; suppose Alex has a toothbrush and suggests that no one can use this toothbrush without Alex's permission. However, the most important way to distinguish an object from the category of personal items, as mentioned above, is to determine whether the object possessed has any exchange value or not. That is, in such a situation the most important distinction that should be done is based on the response to the question of 'is whether that object a means of production or not in a given society? Hence, suppose Alex had had arable land instead of a toothbrush, that object would have been removed from the personal belonging category and was considered as a category of means of production, for it directly leads to affect other persons in the society in terms of both results of the principle of ownership discussed as (a), and (b) points above. Therefore, common arrangement about the definition of private property in literature which defines private property as "domination which one man claims and exercises over the external things of the World, in exclusion of every other individual" should additionally elucidate whether that material is means of production or personal belonging in terms of satisfying a basic need.

2. 1. 2. Collective Property

The main determining factor in collective ownership systems is the collective use of items and means of production. Collective property, thus basically includes collective ownership of any means of production for the benefit of all its members. In contrast to the private property system, in collective property system the question of 'how and by whom should material resources be used?' is determined to benefit and maximize the general interest of the community. In other words, the problem of allocation and the use of material resources are solved in collective property system by a mechanism which prioritizes collective interests of society as a whole rather than prioritizes individual interests (Waldron, 1988: 85). Therefore, the productive resources including land, natural mines, forests, rivers, etc.

are controlled and organized by an institution, generally by state, which is applicable mostly in socialist states.

As far as philosophical dimension of collective property is concerned, it can be said that collective property philosophy of which is derived from the idea of common property justifies the argument that since whole earth belongs to all people, a piece of land in that earth can be used communally for the benefit of whole community who hold that land. Tens of anthropological works, in this sense, indicate that this type of property system has been applied not only by indigenous communities but also in primitive societies. In this regard, Richard Eden underlines the basic characteristics of the collective system of American indigenous people as an example of this situation in his famous book called *New World*:

[A]mong them, the land is as common as the sun and water: And... Mine and Thine (the seeds of all mischief) have no place with them. They are content with so little, that is so large a country, they have rather superfluity than scarceness. So that... they seem to live in the golden world, without toil, living in open gardens, not entrenched with dikes, divided with hedges, or defended with walls. They deal truly with one another, without laws, without books, and without judges (Eden, in Edward Arber, 1885: 78).

The property system that the American inhabitants had practiced above has also been used in many different regions throughout history. Of course, the definition of collective ownership must be understood within the context of distinction to be made through personal or group goods. Just as a river or a piece of land that is also present in nature can be consumed in common, a toy can be put into common use among communal members. Personally, some objects (such as toothbrushes, combs, clothes) may also belong to any person in terms of satisfying basic needs in any collective property system. What is important here is whether the property on the means of production is used collectively or not. Given that, there are many anthropological and historical pieces of evidence which prove that natural resources have been commonly used throughout history. In other words, there are plenty of anthropological pieces of evidence which indicate the popularity of

collective ownership on any material resources throughout history. In this sense, besides Eden, the contribution of the American anthropologist Lewis Morgan, works of whom has been referred by Engels to the literature is also important. In this sense, Morgan anthropologically proves that in history many primitive communities know no property except their personal items which also justify Marx's own view that mankind in its original condition had known no private property in land, rather it was a modern phenomenon emerged as a result of the capitalist mode of production (Marx, 2015: 39). To support his argument Morgan writes that;

(In circumstances of "savagery," the lowest step of human evolution, men knew no private property apart from in personal properties such as weapons and clothings. Land was held in common by the tribe and used for the benefit of all members of the community (Morgan, in Pipes, 1999: 51).

More importantly, contrary to collective property system in private property system which emerged hundred years later than collective property system individuals can claim rights in exercising over the external things of the world which give rise to exclusion of other parties of society. On the other hand, in collective property system, no individual has such right on "any object that he can make decisions about its use without reference to the interests of the collective" (Machperson, 1962: 5-6). In collective property system, therefore, the use of personal items which are not means of production can be used individually but the means of production such as land, factory, etc. are used in a collective way to benefit all members of the commune.

2. 1. 3. Common Property

Common property basically and simply means a resource or resources held jointly. From air, sun, and seas to forests, parks and national reserves are some examples of common property in this sense. The term common property thus has a

broader meaning which depends on how it is located in any given society. For instance; if nature/earth is regarded as common property to all people, then, common property, as Proudhon argues, excludes an individual property in all types of natural resources including land (Proudhon, 1966: 64). This kind of assessment about the common property has a broader meaning in the sense that the earth belongs to no one; that is why the fruits of earth should/must belong to all (Ibid). Thereby, in terms of a broader meaning of common property, the land is regarded as common as the sun, water, and air; that is why mine and thine have no place in the common property system. Damodaran, even though he is against the idea of common property, in this respects, underlines the basic features of the common property system. In a common property system, as he writes;

Physical access to space is regulated for all users of a common property land which more or less ensures equal availability of common resources i.e, biomass..... In such situations the common resources are harvested by the community organisations and distributed equally to the members of the user groups (Damodaran, 1991: 2213).

Despite this broader sense of common property, it is generally narrowed in any private property based society and is restricted to public areas in terms of public use. In such a society the land can only be commonly used if it is described as a public area and similarly a water resource can be jointly used provided that the use of this material is publicly allowed. Therefore, such a broader definition or a narrower definition of common property enable philosophers to characterize the initial situation of men concerning natural resources in their theories of the state of nature (Waldron, 1988: 41-42).

Compared to the collective property it can be said that common property has a similar aspect in the sense that no individual has a privileged status to any resource. Yet, what draws the distinction between collective property and common property is that while in the collective property the interests of all society has special status in terms of allocating and using resources, in common property the interest of any collective group have no privileged status with regard to material resources

(Munzer, 1990: 47). More importantly in a system of common property, as Waldron points out “rules governing access to and control of material resources are organized on the basis that each resource is in principle available for the use of every member alike” (Waldron, 1988: 329). Communalism, therefore, is the key concept of common property which lead to the general common definition about common property which distinguishes it from collective property in the sense that common property, as Pipes, and Munzer argue, can be seen at the same time in a private property based economic system (Pipes, 1999: xvi; Munzer, 1990: 15).

2. 1. 4. How should property systems be assessed?

Having examined the properties of the property systems above, it is plain to say that the concept of property has a broad set of meanings. What needs to be done first in order to analyze the concept of property and property systems is to distinguish between the concept of ‘property as personal belonging’ and the concept of ‘property as mean of production’. Therefore, the key conceptual tool that enables readers to assess property systems is based on the same distinction, which made through the thesis. That is, in order to assess what basic characteristics of a property system that make it distinct from other types of property system are based on clear-cut definitions of property as personal belonging and property as a mean of production. In this sense, personal belongings such as a home, car, shoe, toothpaste, etc. directly corresponding to the needs such as dressing, accommodation, and food which arise from personal basic needs should be excluded in defining any type of property systems, for all types of property systems include personal belongings. On the other hand, the allocation and distribution of productive resources such as land, capital, or other materials and intangible things in the light of the question of ‘how and by whom should productive resources be used?’ play key role in labeling and defining any kind of property system.

Given that, such a distinction between ‘private property as mean of production’ and ‘private property as personal belonging’ before everything else enables scholars to realize that each property systems justify personal belongings. Secondly, as discussed above, it is also important to underline the distinction between property systems are not so palpable in a sense. That is, as one may have his or her house or car in a common system or collective system, any common property can be used commonly in the private property system, as well. For instance, it is generally assessed that in the collective system or common system especially in socialist systems since private property is abolished, as if no one has his own car, house, toy, toothpaste, etc. Such arguments or some derivative arguments of this kind of claims are deliberately distorted by some liberals and conservative ideologues for the sake of anti-communist propaganda.¹⁷ However, there are, as mentioned above, tens of historical and anthropological pieces of evidence which indicate that both in common property system and collective property system individuals have their own personal belongings. What rejected in the common system and collective system, in fact, is ownership of any mean of production, not personal belongings. Similarly; it is also nonsense to claim that in a private property system there is no common property. Needless to say that in any capitalist society many lands such as parks may be held jointly or be used commonly.

Having underlined these two features of the property system, any categorization based on the distinction between property as personal belongings and property as a means of production enables scholars to overcome the dilemma concerning property systems. That is, as far as the priorities of property systems are

17 For instance, among them they are Richard Pipes and Richard Weaver who regard socialist economic systems as a system in which people do not have even a personal toothbrush. See. Pipes, Richard (1999). *Property and Freedom*, New York: Vintage Books Press, pp: 17, 29, 36, 158, and 265; Weaver, Richard (1948). *Ideas have Consequences*. Chicago: The University of Chicago Press, pp: 22, 38, 66, and 138.

concerned, it is true that there have been and are some societies in which three property systems have/are intertwined which makes it difficult to categorize property systems due to their complex and puzzling structure. Yet, this kind of confusion can be overcome if two features of property system mentioned above are taken into consideration. In this regards, what needs to be done is to analytically respond and plainly underline the question of ‘who is using the means of production for the benefit of whom?’. Therefore, when the basic distinction is made through this question it becomes possible to understand property systems and the network of relations concerning property systems in a simpler way.

Given that, it can be argued that the definition of property systems can be made within the framework of two situations underlined in the beginning pages of this chapter. That is;

i-) whether to consider property as a relationship stemmed from only between an object and a subject who has it or;

ii-) whether to consider property as a relationship stemmed from between an object, a subject and a third actor who is affected by how that property is being allocated.

In this respect, consider the relationship between a person and an object (say, a land) in a society in which means of production are used commonly or collectively in order to satisfy basic needs of the society. In that kind of society a person, say Elizabeth, who has same a house as other each person has in the society can only have a claim on her personal belongings in the sense that only Elizabeth has a right to use her personal belonging. In this kind of relationship since house as a tangible thing cannot have duties or rights against any person and property as a material resource is allocated and distributed equally among people or according to their personal needs, this kind of relationship can be called as ‘one-dimensional relationship’. In such a system, the property is considered as a relationship between a material object and a subject who has the personal belonging and the right to use it.

On the other hand, suppose Alan lives in a society where private property-system based economy is justified and applied. When Alan rents a house that she owns, or when she sells it to a third person for some amount of money, then there emerges another kind of relationship which possibly affects rest of the society which I call “multi-dimensional relationship”. In this regard, since material resources may be held privately and allocation and distribution of resources allowed privately, Alan may exchange her personal belongings with money or other material belongings, as well. In such a system there emerge economic inequalities among people, since ownership on the mean of production is regarded as privately. Therefore, in such a system there emerges the condition (II) which is elaborately clarified above.

As far as comparison between two situations that Elizabeth and Alan experienced is concerned, it can be concluded that in ‘one dimensional relationship’ the relation between object and subject is static and nobody can lead to changing harmony of society in the sense of allocating and distributing equal amount of material resource, for each person has similar house in terms of satisfying their basic needs. On the other hand, in ‘multidimensional relation’ the relations among individuals inevitably leads to undermining the harmony of the society in the sense that Alan can be richer or poorer than her neighbors depending on how he uses his money at the end of the process. Therefore, the assessment of any property system is determined whether a property is ‘mean of production’ for common use in terms of satisfying people’s basic needs or it is privately allocated. Such a categorization thus enables one to regard property systems as systems whether cause to one-dimensional relation or multidimensional relation.

More importantly, under the light of Hohfeld argument which says that “law views property as relations among persons with respect to things” (Hohfeld, in Waldron, 1988: 17), it can be argued that both one-dimensional relation and multidimensional relation are determined in a different kind of property system that societies have. In other words, how property is allocated and distributed also indicates the social dimensions of property relations as well as the relations among

property, economic order, political order, and legal order. In this sense, as Tom Bethell (1998) points out, in general, there are only three constructions of property relations: these are social systems based on private property, common property, and collective property, where property relations are specified separately according to their political and economic order (Bethell, 1998: 33).

Pointing out basic dimensions of the notion of private property system, it can be argued that in a private property-based society it is inevitable to assess the property as means of production as a multi-dimensional relationship. That is, property in capitalist societies, as Munzer argues, should be regarded “as relations among person in respect to things” (Munzer, 1990: 17). Similarly, as far as property right is concerned it should be concluded that “property right is not to be identified with the fact of physical possession (.....) property right is a relation not between an owner and a thing, but between the owner and other individuals in reference to things” (Morris, 1927: 12). Additionally, it should be noted that when we define property as a mean of production, to say a piece of land, does not correspond to a legal ground between only one person and an object, but rather a substance that affects a wide area of social extensions. The idea of common property and collective property, on the other hand, leads to a one-dimensional relationship in the sense that no individual holds in a specially privileged situation concerning allocation and distribution of any material resources as means of production.

2. 2. Justification of Private Property and Its Relation with Freedom and Order in the Litarature

The views which legitimate private property and regard it as a necessary step for realizing freedom can be evaluated under three main headings. The first of these is the ‘individual possessiveness argument’ which expresses that private property is a common feature in all living creatures and so it is natural among individuals, as well. In this sense, this argument basically and shortly claims that individual possessiveness as a natural aspect of the human being is the first step to

realize individual freedom, since it makes room for individuals to create their private area by means of excluding third parties. That is, possessiveness as an instinct in both animals and human beings, according to this argument, is a natural first act of realizing self-freedom. Therefore, any political and moral order should legitimize private property system in which people realize their freedom directly linked to the notion of possessiveness, according to the individual possessiveness argument.

The second argument is that; private property is the pre-condition of providing self moral character, self-development, and free equal autonomous agents. To this argument, any political and social order should enable people to complete their moral, political and autonomous personhood stemmed from personal materials.

Finally, the welfarist argument which claims that the institution of private property in any given society will lead to economic efficiency and thus to social welfare make a linear relation between economic income of the citizens and exercising freedom. According to this argument, since the existence of private property in a given society is a factor used to enhance the common good/public good, the material conditions for realizing individual freedoms in a positive sense can be provided through builder of order, namely state. Therefore, an order constructor developed through distributive justice, to this argument, should make a room for satisfying material conditions in which each individual will be able to exercise freedom in a positive sense.

2. 2. 1. The Argument of Individual Possessiveness

The basic thesis of the proponents of the ‘possessiveness argument’ is based on the idea that in all living creatures the concept of private property is common, so all livings have general natural right to exclude others through what they possess. The basic feature of the possessiveness principle, especially developed over animals and children, is that every living creature can be said to be something that is primarily for creating a space of its own. Property among animals, to the possessiveness argument, is generally related to surviving which includes territory,

nourishment, and etc. Therefore, as Pipes argues, the first step to hold property in animals is directly related to the territory which enables them to satisfy what they need to survive (Pipes, 1999: 66). Additionally, Lorenz and Leyhausen, in this sense argues that what is natural in animals' behaviour is first of all to find and possess a territory in which they can access and control to/on their basic needs and realize their "natural state of freedom". They point out this situation as follows;

Animals in what is known as their "natural state of freedom" never, as far as we yet know, enjoy the unconstrained and carefree freedom which is a sentimental view of nature ascribes to them. No free-ranging animal, whether it belongs to a species living gregariously or spends the greater part of its life in solitude, has freedom of movement, i.e., moves as it pleases and at random. Already through its organization it is bound to a limited living space which offers it the conditions necessary for life. Even where this area is fairly large and provides these conditions uniformly well throughout, the animal is still not independent in its movement. Instead it limits itself to one or more small areas, known as its range; this it does not normally leave except under dire necessity. Within this range, too, the animal does not move at random, but only along particular paths and according to a fairly fixed schedule (Lorenz and Leyhausen: 1973: 99).

The natural aspect of possessiveness among the animals is also applied to human beings by theoreticians of possessiveness argument as well. Proponents of this argument, in this sense, base their claim on the fact that the same behavioral aspect seen in animals can also be observed during the first months of the newborn babies. Inspired by such arguments many conservative and liberal scholars use some psychologic data which for them scientifically indicate that how possessiveness on material things are so natural among children/kids in terms of defining themselves against their environment (Sandefur, 2006: 5). Accordingly, they argue that being a subject in society can be realized through external material things that is why material things enable individual at early ages to protect themselves from any external threat. Property owner, to this argument, is the common value of every creature, so it does not have to be taught to people because it is a natural and first step to make the distinction between mine and thine. People, thus naturally form the

concept of "mine" in parallel with the development of their self-being (Ibid: 7). More importantly, according to this argument, children discover the idea of "me" at an early age and try to exclude others including even their parents from the things what they describe as belonging to them. The development seen at such an early period reveals that the concept of "mine" is not primarily learned or taken from the surrounding culture, rather it is a natural tendency of people (Ibid: 8-9).

Given that, it can be claimed that many liberal and conservative scholars justify the notion of property basing their arguments in the same way. For instance, according to Kirk, one of the forerunners of the American Conservative tradition, who regards the institution of private property as the first condition of civilization, the institution of the private property lays the basis for the development of personalities, time to think of people, and freedom to act (Kirk, 2001: 69). Like conservative scholars, liberal scholars share the same views concerning individual possessiveness. In this sense, they argue that the first step towards freedom can be realized through property-based exclusive factor which makes room for defining an area in which individuals can exercise his or her freedom. A research conducted by Arnold Gesell and Franches, in their book called "Child Development", is so popular among those liberals such as Pipes, Hayek, and Friedman who base their arguments similar to the story as follows:

Two psychologists have observed something parents are well aware of, namely that infants of eighteen months have difficulty without a special toy, blanket, or other familiar object, and are clearly aware what belongs to whom. At two years, a child "possesses as many things as possible" and displays a "strong feeling of ownership, especially in toys. It is mine is a constant refrain". As they grow older, children learn to share, but the spirit of ownership remains strong, as does the desire to accumulate. By the age of nine there is a pronounced interest in Money and the urge to acquire as much of it as possible (Gesell and Franches in Pipes, 1999: 73).

Interestingly, those liberal and conservative scholars who regard private property as something natural and a complementary factor of realizing freedom indicate some anthropological works which, to them, underline how not only

modern people but also primitive people have private property as well. Among them, they are especially liberal Pipes and conservative Kirk who conclude that there never was a society so primitive as not to recognize some forms of possession (Pipes, 1999: 76; Kirk, 2001: 17). They both develop their arguments on similar claims. Pipes, in this sense, bases his claim on the idea that “there is a universal agreement among anthropologists that people everywhere regard clothing, ornaments, weapons, etc. as absolute private property which the possessor can dispose of at will” (Pipes, 1999: 79). Accordingly, Kirk argues that these personal belongings in primitive people, usually hand-made by the proprietor, were treated as appendage of his or her character; that is why, personal property is by native believed to be part of the self which enables them to locate themselves in the community that they belong and to have the right to exclude others in the way of realizing his or her own personal freedom (Kirk, 2001: 19).

The arguments put forward by liberals and conservatives in terms of possessiveness principle that assess property as if something natural among all livings are provocative but nonsense because of two reasons. In other words, the supporters of individual possessiveness who regard it as the first step in the development of one's self and the first step of experiencing freedom are unsound owing to the following reasons.

First of all, as far as the naturality of property is concerned, it can be claimed that there needs to be made a distinction between animals and human beings in the sense that human beings live in a community in which material conditions, societal culture, and social values directly affect the basic behaviors of people. Many anthropological researches, in this sense, clearly indicate that in most of the primitive communities people do not behave selfishly or do not need to define themselves with respect to any property. One of them is Richard Eden's hypothesis which argues that “many primitive groups in America and Africa do not know private property the land is as common as the sun and water, and “Mine and Thine” have no place with them” (Eden, in Edward Aber, 1885: 78). Similarly, he argues that many social groups among primitive people culturally behave unselfishly and

share material things what groups have among themselves (Ibid: 82). In addition, the objection raised by Pierre-Joseph Proudhon concerning naturalness of property and freedom makes sense in this conjuncture as well. He says that “if the liberty of man is sacred, it is equally sacred in all individuals...if it needs property for its objective action, that is, for its life, then the appropriation of material is equally necessary for all” (Proudhon, 1966: 66).

Another objection can be raised here in the sense that the arguments concerning justifying private property and its relation with freedom deliberately distort the notion of personal belongings. Instead of personal belongings that emerge from basic needs of human beings such as clothes, houses, and weapons they use the notion of private property in the way to justify the fact that freedom can only be realized in private property-based economic system, since common and collective property system do not allow owners to realize their freedom. Interestingly, for that reason many conservative, liberal, and even libertarian scholars including Kirk, Nozick, Pipes, and Sandefur claim that in socialist system-based or common property based societies individuals do not have the right to property and so the right to freedom (Kirk 2001: 45; Nozick, 1971: 106; Pipes, 1999: 27; Sandefur, 2006: 14).

Similarly, they accept the private property as a castle of freedom, as it provides financial independence, security and prevents political dependency. Therefore, the market economy based on private property for them encourages freedom by rewarding individuals that is why state do not interfere with individuals’ freedom area determined by their possessiveness. Such an approach justifying private property and rejecting common property system and state’s intervention to economy misses the reality that personal belongings are accepted in the socialist system as well. What is rejected in common or collective property system is private ownership of any means of productions or material resources defined as productive resources. Therefore, it is a kind of distortive argument to claim that only private property system enables individuals to possess personal properties which make room for realizing their freedom. Needless to say that in the socialist system all personal belongings such as clothes, toys, toothpaste, house, etc emerged from basic needs of

human beings are guaranteed and people will be able to enjoy their freedom in terms of the link to which conservatives and liberals make between freedom and personal belongings.

2. 2. 2. Private Property, Moral Character and Autonomous Free Agent

Many philosophers state that property has an important role in the formation of the moral person and in the ability of individuals to experience freedom as autonomous people (Radin, 1982: 960). Many political theoreticians in this regards claim that the possession of private property is a necessary precondition for the formation of both personality and moral competence as well. Among them, they are Kirk, Weaver, Hegel, and Kant arguments of which have deeply affected many conservatives and liberals in their views on private property and freedom. Not only these thinkers' assessment of the relation between private property and ethical personality but also their evaluation of private ownership as a precondition in the formation of the autonomous free individual are important in explaining the necessary link between autonomous agent, freedom and private property.

Among them Kirk is an important figure in modern liberal conservatism and he argues that only the property directly promotes the right spiritual development. He, in this respect, defines the notion of property as "one of the most powerful tools to teach responsibility to men and women, because it encourages being virtuous" (Kirk, 2001: 69). Kirk and many other conservatives in this respect argue that the fact that a person has something to share in order to learn what is right and what is wrong as well as to learn how to share something in the direction of social sensitivities makes property a necessary tool. Kirk, thus claims that one can only learn social norms that he or she will obey in society provided that he or she has his or her own objects in terms of being an autonomous agent against his or her social environment (Ibid: 71).

Similarly, another liberal-conservative philosopher Richard Weaver (1948) whose arguments about the private property can be assessed under the liberal umbrella describes the moral significance of having private property and the role private property plays as a shield against state intervention. In this context, Weaver relates both the Bolshevik revolution that took place during the First World War and the strengthening of the state during the pre-World War II fascism in Europe to the abolition of the institution of private property (Weaver, 1948: 70). According to Weaver, the essential reason for the withdrawal of moral criteria from world politics and the slaughter of thousands was and is the enmity of private property which is a universal metaphysical and a natural right (Ibid). Weaver in this context argues that private property not only is a feature that brings a person to a moral subject yet also is a necessary shield preventing individual freedom from violation of state. Thus, totalitarian systems which do not provide an atmosphere in which individuals exercise their freedoms, according to Weaver, has emerged and will emerge in the societies in which private property is abolished or the means of production are held jointly (Ibid: 86).

Given that, according to liberal conservatives such as Weaver and Kirk, private property, therefore is indispensable for the moral development and freedom of the person no matter how people have possessed private property. In the case of order, these two thinkers mention the importance of the role of private property as a shield against state intervention as well. Both Kirk and Weaver agree that there should be a private property based economic and social order since property rights create a private sphere around which one can act freely without anyone else's interfering. Therefore, to these arguments, a political, moral, and legal order can be legitimized only in a society in which the institution of private property is legitimized in order to pave autonomous people the way for making and acting freely their own decisions.

The arguments put forward by Kirk and Weaver are provocative though, they are non-sense. Their arguments' political dimension can be linked to Pipe's justification of property in which he claims that "the political argument in favor of

property holds that (unless distributed in a grossly unfair manner) it promotes stability and constrains the power of government” (Pipes, 1999: 4).

As far as Kirk’s argument is concerned it is plain to say that being virtuous does not necessarily lead to justifying private property system since in collective or common property system people also have personal belongings which enable them to learn responsibility and to act as autonomous agents. Meanwhile, the argument put forward by Weaver does not make sense. His argument that is “Bolshevik Revolution and Fascism violated individuals’ freedom, for state under fascism and socialism abolished private property” ignores the reality. That is, pre-World War II fascism was not a system which abolished private property. Indeed, fascism was an ideology used by the bourgeoisie to intimidate socialism and thus to digest private property counterparts. More importantly, as Poluntzas argues that by reorganizing social democrats under ordinary social conditions fascism, the ideological apparatus of the state, overrides the corporate function of the action and removes it from the center of any socialist political rebellion during the process of experiencing fascism in Europe (Poulantzas, 1974: 40). In this sense, the outward appearance of the form arises in the form of "corporatism" as if it is an anti-capitalist order (Ibid: 42). However, fascism is a version of monopoly capitalism in the long run. The capitalist movement towards the urban area expropriation of a small property in the beginning leads to expropriation. Thus, the main aim of fascism in Italy and Germany was to build a political and ideological order in which middle of the poor peasantry enforced to work for the benefit of rich landowners.

Another flaw in the arguments of legitimizing the institution of private in the way to make a room for realizing freedom is based on the idea that these authors also do not classify between private property (land, factory, etc.) as means of production (such as land, factory, etc.) and personal belongings that meet human basic needs (such as car, home, toothbrush, bag, clothes, food, etc). Such a distinction would enable them to realize that in countries such as Germany, where fascism was experienced, as well as countries like the Soviet Union, where socialism was applied, there was no intervention in the essential personal belongings to meet

personal basic needs. That is the practice of fascism in this sense did not abolish the private property on the means of production, on the contrary, it pursued a policy closing to the application of state capitalism in the economy in order to solve the crisis of capitalism. Therefore, linking morality and private property to individual autonomy by advocating the argument that only private property system promotes stability and constrains state's any possible violation of freedom rights do not reflect the reality. Rather, by assessing socialism and fascism in the same category they just work as bourgeoisie's ideological black propaganda against the socialist system.

Another argument linking moral personhood and free equal agent to the private property is based on the hypothesis that private property is the first step to being autonomous free and equal moral personhood. Kant and Hegel in this respect share similar arguments concerning private property, even though many points of their political philosophies are different from each other. As far as Hegel's argument is concerned, it can be claimed that Hegel basically underlines the positive psychological effects of individual ownership. He argues that "it is only through owning and controlling private property that he (man) can embody his will in external objects and begin to transcend the subjectivity of his immediate existence (Hegel in Waldron, 1988: 377-78). Hegel's conception of personality therefore includes an individualistic moral and political personhood as Munzer points out;

Is property, however, at least conducive to personality in Hegel's sense? In two respects it seems to be. First, property rights are, other things being equal, and independent component of moral and political personhood. To cause changes in the world (for example, grasping, marking, using) in order to claim something as one's own is to claim a right over it. To do that presupposes that the claimant is an entity that can have rights. And that sort of entity is a moral and political agent. Second, property rights can, other things being equal, protect other rights. A common argument maintains that only property rights can make secure other moral and political rights. Even if the argument fails in this strong form, a weaker version is likely to show that property can play same protective role. If so, then property rights promote personality by sheltering other moral and political rights (Munzer, 1990: 81-82).

Therefore, in Hegel's thought private property and personhood are

intertwined. Human beings as moral agents can have political and moral rights provided that they identify themselves as property-owner which grounds objects possessed to be treated as an extension of oneself. Hence, Hegel, as Beaglehole argues, regards private property as a desirable integration of the self's thoughts and attitudes. That is, property in Hegel's thought is a compulsory or first step to realize morality and free personhood (Beaglehole, 1931: 283).

As far as Kantian understanding of private property and its relation to a moral free and equal agent is concerned, it can be said that Kant, similar to Hegel, clearly supports the positive effect of property on individual autonomy. For Kant, since "persons are equal moral agents, they can make unowned things in the world theirs by intending to have them and then following up on that intention by occupying them" (Kant, 1887: 81). In addition, he constructs an ideal society that interprets the social-contract tradition in new ways and offers a distinctively modern legal account of private property (Ibid: 131). Kant, in this sense, seems to grasp not only that will and possession are compulsory for private property but also that private property is required for a complete and autonomous will as proposed by practical reason (Ibid: 132-134). Moreover, he says, "that only a 'provisory' mine and thine exist in the state of nature: a constitution and civil society- the authoritative will depsychologized- are needed to back them up and certify them" (Ibid: 76-80; 90-94; 155-158).

The arguments put forward by Hegel and Kant which justify private property for the ethical development of autonomous individuals have some flaws as well. First of all if Kantian ethical argument which regards people as equal beings and as ends rather than means is concerned, it is plain to say that as Waldron argues "if someone were propertyless, then his claim to autonomy and the development of his free agency would not have been satisfied" (Waldron, 1988: 24). The property then only works in Kant's and Hegel's arguments for individuals who actually have it. Certainly, one of the important representatives of the Enlightenment period is Kant though, his universal salvation is also quite abstract in terms of private property. Kant, who relates private property to moral impermanence and free

individual, while on the one hand implies universal equality to the universal rights of man he on the other hand indirectly, legitimates the inequality of the propertyless people through the concept of abstract equality (Kant 1887: 26). In other words, if people are morally equal and free individuals, then the question of ‘why does not Kant consider property as equally as a condition in freedom and moral virtue?’ indicates Kantian dilemma in terms of private property and freedom. This contradiction in Kant’s hypothesis indeed paves the way for attributing the notions of liberty and equality to individuals possessing private property and condemns propertyless people to formal freedom and equality. Like Kant, Hegel’s argument has some flaws as well. Hegel links possessing private property to political and moral rights (Hegel, 1975: 92). That is, propertyless people in one sense cannot have moral and political rights according to his argument. In other words, Hegel’s philosophy of right concerning private property does only base on property-owners’ right. That is, those who are propertyless do not have political and moral rights in terms of Hegelian understanding of the relation between private property, moral character, and freedom-based political rights. Notably, since they both do not make a distinction between personal belongings and property ownership of a mean of production like other scholars discussed above in this part, their arguments are generally linked to the justification of private property system in a given society. Even, suppose that their arguments can be morally justified in a sense. Yet, that justification of private property in the way they describe does not necessarily mean legitimizing any private property system, since it is, as discussed above in detail, easy for people to define themselves with an external object which meets their basic needs in a collective or common property system as well.

2. 2. 3. Private Property as an Element that Increases Social Welfare and Individual Freedom

Those who justify private property as an element increasing social welfare and individual freedoms in a positive sense can be categorized into two groups. The

first of these argues that in societies where private property is legitimated not only does efficiency in private property-based production increase but also does social benefit and freedom in society as a whole increase. The other group's justification of private property system has similar precision concerning the results to which private property leads though, the arguments concerning the justification of private property is conditioned on state's role in distributing economic welfare for the benefit of disadvantaged people in terms of enabling them to exercise their freedom in a positive sense

As far as the first group's argument is concerned, the names of Garett Hardin and Timothy Sandefur should be first mentioned here. Garett Hardin (1968), in this regard basically argues that the use of material resources in the common property system leads to the inefficiency (Hardin, 1968: 1243). To Hardin, since the property is common, no one has the right to prevent anyone from using the common area, nor does it have a right to set rules on how to share/use the resource (Ibid: 1245). Hardin who explains this situation with defining the concept of 'tragedy of commons'¹⁸ in short puts forward a hypothesis based on the idea that common resources are consumed much more quickly than private property and that is why private property system promotes an increase for social income in terms of productivity when the cost-benefit analysis is taken into consideration (Ibid: 1246). Like Hardin, 'other writers'¹⁹ in the first group who advocate the argument of 'tragedy of commons' try to explain their argument concerning tragedy of commons with psychological instinct in that common use of a natural resource may easily lead

18 'Tragedy of commons' is a concept which was developed by Garett Hardin in order to refer a hypothesis based on the idea that common resources are consumed much more quickly than private property that is why private property system promotes an increase for social income in terms of productivity when the cost-benefit analysis is taken into consideration. See. Hardin, Garett (1968), "The Tragedy of Commons", *Journal of Science*, Issue: 162, pp: 1243-1248.

19 See. Sandefur, Timothy (2006). *Cornerstone of Liberty: Property Rights in 21st Century America*, New York: Cato Institute Press, pp: 45, 59, and 63; Sanders, John T. (1987). "Justice and Initial Acquisition of Private Property", *Harvard Journal of Law and Public Policy* 10, pp: 367-369.

to the inefficiency and wastage in society. They in this respect argue that when people are left with common use of resources, people tend to use disrespectfully common resources that are not owned by their own (Hardin, 1968: 1248; Sandefur, 2006: 60; and Sanders, 1987: 370). For instance, Sandefur, like Hardin and Sanders, argues that if the property does not belong to a certain person or if the people do not have to compensate the damage they give the property, they will not bear the protection costs (Sandefur, 2006: 24). Garbage is being thrown on public roads, passages filled with graffiti because nobody wants to prevent such abuse. However, if the property belongs to a private person, the owner is eager to protect and develop it. He maintains his elaboration by focusing on environmental problems which to him are usually caused by using natural resources in the way inspired by the tragedy of common goods (Ibid). People who use this property do not see a reason to protect it, if the natural resource belongs to an abandoned or abstract "public" in terms of satisfying their temporary needs. Therefore, for Sandefur and Hardin if the use of material resource belongs to a special agent, the situation will change in the sense that owners pay more attention to the property which leads to the common public benefit and to an indirect increase in income that enables individuals to exercise their freedom in a positive sense. The arguments put forward by these three scholars may partly be justified, even though they reflect a superficial analysis. However, the arguments put forward by Sandefur and Hardin in terms of criticizing the notion of common ownership can not necessarily be based on an essential reason for any requirement of a private property system. That is, we witness today how natural resources are being wasted by capitalists for their self-interests in private property based capitalist order. Moreover, suppose that their arguments are correct in a sense, yet the problem of wasting of resources in common ownership system can be solved easily by making people conscious about natural resources and by technical innovations.

As for the second group's arguments, the name of Rousseau and Rawls should first be mentioned here. The conclusions they reach in their arguments is based on the idea that what is needed to do is not abolish the institution of private

property. Rather, by means of state regulations in a system based on private property- this is usually done by taxation method- social prosperity can be increased in terms of providing material conditions in which individuals will be able to exercise freedom in positive sense (Rousseau, 1992: 18; Rawls, 2005: 184) Hence, the important point that distinguishes the second group from the first group is their justification of state intervention to economy in order to enhance social welfare in terms of realizing individual freedoms. In other words, according to them, in a private property based order it is possible to increase the welfare of whole society for the benefit of disadvantaged groups provided that a just taxation system is constructed by the state. In this sense, in their ideal order, they put forward theoretical arguments which base a political, moral and economic order on the contractarian way. The argument which claims that disadvantaged people (especially in terms of economic income) in society will be able to develop their material condition provided that a well-ordered social structure is constructed is at the heart of these theoreticians' theoretical approach (Rousseau, 1992: 19; 25; 66; Rawls, 2005:76). Despite the fact that both thinkers appear at different points of the political fan, they foresee that the economic inequalities between people that directly stemmed from a private property-based economic order can be lessened through a kind of modern welfarist state policies which enable individuals to economically make better their condition in terms of realizing their freedom.

In this regard, Rawls and Rousseau accept that private property system leads to the economic inequalities in the society but they both agree that by constructing a just political, moral and economic order a great number of economic inequalities in society can be lessened. In other words, the main role of order constructor, namely state, is to lessen the strict inequalities among people in a private-property based economic order according to both thinkers. To this aim, they, as social contractor theoreticians, put forward theoretical arguments which can be categorized as supporting positive freedom if the moderns' distinction between negative and positive freedom is concerned. Since both Rousseau's and Rawls' arguments concerning the tension between private property, freedom, and order are

two important objects of inquiry in this thesis, they are discussed in detail in the fourth and fifth chapters of the study. Yet, here, it can be said that even though they still have an impact on today's political theory and criticize inequalities in a society where an order based on private property is justified, they indeed do legitimate the private ownership which directly leads to the inequalities and dependence that prevent individuals from exercising their freedom.

CHAPTER 3

THE MAIN ELEMENTS OF SOCIAL CONTRACT THEORIES AND THEIR METHODOLOGICAL FLAWS IN TERMS OF BUILDING AN ORDER IN WHICH THE TENSION BETWEEN FREEDOM AND PROPERTY IS ELIMINATED OR ALLEVIATED

There are some fundamental uncertainties that are open to debate in the literature as to the nature of the social contract theories. According to the main argument of these uncertainties, modern social contract theories have so eclectic union with contractarian liberalism; that is why, it is difficult to separate them from contractarian liberalism. In other words, there is as Boucher and Kelly argue a strict link between contractarian liberalism and social contract theories in the sense that

contractarian liberalism bases its theoretical premises on contractarian way of obtaining knowledge in the literature (Boucher and Kelly, 1994: 16). This claim concerning the strict link between contractarian liberalism and social contract theories is correct. However, it is difficult to maintain same logic in order to categorize all social contract theories under the label of contractarian liberalism. That is, even though contractarian liberalism derives its core theoretical dimensions from social contract theories, in particular in terms of explaining the emergence of state, all social contract theories cannot be labelled as liberal theoretical arguments.²⁰ Having made this distinguishing point between social contract theories and contractarian liberalism, it is important to mention that social contract theories have many different characteristics compared to pre-modern social contractarian arguments and contractarian liberalism. As far as the modern term social contract theories are considered it is plain to say that modern term social contract theories have their own basic features.

First and foremost, it can be said that even though there are many definitions about what modern terms social contract theory is and what its features are in the literature, the common point of these arguments reflects a general definition of modern social contract theories as follows;

Social contract theory is rightly associated with modern moral and political theory and is given its first full exposition and defense by Thomas Hobbes. After Hobbes, John Locke and Jean-Jacques Rousseau are the best known proponents of this enormously influential theory throughout the history of the modern political theory.²¹

Theoretically speaking, modern social contracts emerged as a consensus among rational human beings work as a methodological tool that regulates the relations between state, society, and individual. It has an important methodological

20 In a simplest way, for instance, the social contract theory developed by Socrates in Ancient Greek philosophy in this sense cannot be regarded as a liberal doctrine.

21 Source: <https://www.iep.utm.edu/soc-cont/> (Accessed date 03. 09. 2017).

content, for it forms both how modern state emerges and concepts such as freedom, justice, and equality in the axis of individual, society, and state. By following modern social contractarian theoreticians pointed out in the quotation above, he is John Rawls who develops new version of social contract theory in the twentieth century. In this regard, social contract theories, which are the early examples of the individualistic theory that explains the emergence of political and civil society based on individual consent in the history of political thought, are at the same time early examples of defining an ideal order in which the relation between private property and freedom is formulated (Baucher and Kelly, 1994: 103).

More importantly, the modern social contract theories of the seventeenth and eighteenth centuries have been effectively used by thinkers in Europe especially during the emergence of agricultural capitalist production in England and France. Although social contract theories include hypothetical contents, examining the historical, social and material conditions of the period that they have been developed is important to demonstrate what the role social contract theories have played in building a new political and economic order. Before anything else, it can be claimed that it was the emergence of capitalism as a mode of production in Europe which upside down the society that has enabled political thinkers to use social contract theories in terms of solving social inequalities by means of an order they tried to establish, in this respect. Paralleling to the capitalist developments in the twentieth century this time he is John Rawls who tries to construct a just/well-ordered social structure by using contractarian methodology.

Although the method used by Hobbes, Locke, Rousseau, and Rawls has many similar aspects, the results they reached are quite different from each other. Nonetheless, when the relation between private property, freedom, and order is taken into consideration, it can be claimed that these differences seem to be nuances. More importantly, as Richard Pipes writes, “Since the idea that liberty and property are connected is hardly new- it emerged in the seventeenth century and became commonplace”- (Pipes, 1999: 29), all of these philosophers from seventeenth century to the twentieth century have tried to justify private property based

economy, namely capitalist society, in which the notion of freedom is formulated for a certain class, namely bourgeoisie class. In such a political, economic, and social order it will not be overstated to claim that from the seventeenth century to the twentieth century the notions of private property and freedom have been thought complementary issues by social contractarian theoreticians.

Given that, as far as the relationship between freedom and order in modern social contract theory is concerned it is plain to say that moderns' understanding of freedom is mainly based on the notions of 'rational beings, morally autonomous agencies, and autonomous free agent' formulated in modern social contract theories.

The shift from Ancient Greek and Medieval understanding of freedom to modern understanding of freedom has stemmed from many reasons which also generally underline the basic philosophical, scientific, economic, and political aspects of the modern political theory. Before everything else, one of the main characteristics of modern political theory that distinguishes it from Ancient and Medieval Political Thought is its new methodological analysis of the relations among individual-society-state in terms of contractarian way. In this sense, it can be said that in the ancient Greek, Roman and Medieval periods, as Sabine and Thorson point out, the individual is seen as a social entity in nature (Sabine and Thorson, 1973: 460). In the mind of Aristotle, man first lives with family and society by directing biological and psychological needs. He continues by claiming that an individual who does not live in society should be thought of as a God or a Monster (Ibid: 462). Therefore, society and state, generally speaking, were not based on a contract but were considered a natural phenomenon. In other words, the individuals for Ancient Greek philosophers including Plato does not choose to live in a society or a state in order to satisfy his material and spiritual needs, rather they naturally live as a part of natural process in that state (Ibid). Meanwhile, that kind of understanding about individual- state-and society was also common in both Cicero and Saint Thomas who were directly influenced by the Aristotelian understanding of individual-society-state equation (Strauss, 1989: 49).

On the other hand, as far as the notion of freedom is concerned, it can be said that there is a radical shift in the understanding notion of freedom based on autonomous individuals. While in Ancient and Medieval periods, as Arendt argues, the individual was not an object of inquiry in realizing the notion of freedom, in modern age especially during seventeenth and twentieth centuries individual has become an epistemological base of any political and economic order (Arendt in Kanath, 2017: 103). By reflecting such a methodological point of view, modern social contract theories refer to a number of conceptual tools for how a new order should be established in this respect. Among these concepts, they are ‘state as the founder of order’ ‘human nature’, ‘state of nature’, ‘rational and moral individuals’, ‘natural law and natural rights’ which lay the groundwork for clarifying the relationship between freedom and private property in an ideal political, economic, and social order that modern social contractarian theoreticians try to establish. In terms of considering main methodological tools of modern social contract theories, the study will focus on some important aspects through general shortcomings of the social contractarian methods with the relationship between freedom, private property and order.

3.1. State as Order Founder

The most important factor that makes the social contract theories important is that the social contract theories claim that there will be a social, economic and political disorder in a state of nature in which there is no state as order founder. In this context, according to social contract theories, any possible injustices between individuals and all kind of violations of natural rights, including the right to life, to be caused in such a chaotic atmosphere can only be prevented by the state as an order-founder. Based on their descriptive state of nature, Hobbes, Locke, and Rousseau all try to answer the question of ‘why do individuals need an order?’ in their social contract theories. According to all three political philosophers, any

chaotic order in the state of nature or in a sense the disorder will lead to injustices among individuals. Thus, the fact that a just order would only be built by a state that would appear with the consent of individuals has led these philosophers to formulate their social contract theories. John Rawls, another social contract theoretician, does not, in contrast to these three theorists, use a direct analogy to a state of nature. But by using some metaphors such as 'Original Position'²², Rawls also accepts the fact that the main reason causing injustices and systematic inequalities in existing society is lack of a just order-founder state. Therefore, Rawls, Hobbes, Locke, and Rousseau all agree-upon a point that state as an order founder can only be legitimated power in order to end a disorder/anarchy that may lead to injustices, violation of rights, and insecurity. In this context, the fact that there is a need for a state or a just state as a founder in order to end this chimera reveals what social contract theoreticians understand by the term order.

First and foremost, according to the social contract theories, individuals must rationally consider why there is a need for the establishment of a contractual order, for they are in danger of being subjected to many injustices in political, economic and social terms in the state of nature. This rational thought, which is shaped in state of nature, also leads to the creation of a common idea against the injustices and necessity for an order builder. Therefore, the conception that the state should build the order with the laws to be adopted by the common mind for the establishment of political, economic and social life is a kind of projection of individuals' rational ideas. These laws are derived by the social contract theories sometimes from natural laws and sometimes from the common mind which also reflects individuals' reason. Thus, the positive laws that establish the order are coded by social contract theorists as a result of a consensus among individuals in their

22 As Rawls's precessors describe the notion of state of nature as a characterization of initial situation Rawls formulates Original Position typology as a hypothetical tool in terms of explaining how and why parties/individuals come to an agreement on selecting Rawlsian principles of justice among other possible principles of justice. See, Rawls, John. (1971). *A Theory of Justice*, London: Harvard University Press, pp: 17-22.

theories. More importantly, the question of ‘why are these laws needed’ is the same as with the answer given to the question of ‘why social contract theoreticians need to build an order?’. In the absence of an order Hobbes's assertion that man becomes man’s wolf (Hobbes, 1997: 76), ‘Locke's argument which says that the fundamental rights and freedoms, including the right to life, are violated by others²³ (Locke, 2003: 119), Rousseau’s main assertion that possibility of freedom is abolished (Rousseau, 1994a: 61-62), and finally Rawls' claim that injustices would never haunt man (Rawls in Kanatlı, 2015: 304) all summarize why these philosophers need an order in their social contract theories. Hence, in the eyes of social contract theorists state emerges as a result of social consensus in order to prevent possible injustices, the state of any dependence and any violation of the rights, including right to life. Therefore, to social contract theories, as an order derives its legitimacy from social consensus, the laws applied by state are also derived from ‘natural law or common mind’²⁴. Thus, the state, which will build the social order in accordance with these laws, also corresponds to function as a constituent power; that is why the main purpose of the social contract theories is to seek an answer to the question of ‘why is an order needed?’ In short, according to the social contract theories, any legitimate order with its power derived from natural law or common mind is entitled to apply the obligations and rights including individual freedoms in political, economic, and social spheres in accordance with these laws. However, it will not be an

23 It is important to underline that Lockean state of nature typology can be regarded as consisting of two phases. While the first phase which is described by Locke as state of peace reflects features of a just order, the second phase of state of nature which emerges as result of ending state of peace reflects features of anarchy or disorder. Locke describes this process of transformation from peaceful atmosphere to anarchy as follows: “In the state of nature every one has the executive power” of the law of nature, I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends; and on the other side, that ill nature, passion and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow” (Locke, 2003: 15).

24 It is important to mention that while Hobbes and Locke approve the reality of natural right even they have some nuances concerning what natural right is, Rousseau, on the other hand, does criticize the contents of natural rights and underlines the importance of rights derived from General Will after constructing an order in civil society. See, chapter four and five which point out the issue in detail in this study.

exaggeration to argue that despite all these optimistic pictures given to the state by the social contract theorists, the order formulated in social contract theories serves for protecting the interests of a certain groups in the last instance.

Before everything else, it is inevitable that the state formulated as order-founder in social contract theories make certain savings on individuals. Both Hobbes's security state and Locke's limited state as well as the state of Rousseau's General Will, are inherently exclusive to the power to limit individuals' freedom at some point in order not to return to the state of nature in the last instance. The limitation of the laws in this context would mean indirectly limiting some of the individuals' freedoms. For example, when any possible threat to market security outweighs then individual freedoms will be limited for the sake of Hobbesian Leviathan. Similarly, Rousseauan General Will restricts freedom of someone who does not want to be subject to the General Will owing to the fact that he wants the institution of private property to be abolished. Ironically, the freedom of this person would be restricted under the mask of 'enforcing him for freedom' by General Will.

Interestingly, the situation is not different in Lockean minimal state, since according to Locke, if someone who does not have private property or who cannot go beyond being a commodity in a slave trade system, or who is a female has a political freedom that means he/she threatens potential stability of parliament members of which mostly consist of property owners, namely, white and male during the seventeenth-century of England. Finally, in Rawlsian fair state the situation is not much different from that of its predecessors when the 'Property-Owning Democracy'²⁵ system developed by Rawls in order to institutionalize the

²⁵ 'Property-Owning Democracy' is a kind of political and economic order formulated by Rawls in order to best realize the basic institutions of justice as fairness. In his later book called *Justice as Fairness: A Restatement* (2001) Rawls describes "Property-Owning Democracy" as best political and economic order compared to other political systems such as laissez-fair capitalism and state socialism with a command economy. Rawls describes the main aim of a property-owning democracy, in this sense, as follows: "In property-owning democracy, ... the aim is to realize in the basic institutions the idea of society as a fair system of cooperation between citizens regarded as free and equal. To do this, those institutions must, from the outset, put in the hands of citizens generally, and not only of a few,

principles of justice as fairness is examined. Ironically, the ontology of Rawlsian state as order founder is itself based on limited aspects in the sense that individuals, namely parties, as rational thinkers in the ‘Original Position’, as will be discussed in the fifth chapter in detail, are conditioned that they choose the principles of Rawlsian justice as fairness. For example; suppose someone who is aware of capitalist form of exploitation, namely exploitation of surplus value in Marxist terms and is against any kind of exploitation in the society does not want to select Rawlsian principles of justice as fairness. In such a case, selection of any possibility of ‘Marxist principles of justice’²⁶ by parties in the Original Position is forbidden by Rawls, since Rawls regards Marxist theory of justice as a kind of non-ideal theory (Rawls, 1971: 11). These examples reveal that social contractarian theoreticians formulate the ontology of the state as order founder with a pre-acceptance of the limitation of so-called ‘unreasonable freedoms’²⁷; that is why, the notion of order for them means an imposition on freedom of certain individuals. In other words, these examples show that order in social contract theories is formulated to serve the interests of particular groups based on the political, economic and social spheres to be established in contractual theories.

In social contract theories, which try to derive political authority from the consent of individuals, when the sixteenth and seventeenth-century of France and England is considered, the subject of individual or part of contract means white men who have ownership on the means of production especially during the emergence

sufficient productive means for them to be fully cooperating members of society on a footing of equality” (Rawls, 2001: 140).

²⁶ Of course it is impossible to discuss all the principles of Marx’s theory of Justice here. The Difference Principle formulated by Rawls which is elaborately is discussed in sixth chapter of the study does not make room for Marx’s formulation of ‘from each according to his ability, to each according to his needs’, since Rawls regards Marxian Theory of Justice as one of the non-ideal principles of Justice. For more discussion on the issue see. Allen, Buchanan E. (1982) *Marx and Justice: The Radical Critique of Liberalism*, Totowa, New Jersey: Rowman & Littlefield Press.

²⁷ The term ‘unreasonable freedom’ is sarcastically used here in order to underline how social contract theories exclude freedom of some certain groups in their theories theoretical dimensions of which will be discussed through following chapters.

process of agrarian capitalism. Among the founders of such an order, it is clear that since non-European, black, women, dispossessed individuals, and even the children are excluded, it is not difficult to say that political, economic, and social orders are formulated in social contract theories to legally function for the benefit of a particular class. Besides, when the question of ‘who are the main elements that would threaten the order in the social contract theories?’ is asked, it will be revealed that the social contract theories actually push others out of social consensus. As we shall see in the following chapters, the basic class that possibly leads to disorder or anarchy in the Hobbesian state of nature is propertyless masses. In other words, one of the reasons why Hobbes portrays the state of nature as a state of war is that there is no legal authority which prevents dispossessed people from appropriating belongings of some people no matter how they possess them in state of nature. In this sense, one of the main reasons for Hobbes's need for an order in his theory is, as Macpherson put it, the absence of an authority in nature to guarantee the self-ownership of wolfish individuals and to protect their property against dispossessed masses under the mask of state of nature (Macpherson, 1962: 44).

Similar to Hobbes, Locke emphasizes the necessity of an order against the possible transformation of a peaceful state of nature to anarchy due to inequalities stemmed from capital accumulation (Locke, 2003: 119). For instance, according to Locke the property, which is acquired by labor in nature, in a sense leads to the accumulation of unequal property after the invention/use of money. In such a situation, resulting in the formation of over-rich and extreme poor in society, in a sense, the peaceful state of nature may transform to the state of war (Ibid). Therefore, it is not surprised to claim that in such a Lockean ‘second phase of state of nature’ people who need an urgent order are the ones who own the property. In the second phase of the Lockean state of nature typology, the need of a legal order is the lack of authority to protect property owners’ lives and freedoms against any possible threat posed by the dispossessed individuals.

As far as Rousseauan social contract theory is considered the answer to the question of ‘why is order needed in Rousseau's theory in which Rousseau considers

private property as the main cause of social stinking and further evaluates the institution of private property as an element that undermines individuals' compassion and altruism in state of nature?' (Rousseau, 1992: 29-30-32) enables us to grasp what Rousseau understands by the term 'order'. In this sense, it is not hard to claim that even the ideal order of Rousseau corresponds to the order of a particular class, since Rousseauan ideal order, let alone abolishing the institution of private property in civil society, does glorify the institution of private property for the sake of maintaining ideal order. Interestingly, despite all negative critical points that Rousseau raises against private property in the state of nature, Rousseau bases one of the basic pillars of his ideal order on the existence of the institution of private property (Rousseau, 1994b: 46). According to Rousseau, since it can never be turned back to the time when individuals were free and had compassionate against each other, the state which will establish and maintain an ideal order in civil society should approve the existence of the institution of private property provided that it materializes one condition. In his ideal order, Rousseau describes this requirement as follows: inequalities caused by private ownership can be justified through a fair distribution of income carried out by the state's taxation method (Rousseau, 1994a: 26-27). Thus, according to Rousseau, General Will, has two important roles. First, the state shall protect the private property institution by the laws it shall make, and shall educate virtuous obedient citizens in order to continue this institution with educational policies (Rousseau, 1979: 24-25). Another task of the state, in this sense, is to alleviate the gap between the rich and the poor which can undermine the social order (Rousseau, 1994a: 27).

As far as Rawlsian legitimate order is considered, it is plain to say that Rawls, one of today's social contract theorists, has a slightly different set of arguments about the order compared to his predecessors. First of all, when the period that the world has experienced in terms of political, economic and social freedoms from the seventeenth century to the twentieth century is taken into account, Rawlsian ideal order has a more inclusive content than his predecessors'. In this sense, it must be said that Rawls seeks to establish a legitimate foundation of a

just order by at least attempting to include wide subjects of a society regardless of their race, religion, language, biological sex, social status, class, etc. However, Rawls, in his ideal order, also reflects a different variation of a private property-based capitalist order in the last instance. As we shall see in detail in the fifth chapter, Rawls, like Rousseau, legitimizes economic inequalities arising from private ownership of means of production in his so-called just order. Moreover, according to Rawls, in an ideal order, the institution of private property, which is considered to be a 'sine qua non' of society, should be secured by the laws formulated thanks to Rawlsian principles of justice as fairness, since the laws of the order derived from principles of justice as fairness work such that it mitigates inequalities stemmed from private ownership of means of production in favor of disadvantaged people by means of a taxation system that provides fair distribution of income in Rawlsian just order.

As a result, when the arguments put forward by the social contract theories about the importance of order is examined in the light of critical points mentioned above, the notion of order itself leads to a contradiction to social freedom. Also, these critical points reveal that social contract theoreticians formulate an order which is designed to work in favor of a particular class, namely bourgeoisie class. More importantly, social contract theories want to explain the legitimacy of a political, economic and social order based on the social ground that will be formed by a social agreement derived from the consent of rational individuals. However, this social order including especially political and economic order expressed by the social contract theories, sometimes with the concern of security, sometimes with the concern of freedom and sometimes with the concern of justice, serves for the interests of a certain section of the society, namely for the property owners, that originates from the cyclical specificity of each period, while excluding some groups, especially dispossessed people who may pose a threat to the order. Hence, the order expressed in social contract theories which led to the dichotomy of order and social freedom by nature has left out certain sections of the society from sixteenth and seventeenth century to the twentieth century. In other words, the order formulated by

social contract theories has always been the order of the property owners especially of those who have the private ownership of the means of production. In such an order it is not difficult to grasp that the notion of modern freedom with its negative and positive versions is indeed formulated in favor of the bourgeoisie class in modern term social contract theories which will be discussed in detail throughout the third, fourth and fifth chapters, respectively.

3. 2. A-historical Fictional or Hypothetical Method

One of the most important criticisms against social contract theories developed in literature is based on the claim that social contract theories base their core theoretical premises on fictional and hypothetical points which lead to ignoring main inequalities and dependence existed in the social formation in which they live. In other words, the missing aspect of social contract theories is to try to build theoretical foundations by creating a fictional environment in the direction of atomistic/isolated rational individualism instead of historical arguments and social context (Ryan, 1984: 33). In this direction, modern social contract theorists try to explain why rational individuals need a phenomenon called state through an abstract/non-historical state of nature view. Here, both the pre-condition of the order based on the state and the notions such as freedom and equality are tried to be built on a completely fictional basis. In particular, theorists who evaluate the social contract through the method of social and historical context-based approach argue that the modern social contract method is a method that ideologically camouflage or justify the inequalities of modern capitalist societies in which capitalist mode of production has led to inequalities in society (Cohen, 1983: 233). In this sense, Macpherson (1962) also points out how contract-based state has emerged from within these inequalities. He criticizes methodological flaws of modern social contract theories by asking some core questions in order to explain why the hypothetical aspect of social contract theories work as ideological manipulation of

inequalities stemmed from the emergence of the capitalist mode of production (Macpherson, 1962: 27). He, in this sense, asks the following question; even though private property or individual possessiveness leads to economic inequalities to contractarian theoreticians, then why do propertyless people want to involve social contract in which the rights of private property and freedom of bourgeoisie class will be guaranteed by order founder state in civil society?²⁸. Macpherson responds to his own question by indicating the ideological manipulative aspect of social contract theories based on hypothetical arguments. The social contract, to Macpherson, is not between propertyless people and the property owners, but the contract is made only to protect property in a broad sense among property owners. For this reason, according to Macpherson, the propertyless people are not a full member of civil society, they are subject to the laws of life, but they are indeed outside of the law-making process (Ibid).

Furthermore, hypothetical arguments concerning rational atomistic individualism and static human nature are other flaws of modern social contract theories that scholars questioned as well. For instance, many communitarian scholars such as Sandel (2008), conservative scholars such as Michael Oakeshott (1946) and socialist scholars such as Marx (1978) and Cohen (1983) do criticize hypothetical definitions of human nature and atomistic individuality. In this sense, while Sandel and Oakeshott argue that individuals described by social contract-inspired contractarian liberalism are nothing but isolating individual from society in terms of describing basic features of human nature, Marx and Cohen do argue that it is social and material conditions which determine core features of human nature and individuality (Sandel, 2008: 51; Oakeshott, 1946, 37; Marx in Gault, 1978: 27; Cohen, 1983: 225). Thereby, as for communitarian and conservative scholars, they do claim that this kind of hypothetical method developed in modern social contract

28 Even though Macpherson does criticize the arguments regarding property and dependency put forward by Hobbes and Locke in this sense, his criticism can include Rawlsian theory as well in the sense that Rawls also does justify the inequalities stemmed from private property based means of production which will elaborately discussed in the fifth chapter.

theories cannot explain real core characteristics of human beings, for individuals are being shaped in society and gain its core features by means of the relations they develop in his or her social environment. As for socialists critics, socialist do not regard human nature and its core features on hypothetical grounds. Rather, they are, as Cohen claims, social, historical and material conditions that shape human nature and an individual's core features in a given society. Therefore, as far as the critics or shortcomings of modern social contract theories as hypothetical or fictional method are concerned, it can be said that the relation between freedom, equality, private property and order in social contract theories is based on hypothetical grounds and fictitious arguments in terms of representing artificial inequalities and dependence stemmed from capitalist mode of production as justifiable and even natural.

3. 3. State of Nature

“Almost all philosophers who wrote about the state of nature wrote at the same time about, and made assumptions about, desire, soul, body, mind, self-preservation, instrumentality; in short, their account of the state of nature mingled with their visions of cognition, which proves the strong connection between the theory of knowledge and political theory in their work” (Mansour, 2018: 3). This quotation enables one to seek the points that make social contract theories methodologically important as well. That is, to seek out answers to the questions of "why do rational individuals need an order?" and "how is it possible to construct a just order in which rational and moral human beings legitimate this order?" enable us to assess why social contract theories develop the typology of 'state of nature'.

Before everything else, it will not be overstated that each social contractarian theoretician in the history of political ideas discipline tries to create legitimated foundations of their own theories by portraying a state of nature that is not necessarily based on historical pieces of evidence. More importantly, social contract theories attempt to derive the basic values of the human mind and human nature from the description of the state of nature. In this direction, they seek to

follow the universal roots of the "state of nature" in order to reach the basic points that describe what basic features of human nature and human mind may be. Besides this search for determining universal aspects of human nature "those theories build all associations, including human rights, civil society, and the state, on assumptions about the state of nature" (Ibid: 1). In this sense, it can be said that the most striking feature of the state of nature in social contract theories is not only to find main universal features of human nature and human mind but also to explain a need for legal order in a period in which individuals live without state/order, society and even culture. The arguments concerning the state of nature highlighted as such can be verified as far as modern term social contract theories are concerned. That is, Hobbes, Locke, and 'Rousseau'²⁹ formulate an ideal order in which they base their arguments regarding state, private property and freedom on such a fictional descriptive state of nature.

However, as far as the flaws of this method is concerned, it can be said that the state of nature described by these philosophers have never experienced through history that is why this way of describing state of nature provides a suitable theoretical premise in which political and economic inequalities can easily be masked by means of 'formal equality' and 'freedom-based general political and economic rights'. Therefore, it is fairly easy to mask inequalities that are the social reflection of the changes in relations of production under a justified order by means of portraying any state of nature, as well. This logic can be obviously affirmed as far as modern term social contract theories are concerned. For instance; as portraying the state of nature as the state of war between selfish people leads Hobbes to regard individuals as selfish, claiming that there is peace in a class-based society resulting from private property-based mode of production in the state of nature, on the other hand, will lead Locke to claim that people are not too selfish as Hobbes claims.

²⁹ Even though Rousseau who criticizes both Hobbes and Locke in the sense that they base their theoretical arguments on fictional description of state of nature, Rousseau, as it is pointed out in detail in fourth chapter of this study, does same mistakes which enable us here to categorize Rousseau's arguments about state of nature into fictional state of natures, as well.

However, in both cases, portraying the state of nature in the way philosophers want to reach for his theoretical results only works as an ideological manipulation, since it does not reflect any historical and social reality.

The reality indeed is very different from the modern Western social contract images. In this sense, the argument put forward by Harman is plausible here. He regards modern term social contract theories' description of state of nature as fictional by criticizing Hobbessian description of state of nature in which human beings are described as selfish or as 'homo homini lupus'³⁰. Harman says that these people were neither culturally "brutal" who live in a "state of nature" nor were there any painful, bloody struggles and hard, miserable lives in which 'everyone is fighting against everyone' in the way Hobbes portrays (Harman, 2008: 20). As for Locke's argument, Eleanor Leacock (1981), one of the most important anthropologists, puts forward a scientific argument which undermines Lockean hypothetical description of the state of nature. Leacock, in this respect argues that before the emergence of state there was no private property in the land and no specialization at work other than sex and "the collective action reached a consensus among groups and more importantly behaviors set generosity rather than selfishness, and the individuals helped each other and offered food to the other members of the crawl before they took them" (Leacock, 1981: 143). Similarly, another important anthropologist, Rung Lee (1979) also underlines the basic feature of so-called primitive groups in terms of criticizing Hobbesian and Rousseauian descriptions of the state of nature. He, in this sense, gives the characteristics of the primitive Kung San community as an example which refute modern social contract theories' arguments concerning the fictional state of nature. For instance, in order to refute Hobbessian descriptions of warlike state of nature and wolfish individual Lee, based

30 The word "homo homini lupus" which means that man is man's a wolf in Latin language was used for the first time by the Roman poet and playwright Titus Macchius Plautus who lived in the third century BC. Interestingly; despite the fact that this Latin phrase is often used by scholars in order to refer Hobbesian formulation of man in state of nature was not used in Leviathan.

on his observations, argues that in most of the primitive communities like Kung San Community “food can never be consumed by a family alone: it is shared among the members of an absolutely living group” (Lee, 1979: 118).

The scientific examples of primitive communities given by anthropologists such as Leacock and Lee reveal that when the historical and social conditions are taken into consideration the descriptions of the state of nature made by the modern term social contract theoreticians are nothing but ideological manipulations. In other words, modern terms social contract theoreticians use a hypothetical fictional description of the state of nature as premises of their theories in order to reach conclusions they wish for their theoretical background in terms of alleviating the tension between private property and freedom under the mask of legal equalities.

3. 4. The Notion of Liberal Abstract Individual and Methodological Individualism

Liberal individualism has an extremely important mission in social contract theories in terms of producing a one-sided answer to the question of ‘how should the relationship between equality and freedom be?’ in order to construct ontological foundations of social contract theories. In this respect, a liberal social contract theory, as Mansour argues, “begins by a well-matured rational individual, and deduce all its ideas about rights, freedom, contract, political association and law from this a priori concept of the individual” (Mansour, 2018: 2). The main objection to liberal individualistic approach is that individuals alone cannot be theoretical dimensions of any social order in the way to social contract theories describe, since individual isolated from social reality cannot be directly object of inquiry in terms of obtaining holistic arguments such as freedom, equality and what society and social order are. In other words, social contractor methodology, as Baucher and Kelly argue, is transmitted in this environment either as "abstract" or "asocial" to individuals (Baucher and Kelly, 1994:80-81). From this point of view, the notions of state, society, freedom, equality, and even private property are formulated as a result

of individuals' free wills. Hence, the individual in this approach is a constructive subject in terms of methodology (Yalman, 2013: 70). By taking the unencumbered individual as an object of inquiry this method has many problems in terms of constructing an order in which private property and freedom are formulated.

First of all, in Methodological Individualism, the individual appears as a subject that can make institutional arrangements that he or she needs through the capacity to make rational choices. But such an individual is almost imprisoned in the fan. In Methodological Individualism, the individual is given priority over the society and considered as a non-historical entity. Therefore, the individual who is in the position of the founding subject is defined by Methodological Individualism as a rational, atomistic, self-interested person who does not have a connection with society (Sandel, 2008: 9). Moreover, the method based on this abstract individual concept for the formation of both state and social order leads to ontological and epistemological flaws. That is, the individual, as Michael J. Sandel (2008) argues, cannot be thought of as isolated from the society and cannot be reduced to the abstract individual in terms of constructing social order, freedom, and equality, since these notions are directly related to society (Ibid: 11-13). In this respect, the relationship between order, equality and freedom in modern contractor theories which consisted of a mental imagination based on abstract a-social individual, as Macpherson argues, ignores the historical and material conditions; that is why, it functions as if it is reality-blinded theoretical subject (1962: 71).

In the second place, some feminists problematize the notion of the individual which is at the heart of social contract theories in the sense that it is nothing but a sexual agreement between men. Among them, she is Carole Pateman (1988) who inspired other feminist theoreticians as well. In short, Pateman argues that contract theory is "the agreement by men to dominate and control women" (Pateman, 1988: 96). In this sense, by following Pateman's argument many feminist critics of liberal notion of abstract individual argue that "the liberal individual is

purported to be universal: raceless, sexless, classless, disembodied, and is taken to represent an abstract, generalized model of humanity in writ large”.³¹ Besides Pateman, some other feminist scholars underline the flaw of social contract theories in the sense that it excludes those who are not white-European owners of property. In this respect, it is argued that the individual at the heart of modern social contract theories is not only gender-blind based but also a subject referred to white European property owner man.³² More importantly, according to the subject of contractarian theory man is described as ‘gendered economic man’. That is, individual in modern contract theories is indeed a ‘male’ who is able to rationally calculate his own interest. Virginia Held (1977), in this regards, argues that “economic man is concerned first and foremost to maximize his own, individually considered interests, and he enters into contracts as a means by which to achieve this end” (Held, 1977: 712). Therefore, for feminist, individual in contract theories cannot claim to be a general representation of all individuals in society.

The last but not the least counter-argument against the notion of individual in modern contractor theories has been developed by Charles W. Mills (1997). He, in this respect, argues in his book called ‘The Racial Contract’ that non-whites are regarded as similar to those of women in contractor theories (Mills, 1997: 21). That is, Mills’ central argument is based on the idea that social contract theories are racial contracts in the sense that only property owner white men are regarded as full moral and political persons whose freedom and equality are recognized in contract theories (Ibid). Therefore, the subject of the modern contractor theories in fact only represents those who are white men and private property owners and excludes non-white people as well as propertyless individuals all around the world.

To summarize, all these arguments discussed above indicate that by ignoring social, historical, and material conditions, the description of an abstract, a-

31 Source: <https://www.iep.utm.edu/soc-cont/> (Accessed date: 19. 09. 2017), pp: 15.

32 Source: <https://www.iep.utm.edu/soc-cont/> (Accessed date: 19. 09. 2017), pp: 19.

social and unencumbered individual in modern social contract theories indeed works as an ideological camouflage in order to reach conclusions that contractarian theoreticians want to obtain. Moreover, the premises on which based atomistic individual as an object of inquiry within the context of Methodological Individualism in social contract theories are inadequate to explain not only the emergence of state but also the notions of freedom and equality which can only be formulated utilizing a holistic approach. Additionally, an isolated abstract individual formulated in social contract theories is not only gender-based but also refers to the property owner.

3. 5. The Notion of Universal A-priori Eternal Human Nature

‘Some of the leading figures of political philosophy’³³ have regarded history as a product of an ‘unchangeable/static’ human nature. This view concerning the feature of human nature is nothing a common prejudice that spreads in academic literature, mainstream journalism and popular culture. In this sense, it has been claimed by those figures that human beings were/are always greedy, competitive and selfish, and that they explain horrors such as war, exploitation, slavery and oppression of women in the direction of this static human nature (Harman, 2008: 12).

As Harman argues the world of the twenty-first century is generally defined by scholars as an arena of greedy, of the enormous inequalities between rich and poor, of racist and nationalistic chauvinistic prejudices, of barbaric practices and terrible wars. More importantly, in such an atmosphere it is easy to believe that

33 All social contract theoreticians except Rousseau can be categorized into this group in the sense that they regard the notion of human nature as static and beyond historical, social, material and even geographical context. Rousseau, as will be discussed in chapter fourth in detail, on the other hand, accepts possible change of human nature depending on historical, social, cultural, and material conditions.

things are always like that, so they cannot be different due to the static aspect of a selfish individual (Ibid: 17). Such a message is expressed everywhere by many writers, thinkers, politicians, sociologists, and psychiatrists. They depict hierarchy, obedience, greed and tyranny as if they were the 'natural' features of human behavior and human nature. However, unlike understanding of 'static human nature' it is scientifically proved that human nature is a product of our history, not its cause. Human history, in this respect, indeed reflects different characteristic features than those of selfish static human; that is why, individuals from the history to current day has been tried to eliminate what has happened before them by means of great economic, political and ideological wars.

Such a pessimistic and static description of human nature in political philosophy can be witnessed in modern-term social contractor theoreticians³⁴ in terms of seeking an answer to their theoretical question of 'does man have a nature; if so what is this nature?' in order to build their main theoretical premises. Yet their answers to this question express certain characters of 'human nature' as if they have and will have them by birth. However, if it is accepted that human beings have nature by birth, then another preliminary question arises: What are the basic features that human beings have by birth? One of the most important arguments of modern social contractor theories is in this sense based on the assumptions about what kind of nature people had in the state of nature. Within the history of philosophy, there have been many answers given to this question by social contractarian theoreticians. Human being is good by nature, human being is selfish and evil by nature and human being has a moral character by nature, etc. are such answers that theoreticians have developed in their theories. However, two points discussed below invalidate the views of social contractor theories concerning human nature, in particular, those

³⁴ Of course, Rousseau's and Rawls's arguments of human nature should be assessed in a different theoretical ground in the sense they both criticize static understanding of human nature. Yet, even though they criticize understanding of static human nature, they, as will be discussed each chapter related to Rousseau and Rawls, respectively, are not able to avoid describing some human characters which can be linked to one of the definitions of human nature.

of Hobbes, Locke.

The first one is about the definition of human nature derived from a non-historical state of nature. This kind of approach thus leads to the building of human nature on a complete hypothetical ground which as if reflecting universal features. That is, nature must be pointing to the essential features of something. In this sense, it can be argued that human nature corresponds to the concept of personality (character) and personality is determined by a self-historical background in which the identities gain their characters throughout his/her history. However, human essence, as Marx and Engels argue, cannot be an abstraction inherent in each individual, rather it is the whole of social relations that determine what human essence is (Marx and Engels, 1947: 69). Marx and Engels obviously write it as follows:

“Feuerbach dissolves the religious essence into the *human* essence. But the human essence is no abstraction inherent in each single individual. In its reality it is the ensemble of social relations. Feuerbach, who does not enter on a critique of this real essence, is consequently compelled:

1. To abstract from the historical process and to fix the religious sentiment [Gemüt] as something for itself and to presuppose an abstract --*isolated*--human individual.
2. Therefore, with him the human essence can be comprehended only as “genus,” as an internal, dumb generality which links the many individuals merely *naturally*.” (Marx, 1976: 62-63)

In general, mostly with reference to the sixth of Marx’s theses on Feuerbach mentioned above it is claimed that Marx rejected the idea of any innate human nature. Norman Geras in his book called ‘Marx and Human Nature: Refutation of a Legend’ argues that this claim is nothing but a myth. In this sense, Geras claims that despite Marx’s rejection of some universal static ideas on human nature, some unchanging universal features that Marx formulates about human nature which can be revealed in any certain historical moments can be examined in his own studies (2011: 15). Of course, all aspects of the Theory of Human Nature developed by Geras cannot be discussed here, for it will be beyond the subject of the thesis. Yet, the point and criticism that are important for our topic should be based on following argument: Rather than whether there is a universal and unchanging feature of human nature, the problem is that social contractarian philosophers especially Hobbes and

Locke define features of human nature based on hypothetical arguments by avoiding historical evidences. Therefore, to accept the existence of an abstract human being alone by not accounting the flow of history inevitably leads to describing ‘unencumbered self’ who plays a key role in building contractarian theories, in general sense. However, in material life the nature of man is conditioned by the whole of social relations based on material conditions and has manifested itself in the whole of social relations. In other words, in contrary to the understanding of unencumbered self and social contractarian description of a non-historical and static human nature, the notion of human nature, as will be discussed in the light of some historical evidences in next chapter, has been/is determined by the whole of historical and social relations.

In the second place, social contractarian theories maintain the claim of universality of the idea of enlightenment. Their claims about the universality of human nature in this sense are confronted with two core problems in this context. The fact that human nature is depicted in a way that is disjointed from the historical and social facts does not only give rise to ignorance of cultural and economic environment of an individual in which human nature is shaped but also paves the way for defining it as something eternal. According to the idea put forward in this approach; human nature, no matter it is selfish or altruistic, always had/has the same characteristics in any time all around the world. However, historical and anthropological studies show that in the modern period the arguments that define human nature as selfish or amicable, universal and static have lost their validity.

There are many anthropological studies, in this respect indicate that the characters of human nature vary according to historical, social and economic conditions. For instance, the common point about the claim of universal, selfish and static features of human nature according to these arguments, as discussed earlier pages, human nature is not static, selfish or something as modern social contractor theoreticians put forward. Rather, according to these arguments, before the emergence of the state and the settlement of social inequality people have lived in small, kinship-based social groups for thousands of years, and the basic institutions

in the economic life of these groups were collectively minded or based on collective ownership of land and resources in which the distribution of food and political power has been shared equally in a peaceful atmosphere, even though some other groups living in a different cultural and geographical areas in same years reflect different kind of human behaviour (Lee, 1988: 73) Therefore, the claim of universal, selfish or even altruistic and eternal aspects of human nature in social contractor theories are indeed developed based on a fictional methodology as if it is a-priori eternal truth in order to formulate their arguments concerning the relation between private property, freedom and order in the way they wish to obtain at the end of their theoretical efforts. Also, people living in a different historical, social and cultural context, where there is no state, actually may have had a different feature of human nature than social contract theoreticians had predicted. Therefore, any so-called a-priori eternal truth derived from a fictional description of human nature is too vulnerable to be misused in order to manipulate the historical and materials condition in any historical moment as social contract theories do during the process of legitimizing any economic inequalities stemmed from private property-based economic order. In this respect, when some results obtained from the theoretical premises of modern-term social contract theories is examined it is easily understood that this is the case. For instance, taken Hobbes's statement of static human nature as a deductive method in this sense, our general right/pre-acceptance will be as follows: (G1): all people are selfish or homo homini lupus by nature.

Once taken this general pre-acceptance into consideration, it will be inevitable to reach one of the statements among many similar conclusions as follows:

(C1): people who live in society in the absence of a state will be in constant war.

3. 6. Conclusion

Modern contractarian political theorists used the social contracting method in the sixteenth and seventeenth centuries to formulate the notions of freedom and

equality in a given individual-society-state formation in modern political theory. The use of a social contracting logic to obtain results both as to how the state emerged as an order founder, and how to formulate individual freedoms, enabled theoreticians to formulate their theoretical premises mostly based on hypothetical grounds. This method has also enabled political theorists to make various generalizations or to reach various universals from particulars in order to determine both the ontological and epistemological foundations of the state as well as individual freedoms and equalities in civil society. By reaching holistic notions such as state and society through using the metaphors of particular notions such as state of nature, human nature and freedom based on individual, this method has also led to the use of this method as a common methodological tool. However, in any given social and material formation -especially in the process of the emergence of a capitalist social formation - the attempt to reach general concepts such as social freedom, social equality, state and society through this method brings about some methodological dilemmas which also indicate that social contracting method is not a pure innocent methodological tool. In other words, as the methodological application of social contracting logic enables the theoretical premises to be discussed on a hypothetical basis, the results reached through this method have at the same time enabled the theorists to easily legitimate the inequalities and dependence in the social and material formation of a given period in which they have lived. In short, it should be said that the methodological dilemmas of this method stem from theoretician's ideological approach for justifying inequalities and dependencies in capitalist society of the period.

First of all, since the need for an order builder state is attempted to be derived completely from a hypothetical state of nature in all four theoreticians, both the ontological and epistemological foundations of the state are tried to be derived from a fictional human nature which is isolated from the material and social formation. More importantly, by means of this method the fact that the reason for the existence of the state, which must be handled in a holistic logic, is based on an atomistic individual isolated from social power relations enable contractarian

theoreticians to mask state's organic tie with the property owner class. In other words, the fact that the state, which the contractarian theorists attempt to describe as a phenomenon beyond social classes in this way, acts as an arbitrator in a sense as an order founder in social contract theories means masking state's organic tie with the new social classes in the capitalist social formation which emerged especially in the sixteenth and seventeenth centuries. However, as will be discussed in the following chapters, the state which according to four contractarian theorists have emerged as a result of the consensus of the individuals they have described in the state of nature indeed emerges as a result of the consensus of subjects who are owners of means of production. Therefore, the main aim of reaching methodologically from particulars to universals is to formulate a state as order founder which establishes and maintains the order of the property owner class through using atomistic unencumbered self and hypothetical state of nature as methodological tools.

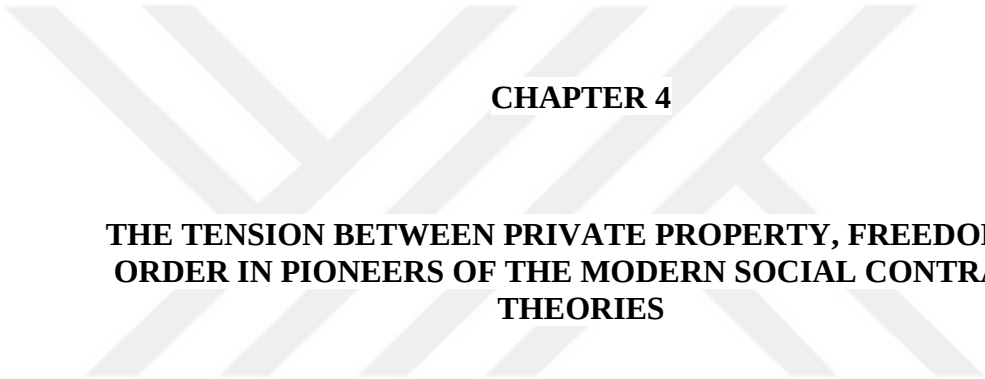
Another important issue- leaving Rousseau's definition of human nature aside- is the effort of the social contracting logic to design/formulate human nature in a static way and to formulate individual freedom through this design. However, there is no difference in this context between defining human nature as selfish and unchangeable, as in Hobbes's case, and defining human nature as altruistic as in Rawls's³⁵ and Locke's case, for they omit all kinds of social and material conditions that can influence and change human nature in advance. In this way, attributing an eternal feature to human nature has led to the design of individual's relation to freedom and equality as a-priori fact rather than as a reality that should be handled within the social formation. In fact, such an approach led to the emergence of the selfish human being designed by Hobbes and altruistic human nature designed by Rawls and Locke in a given capitalist social formation. The design of both human

³⁵ It is note-worthy to say that even though Rawls does criticize any descriptive understanding of human nature such as selfish human nature or altruistic human nature, his formulation of the parties in the Original Position do reflect some features which can be linked to the notion of human nature. This point will be discussed elaborately in the sixth chapter of the study.

natures, as will be discussed in the following pages, is intended to justify or mask the inequalities and dependence caused by developments related to private ownership over means of production in the capitalist social formation.

Thirdly, another flaw of the social contracting method is the design of the hypothetical state of nature which contractarian theoreticians have used to enable the transition from the state of nature to civil society. Such a design also has led to the justification of artificial inequalities the most important of which is the inequality caused by property acquisition in the state of nature. In this context, there is no difference between describing the state of nature as warlike in Hobbesian sense and describing the state of nature as peaceful in its first stage in Rousseauan and Lockean sense. Because the metaphor of the state of nature, which is designed as a purely fictional theoretical premise, serves as a methodological apparatus for the contractarian theoreticians to legitimate artificial inequalities in civil society. In other words, a design of a state of nature isolated from social and material conditions or not confirmed by historical evidences has led to the design of a civil society in which the inequalities and dependence stemmed from private ownership over means of production in a given social formation of society are justified.

Finally, using of Methodological Individualism in social contracting theories has led to the definition of freedom inherent to private property in the formulation of the relation between order, freedom and private property. Since the ontological and epistemological origins of the state which constitutes the order in such a formulation are also based on individuals' possessing property, it should not be surprising to witness that the most important duties of the state formulated by social contractarian theoreticians are not only to protect the private property of the means of production in the name of freedom but also to prevent any possible threats that come from propertyless masses against the order. Thus, the task of Methodological Individualism which makes domain of individual freedoms inherent to property ownership serves to justify the bourgeois class's organic tie with the order builder state in the capitalist social formation in social contracting theories.



CHAPTER 4

THE TENSION BETWEEN PRIVATE PROPERTY, FREEDOM AND ORDER IN PIONEERS OF THE MODERN SOCIAL CONTRACT THEORIES

There are dozens of recorded works explaining the history of political thought by means of inspiring idealism especially in terms of pointing out why most of the political philosophers need a formulation of the social, economic and political order in their political theory. Especially, liberal scholars are writers of such books. In a great number of writings they basically claim that *ideas* change the historical, political, and economic flow of the world/history which makes room for building an order in which the relation between private property and freedom is formulated. The cases of Thomas Hobbes and John Locke are not different from this point of view. That is, both Hobbes and Locke have developed their political ideas inspired by philosophical debates and by their pure philosophical thinking skills according to these liberal scholars. However, the approaches that can be described as a kind of avoidance from historical materialist statements are, in this sense, trapped in the idealistic philosophy, for it basically separates thought/conscious from the material

world. The historian's school, which is the founder and brightest explanatory of Marx's historical materialist philosophy, in this sense enables one to regard flow of history as result and function of the economic forces in society in which any order in the way both liberal and contractarian theoreticians describe is indeed formulated to conceal dependence and economic inequalities during a given period that radical economic changes have taken place in history. By following a holistic approach to historical events, this approach principally claims that things including the need for order, and freedom and private property are not independent of each other. Rather, they are inter-dependent. That is, history, as Huberman argues, appears to be irregular cases and chaos of events; but in reality, it is not chaos (Huberman, 2016: 248). Therefore, historical and social changes fit into certain patterns of law that can be explored in the way to explain why most of the political philosophers, especially modern social contract theoreticians, need an order in which the relation between freedom and private property is formulated.

Given that, it can be claimed that one of the most important factors affecting the intellectual life of a given society is the situation of material base which plays an important role in determining social relations of that society. In the light of this argument it makes sense to claim that the seventeenth and eighteenth centuries in which a rapid change in relations of production in Europe has emerged, in particular in England, and France, respectively, have had a great influence on philosophers' thoughts. In other words, a comprehensive understanding of Locke and Hobbes who are the pioneer of social contract theoreticians today also requires the understanding of the material foundations of the society in which these thinkers have lived. As Huberman claims if economic attention is not taken into account, the learning of history becomes disrupted (Ibid). Thereof, the same logic allows one to similarly claim that an economic theory becomes meaningless if it is abstracted from its historical background. In line with these arguments, one of the main roles of this section can be basically categorized into two points. First, to explain seventeenth and eighteenth centuries in history with economy and economic developments emerged during these centuries with history, and secondly, to make a link between

modern social contractor theoreticians' arguments and material and historical conditions in which contractarian philosophers have lived by focusing on the question of 'how do both Hobbes and Locke try to alleviate the tension arising from ownership of private property based means of production under the mask of their formulation of contractarian order that they put forward in their political theory?' In short, the main purpose in this section is to enable readers to evaluate the arguments of the pioneers of social contractarian theoreticians regarding private property, freedom, and order through historical and material context.

4. 1. Historical and Material Conditions of Seventeenth and Eighteenth Century of Modern Europe: The Case of England in terms of Putting Hobbes and Locke in Historical and Material Context

"It is not the consciousness of men that determines their existence but their social existence that determines their consciousness" (Karl Marx).

Eric Hobsbawm in his famous book called *The Age of Revolution* claims that the two revolutions in England and France (the Glorious Revolution and The French Revolution) have changed the face of the whole world, especially of Europe (Hobsbawm, 1962: 12). Similarly, the Medieval European historians, Agibalova and Donskoy, argue that the origin of the concepts of contemporary political order, liberty, and equality in Europe must be sought in the seventeenth century of Britain and eighteenth-century of France in which two major revolutions have emerged (Agibalova and Donskoy, 1998: 128). By taking those two great historical events into consideration one should ask the question of 'what are the main reasons for these two important historical revolutions that shape the contemporary liberal political order and affect the whole world?' There are, of course, many approaches to explain why revolutions have emerged. As it has already been mentioned above, by feeding on idealism most liberal theoreticians easily claim that revolutions were 'ideas of great men'. Moreover, they claim that many historical events, including

revolutions, are the result of contingency.³⁶ Yet, this kind of explanation concerning the flow of history does not go beyond ideological propaganda, for it basically lacks historical and material conditions of revolutions. In contrary to the arguments put forward by these speculative historiographers and theoreticians, revolutions including these two great ones cannot be analyzed without taking radical changes in relations of production into consideration.

The economics, law, politics, religion and philosophy of any social structure are interdependent. Each of these is dependent on others. The most important of all these forces is the economy in the last instance. That is, it is economic conditions or material base of any society that leads to the radical changes in building a new political and economic order. In this regard, relations of production correspond to a certain developmental stage of the material production forces directly reflects how a new order will be built. This is the true set of the legal and political superstructure in which the sum of the relations of production brings the economic structure of the society to an elevated level corresponding to certain forms of social consciousness. Therefore, it can be basically argued that the possessiveness of main means of production in a given society, as Huberman argues, determines the general character of social, political, zeitgeist, and intellectual aspects of social life (Huberman, 2016: 249). Just as such concepts of law, justice, freedom, education, politics and so on are in line with the stage of certain economic development in the last instance that any particular society has achieved. Then, the question of ‘what was the main reason of revolution?’ can be formulated as follows:

³⁶ Among them they are Karl Popper and Chantal Mouffe who theoretically describe the flow of history as something stemmed from contingency. See, Popper, Karl Raimund (1971). *The Open Society and Its Enemies*, New York: Princeton University Press; Kanatlı, Mehmet. (2014). "Chantal Mouffe'un Radikal Demokrasi Projesi Üzerine Bir Değerlendirme". *TESAM Akademi*, Vol: 1, Issue: 2, pp: 115-136.

‘The relations formed by the old mode of production were petrified that was why superstructural institutions, namely law, politics, religion, etc had in difficulty with meeting new political, economic and legal demands stemmed from new mode of production which can be witnessed in case of transition from feudal mode of production to capitalist mode of production. In the feudal period, the ruling class wanted to maintain its power and entered a state of conflict with the class that was in harmony with the new mode of production’. Of course, it is beyond the scope of this work to explain all the causes of the collapse of the feudal period in England and France. What is aimed to do in this part then is to clarify how political, legal and philosophical grounds on the feudal relations of production have been changed by changes in relations of production which also affected modern social contractarian theoreticians in developing their arguments to cope with social problems of their times. Thereby, to understand basic material reasons of why the feudal system living throughout Europe from the fifth century to the fifteenth century has been resolved, it is necessary to address the main features of the feudal system, first. In other words, to comprehend how the development of capitalist system and its growth which dates back to the seventeenth and eighteenth centuries of Europe goes through the dissolution of the feudal system, it is necessary to touch on the basic features of the feudal political and economic order first.

4. 1. 1. Core Features of Feudal Order

Generally speaking, in many books of classical political history feudal order is basically and shortly defined as a period in which economically self-sufficient and static structure is founded and political power is fragmented’ among local

authorities.³⁷ Accordingly, in the feudal period, three classical classes -namely prayers, warriors, and laborers/producers- are generally described as main elements of European society by historians of classical political history. In other words, the church, feudal kings and serfs constitutes the basic elements of social stratification in feudal order (Bloch, 1964: 12; Agibalova and Donskoy, 1988:93; Sabine and Thorson, 1973: 84). In such a feudal order, generally speaking, serfs were living on the other end of the social scale, while the warriors who served for land-owners and prayers were found at the other end of the social scale. Similarly, while the church and feudal kings, who confiscated a significant portion of the surplus-value produced by the serfs, had political, economic and legal privileges, the serfs had no political and economic power, even though they have some local rights derived from mutual agreement between them and their masters in terms of labor contract. In other words, the feudal mode of production, as Sydney Herbert (1920) states, has given rise to these three basic groups of political, religious and economic structure which lasts for centuries (Herbert, 1920: 3). More importantly, in such a social structure while those who were called as oratores or priests were representing sacred functions, the second group warriors who were also called as belators were maintaining the function associated with physical force in feudal Medieval. Except for these privileged two groups who directly and indirectly confiscated surplus-value, there were serfs, the labor of whose was the main productive tool in maintaining the feudal structure (Ibid).

In the light of this brief general info regarding the basic features of feudal order, the paramount feature of the feudal period emerges at a time when, as Marc Bloch states, the notion of central state was deeply weakened and in particular

37 The arguments put forward by political historians such as 'Harman', 'Sabine and Thorson', and 'Agibalova and Donskoy' share the same idea, even though their main methodologies differ from one another. See. Sabine, George. H. and Thorson, Thomas. L. (1973). *A History of Political Theory*, Oxford: Oxford University Press, pp: 79; Harman, Chris (2008). *A People's History of the World from the Stone Age to the New Millenmium*, London: Verso Press, pp: 109; Agibalova Y. and Donskoy G. (1988). *History of the Middle Ages*, Moscow: Progress Publishers, pp: 91.

completely inadequate in protecting its residents (Bloch, 1975: 164). By the same token, according to historian Gianfranco Poggi (1978), who writes about the historical origin and development of today's modern state, the emergence of feudalism in the West was based on two major developments which were 'the collapse of the centralized government and the dissolution of communication and trade route' in Western Europe (Poggi, 1978: 18). Since feudalism has emerged in an environment where the confusion and insecurity of central power have disappeared as well as trade has almost ceased and the importance of urban life has been lost, the basic determinant of the economy which also mostly determined political structure in the last instance was based on agricultural production (Ibid: 20). More importantly, in terms of an economic base Perry Anderson (1978) describes the feudal economy as a mode of production under the dominance of land and as an economy in which neither of labor nor the products of labor was commoditized (Anderson, 1978: 147).

The feudal mode of production also reflects a kind of social stratification originating from property relations. When the land was regarded as a basic means of production in such a system, church and feudal lords, which/who had a large scale of land, were at the top in the hierarchical structure in society while the serfs, who had almost no land ownership, were located in the lower part of the social layer. More importantly, one of the importances of feudal system that makes feudal mode of production according to Goff (2005) was Catholic Church's land possessiveness. The fact that most of the land covering many large areas belonged to the church in this sense has made Church one of the main economic and political power in feudal mode of production that is why the church was considered to be the keystone of the allies of the worldly seers and also of the entire feudal system belt (Goff, 2005: 46).

More importantly, the formation of social classes in the feudal system, as Herbert claims, has emerged as a result of private property in land (Ibid; 7). Senior mansions, in this sense, were at the same time indicator of private farming enterprises in feudal order. In general, one-third or four of these enterprises were assigned to the private farming, while the remaining parts were given to the peasants

attached to the land (Beaud, 2001: 25). In such a feudal mode of production, it unsurprises to mention that the senators had the right to arbitrarily save on their incomes as well as the right to increase exploitation on serfs. As far as the legal system is concerned it can be also claimed that the legal aspect of the feudal system which based on justifying exploitation has been guaranteed by one of the superstructural tool, namely by feudal law. In this respect, since feudal order also included its own legal system, serfs were legally obliged to work in the seigniors' lands in order to survive. The terms and conditions of employment were being set by land owner year by year at the same time indicates how serfs were exploited and became semi-slave. Oksuz depicts this situation of dependence and exploitation stemmed from private property based law by stating that if the serf was escaped from the land, the senior would have the right to find serf and judge him which was seen as a natural consequence of private property-based legitimated law (Oksuz, 1980: 82).

Therefore, political and legal relations arising on the feudal mode of production can be summarized as a struggle for the surrender of surplus-value produced by 'land-dependent peasant/serf system' in which political power was fragmented among local authorities. Anderson, in this sense, expresses that the serfs' dependence on the land was indeed realized by Vassal System. To protect landowners' assets in a Europe where central power collapsed and security was not maintained, they needed guardians to survive. The vassalization that emerged as the product of this need came when a man committed himself to a lord with a sacred ceremony (Anderson, 1978: 150). As Agibalova and Donskoy argue that the struggle between church and feudal lords in confiscating the surplus value produced by serfs thus constitutes the political struggle of almost all medieval times (Agibalova and Donskoy, 1988: 97). Given that, it can be claimed that the most important feature of feudal order was based on the correspondence between lord and vassal. Therefore, in feudalism, it is unsurprising to say that nobody was fully sovereign. Rather, local vassals were connected with the king and serfs were connected with a local lord utilizing Vassal Contract. More importantly, if any

conflicting on this treaty emerged, then mutual rights and duties would end which has often led to confusion, political instability, and even to wars in feudal system.

Having been expressed the main features of the feudal system above; it is plain to say that the feudal mode of production based on land ownership has led to social stratification and certain privileged classes during the feudal period of Europe. In such a feudal order it is obvious to point out that while two classes as oppressor subjects have obtained political and legal privileges, one class, namely serfs, who produced surplus value, was oppressed class. In other words, the feudal mode of production has shaped the main structure of economic, political, and legal aspects of the feudal order. While nobles (nobles, counties, barons, viscounts, knights) and priests (church and papal organizations) were the most privileged class of feudal Europe who had political, economic and judicial rights formulated by superstructural tools, the serfs who were exploited by church and nobles were the most oppressed class of the feudal system, even though they were the main producers of surplus-value in feudal economic structure.

4. 1. 2. Transition to Capitalist Mode of Production: Case of Glorious Revolution

What was the most important structural change that led to the ending of the feudal period in Europe? Undoubtedly, many reasons can be arranged here in order to respond to this question but the main source of these reasons should be sought within the context of radical changes in the economic structure of feudal order. That is, with the accumulation of wealth based on money the main subjects of the economic structure has been changed and re-defined. While in the ancient feudal period the measure of man's wealth was only land, after the spread of trade, as Huberman argues, “a new kind of wealth emerged: wealth based on money” (Huberman, 2016: 47). At the beginning of the feudal period, money was stagnant, established, and stationary; yet after the expansion of trade, it has become activated, revitalized and fluent says Huberman (Ibid). In such a new atmosphere what is

ground breaking development is the emergence of a new class, namely bourgeoisie class who initiated a new way of buying and selling thanks to the entering circulation of money. In the Feudal period, the property of the land that was the sole source of wealth gave the ruling power to the nobles in honor. However, with the beginning of the exchange of land like any commodity the middle class, namely bourgeoisie, became a new actor in the sphere of relations of production which led to the end of the old feudal world.

Given this brief feature of the transition process, it is obvious to say that the emergence of capitalism in England and France and their effects on intellectuals enabled modern-term social contractarian theoreticians including French philosopher Rousseau to formulate their ideal order in terms of seeking a remedy to the social problems emerged during the period they have lived by taking the new social groups into account.

The fact that capitalist mode of production, which was an inevitable consequence of history from historical materialist view, has led to the dissolution of the feudal order has been experienced with a similar direction in France and England even in different times. Of course, the developments in France and the developments in Britain have been assessed completely different from one historian to another historian all of whom narrate historical events as if they are totally independent events. However, when assessed in terms of historical materialism the major reason for the French Revolution and the English Glorious Revolution was the shift from a feudal mode of production to the capitalist mode of production. In other words, the changes in economic relations in the society's base led to the superstructural changes and a new political and economic order emerged in the last instance both in France and in England name of which is bourgeoisie order. By accepting the fact that it needs thousands of pages to explain the emergence of capitalism in England in detail, this section just tries to explain in particular what kind of order was constructed along with the British Glorious Revolution, specifically by focusing on how economic changes led to political regimes in order to locate Hobbes' and Locke's arguments concerning private property, freedom, and order in their right

place. In other words, this section clarifies material conditions of the seventeenth-century of England first and then argues Hobbes' and Locke's arguments about private property, freedom, and order within the context of historical and material conditions of the given period.

“In January 1649, a hangman picked up the head of King Charles I. This incident disgusted the entire Europe (...) All the rulers of Catholic, Lutheran and Calvinan of Europe have forgotten diplomatic relations with England” (Hill, 1968: 182). This provocative saying is generally linked to fashionable accounts which see the English Revolution as a shrewd business translator for positions in a homogeneous ‘gentry’³⁸ elite. Such accounts reveal the patronage and family relationships that link a higher class figurative to the other by claiming that battles and the cutting of King's head were caused by nothing but a contrived intrigue and counterintuitive process (Harman, 2008: 205). Such common interpretations are too far from the reality that the case of 1649 was not an accidental historical period. Rather, it was a product of a clash between bourgeoisie class and feudal powers/order results of which have shattered much of Europe for hundreds of years in terms of the dissolution of the feudal order. In other words, the British revolution, as Harman argues, prepared the ground for the development of a society based on market relations and forms of capitalist exploitation within two hundred years throughout European history (Ibid: 217). Therefore, from a symbolic point of view, the fact that the King's head was cut was a precursor to events that would develop in Europe. This was not an ordinary murder, nor was it a case of a King colliding on the battlefield (Ibid). The feudal regime, which ruled in England for many years,

38 Gentry: It is a term used for British landowners especially for those who possess large agrarian lands in England. Also, Gentry, which owns about a third of the land in the UK, has been intensively involved in politics and trade as well as undertaking various managerial activities in the province. See. Harman, Chris (2008). *A People's History of the World from the Stone Age to the New Millenmium*, London: Verso Press. Pp: 204.

was now over that was why the head of the King was cut (Ibid). That is, the capitalist mode of production that emerged at the brink of the feudal mode of production led to the emergence of a new class -the bourgeois class- which terminated the old political regime by reformulating the contradictions of the relations of production in favor of itself (Ibid). The essence of the fact thus lies in this reality pointed out by the words of Harman. The famous promise of Cromwell, which says 'we will cut off his head with his crown' (Ibid: 204) in this sense tells us other part of the real story about Glorious Revolution in that the government no longer can be legitimated by the divine privileges, nobility or irrationality. Therefore, the right question to be asked should be that; 'why has the legitimacy of government begun to be questioned?' In this context, it is necessary to understand how the changes in the mode of feudal production inevitably led to superstructural changes in order to respond to this question.

4. 1. 2. 1. The Development of Agrarian Capitalism in England

In the sixteenth century, feudal order was about to collapse in Britain due to the capitalist relations that began to come to the surface in both cities and rural areas. The capitalization process beginning with the looting of overseas colonies which increased trade-based mobility in cities and fencing process in rural areas provided an extraordinary accumulation of capital and leads to the emergence of the bourgeois class in the UK as well as the rest of Europe (Hobsbawm, 1962: 83). Hobsbawm's description of the process of dissolution of feudal order in England enable us to reach a conclusion that the most important element in the settlement of capitalism in England was the spread of agrarian capitalism based on land ownership and accumulation of capital that has emerged by means of colonialism in abroad and trade in cities of England. The assessment of the land as a commodity which emerged in parallel with the emergence process of agrarian capitalism indicate one of the other important point of understanding the development of Agrarian

Capitalism. In this context, as Hill points out, regarding land as a commodity necessarily led to the acquisition of more land for sheep breeding, which raised the appetite of large landowners who were one of the actors of establishing capitalist mode of production during the transition process to agrarian capitalism in England (Hill, 1968: 181). However, the most important event that led to the development of agrarian capitalism was not simply considered a commodity of land. The fact that the manufacturing facilities in the cities needed excessive wool also raised demands for large grasslands for sheep breeding; that was why the peasants were removed by large landowners. More importantly, during this process, broad grasslands were needed for sheep breeding that was why landowners confiscated grassland grazing areas and banned the villagers' grazing there (Harman, 2008: 210).

As far as the trade and manufacture which are pre-condition of industrial capitalism are concerned in cities of England it can be claimed that in the sixteenth-century agricultural production was integral to the capitalist production of cities. For instance, even today, as Harrison argues, a sack of wool stands in front of the king's throne in the House of Lords of the British parliament. On this sack lies Lord Chancellor, the president of the Lord's cabin (Harrison, 1965: 71). What does this mean? It means that as sheep breeding and wool fabrication have long been a major source of income for bourgeoisie class the importance of land rose at a point where the alliance between bourgeoisie and new land owners in England. The need to acquire land ownership in such an environment has put the money factor in place against the classic land aristocracy because unlike the feudal lords, the early bourgeoisie had a lot of money (Ibid). In such an atmosphere it was not unsurprising to understand why hundreds of owners of business and commodities often in wealthy towns started to buy lands. The new relations of production in England, as Agibalova and Donskoy argue, led to a situation where all the wealthy people who had earned their wealth through being workshop owners, merchants and etc. constituted the bourgeois class with the help of new landowners in the countryside (1988: 209). Therefore, the changes in capitalist relations some important points of which mentioned above led to transformations and changes in all areas of the society

in terms of emerging new classes as well. In Southeast England, for instance, the peasants grew a long-lived herd of sheep and wool in the rest of their free time in agriculture. Simple wools curved at home offered to sell in the nearest market which led to the emergence of a new kind of labourer (Hobsbawm, 1962: 95). Besides, wool fabrication system led other types of labourers and petty bourgeoisie. Hobsbawm describes this situation by pointing out the process of agrarian capitalist mode of production in England especially giving importance to the role of wool fabrication stemmed from sheep breeding in lands as follows: "... the twisted wool yarn were given to the weaving fabrics first, and then traders were selling the final fabric in the town or bringing it to the ports for export... In order to train the traders' orders, the poor peasants working in their homes paid little. Many of them work in looms belonging to merchants, often hundreds of peasant spinners and weavers seem to work for a single trader that is why the poor peasants, who pay for wool, looms and sweatshops to handle the merchant, have gradually turned into wage laborers..." (Ibid: 208). More importantly, the main reason for elaborating these points is based on the idea that all these detailed social and economic changes indeed enable one to answer to the question of 'what kind of changes did Agrarian Capitalism, which was experienced in England of sixteenth and seventeenth centuries; which also led to the emergence of new social classes, lead to in socio-economic structure of the society?'

First of all, it is important to mention peasants in France compared to England. As Wood argues, peasant in France and in most other parts of the European Continent were relatively different from those of England in the sense that "peasants had access to the means of production, namely to the land, without having to offer their labor-power as a market commodity" (Wood, 1998: 35). Landowners and office-holders, by the support of several 'extra-economic' powers and privileges, therefore, seized surplus labor from peasants in a straight line in the form of rent or tax. In other words, as Wood plainly points out, "while all kinds of people might buy and sell all kinds of things in the market, neither the peasant-proprietors who produced, nor the landlords and office-holders who appropriated what others produced, depended directly on the market for the conditions of their self-

reproduction, and the relations between them were not mediated by the market” (Ibid). In order to understand the different situation of the peasantry in England in the sixteenth and seventeenth centuries, it is necessary to mention the consequences of the fencing process. In this context, Marx identifies the cause of root of the emergence of the agricultural capitalism in England as a system of fencing that leads to social injustice and use of brute force. Additionally, he identifies the fencing system with an attack on the common assets of common capital in the English countryside. The fencing of common meadows and pastures in the English countryside, that is, the subjugation of private property, has vital importance in terms of the development of capitalism. Therefore, the name of the commodification of nature, that is to say, the land, was indeed a kind of primitive accumulation mentioned by Marx (Marx, 2015: 59). A Scottish Duchess’ policy, in this regards, illustrates the wild face of agrarian capitalism that fires fifteen thousands of peasants during the fencing process to graze a hundred and thirty-one thousands of sheep. In this case, the fact that an old peasant female ‘cottager’³⁹ was burnt alive in her cottage because she refused to leave her land indicates even alone how wild the emergence process of wild capitalism was in a sense (Yeliseyeva, 1978: 28).

Moreover, when the situation of the Yeomans who were petty landlord peasants is considered, the sociological and economic dimensions of the fencing system will be better understood. The local governors backed by the Parliament, namely Cabinet of Lords, have forcibly fenced and possessed public lands during the early period of the seventeenth-century of England. This was in fact the collapse of the small landlord peasants, namely Yeomans. After that fencing process, Yeomans had to emigrate from their homelands to the big cities in England in order to find a job for surviving (Ibid: 24). In other words, besides landless peasants, even Yeomans, who were small landowners, were transformed into wage laborers many

39 The villagers were called "cottager" inspired by the English name of the cottage of the shelters they lived in during sixteenth and seventeenth century in England (Yelisevaya, 1978: 10).

of whom were forcibly taken from their lands and cottages because of the fencing process.

More importantly, the fencing process, which changed the sociological structure of British society, at the same time constituted the substructure of the English Revolution, which would take place in the next stage. Changes in relations of production, in this sense, led to changes in social positions of in both land aristocracy and bourgeois class in the cities as well. The clergy, the old and the new nobility, the big landowners and the bourgeois constituted the basic layers of the society in England during the sixteenth and seventeenth centuries. Paid laborers, in this sense, had personal freedoms, but unlike dependent peasants, they had no land, no farm buildings. More importantly, in order to earn their daily bread landless peasants/serfs had to rent their labor to the owners of the manufacturers in cities (Ibid). Owners of the means of production, on the other hand, were enriched thanks to confiscating surplus value produced by the labor of wage earners. In other words, the manufactures were the early rich capitalist enterprises/businesses built on the exploitation of wage laborers in big cities of England. Therefore, in terms of analyzing the sociological structure of that fencing period, it is obvious to say that except classical feudal privileged groups new classes, namely the bourgeoisie and the waged laborers, and hundreds thousand of beggar and punk emerged in England due to the negative results of the emergence of agrarian capitalism. The Table (C) below in this regard specifies the number of social classes and their economic condition during the seventeenth century which clarifies the social dynamics of England arising from the emergence of the capitalist mode of production.

TABLE B: ‘Social Classes and Monthly Incomes in England between 1600 and 1650’.⁴⁰

Classes	The Number of Family (Approximately)	‘Monthly Income of A Family’⁴¹ (Approximately)	‘Total Income’⁴² (Approximately)
Lords	186	2590	481.800
Traders (Maritime)	2000	400	800.000
Traders (Land)	8000	200	1.600.000
Landowner Farmers	40.000	84	3.360.000
Merchants and Shopkeepers	40.000	45	1.800.000
Landless Peasants	400.000	6.10	2.600.000
Beggars	30.000	2	60.000

Given that, taking the social position of landless peasants and beggars indicated in the table into consideration it is plain to understand why there was a conflictual atmosphere in the seventeenth-century of England in this respect. Tens of thousands of peasants expelled from their lands have been forced to leave from common public pasture to cities where they became beggars and outcasts. This meant that the peasants would lose their feudal bonds and gain their ‘so-called

⁴⁰The data used in the table are obtained from the following source: Michel Beaud (2001). *A History of Capitalism, 1500-2000*, translated by Tom Dickman and Anny Lefebvre, New York: Monthly Review Press, pp: 29.

⁴¹As Pounds

⁴²As Pounds

liberties'. As far as the material condition of small merchants is considered it is plain to say that there were still few workshops in the towns but only one shepherd was enough in the mansions where a dozen peasant families worked. These changes in the relations of production have transformed "free peasants" into beggars as well. Tragedically and ironically, thousands of so-called free peasants passed away due to hunger and diseases in cities. What even more tragic was government laws against punk and beggars. These laws, as Agibalova and Donskoy point out, anticipated that the arrested jobless rabbles would be chained to a hand-held car and flogged until the blood came out of the body (1988: 211). Furthermore, any beggar or punk, according to the laws, became a slave to the person who reported it to the authorities (Ibid). Moreover, if a tramp or beggar escaped and was caught again, his ears were cut off and stigmatized and imprisoned. The third time they were caught, they were hanged as common criminals (Ibid). In this sense, in the first half of the sixteenth century, the execution of more than seventy thousand people in England constitutes the most concrete example of the wild face of capitalism (Hobsbawm, 1962: 87). As a result, it can be claimed that besides the feudal classes and new landlords / land aristocracy, the development of agricultural capitalism and the economic strengthening of the bourgeois class in the city led to the emergence of so-called free peasants, or beggars, instead of the serfs, who lived in the feudal state of the land and was somehow able to feed his own family and his own stomach. Merchants, traders, artisans, well-off peasants, landowner peasants were, on the other hand, as Beaud narratively clarifies, supporters of freedom and democracy that linked to possessing private property:

"That you would have made good the supreme (authority) of the people, in this Honourable House, from all pretences of Negative Voices, either in King or Lords.

That you would have made lawes for election of representatives yearly...

That you would have made both kings, Queens, Princes, Dukes, Earls, Lords, and all Persons, alike liable to every Law of the Land, made or to be made...

That you would freed all Commoners from the Jurisdiction of the Lords in all cases...

That you would have freed all Trade and Merchandising from all Monopolizing and Engrossing, by Companies or otherwise.

That you would have abolished Excise, and all kinds of taxes, except subsidies...

That you would have bound yourselves and all future Parliaments from abolishing propriety, levelling mens Estates, or making all things commons" (Beaud, 2001: 30).

4. 1. 2. 2. The Road to Glorious Revolution and Basic Features of the New Political Regime

There are fashionable accounts that see the English Revolution as a shrewd business translator for positions in a homogeneous gentry elite. Such accounts reveal the patronage and family relationships that link a higher class figurative to the other by claiming that battles and the cutting of their heads were caused by a contrived intrigue and counterintuitive process (Harman, 2008: 205). This kind of narrative approach to historical events is flawed in the sense that it ignores comprehensive assessment of history including socio-economic conditions of the society in which the agency-structure relations determines the basic features of the subject that give direction to it. Therefore, except this popular legendary explanation of historical events mentioned above, it can be said that there are two general approaches in academic literature explaining the English Revolution. While Liberal and conservative writers allege that the British Revolution should be called as "Puritan Revolution", Marxist scholars, generally speaking, on the other side evaluate the British Revolution within the framework of the method of historical materialism and try to explain the basic elements that lead to the revolution by analyzing the material base of the social structure.

Liberal and conservative historian scholars who do not evaluate the English revolution in the way of historical materialism base their fundamental reason for the English Revolution on religious conflict without touching the material base of the society. These authors describe the British Revolution as a 'puritan revolution', that is, they explain the revolution by way of religious sectional differences (Weber, 2003: 34; Popper, 1971: 51; Oakeshott, 1946: 55). In other

words, liberal and conservative historians base their primary hypothesis in explaining the reasons of British Glorious Revolution on religious conflicts without touching the material base of the society. However, religion alone cannot be a convincing parameter in explaining the main reason for the revolution, since it can only be manipulative force behind the masses in order to mask the benefits of bourgeoisie class.

However, as far as the methodology of this study and the points regarding agrarian capitalism and its effects on social changes mentioned above is concerned it can be said that the answer to the question of ‘why did the Glorious Revolution take place in the seventeenth century’? should be based on the fact that the economic development of capitalism was, first of all, hampered by the feudal order in particular by the arbitrary rule of the King! In other words, the changes in relations of production have brought about needing of superstructural changes in feudal order that is why a new order should be cleared away feudal obstacles. That is, when the relations of production correspond to the level of development of the productive forces, as P. Nikitin argues, the productive forces experience a successful development (Nikitin, 2016: 7). In other words, there is no radical cause for social revolution when the productive forces and production relations are harmonized. If this economic law is not provided, that is, if the relation of production at a certain level of the productive forces can not correspond to this level, the relations of production become the footsteps of the progress of the productive forces. In this context, when relations of production lag behind the developments of productive forces, then it becomes necessary for new relations of production to alter old relations of production (Ibid, 9). Therefore, in a society divided into irreconcilable opposition classes, the changes in relations of production always take place with a social revolution. That's exactly what happened in the English Glorious Revolution.

Given socio-economic relations above, it is not hard to imagine that the civil war that led to the British Revolution was a class-based revolution. The tyranny of the feudal rulers prevented the integration of agrarian capitalism with urban capitalism especially in the north and west of England that was why the King

supported the great landowners who took refuge in the aristocracy of the nobility and seized the majority of the land and the Church (Yeliseneyeva, 1978: 11). In such an environment, as the Assembly was no longer called into the meeting, bourgeoisie class, though a new dynamic force in the economic sphere in society, deprived of political and economic rights (Ibid: 13). Therefore, it was impossible to articulate the development of the workshop industry with agrarian capitalism and for bourgeois class to be a national and universal force without carrying out a revolution, namely the Glorious Revolution. In other words, without destroying the absolute monarchy and eliminating feudal noble class and Anglican Church, it was impossible to set the capitalist mode of production in Britain. In such an environment it would not be difficult to understand why the King initiated the war against the parliament in 1642. That is, as far as class alliances are concerned the fact that the King was supported by the feudal lords of the North and West and Wales which were the backward regions of the country indicate who supporters of the old regime were. On the other one, to fight against the King, the parliament established an army of the people of the developed regions of the southern provinces of England and of London and the other relatively big cities (Hobsbawm, 1962: 89). Moreover, thousands of poor peasants, dissatisfied with the Kingdom system, supported the uprising movement against the King under the leadership of the bourgeoisie with a great support came from the new noble class, shopkeepers and merchants (Ibid). The war ended with a decisive victory for the parliamentary army: Five thousand people were captured, all artillery battalions were seized. King Charles, who asked for help from the King of France, was sentenced to jail by the Parliament (Yeliseyeneva, 1978: 17).

What these descriptive paragraphs concerning alliances mentioned above tell us is that the execution of the King on January 3, 1649 means indeed the symbolic success of the Bourgeois Revolution. Furthermore, the British bourgeois revolution was a revolution that masses successfully carried out against the feudal nobility and the absolute power of the kingdom under the leadership of the allied bourgeoisie with the new nobility class. The fact that the bourgeois class seized

power after the King's death which at the same time led to the brought down of feudal lords and the fact that the ruling bourgeois class used parliament to create the necessary conditions for the rapid development of trade, industry and especially of agrarian capitalism are all indicators of the some results of Glorious Revolution. More importantly, despite the fact that it was almost impossible to succeed the revolution without the support of poor masses, the same bourgeois class used the same Parliament to sustain the oppression and exploitation on the poor masses is another remarkable outcome of the analysing the revolution.

4. 1. 3. Some Remarks on Bourgeoisie Order after the Glorious Revolution

There are lots of debates about what the revolution means. But the only point that these arguments discussed above are all about is the common definition of a revolution. Revolution, in this sense, can be defined as the rapid or comprehensive radical change in institutions or reconstruction of them that have important functions in social life. Some changes and policies in the parliament that represented the contradiction of the order after the English Revolution do not only reflect the dimensions of social contradiction at that time but also enable scholars to analyze what kind of order has been established in a class-based social formation. The arguments pointed out below in this sense clearly indicate that the order that emerged after the revolution is nothing but a kind of bourgeois order which came to existence through a bloody revolution.

In medieval times when feudal order was dominant, it was stated that the main social groups in the production area were peasants and landowners. The direct class struggle thus was between these two classes. In such a struggle the feudal lords forced the peasants/serfs to work for themselves in terms of exploiting their labor. However, after the British Revolution the capitalist system established a political and legal order in which obstacles against capitalism were removed, yet political and economic privileges passed from feudal lords to the bourgeoisie class step by step by means of parliamentary policies. When laws carried out by the

parliament after the revolution is examined, it becomes understandable why the political and economic order after Glorious Revolution was established as a kind of bourgeois order in this context.

To understand which role the parliament, which began to symbolize the tension between the feudal order and the bourgeois order, played in the construction of the new order, it is necessary first to mention a brief history of the English parliament. In this respect, it can be said that until 1400 the British parliament has not functioned as a legislative body (Gözlér, 2009: 369). In other words, the Parliament in England did not have the authority to legislate, that is, the legislative authority and the Parliament only had the authority to consent to the collection of taxes till the 1400s (Ibid). The legislative power was exclusively at the hand of the King. In 1544 the parliament was divided into the upper chamber and the lower chamber. The first one became the 'House of Lords' and the second became the 'House of Common'. Thus, in the beginning, while it was unicameral in 1544 it became a bicameral parliament (Ibid: 370). However, members of the House of Lords and the House of Commons did not still have the right to propose laws (Ibid). Parliament has obtained its authority to propose laws by virtue of 'the right to voluntary consent' and 'the right to petition' (Ibid). Namely, if the King did not remove the laws that parliament desires, it would not consent to the taxation that the King asked for (Ibid: 371). Given that, it can be said that the most radical change in post-Revolutionary Parliament for the benefit of bourgeoisie class, as Hill points out, was the annulment of the 'Supreme Assembly' (House of Lords) by the 'lower house' (the House of Commons) (Hill, 1968: 207). "The members of the House of Commons, who believed that the lord of the House was a danger to them, decided to end the House of Lords in such an environment (Ibid) in which such a motive also contributed to the House of Commons as a new content for decades of parliament (Ibid). Moreover, by means of following such policies the House of Commons

started to propose law and tried to follow the step in terms of establishing the principle of ‘trias politica principle’⁴³ in next stages (Trevelyan, 1938: 61).

Having given basic developmental process of the British parliament against feudal monarchy, it is plain to say that the Glorious Revolution was a bourgeoisie triumph who allied with new noble class especially with land aristocracy against the feudal nobility and the absolute power of the kingdom (Wood, 1998: 73) at the end of which the bourgeoisie seized power after the King’s authority and feudal lords were brought down. Yet, this did not pave the way for masses or propertyless peasants to obtain the same political and economic rights as bourgeoisie and new land aristocracy/squire obtained. The Parliament developed the exploitation of the working class and the unemployed people who were the greatest power/supporter of the bourgeoisie revolution by means of enforcing the policies necessary for the rapid development of trade, industry and capitalist agriculture. In other words, the representatives of the new noble class and the bourgeoisie, making up the parliament, as Yeliseyeva argues, brought the action of the parliament into line with their own interests (Yeliseyeva, 1978: 18). In particular, the parliament, which issued laws protecting the interests of the capitalists and the territorial noble class, made it possible for the capitalist system to consolidate in UK (Ibid: 23). In this regard, Parliament abolished all land tax that the King received from the new landlord nobility (Hill, 1968: 185). Besides, thanks to the maritime law carried out by the new regime, British colonialism and trade were developing at a significant rate which enables bourgeoisie to hold much capital for the benefit of exploitation (Huberman, 2016: 91). These arrangements followed to the acceptance of the archetypal property in the sense that if anyone had the land in his possession no matter how he obtained it the parliament guarantees and protects his property rights (Trevelyan, 1938: 64). In other words, the tyrannical capitalists of yesterday who

43 The term ‘trias politica principle’ is a Romantic concept which refers to the separation of legislative, executive, and judiciary authorities of the state. See. Jones, C. O. (1995). *Separate but Equal Branches: Congress and the Presidency*, Chatam: Chatam House Publishers, pp: 23

confiscated the land were indeed transformed into legal property proprietors thanks to the Glorious Revolution.

Thereof, despite the prolonged fluctuations in post-revolutionary Britain, it is obvious to say that the Glorious Revolution gave rise to a parliament which has laid the foundations of a new political and legal order in favor of the bourgeoisie class just after revolution, while the great powers of the revolution that consisted of the poor landless peasants, the unemployed and the laborers, on the other side, were not only pushed out of the new order but also regarded as the greatest enemies of the property owners' order, according to the policies of new bourgeoisie parliament. The fact that these masses were not only deprived of the right to vote but also were regarded as a potential threat to the bourgeoisie order, as Trevelyan argues, indicates how bourgeoisie parliament excluded one of the main supporters of Glorious Revolution for the sake of property owners (Ibid: 66). Furthermore, as civil war still continued in that period some other important events give plain impression of how the bourgeoisie military dictator Cromwell maintained new political, economic, and legal order.

The most important of these can be observed in a brutal struggle against egalitarians on the hills around London during the civil war. Christopher Hill describes this situation as follows: "The group of poor peasants and craftsmen called themselves as 'Diggers' demanded the right to common ownership on land. In this direction, as soon as the diggers set up their tents, they started anchoring the uncultivated land, and members of diggers were saying that after revolution nothing indeed revolutionized. Therefore, they called themselves 'true equalityists', for they wanted not just equality in political rights, but also equality in wealth" (Hill, 1968: 225). Yeliseyeva, for the same issue underlines the political demands of Diggers by saying that Diggers were against policies of parliament after revolution claiming that 'lands belong to no one' which was formulated in the manifest of Winstanley, one of diggers' leader who said that when the institution of private property in land was removed there will no longer be rich, nor poor, nor will it be persecution or war (Yeliseyeva, 1978: 20). However, the forces under Cromwell's leadership

suppressed the popular movement with great cruelty when the masses of the people began to ask for a radical healing of their own situation as in the case of ‘Diggers’ (Hill, 1968: 229). Hence, the policies carried out by Cromwell, one of the leading dictators serving for the benefit of bourgeoisie class and new land aristocracy, indicates that what sort of order the revolution, in fact, wanted to establish during the post-revolutionary process. That is, what revolution achieved was indeed to replace feudal lords with bourgeoisie class that is why hundreds of thousands of landless, unemployed and laboring masses began to be exposed to bourgeois exploitation a replacement for feudal exploitation thanks to the Glorious Revolution.

More importantly, the least but not the last example that proves how parliament works as an instrument of owners of the property was the act carried out by post-revolutionary parliament about ownership of common lands. In this sense, the small landlord peasants who solidify the victory of the bourgeoisie, as Agibalova and Donskoy argue, have also been among the ultimate losers of the revolution, for that act has introduced parliamentary the right to forcibly fence and possess public lands for local rulers which also led to the collapse of small landlord peasants, the yeoman (Agibalova and Donskoy, 1988: 89). Therefore, the fact that steps taken in the direction of the post-revolutionary capitalist mode of production reduced many small peasants to the positions of the idle and beggar who had to migrate to the cities like Yeomans in order to survive indicate one another aim of the parliament.

These examples discussed above clearly reveal that the new order built through the post-revolutionary parliament can be read as a superstructural reflection of the changes in the economic base of the society. The bourgeois class, the principal architect of the post-revolutionary order, was intended to remove all obstacles in front of capitalist production. From time to time, in cases where the legal regulations were inadequate, the bourgeoisie state has tried to liquidate any opposition movement to the system by using the oppressive means of the new order. The bourgeois order, which enshrines the private property of the means of production, has passed like a cylinder over every segment that advocates common ownership on means of production in this sense. More importantly, the order has

deprived those who did not possess the private property of political rights and has resisted on the claims of political equality for decades. Claims for political and legal rights could only be achieved as a result of strict struggles against bourgeoisie order in next tens of decades. In this sense, examining ‘third of the political demands of the nineteenth century of Chartist Movement’⁴⁴ is proof adequate to grasp how the bourgeoisie parliamentary system indeed established an order hundreds of years after the Glorious Revolution in this sense. In other words, even some claims such as the right to vote regardless of ownership during the nineteenth century of England under the name of Chartist Movement against bourgeoisie order are convincing examples indicating how the effects of Glorious Revolution have proceeded in next centuries.

4. 2. Thomas Hobbes: On State of Nature, Human Nature and State in which the Relation between Property and Freedom is Formulated

Before explaining Hobbes’ theory of social contract, let me point out some important features of Hobbes’ theory in order to explain to what extent Hobbessian formulation of the contractarian way of thinking is similar and distinct to contractarian liberalism. In this regard, it can be said as Russell Hardin (1999) argues, that the roots of liberal thought are found in Hobbes's highly illiberal (non-liberal) views (Hardin, 1999: 17). Hardin’s provocative discourse concerning Hobbes is correct but inadequate, for he regards Hobbes as only one of the pioneer theoreticians of liberal abstract selfish individual. There need some points in clarifying why Hobbes may be regarded as a pioneer of not only modern social

⁴⁴ Emerged in 1836, Chartism was a working class movement aim of which is to gain political rights for propertyless working classes by demanding six specific changes in British Laws which are as follows: “1-) a vote for all men (over 21) 2-) the secret ballot 3-) no property qualification to become an MP 4-) payment for MPs 5-) electoral districts of equal size 6-) annual elections for Parliament” source: <https://www.nationalarchives.gov.uk/education/politics/g7/> (Accessed Date: 19/05/2019).

contract theories but also of contractarian liberalism. Before everything else it can be claimed that Hobbes is not only the first theoretician who is the harbinger of the modern era yet also he is the first scholar who attributed the “rational and selfish” adjectives to the liberal concept of “abstract individual” in liberal ideology which also led to the notion of *homo economicus* in liberal ideology. More importantly, Hobbes's formulation of the relationship among state, society and individual based on Methodological Individualism first time in history makes Hobbes methodological vanguard of contractarian liberalism. In line with this information, it is important to define or to place Hobbes in the history of political theory even though, such a description about Hobbes inevitably contains a shortcoming. Indeed; what makes Hobbes important for our subject is that the period in which he lived was a period that the emergence and development of capitalism in England has changed nearly all aspects of English society resulted in Civil War and his theory about constructing a social order which does lay theoretical foundations of the market economy.

As elaborately discussed above in the second part of the study one of the main flaws of modern social contract theories is about their ignorance of historical and social realities in their methodological aspect. Describing the state of nature by way of ignoring historical and material context thus paves the way for eliminating social inequalities derived from the economic base in social contract theories. In other words, in the contractarian method based on hypothetical arguments, it is fairly easy to justify inequalities stemmed from the changes in the modes of production under the mask of a so-called consent-based contract. For example, while portraying a fictional state of nature as a state of war between selfish people means revealing a self-interested individual, claiming that there is peace in a class-based society originating from private property in the case of the state of nature also means that people are in peace in the state of nature. In both cases, however, metaphysical premises provided by the state of nature do not make much sense once historical, material and social context are taken into consideration, since theoretical premises of social contract theories, including Hobbes's theory, are based on a completely fictional nature. As it is discussed below the social and historical reality are indeed

very different than those of modern Western social contractarian images. As Harman puts it; the fact that people are in war all against all in state of nature described by modern social contract theories do not anthropologically and historically reflect the reality (Harman, 2008: 20). Taking these arguments into consideration it can be claimed that Hobbesian social contract theory which bases itself on the notion of the state of nature share the same dilemmas. Since the description of the state of nature is directly related to how the notion of human nature is defined in modern term contractarian methods, the description of the state of nature by Hobbes inevitably includes basic features of human nature, as well. Undoubtedly, depictions of the state of nature and human nature vary according to the limit of philosophers' imagination. Some claim that there can be property in the case of nature which enables human beings to be free while some people do not define any objects made by human hands in the case of the state of nature. When Hobbes' argument concerning the state of nature is examined it is plain to say that people in the state of nature have dresses, houses, and some weapons, namely personal belongings, even though they are at a primitive level. Hobbes describes this stage of nature as follows:

In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such thing as require much more; no knowledge of the face of the earth; no account of time; no arts; no letters; no society (Hobbes, 1997: 78).

In Hobbes' theory of state of nature and human nature, which depicts a modern materialistic and individualistic state of nature, people are born in equality and have infinite freedom. However, this freedom formulated by Hobbes is extremely dangerous, since Hobbessian depiction of static human nature is based on two major features attributed to human nature which are “selfish and warlike”. Accordingly, human beings' basic impulses of passion and pleasure to drive the human pursuit of the people, according to Hobbes, inevitably succumb to their

selfish nature (Ibid: 86). In such a state of nature man is described by Hobbes as man's wolf or so commonly used "homo homini lupus"⁴⁵. Since there is no sovereign power in the state of nature which may prevent people's possible aggression against each other, the equality and freedom of people indeed may lead to war. In other words, as Tricaud points out, since in Hobbessian description of state of nature people are not moral beings in the state of nature where there is no sovereign power, freedom of people may lead to immoral acts in terms of infringing other people's basic natural rights (Tricaud, 1990: 108). Hence, Hobbes does not define this kind of freedom in the state of nature as moral or real freedom (Ibid: 109). In other words, in the state of nature in which chaos and fear of death dominate individuals' life the fact that individuals are completely free is not a kind of freedom that Hobbes finds positive, because, Hobbes, as Tom Sorell underlines, calls this kind of freedom as "useless freedom" (Sorell, 2004: 185). That is, the behaviors of individuals with unlimited freedom are so vulnerable that easily may lead to a state of war since selfish and warlike individuals are equal and free in order to obtain power against each other in such a state of nature. More importantly, in state of nature, to Hobbes, people have equal opportunity in terms of using their body and mind to survive, although they appear physically unequal. Hobbes, in this sense, writes that;

Nature hath made men so equal in the faculties of body and mind as that, though there be found one man sometimes manifestly stronger in body or of quicker mind than another, yet when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself (Hobbes, 1997: 76).

⁴⁵ The word "homo homini lupus" which means that man is man's a wolf in Latin language was used for the first time by the Roman poet and playwright Titus Macchius Plautus who lived in the third century BC. Interestingly; despite the fact that this Latin phrase is often used by scholars in order to refer Hobbessian formulation of man in state of nature was not used in Leviathan.

By continuing same logic Hobbes claims that the equality and freedom of people in terms of obtaining anything on nature leads to the enmity among individuals, for “if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end (which is principally their own conservation, and sometimes their delectation only) endeavour to destroy or subdue one another” (Ibid) The important point that can be drawn from this Hobbesian description of the emergence of enmity among individuals in state of nature is the reality of scarce resources in nature which highly possibly lead to the enmity. In such a state of nature, for Hobbes, three principles lead to the state of war which are: “First competition; secondly, diffidence; thirdly, glory” (Ibid: 77). So, according to Hobbes, if there is no sovereign power over people morality and so moral freedom will not be in question. Man is not a man who can act morally in spite of his instinct to protect his existence in such a state of nature. Hence, the only place where morality and moral liberty will begin to find an application begins in a place where state emerges. That is, in state of nature, everyone will be always at war all against all unless there is a sovereign power, namely state. Hobbes thus describes the state of nature as a circumstance in which man’s life is “solitary, poor, nasty, brutish and short” (Ibid: 78). In other words, when people live without a general power to fear them all, they are indeed a state of war, and this war is the war of all against all (Ibid: 94). Hobbes, who accepted that human being is not social and political being in the state of nature (not *zoon politikon* in Aristotelian sense) (Ibid: 22), believes that human being in state of nature is an “anti-social and rational based on selfishness” which led to the first type of atomistic liberal individuality or unencumbered-self imagination of individual. Moreover, since society is not a natural phenomenon and voluntary regulation and there is no natural force bringing people together, what is intended in every society is something that seems to be good for all members of the society. Hence, what drives people to establish a social order is not mutual affection according to Hobbes. Rather, it is mutual fear of man's present and future that brings them together, since the cause of fear among people

lies partly in the natural equality between them and partly in the desire to harm each other in the state of nature (Ibid: 24-25).

As far as the notion of private property in Hobbessian description of the state of nature is concerned, Hobbes styles that it is not possible to talk about private property rights in the state of nature, since in the state of nature everyone has equal rights over everything, even if the things on nature are acquired by labor (Abramson, in Demirci, 2016: 409). To put it in a different way, there is no private property right in Hobbesian formulation of state of nature, since, as Schlatter notes “all men have a right to everything, it is impossible to conceive of this political authority as protecting men’s natural rights to property” (Schlatter, 1951: 140). Hence, here it can be concluded that one of the main necessity of state in Hobbes’s theory is to guarantee an individual’s private property right, as Hobbes puts it;

Seeing therefore the introduction of propriety is an effect of Commonwealth, which can do nothing but by the person that represents it, it is the act of only of the sovereign; and consisteth in the laws, which none can make that have not the sovereign power (Hobbes, 1997: 152).

More importantly, Hobbes considers that the right on property can be violated only to establish security in order for the sovereign to reflect the will of individuals in the real sense of the basic duties of the sovereign. However, Hobbes puts an annotation to this situation. That is, except maintaining security if any property rights of individuals are violated by the sovereign that will mean that the will of individuals are ignored by Leviathan owing to the fact that Leviathan acts in contrast to the natural law and so natural reason, as he puts it:

For seeing the sovereign, that is to say, the commonwealth, (whose person he representeth), is understood to do nothing but in order to the common peace and security, this distribution of land is to be understood as done in order to the same: and consequently, whatsoever distribution he shall make in prejudice thereof is contrary to the will of every subject that committed his peace and safety to his discretion and conscience, and therefore by the will of every one of them is to be reputed void (Ibid: 153).

In short, private property in Hobbes' theory is indeed the creation of the state. Similarly, the main reason why people cannot exercise real freedom in state of nature even though they have their own private property obtained by means of their own labor is based on the idea that without a sovereign power which can only be legitimated power as the first step to build civil society no one is insecure to exercise freedom. Hence, the real freedom which Hobbes defines it as moral freedom can be exercised in civil society in which the right of property is secured by the sovereign as Oakeshott points out:

The law of property, comprehensively is the most important expression of the will of sovereign authority, because it is by this law that, each man coming to know what is his own and being protected in the enjoyment of it by the sovereign power, the most elementary form of the peace of civil society is established (Oakeshott, 1946: xii)

As can be understood from the depictions of human nature and the state of nature, the question that Hobbes basically seeks to answer is how to establish a state as an order founder agency in which a rational individual with a selfish nature can live and exercise freedom in a definite secure place? In this regard, Hobbessian formulation about ideal relationship among society, individual and state in terms of exercising freedom linked to the private property needs a 'Leviathanic' constituent state of order. In other words, Hobbes, as Lopata notes, considers the sovereign as an institution which determines all property relations and individual freedoms (Lopata, 1973: 204). Hence, the Leviathan as a founder of the order, private property and freedom are unavoidably concomitant in Hobbes' social contract theory. Also, following the same logic, it can be said that in Hobbes's theory the order-creating sovereign that emerges as the only absolute power in order to end state of war in the state of nature and to prevent people from returning to the state of nature is derived from individuals' consent.

Such an individual consent-based approach developed by Hobbes called as Methodological Individualism in a sense reduces the ontological origin of the state to the individual. Despite the fact that the individual is *prima facie* of the

sovereign, Hobbes defines the contract as a covenant, that is, the contract is unilateral and binds only citizens. In other words, the sovereign is not a party to the contract. Yet, since Hobbes' links sovereign's duties to natural laws, the most important task of the Leviathan or monarch is to protect and maintain the interests of the public through civil laws. According to Hobbes, who defines his natural laws as the commands of reason, the laws to be established by the sovereign as civil laws must have the commandments of the right mind about what to do and how to maintain security to protect the members of society as much as possible (Hobbes, 1997: 154). That is, in order for Hobbes to continue the order he wants to establish, that is to say, in order not to revert back to the war in the state of nature, the citizens are obliged to obey the laws derived from the common reason reflected in Leviathan. Thereby, as far as the relationship between private property and freedom is concerned it can be claimed that the basic duty of the state is to organize property rights and to provide a secure framework in which freedom is guaranteed to be exercised by the parties of the contract in civil society.

4. 2. 1. A Critical Assessment on Freedom, Private Property and Order in Hobbesian Social Contract Theory

In order to understand the relationship Hobbes wants to make between property, freedom, and order it is necessary to place Leviathan in its historical, social and material context. Above all, Hobbes witnesses the British Civil War and seeks ways to move from an anarchic-confrontational to a peaceful order. To this aim, he lays the foundations of absolute political power to put an end to the social disarray of the British Civil War and the fragmentation of Medieval Europe. In the seventeenth century of England the struggle for the ownership of property on the means of production, as indicated in previous parts of the chapter, was among the main reasons of the British Civil War. Accordingly, it has also underlined that the social changes caused by agricultural capitalism in seventeenth-century of England

gave rise to the bourgeoisie revolution resulted in structural changes in the political and economic spectrum of the British Society.

Hobbes, as discussed above, creates absolute power called "Leviathan" as the order-founder in his social contractarian theory to solve the tension between private property, order, and freedom. In this sense, according to Hobbes, who wants to justify the emergence of the state through Methodological Individualism, the need for collateral for property rights leads to the establishment of a state in a sense. One of the most fundamental topics of the discussion thus is based on the question of "is whether private property secured or not in the state of nature while Hobbes' proprietary rights are attached to the state? The indirect answer to this question indeed lays on the fact that the main reason why Hobbes associates property rights with liberty is that one can exist with what he has in civil society. In other words, the establishment of peace in civil society will be ensured by the state to secure what the person has, as Oakeshott points out:

The law of property, comprehensively is the most important expression of the will of the sovereign authority, because it is by this law that, each man coming to know what is his own and being protected in the enjoyment of it by the sovereign power, the most elementary form of the peace of civil society is established (Oakeshott, in Lopata, 1973: 212).

Thereof, by linking Leviathanic order with property rights to make individuals living in the state of nature transform into civil society for exercising their real freedom Hobbes uses social contract method as an ideological apparatus. That is, social contract theory based on individual consent formulated by Hobbes in the light of formal equalities derived from natural law works as an ideological manipulation to justify inequalities stemmed from private ownership of modes of production in this sense. In doing so Hobbes indeed tries to establish an order in which market freedom that leads to freedom of property owners is secured. He does it by three strategic models in his description of the state of nature and especially of human nature.

First of all, his instrumental description of the notions of ‘state of nature’ and ‘human nature’ paves the way for establishing an order in which political rights are less important than economic rights. In Hobbes theory, the selfish and warlike character of human nature can be explained through individual possession on natural resources mostly on lands. In other words, the main reason for the conflict in the state of nature is based on the seizure of natural resources by powerful ones. In this context, Hobbes, especially in his work *De Cive*, argues that the main aim of individual both in state of nature and in civil society is "to have things to survive" (Hobbes, 1949: 27). Hobbes in the same passage gives some other clues concerning the private property in the state of nature by saying that “the sovereign cannot be the sole legitimator of property relations if there exists private property prior to sovereignty” (Hobbes, in Lopata, 1973: 214). In this context, when it comes to property rights, Hobbes believes that one of the most fundamental tasks of the sovereign is to ensure an order in which individuals live in peace and to secure them not to be forced to return to the state of nature. In this respect, it can be said that one of the primary duties of the state/Leviathan emerged as a necessity to ensure the use of the private property as a right is to secure the property rights which individuals do not have in the state of nature. In short, individuals’ goal in the state of nature in terms of surviving is to obtain power which can be realized through material resources, as Hobbes puts it; “The Power of a Man is his present means, to obtain some future apparent Good” and “Every man must always seek to have some power” (Hobbes, 1997: 35). Under the light of these arguments the question of “why is human nature described as selfish and warlike in the state of nature?” is as plain as needless to read Hobbes’ own answer “every man, not only by Right but also by necessity of Nature, is supposed to endeavor all he can to obtain that which is necessary for his conservation” (Ibid: XV: 76). That is, the first aim of individual, according to Hobbes, is to possess the things on nature as far as he can, for it will give him the power to survive. By linking the state of nature with human nature Hobbes indeed formulates an order in which any threat to private property may be prevented by Leviathan. In this context, what should be asked here is that ‘what does

cause insecurity in the state of nature?'. Even though Hobbes's answer is based on one of his definitions about human nature which is the principle of fear, his definition of human nature in a static way is an emphasis on the selfish and rational nature of human beings is directly related to that principle. That is, Hobbes describes the natural aspect of fear as a situation in which "fear of oppression, disposed a man to anticipate, to seek aid by society: for there is no other way by which a man can secure his life and liberty" (Ibid: XI: 49). Taking the fact that resources are scarce - especially during the eve of capitalism- within the context of an anarchic and warrior nature into consideration it is easier to understand why Hobbes defines human nature as selfish, greedy, aggressive, and fearful.

As mentioned in the second chapter the static definition of human nature was based on a problematic and incorrect proposition. Here, we can briefly remember how archaeological pieces of evidence discussed above indicate that human nature had different characters than that of Hobbessian description in history. Also, the same pieces of evidence indicate that human beings have lived peacefully in a period when the private property-based mode of production has not developed which at the same time proves that social and material conditions of societies can directly affect characters of human nature. Therefore, the primary aim of Hobbesian depiction of war/clash over ownership as the acquisition of property-based power in nature is not so innocent. That is, all Hobbessian effort to describe a hypothetical state of human nature in the way to legitimate state of war in the state of nature, as Macpherson argues, is in fact to lay a legal sheath of the forced confiscation of the first capital accumulation in seventeenth-century of England (Macpherson, 1962: 44).

Taken these critical arguments into consideration, the following example will elucidate how Hobbesian theory formulates an order to eliminate the tension between private property and freedom for the benefit of property owner class. Let's return to the Hobbesian state of nature and consider that ensuring the livelihood of Person A in the case of a 50-meter square land to be fenced in the state of nature means preventing a possible seizure of Person B, Person C and Person D on the same land due to scarce resources in Hobbesian state of nature. That is, if Person A

is more powerful than Person B, Person C, and Person D in terms of surviving then Person B, Person C, and Person D theoretically have no chance to obtain the same land and possibly become a threat to Person A in terms of surviving. Hence, Hobbes's definition of Leviathan as the organizer of property relations means in a sense the legalization of existing private property when Person A transforms to the civil society. As for security, the same logic can be maintained. That is, since Person A has private property in civil society and Person B, Person C, and Person D do not, the possible threat in this condition will not come from Person A but come from Person B, Person C, and Person D to Person A. Therefore, in this situation security can only be important for owners of private property, for propertyless people do not have anything to lose. The result that should be attained here is that; the person who has confiscated a natural resource (land, water, etc.) in the state of nature welcome to the institution of Leviathan which can only legally guarantee his existing property in the state of nature when he transforms it to civil society. In this context, the situation of the seventeenth century of British social classes in the Table B pointed out in the previous part of this chapter can easily indicate that why Hobbes establishes a secure order for the benefit of property owners as far as the number of propertyless people is concerned.

In the light of these arguments, it can be claimed that the period Hobbes developed his theory overlaps with the period in which change in relations of production led to emerging of new social classes. As discussed in the second chapter in detail, the most important element in the settlement of capitalism in England was the spread of agricultural capitalism based on land ownership and accumulation of capital that has emerged through colonialism in abroad and trade in cities of England. More importantly, the assessment of the land as a commodity element in agricultural production during that period, as Hill points out, necessitated the acquisition of more land for sheep breeding, which raised the appetite of large landowners (Hill, 1961: 181). Thereby, in order to understand the emerging process of new social classes of England in the sixteenth and seventeenth centuries, it is necessary to mention the consequences of the fencing process here, as well. In this

sense, Marx bases the formation of early capitalism in England based on the fencing process which emerged as a result of naked power and violence (Marx, 2015: 67). More importantly, Marx elucidates the same process, namely the fencing process, as the attack on the common assets of the commonwealth in the English countryside (Ibid: 68). The fencing of common meadows and pastures in the English countryside, that is, the subjugation of private property, has vital importance in terms of the development of capitalism in this respect. The name of the commodification of nature, that is to say, the land is indeed nothing but the primitive accumulation of capital elucidated by Marx in the first volume of Capital. Therefore, as far as Hobbessian formulation concerning property, order, and freedom is concerned it is plain to say that Hobbes' whole endeavor is based on securing property by means of establishing a Leviathanic order for the benefit of landowners who were not able to claim any right for their properties in the state of nature due to lack of any sovereign power.

In the second place, Hobbessian formulation of property, freedom, and order which is directly related to the security of market freedom is about his description of instrumental reason and self-interested individuals which underlines early features of *homo oeconomicus* in capitalist liberal ideology. The argument pointed out by Milton L. Myers in his book (1983) called *The Soul of Modern Economic Man: Ideas of Self-Interest, Thomas Hobbes to Adam Smith* which underlines Hobbesian understanding of individual's connection with the economic man model is important to mention here. Myers claims that Hobbes formulates a rational self-interested individual who always seeks to obtain the power to survive in the state of nature (Myers, 1983: 86). Myer's work depends on the idea that since Hobbes justifies the accumulation of property as a step to obtain power, Hobbessian formulation of the rational individual is directly connected to its selfish nature (Ibid: 92). Even though Myer's contribution to analyzing Hobbessian formulation of homo economics sounds plausible, his pure analysis of rationalism related to only power is inadequate to make a connection between the state of nature and civil society. In this regard, before everything else Hobbessian definition of reason explicitly underlines the

instrumental aspect of it. He, in this sense, argues that “Reason is nothing but Reckoning” (Hobbes, 1997: 22) and maintains “Reason is the pace: Encrase of Science, the way: and the benefit of mankind, the end” (Ibid: 18). In Malcolmian words “for Hobbes, the mind calculates only the means and purpose of the individual interest” (Malcolm, 2005: 127). Such a formulation of reason ultimately needs to analyze with his theory of human nature and state of nature. So, the fact that man is an isolated person in the state of nature and just a person who uses his mind arises from the connection that Hobbes made between reason and selfishness. Since an isolated person cannot find social aid to survive, he has only labor derived from reason or he can obtain natural resources utilizing brute force. In other words, in the state of nature, since the main goal of individuals is to survive, he has only chance to obtain the power to survive which enforces him to use his reason-based labor as an instrument to reach his ends or use brute force in order to obtain power for surviving. This logical end in Hobbes’ theory stems from the selfish character of human nature and the reality of scarcity of natural resources.

More importantly, as far as seventeenth-century of England socio-economic conditions are considered it is not difficult to comprehend why Hobbes formulates rational individual in this way. Fencing utilizing brute force was popular during the civil war in England as elaborately discussed in the previous pages of that part. As far as Hobbesian formulation is concerned it is clear to say that Hobbessian formulation is suitable to justify seizing any land to survive in the state of nature in this regard. For instance; suppose that William is a rational and self-interested person who lives in the state of nature and regards Alan as his competitor in terms of surviving in the same state of war. If William is more powerful than Alan, he can deprive Alan of fencing to say a 500 square meters agricultural land. Hence, in such a situation it is inevitable to establish a state that will secure a 500 square meter agricultural area to conserve it from any threat that may come from any more powerful person than William. In other words, the justified argument of the emergence of Leviathan as an order builder in Hobbes’ theory is based on the idea that property owners no matter how they obtained property must have legal rights in

civil society. Thereby, by applying rational self-interested feature of individual's condition in the state of nature to civil society it is clear to say that the main rule that individuals in civil society should obey is the rules that secure their deformed properties in the state of nature. That is, the *homo oeconomicus* feature of human nature is regarded by Hobbes as natural aspect of individual even though, it is an obligation for propertyless or weak individuals in terms of surviving in state of nature to obey the rules of Leviathan as a sovereign power primary duty of which is to secure property rights from any threat that may ironically come from themselves. The table B discussed above thus explains how the majority of the society in England has deprived of their lands and became landless peasants and beggar in the cities which directly may be a threat to those owners of means of production, especially to those landowners. More importantly, here, it is important to ask the question of 'how should the freedom of propertyless who are rational and self-interested but do not have material power stemmed from property relations in civil society be formulated in Hobbes theory?'. Hobbes' possible answer to this question would be pessimistic in that Hobbes normalizes labor as a mean which can be sold in the market. He argues that "for a man's labor also is a commodity exchangeable for benefit as well as any other thing" (Hobbes, 1997: 130). However, in the state of nature where resources are scarce, a rational but dispossessed person who can sell only his labor are free provided that he serves it for the benefit of owners of means of production, as he plainly points out: "the means that conserve life are material property and the liberty to use it. It is suitable that the control of these means is pacific" (Ibid: XIII, 227). Therefore, as far as the necessary link between property and freedom in Hobbes theory is concerned it is unsurprising to say that Hobbes' definition of property and freedom have an exclusive aspect in that due to the fact that the right of an ownership of a property necessarily excludes others, freedom of owners of means of production depends on how many propertyless people are dependence. That is, for Hobbes, an individual who is able to calculate his own interests but do not have power except his labor let alone being free he is already in danger of extinction when he does not obey the rules of the competitive environment

of the capitalist market. In short, one can be rational and self-interested except free in Hobbesian formulation of civil society. In a nutshell, one should be free to increase his ownership in a competitive environment and in a market where security is established by Leviathan main duty of which to prevent any threat against market security that may possibly come from propertyless people.

Thirdly, Hobbes justifies an early version of the capitalist market through his economic model. The argument put forward by Jesus M. Zaratiegui Labiano (2000) who analyses Leviathan from the economic point of view in this sense enables us to clarify main points of Leviathan that founds main elements of the early capitalist market. Labiano, in short, argues that Hobbes “uses a model that can only correspond to a mercantile society of capitalist character, in which political rights are less important than security in the market” (Labiano, 2000: 134). Accordingly, Labiano strengthens his argument by claiming that “rationalization of selfishness” and “competitive and warlike” descriptions of human nature in the state of nature in Hobbes theory indeed is a reflection of seventeenth centuries’ features of the capitalist market in England. The main necessity of civil society in Hobbes theory thus based on the idea that “if there is no market economy, there is no society” (Ibid: 141). Hence, Hobbes in his social contract theory describes the birth of a market for everything scarce and the scarceness incited by the aspiration of all men to have more things entails some type of institutional resolution in the name of Leviathan as an order builder which founds basic principles of the capitalist market (Ibid).

As far as Hobbes’ formulation of Leviathan as a sovereign power is concerned, the Labiano’s argument makes sense. As it was discussed above one of the main goals of sovereign is not only to conserve property and legalize it in civil society but also to prevent any threat which may infringe individual free initiative to use his rational self interests in economic sphere as Hobbes puts it: “the validity of covenants begins not but with the Constitution of a Civil Power, sufficient to compel men to keep them: and then it is also that Property begins” (Hobbes, 1997: 72). Therefore, selfish, rational, and competitive individual formulated by Hobbes in the state of nature is a typical businessman that capitalist market needs. The competitive

atmosphere of the capitalist market and inequalities stemmed from the property-based economic model are justified by Hobbes in that “if all things were equally in all men, nothing would be priced” (Ibid: VIII: 32). Likewise, the inequalities concerning economic freedom in the society that stemmed from the private property-based mode of production are first secured in Leviathanic order in which political rights are of secondary importance. In other words, the endless desire of human beings in state of nature is reflected as endless desire of wolfish homo economicus for profit which accelerates the process of accumulation of capital in Macphersonian sense⁴⁶ to obtain power for the sake of exercising freedom in the market where freedom of property owners are secured and freedom of propertyless people are reduced to a kind of freedom of choice in terms of supplying their own labor.

4. 2. 2. Conclusion

The points discussed above clearly indicate that the social contract theory developed by Hobbes in which he applies Methodological Individualism method and claims that the state emerges from the agreement of the individuals coming together as a result of consensus is not touched on the forcible aspect of the property owners who have means of production in a country where agricultural capitalism began to develop and change superstructure of the society. By referring to the social contract method, Hobbes needs a strong monarch, because he does not believe that the social

46 Macpherson argues that Hobbes is not concerned much about political theory rather he does focus on just economic principles of new emerged capitalism. He writes that “Hobbes did not “do” political arithmetic a la Petty, much less political economy a la Smith. He did however, “set down a few general economic principles... (such as) a supply and demand theory of Exchange value”. He also recommended several policies all “designed to increase the wealth of the nation by promoting the accumulation of capital by private enterprises.” In fine, Hobbes viewed it as “the job of the state . . . to clear the for capitalism,” and his theory of political obligation provided “the legitimation of the early capitalist state” (Macpherson, in Taylor, 2010: 423) See. Quentin, Taylor (2010). “Thomas Hobbes, Political Economist: His Changing Historical Fortunes”, *The Independent Review*, Volume 14, No: 3, pp: 415-433.

confusion and distrust created by the emergence of new productive relations, namely relations emerged from agrarian capitalism which is the first stage of capitalism would be solved by the parliament. It should be noted, however, that the monarch described by Hobbes here is quite different from the usual arguments supporting pure traditional royalists' argument like Robert Filmer's argument⁴⁷. Rather than the traditional monarchy whose power is justified through blood and ancestry ties, Hobbesian formulation of monarchy obtains its legitimacy from reason-based natural laws. Moreover, it is noteworthy to say that such a monarchic system is equipped with civil laws derived from natural laws that are free from traditional laws and functional in ensuring the security of the capitalist market.

Methodologically speaking, it can be said that all flaws of the social contract theories can be seen in Hobbes' theory. The definition of a universal static human nature ruptured from historical and social realities, the description of atomistic or unencumbered self, and the description of the historically unexperienced state of nature all are flaws discussed in the second chapter can be seen in Hobbes' theory. By using such methodological steps Hobbes indeed tries to eliminate or to conciliate class-based antagonisms through building a Leviathanic order that is why his social contract method plays an ideological task in order to justify the results he wants to obtain in terms of justifying economic inequalities under the name of formal legal equalities and freedom. Moreover, his descriptive analysis of human nature and state of nature enables him to base liberal capitalist ideology in that his adjectives attributed to a liberal understanding of individual and

47 According to the Filmer's argument, all the kings on the earth have received authority from Adam and are equipped with holy rights. Just as Adam was the father of all mankind, kings were the father of the societies that is why the legitimacy of royal power is based on blood and ancestry ties. Interestingly, another important reason that differentiates Hobbes from the classical absolutist mentality is that it has developed the idea that the individual can have private property in civil society. Because the ideas of the proponents of classical monarchy, especially Robert Filmer, were similar to those of the legitimacy of power. In this context, ownership was a right granted to the king by God, and the king had divine powers to seize all property when he wanted it. See. Hobbes, Thomas (1985). *Leviathan*, London: Penguin Books, pp: 17, 29, and 32.

to the market economy such as self-interest, rational and competitive not only underline the main features of homo economicus but also do emphasize and legitimate wolfish nature of capitalist market.

More importantly, Hobbesian formulation of freedom and order is directly based on the idea of private property in that individuals whose aim is to survive, utilize obtaining power, namely property, both in state of nature and civil society are regarded as only subjects of exercising freedom. In other words, by freedom, Hobbes understands having a right to use his property without harming other's property rights in civil society. Hobbes who laid the foundations of modern understanding of negative freedom in this way at the same time describes the freedom of landless and beggar groups which are major social groups of seventeenth-century England as free to sell their labor as a commodity in the market. Hence, in Hobbes's theory, the questions of "why do people who are rational and self-interest but do not have enough power to seize land in a world where resource is scarce participate in or become part of social covenant?", "why do parties who are propertyless or landless accept a leviathanic order in which freedom is exercised in a market economy where they can only sell their labor as a grace of their (un)freedom/dependence"? or "why do propertyless people consent to covenant in which they feel Leviathanic stick on their head if they do not obey the rules that strictly secure landowners economic rights in the market economy?" and lastly "why do people who become jobless and landless due to fencing process consent to covenant in which the freedom of parties who use brute force in fencing in terms of primitive accumulation of capital process is secured by means of so-called civil laws?" not only indicate his understanding of exclusivist freedom that is freedom for owners of means of production against inclusive social freedom but also reveal ironical aspect of Hobbesian formulation of order in terms of eliminating or alleviating the tension between private property and freedom.

4. 3. John Locke: On Private Property, Freedom and Order

Today, the ideas of many liberal thinkers and even libertarian thinkers about the private property are often based on the theory of private property developed by Locke (Waldron, 1988: 64). Once the fact that the relations of production of a society shape the political and intellectual life of that society is taken into consideration, it becomes easier to comprehend not only why Locke is an important figure in contemporary political thought but also why he bases the notion of freedom directly linked to natural rights on possessing/private property. Besides, it is also these new relations of production stemmed from agrarian capitalism that enables Locke to reduce the legitimacy of any state/government to a kind of minimal state in terms of protecting natural rights under the name of political order that he developed in his political theory. More importantly, Locke uses social contract way of analysing seventeenth century of England in order to re-define the concept of private property and legitimate it from both theoretical and legal points of view. In other words, in the process of dissolving feudal property relations and evolving into capitalist property relations, Locke uses contractarian methodology to construct theoretical and legal basis of these emerging new property relations.

As an important theoretician of the institution of capitalist private property and modern social contractor, Locke who lays the foundations of classical liberal political philosophy does make a connection between private property, freedom and order by means of using social contractor method like Hobbes. Although they follow almost the same methodological way, Locke has reached different results in terms of elucidating which kind of government ought to be legitimated than that of Hobbes. However, despite this sharp distinction between their arguments in terms of political systems, both of them deduce similar conclusions when their arguments are analyzed within the context the relationship between private property and freedom. In this respect, it can be claimed that both of them formulates an order in which the tension between private property and freedom is being tried to eliminate for the benefit of the bourgeoisie class. Similarly, they both formulate an order main task of

which is to regulate private property as a guarantee of freedom in the market economy and to protect property rights against the potential threat of propertyless people. In other words, both thinkers pursue a non-historical method in the design of the state of nature and intend to place the freedom of the bourgeois class in market economy on a legal basis for re-positioning new emerged social classes due to the changes in relations of production emerged in England during the sixteenth and seventeenth century. In this context, despite their theoretical similarities and differences, the main goal of this section is not to purely compare Hobbes' and Locke's theoretical dimensions. Rather, this section aims at opening a debate concerning Locke's theory on private property, freedom, and order and making some connections with Hobbes' theory if necessary. In doing so, the main framework of this part is formulated to explain and discuss what sort of order Locke seeks to build to tackle the tension between private property and freedom in the light of his social contract theory. As Locke follows same methodological tools such as descriptions of state of nature and human nature as Hobbes', the results he reaches in his social contract theory which formulates an ideal order determines the relation between private property and freedom has great importance for our study; that is why all this section aims at realizing this task. These two basic aims of this section need a comprehensive beginning part which will enable us to analyze how Locke builds a bourgeoisie order. To this aim, it is necessary, to begin with, his descriptions of the state of nature and human nature which underlines why there must be a sovereign power as an order builder in a civil and political society which eliminates/alleviates the tension between private property and freedom.

4. 3. 1. The Tension between Private Property and Freedom In terms of Building an Order that Transforms Society from the State of Nature into Civil Society

Almost all theoretical deductions concerning private property, freedom, and order are derived from the Lockean description of the state of nature and human

nature in Locke's social contract theory. As Hobbessian formulation of the relationship between order, private property and freedom is deduced from the hypothetical description of the state of nature and human nature, Locke follows the same logic to eliminate/alleviate the tension between private property and freedom. Therefore, how Locke describes the state of nature and human nature in this sense will indirectly answer to the question of 'what sort of order does Locke seek to build to tackle the tension between private property and freedom in the light of his social contract theory?'

Before everything else, it is important to clarify first that Locke's analysis of the state of nature is contradictory with his own experimental or empiristic epistemology, since he bases his theoretical premises on the metaphysical concept of the state of nature rather than empirical premises and political sociology. Despite his epistemological flaw of empiricism in describing state of nature, Locke claims that the description of state of nature is not a pure hypothetical situation, since it contains real historical conditions that can be proved through historical societies (Locke, 2003: 55). However, Locke does not maintain any empirical evidence to prove his hypothesis concerning why his description of state of nature is not hypothetical in his whole works. Lockean description of the state of nature thus, first of all, can be regarded as too optimistic especially when the first stage of his description of the state of nature is taken into consideration. In other words, Lockean description of the state of nature in which people with their own private property live in peace and natural resources so abundant that each individual is easily able to satisfy their needs (Ibid: 116) is too hypothetical contrary to his claims based on empiricisms. The reality which is discussed below elaborately is different than Lockean imagination of the state of nature. In this respect, in order to understand Lockean formulation of order in which the tension between private property and freedom is eliminated/alleviated for the benefit of bourgeoisie class in such an hypothetical state of nature as theoretical premise let's first analyze how Locke draws too optimistic state of nature and why this optimistic state of nature turns into a possible chaotic nature in which a sovereign power as an order founder is needed.

According to Locke, the world/nature has been bestowed to the people by God, and each individual is equal and free to benefit from the blessings of nature, although their physical characteristics are different from each other (Locke, 2003: 97). The individuals living in the state of nature share a place where reflects “a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man” (Ibid: 101). Following natural rights theoreticians’ argument, Locke also describes natural law which people live according to them in the state of nature as a law “which obliges everyone” (that is, every reasonable person)” (Ibid, 103). Therefore, even though Locke does not define reason elaborately like Hobbes, he underlines the importance of natural law and linked it to reasonable things to survive in the state of nature. Compliance with the law of nature at the same time, for Locke, gives people the right to judge and punish those who do not act by the laws of reason. In the state of nature then the reason why people are dragged into the position of judge is unsurprising because of the lack of state according to Locke (Ibid, 106). Hence, the first feature of the Lockean state of nature is based on the idea that people are equal and free by nature and are naturally entitled to the position of the judge due to lack of state.

Unlike Hobbes, Locke defines the basic features of human nature as good, altruistic, and peaceful (Ibid: 205). The altruistic and benevolence features of human nature in the state of nature, for Locke, as Davis argues, is stemmed from the duties that individuals are obliged by nature (Davis, 2013: 273). That is, the law of nature does not only entitle individuals to certain rights such as judging and punishing others who violate an individual’s basic rights but also entitles them to primary natural duties. The definition of human nature in this way has led to the peaceful state of nature, though individuals entitled to certain rights may destroy the peaceful atmosphere of state of nature and causes a state of war in the Lockean state of nature. Locke explains this potential threat which possibly will undermine the peaceful atmosphere of the first stage of state of nature as follows:

In the state of nature everyone has the executive power of the law of nature, I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends: and on the other side, that ill nature, passion and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow (Locke, 2003: 15).

In order to prevent such a situation and to maintain the atmosphere of peace individuals based on their consent creates an order, namely a state. The primary duties of the state are to preserve the natural rights of people they had in the state of nature and to act under the law of nature or in a reasonable manner. Locke, in this regard, defines the contents of natural rights as the right to live, the right to freedom and the right to possession (Ibid: 17). In other words, Locke defines general natural rights as rights based on property, since he uses the concept of property in a broader sense which includes all the rights to liberty, to life, and estate, as he expresses; “By Property I must be understood here, as in other places, to mean that property which men have in their persons as well as goods,” that is, “life, liberties, and estates” (Locke, in Laslett, 1960: 368). Hence, the main bases of these rights are the materials that people get in the state of nature to sustain their lives by laboring on nature. In short, the right to acquire property as the principle of labor exertion on nature is seen by Locke as a natural right. More importantly, the questions of ‘which conditions do justify property acquisition?’ and ‘what are the conditions of individuals who are not able to acquire property?’ underlines Locke's theoretical approaches to the relation between order, private property, and freedom. In other words, the answers to these questions lay Lockean relationship between order, private property and freedom in the state of nature.

In nature, Locke tries to legitimate property acquisition and re-define property relations where feudal understanding of property relations are being questioned through natural laws by claiming that nature is bestowed upon all humanity by God that is why all men are equal in terms of acquiring property on nature through their own labor to survive and exercise their freedom. He, in this sense, says that;

The earth, and all that is therein, is given to men for the support and comfort of their being. And though all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature; and nobody has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other before they can be of any use, or at all beneficial to any particular man (Locke, 2003: 111).

Hence, the first condition of acquiring property on nature is based on the idea that the person who wants to possess something from nature must first labor on nature. In other words, to possess any animal in nature or fruit from any tree, or any natural source (such as water and land) as his property, he must exert his effort. But even though Locke is mistaken for the fact that nature contains enough resources⁴⁸ for all humanity, Locke puts two conditions in justifying any possession on nature. The conditions of 'not wasting things on nature' and 'leaving sufficient quantity and as qualified as same things to others' on nature in this sense are two principles that legitimate any possession on nature after exerting labor on that thing on nature (Ibid: 38, 45-46). However, when the priority of laboring compared to other two conditions is concerned, it is plain to say that Locke, as Macpherson points out, reduces his right to property in all cases to labor (Macpherson, 1962: 214). In other

48 In his theory, Locke processes the precondition that in the case of nature the resources are infinite and are so abundant that they can meet the needs of all people (Locke, 2003: 116). The aim is to conclude that the theoretical premises are in fact consistent by making the property of labor legitimate under all circumstances and to justify the usurpation of property. But the prerequisite of Locke's abundance in nature is inconsistent in terms of both formal logic and social reality when we consider the shortage of resources in nature and capitalism of the seventeenth century. Locke's provision on natural resources has paradoxical flaws in the sense that in a nature with limited resources if someone, who even had contributed his/her labor to things that had not previously been possessed by someone else, leave even a little amount of resource no one will possess anything, since the resources in the world are limited and every amount taken from them means less resources to those who are coming back. Additionally, as J.H. Bogart (1985) argues, in nature with limited resources and an expanding population every possession on nature logically worsens the situation of others (Bogart, 1985: 834). Taken these two critical assumptions into consideration it is plain to say that the abundance condition, which attained an ideological argument in Locke, cannot be justified in any way for the sake of legitimizing ownership based on just human labour.

words, the natural blessings obtained without exerting labor are not considered legitimate in the Lockean theory of private property (Ibid). Locke expresses this situation as follows; “from the things that nature provides and maintains in it, man pulls out what is associated with his essence, and, in this way makes this property his property” (Locke, 2003: 112). According to this argument, one has to spend some effort on nature to be able to say something belongs to me without getting anyone’s consent. In other words, one can possess property from common use without permission provided that he/she labors on it. As Locke puts it;

We see in commons, which remain so by compact, that is the taking any part of what is common, and removing it out of the state nature leaves it in, which begins the (private) property; without which the common is of no use. And the taking of this or that part, does not depend on the express consent of all commoners. Thus the grass my horse has bit: the turfs my servant has cut; and the ore I have digged in any place, where I have a right to them in common with others, become my property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my property in them (Ibid).

As plainly described in the quotation above, it can be said that there is no paradoxical aspect in Locke's theory especially during the first or peaceful stage of state of nature. However, Locke confronts many contradictions when it comes to the second stage of the state of nature, and he is in dire need of the state to solve the emerging antagonisms. As Locke defines the first period of the state of nature as peaceful in which people equally as inherent in terms of good and natural rights, in theory of Locke, people needn't reach any consensus each other in order to possess something from nature. This aspect of the state of nature indeed leads to the dissolution of the peaceful atmosphere of the first phase of the state of nature and initiates the second stage of state of nature in which individuals face with possible conflicts against each other. Since Locke justifies dispossession situation in the state of nature, the inequalities among people stemmed from private property is seen by Locke as natural phenomena. Especially the inequalities stemmed from private property in Locke's state of nature is strictly related to use of money which

positively and negatively affects the position of individuals who will make a contract to transform from state of nature to civil society. Although Locke evaluates natural resources in such a way as to be sufficient for all people's needs, the emergence of money transforms or even refutes Lockean conditions of property ownership.

Before everything else, the proviso of labor and sufficient amount is undermined due to the emergence of money since through using money individuals do not only get more products than they can consume but also can possess something without making any effort or laboring on it. Locke is indeed aware of this dilemma that is why he accepts the fact that when one discovers that there are value and use of money between his neighbors he will begin to expand the immediate ownership of the same person without fulfilling the provisions of labor and sufficient amount (Ibid: 119). In other words, he does agree that with the emergence of money the rich may get richer while the poor get poorer. In this respect, Locke realizes the fact that the person acquires more property in the nature without more labor leads to an increase in the number of dispossessed persons, but this is, for Locke, an acceptable conclusion, since he claims that the status of dispossession or the collection of property in certain hands will benefit everyone in terms of increasing total production for the benefit of social welfare (Ibid: 335). Hence, similar to the idea of 'tragedy of commons'⁴⁹ Locke acknowledges the assumption that individual ownership leads to more productive results than common ownership (Ibid). For this reason, if one has his own private land by fulfilling possession provisions and employs tens of propertyless people on that land to get much efficiency and productivity this does not mean owners of land has violated others'

49 'Tragedy of commons' is a concept which was developed by Garett Hardin in order to refer a hypothesis based on the idea that common resources are consumed much more quickly than private property that is why private property system promotes an increase for social income in terms of productivity when the cost-benefit analysis is taken into consideration. See. Hardin, Garett (1968), "The Tragedy of Commons", *Journal of Science*, Issue: 162, pp: 1243-1248.

natural right (Ibid: 337). The important point, in this regard, is that; in Locke, just like in Hobbes, the fact that people who do not have a mean of production can sell their labor in the market in return for money is inevitably placed under the category of natural rights due to the dilemmas emerged in the second stage of state of nature. More importantly, according to Locke, who splits the state of nature into two stages, namely peaceful first stage and conflicting second stage, the inequalities resulting from ownership especially in terms of emerging money lead to the beginning of the conflicting stage that is the need for the emergence of the state is required by rational individuals. To put it differently, the tension stemmed from private property among people in the state of nature then results in the need for a government/sovereign power in Locke's theory. Thereby, the right to property, the right to liberty and the right to life which are called property rights by Locke are predicated on the emergence of the state. In this sense, Locke justifies state as a builder of order which is entitled to eliminate possible clashes emerged in the second stage of state of nature, namely state of a possible war, by stating that;

If man in the state of nature be so free as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to nobody, why will he part with his freedom, why will he give up this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties, and estates, which I call by the general name property (Ibid:154-155).

In such an environment, the state, which will ensure the transition to civil society as a result of the consent of the people, is obliged to protect some natural rights individuals had in the state of nature. Describing these rights as the right to life, freedom and property rights, Locke imposes the state on three main tasks which are 'abiding by main elements of civil law derived from natural law', 'applying rules

for protection of property in terms of exercising freedom' and 'maintaining defense of the people against external interference' (Ibid: 155). Hence, the Lockean formulation of freedom in political life or civil society is directly located between the notion of private property and state. In other words, Lockean formulation of freedom based on private property also determines the main tasks of the state in general sense and of positive laws in a narrow sense. As one of the earliest theoretician of modern understanding of negative freedom like Hobbes, Locke claims that a man can only be free if two main conditions are satisfied which are;

i-) To have a power in order to be an agent in terms of doing or forbearing any particular action, as he puts it;

So that the *Idea of Liberty*, is the *Idea* of a Power in any Agent to do or forbear any particular Action, according to the determination or thought of the mind, whereby either of them is preferr'd to the other (Locke, 1975: 237).

And;

[S]o far as a Man has a power to think, or not to think; to move, or not to move, according to the preference or direction of his own mind, so far is a Man *Free* (Ibid).

These definitions, which Locke expresses about freedom, contain two points related to private property. The first one is the need for power, that is, the power to be acquired from the property, and the other is the ability to make choices as a result of this power. In other words, the person can only be free when he has power and makes a choice based on this power. Therefore, the most important reason for Locke's association of property with freedom can be called an ownership-based definition of 'freedom of choice'. When we look at another condition that will allow one to experience freedom, Locke says that freedom can only be possible through laws. In this context, the second condition of freedom can be formulated as:

ii-) The laws in which a man can do what he wants without facing any hindrance, as he writes;

the end of law is not to abolish or restrain, but to preserve and enlarge freedom: for in all the states of created beings capable of laws, where there is no law, there is no freedom: for liberty is, to be free from restraint and violence from others; which cannot be, where there is no law: but freedom is not, as we are told, a liberty for every man to do what he lists: (for who could be free, when every other man's humour might domineer over him?) but a liberty to dispose and order as he lists, his persons, actions, possessions, and his whole property, which the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own (Locke, 2003: 123-124).

In this way, Locke wants to legally guarantee freedom. In other words, Locke underlines that the private property and wealth stemmed from private property must be protected by the government through laws for the individual who fulfills the first condition to have a certain economic power in terms of freely making choices both in political and economic spheres.

Interestingly, Locke, who defines freedom as an inherent to negative freedom that is, specific to the situation where there is no obstacle against individual preferences, does not explain what the best form of the political system should be. As Oğuz and Tok state, the forms of government can be in the form of monarchy, aristocracy and democracy in Locke's theory (Oğuz and Tok, 2016: 478). In other words, since Locke regards property as the basis and *raison d'être* of all government, what is important in justifying any type of government is based on the need for obtaining the consent of the majority in the process of constructing any laws that protect property rights in general sense. For the people who make the contract give their powers to the judiciary and the law, they are obliged to obey the decisions taken in the minority. Here, Locke clearly defines government as good government provided that it preserves the institution of private property which is the natural right of citizens. Therefore, the primary function of government or state and the reason for the existence of the state is to protect private property no matter which form of government is formulated, as Locke expresses:

Political power, then, I take to be a right of making laws with penalties of death, and consequently all less penalties, for the

regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defence of commonwealth from foreign injury; and all this only for the public good (Locke, 2003: 101).

More importantly, Locke regards government as regulator of wealth that stemmed from private property for the sake of public good, as he puts it; “for in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions” (Ibid: 121) and the laws may redistribute wealth in whatever way serves the public good (Locke, in Davis, 2013: 282). Yet, Locke limits government’s regulative role on people’s consent by claiming that no subject including government has right on to decide how to use an individual’s property. He, in this respect, says that;

[.....] every man has a property in his own person. This nobody has any right to but himself. The labour of his body and the work of his hands, we may say, are properly his. This nobody has any right to but himself (Locke, 2003: 111).

Consequently, in Locke's theory, private property, which should be acquired by human labor in the state of nature, determines both the area of freedom of the individual and the laws that guarantee the property rights in civil and political society in order to protect the person from any external intervention. In this way, based on the negative aspect of liberty of property Locke's main purpose is to entitle any government with a kind of mechanism that has to protect natural rights based on private property which makes one as free individuals. In other words, the ontological aspect of being an individual in Locke’s theory is stemmed from the idea of ownership of a property as Pipes emphasizes it in his simplification:

To Descartes’s “I think, therefore I am”, Locke, as it were, added “I am therefore I own”: I own myself, that is, and all that I create. More than that: the Notion that our elemental property is ourselves, i.e., our persons

and bodies, means that property necessarily entails liberty. Because to say that we “own ourselves”, that is, are our own “property” is, tantamount to saying that we are free to dispose of ourselves, which is the meaning of freedom (Pipes, 1999: 36).

The same logic put forward by Pipes can be linked to the ontological reason of an existent state, too, in the sense that ‘I (state) am therefore I protect private property rights’. In this sense, Locke elucidates that there can be a diversity of governments, from democracy to oligarchy or monarchy, but it is the majority of the society which elects which type of government is best to protect their freedom based on private property. In this sense, he underlines the importance of the separation of powers and its significance in maintaining the protection of the citizen’s right to life, to freedom, and to possessiveness by writing that;

But because the laws, that are at once, and in a short time made, have a constant and lasting force, and need a perpetual execution, or an attendance thereunto; therefore it is necessary there should be a power always in being, which should see to the execution of the laws that are made, and remain in force. And thus the legislative and executive power come often to be separated (Locke, 2003: 164).

As far as the link between property and freedom discussed above is concerned it can be said that Lockean formulation concerning the need for separation of power aims at preventing any absolute power or any threat that may come from a corrupted government through violating individual basic rights on property and freedom in the law-making process. Hence, no political will including any type of corrupted government in Lockean theory can interfere with the area of freedom linked to private property. Moreover, it is not allowed for the government to interfere with economic freedoms in the free market, as well. Accordingly, in Lockean formulation of political and economic order if the governments which responsible for protecting the natural rights of individual stemmed from private property do not fulfil this task, the parties took part political society by means of

contractarian way will have the right to rebel against the government which, if necessary, may result in a political revolution.

4. 3. 2. A Critical Evaluation of Lockean Formulation of Private Property, Freedom and Order

By using Methodological Individualism like Hobbes, Locke who deduces basic categories such as society, state, equality and freedom from individual consent tries to establish an order in which property rights and individual freedoms linked to private property. The main task of the state as order founder stemmed from individual consent, for Locke, is to secure and guarantee individuals' property rights through civil laws inspired by natural law. Lockean legitimizing of such an order in which the relation between private property and freedom is formulated does not only underline the importance of negative rights but also justifies economic inequalities stemmed from private property in particular in the economic area in civil society. Locke's defense of the parliament, which is a concrete indicator of the tension between the feudal mode of production and the capitalist mode of production at the time of the British civil war, in this regard has also made Locke a representative of the bourgeois class among the new classes of social classes created by capitalist relations of production. In this context, the order Locke wants to establish reflects some theoretical and methodological paradoxes in terms of legitimizing not only social and economic inequalities stemmed from the institution of private property but also the dependence of propertyless people. In other words, Lockean formulation of private property, freedom, and order has many problematic aspects both in terms of methodology and in terms of developing a theory in which the notions of equality and freedom is formulated.

Before everything else, the fact that Lockean hypothetical descriptions of the state of nature and human nature, which unavoidably ignore historical and social reality, indeed are not based on a methodological sinless or it is not a pure

metaphysical argument. Rather, it is used by Locke like Hobbes to manipulate inequalities resulting from the private property based means of production during the seventeenth century of England. Namely; while Locke, on the one hand, defines the state of nature as somewhere directly linked to natural rights in which all people are equal, free and in peace, he on the other hand defines civil society as a sphere where masses are subjected to exercising freedoms in terms of only selling their labor in the capitalist market. In other words, in Locke's social contract theory, those who already obtained property in state of nature are free in civil society, while those who could not have a chance to obtain property in state of nature due to the emergence of the second phase of state of nature are obliged to sell their labor in market in civil society as part of realizing their freedom. However, as we have seen above, the second phase of the state of nature in Locke's theory has emerged as a result of inequalities that directly stemmed from private ownership of the means of production. Therefore, as far as the material and social conjuncture of the seventeenth century of British society is concerned it is plain to say that the description of the state of nature developed by Locke plays an ideological apparatus in legalizing inequalities stemmed from private property-based mode of production. More importantly, the fact that the changes based on property in the means of production in the seventeenth century led to the emergence of new social classes negative aspects of which in economic income are indicated in the Table B in the beginning pages of this part makes sense once taken Lockean justification of the relation between private property, freedom and order. In this context, especially the second phase of the state of nature, which Locke portrays, justifies the class inequalities caused by the agricultural capitalism in the England in favor of the reformist land aristocracy and the bourgeois class as well. This state of justification has also turned the situation in which people are equal and free in the first phase of the state of nature to a situation where some of the people, ie the owners of the property, are equal and free. Locke's depiction of state of nature in the second stage, thus indeed resembles Hobbesian formulation of state of nature in the sense that the inequalities caused by the acquisition of private property both in Locke and Hobbes

on the means of production leads to the emergence of state as legal regulator of antagonisms stemmed from property ownership of the means of production between social classes in civil society.

Locke's main goal in establishing a justified order which regulates the relationship between private property and freedom is hidden in the question of 'how does individual consent-based state emerge under such inequalities in civil society stemmed from private property institution?'. In other words, as Macpherson points out, in the second aspect of the Lockean state of nature the question of 'why should dispossessed classes take part in such a convention' (Macpherson, 1980: XVIII) is a plausible question to be answered. Ironically the answer is very clear in Locke's theory. The understanding of freedom and equality in Locke's theory is, in this respect an attempt to eliminate the freedom of dispossessed class that emerged in the inheritance of those who owned the property. That is, in the case of seventeenth-century of England, Locke's formulation of order and freedom which based on social contract means that those beggars, landless, and so-called free workers of the cities should obey the rules and involve contract in which they are free to sell their labor to whomever they want in free-market economy. By the same token, it means that landless masses have to obey the rules of property owners who obtain their property through fencing process which is a kind of primitive accumulation of wealth. In short, Locke's conception of state based on the contract, which he calls an ideal order, corresponds to the conception of freedom of property in British society, which has historically transformed from a feudal mode of production into an agricultural capitalist mode of production. Moreover, Locke, in Macphersonian sense, puts forward a property-based order for the sake of legitimizing agrarian capitalist inequalities in terms of the dichotomy between private property-based freedom and equality.

The last but not the least objectionable point in Locke's theory is about the popular thesis which emphasizes that Locke reaches different results from Hobbes in terms of liberties. I think this kind of thesis is too exaggerated argument when the notion of private property and freedom is taken into consideration, since as far as the

rights of private property in the economic sphere is concerned both of them indeed legitimate capitalist mode of production for the sake of guaranteeing bourgeoisie freedom rights. In other words, both Hobbes who ignores political freedoms for the sake of building a secure free market and Locke develop the basic arguments of classical liberalism in terms of economic freedoms by defining the freedoms in civil society in a manner appropriate to the free market economy. When Locke's arguments of freedom especially in terms of the link he makes between the private property of the means of production and freedom is questioned the two conditions of freedom discussed above indicate that Lockean understanding of freedom, like his predecessor Hobbes, has exclusive content. That is, the definition of freedom as inherent to power and the power that is associated with economic wealth stemmed from private property lead to the weakness of the dispossessed. Similarly, the codification of freedom as the freedom to choose by both Hobbes and Locke leaves the propertyless people to the freedom of the market in which they have nothing but selling their labor. In other words, the concept of freedom, which is reduced to preferential fetishism in terms of negative freedom in the Lockean and Hobbesian sense, does not change the obligatory preferences of the dispossessed in the market and cannot save them from dependence in such a legitimated order.

4. 3. 3. Conclusion

Taken into account the material and historical conditions of the time Locke has lived, it is obvious to say that Locke develops a theory of social contract that he wants to justify the economic inequalities of seventeenth-century arising from agrarian capitalism over the notion of private property. He does this through masking economic inequalities under the notion of universal natural rights. Accordingly, Locke legitimates the inequalities stemmed from the institution of private property not only by using a hypothetical description of the state of nature as his methodological approach but also by justifying ownership of a property even in

the second stage of the state of nature which initiates the process of transformation to civil society with all economic and political inequalities.

In such an order, the definition of private property-based economic freedoms put forward by Locke in favor of the developing bourgeois class is not surprising at all. Locke, as not only a member of the bourgeois class but also an organic intellectual of that class, by means of his social contract theory tries to legitimate the material and social conditions of thousands of propertyless people stemmed from fencing process which was so popular in seventeenth-century of England. More importantly, the reduction of freedom of the landless peasants, vagrants and the unemployed people social position of whom emerged as a result of the development of agricultural capitalism to 'freedom of choice' particularly in terms of deciding to whom they can sell their labor in the market indicates Locke's formulation of exclusionist understanding of freedom. Besides, although Locke, unlike Hobbes, suggests that the monarchy should be limited by the parliament which reflects the tension between bourgeoisie and aristocracy, he is still one of the thinkers who laid the foundations of the free market economy of seventeenth-century of England with Hobbes when it comes to the assurance of private property rights and to define freedom in negative sense thanks to his formulation of ideal bourgeoisie order. Taking these arguments into consideration it can obviously be claimed that the order formulated by Locke aims at lessening the tension between private property and freedom for the benefit of the owners of private property first fruits of which has been obtained by the applications of parliament established after Glorious Revolution under the commands of Dictator Cromwell.

CHAPTER 5

CORE FEATURES OF HISTORICAL AND MATERIAL CONDITIONS OF EIGHTEENTH-CENTURY OF FRANCE AND ROUSSEAUIAN FORMULATION OF ORDER IN TERMS OF ELIMINATING/ALLEVIATING THE TENSION BETWEEN PRIVATE PROPERTY AND FREEDOM

As the main methodological approach of this study is based on elucidating the historical and material conditions of a given period in which philosophers have lived to put their theoretical arguments in the right place, it is necessary to touch on the social and historical context of seventeenth and eighteenth centuries of France as well. In other words, since this study tries to apply material and social context-based methodological approach in analysing philosophers theoretical arguments, bringing to mind basic features of the material and historical context of the seventeenth century of France is important for the study in order not only to understand the emergence process of capitalist mode of production origin of which was based on the bourgeoisie struggle against aristocracy based on land ownership but also to place Rousseau's social contract theory in its right place. To this aim, a summary of the emergence of the capitalist process in France which leads to formulate a new political and economic order in which the political and economic demands including freedom of newly emerged class, namely bourgeoisie class is satisfied needs to be pointed out. In this respect, what needs to be highlighted first is the point that clarifies not only how feudal mode of production was transformed to capitalism but also how new social classes stemmed from transformation process of the feudal mode of production play key role in establishing bourgeoisie order after French Revolution.

As discussed in the previous chapter the main character of feudal order was its political system in which privileged classes had economic and political power through exploiting serfs who produced surplus value in land. The main factor

in the dissolution of the feudal order, in this respect, was the process which led to radical changes in the mode of production. In this context, the fact that the land was bought and sold as a commodity and the money emerged as a source of wealth were all indeed indicator of the emergence of a new social and political structure in which roots of the modern bourgeois class has played driving force role in establishing bourgeoisie order after French Revolution. After explaining this reminiscent framework of the transformation process of feudalism to early capitalism detailed aspects of which were elucidated in the third chapter of the study, the main goal of this section is to underline the changes in social and material basis of society that led to the radical superstructural changes in France during the transition process from feudal mode of production to capitalist mode of production first, and then to put Rousseau's arguments concerning private property, freedom and order into material and historical context of the eighteenth century of France.

To begin with, many crucial reasons can be mentioned here to explain the main reasons that played key role in shaping new order during eighteenth century in France. However, the main reasons stemmed from economic base were unconditional points need outlining in order to explain the changes in social structure of France from material and social context-based methodological point of view. Before everything else, taken radical changes in the base of the French society during seventeenth and eighteenth centuries into consideration, it is plain to say that the expansion of trade especially in cities has led to the changes in classical feudal social classes/groups (Sée, 2004: 46). Thereof, the capitalist relations in France, as Wood argues, compared to England, followed different way. That is, while the emergence of capitalism was directly related to new land owners/land aristocracy in England, it was bourgeoisie class located in cities who initiated the process of capitalism in France. In such a social atmosphere the fact that the rise in the number

of ‘free peasants’⁵⁰ torn from the land and the fact that the rise of the bourgeois class in the cities did not only lead to the transition between the feudal nobility and the peasants but also gave rise to the sharpening of the class struggle in this sense.

These class-based changes resulted from the changes in society's economic base caused changes in superstructure of the French society, as well. More importantly, the changes in economic base, as Agibalova and Donskoy argue, led to the appearance of powerful monarchy first and then paved the way for building bourgeois order in France (Agibalova and Donskoy, 1988: 104). Theoretically speaking, contrary to common belief which claims that bourgeoisie class has always fought against feudal powers in history especially during eighteenth and nineteenth centuries in Europe does not reflect the reality at least in the case of pre-revolutionary period of France. As the dynamic process of transition to capitalism in France gave rise to the emergence of new social classes the new alliances between social classes came to surface in France. The fact that bourgeoisie class has allied many times with kings in terms of founding a secure society and secure market to protect their private property and their money against propertyless groups such as beggars and new ‘free peasants’ in societies best explain this situation. Therefore, the changes in economic base have also inevitably led to shift in class relations at feudal level. More importantly, the support of the monarchs behind bourgeois class against local feudal nobility also changed the relationship between the church, the feudal land aristocracy and the monarch altogether. The balances between old and new forces thus enabled and enforced bourgeoisie in a sense to ally with strong monarchy to escape from local feudal threats (Sée, 2004: 28). To elucidate this dynamic process of capitalization of France with their new social classes and alliances it is necessary to categorize social classes with their economic position in society during mid-seventeenth and early eighteenth centuries first. To put it in a

⁵⁰ I use the term ‘free peasants’ from an ironic point of view in order to mention how semi-slave serfs in rural areas became free beggars, outcasts, and jobless of the cities, especially after the development of capitalism in France during seventeenth and eighteenth century.

different way, the socio-economic conditions of mid-seventeenth and early eighteenth century of France allow one to grasp how changes in economic base has lead to the new alliances among new social groups. In this sense, the Table (C) pointed out below statistically indicates the number and economic conditions of social groups in France.

TABLE C: Social Classes and Monthly Incomes in France between 1750 and 1800

Classes	The Number of Family (Approximately)	Monthly Income of A Family* (Approximately)	Total Income* (Approximately)
Lords	275	2300	632.500
Bourgeoisie**	8000	6000	480.000.000
Clergy	12000	150	1.800.000
Apprentice and Headworker	30000	90	2.700.000
Poor Peasants	520.000	8	4.160.000
Beggars	50.000	2	100.000

* As French Frank

**Bourgeoisie here refers to trademen, landowner farmers, merchants, and owners of small atelier.

Note: The table has been consisted of harmonizing data obtained from following two resources: Michel Beaud (2001). *A History of Capitalism:1500-2000*, translated by Tom Dickman and Anny Lefebvre, New York: Monthly Review Press, pp: 29, and, Henri, Sée. (2004). *Economic and Social Conditions in France during the Eighteenth Century*, translated by Edwin H. Zeydel Batoche, Chicago: University of Chicago Press, pp: 47-48.

When social classes during the seventeenth century and especially during the pre-revolutionary period of the eighteenth century given in the table are examined it is not difficult to understand why such an alliance between bourgeoisie class and monarchy has taken place in the eve of Revolution. In 1700 while only one

million of the twenty-two million peasants living in France were serfs in the old sense, the rest of the society freed from serfdom and thus became completely free. But this did not mean that all the old feudal taxes and services would have been left out (Huberman, 2016: 167). In this context, it is seen that many of the ‘free serfs’ were beggars, especially when the number of beggars in the so-called ‘Beggar Period’⁵¹ in France is considered. For instance, in Paris in which trade and manufacturing has reached top average in eighteenth century one quarter of the population was beggar and half of the population was free peasants who exercising their freedom as unemployed and penniless individuals (Ibid: 113). More importantly, in pre-revolution France, the paid laborers corresponding to one quarter of the population worked from sunrise to night (Ibid: 169). They only received subsistence wages. Therefore, the paid laborers had personal freedoms, but unlike the dependent villagers, they had neither land for farming nor equipments (Yelisseyeva, 1978: 53). In order to earn their daily bread they had to rent their labor to the owners of the means of production (Ibid).

As far as the condition of French peasants is concerned it can be said that the vast majority of French society was consisted of peasants as it is shown in the Table (C). The peasantry during that times brought tremendous changes to the region. In a small number of regions with the emergence of capitalist farmers who used new techniques the aspects of peasantry as it was witnessed in the case of Yeomans in England had changed (Harman, 2008: 284). Most importantly, there was still the institution of serfdom that was not different from the middle age or pre-capitalist mode of production. However, all of the peasantry had some common points. They believed that the land was indeed theirs, but they still had to make feudal payments to landowners, gave the church a decimal tax of up to ninety percent, and usually paid a rent on top of all of them (Yelisseyeva, 1978: 63). Moreover, they had to pay high taxes that the nobility and the ranch were exempted.

⁵¹ The term ‘Beggar Period’ is used here to emphasize the fact that how capitalist developments in France has led to the tremendous increase in the number of beggars in urban areas.

This load meant that when the harvest had gone bad or when the prices of what they had to buy had gone up they suffered very much from this negative situation (Ibid).

As far as the condition of bourgeoisie class is concerned it can be claimed that before everything else their possession was enriched through exploiting the labor of the wage earners in ateliers/small size manufactures (Agebaliova and Donskoy, 1988: 209). In this sense, it is not surprising to explain why manufactures were the first capitalist enterprises during that period in France. Under the light of socio-economic changes during that period it is plain to claim that the main reason why urban merchants has defended a powerful king or a possible undivided sovereign power, namely Louis XIV, against the feudal order was based on the fact that it was only a strong monarch who could provide a secure place for property owners against any possible threat which might come from propertyless people. That is, while the feudal nobility was often enriched by plundering wars and conquest of land, the bourgeoisie, a productive and enterprising class, accumulated wealth through the exploitation of trade and waged laborers in a safety under the umbrella of powerful sovereign (Ibid, 247-248). In other words, unlike the feudal lords, the bourgeoisie had a lot of money and had business and commodity, but the unsecured environment of the feudal regime and unsecure market in urban areas caused urban bourgeoisie to need a strong king to establish security and order for the sake of security of market-based social order (Yelisseyeva, 1978: 55). More importantly, the devastating wars and brigands had given rise to great damage on the economy and especially on the business; that's why, traders and craftsmen were involved in controlling the activities of the despot local feudal lords (Trevelyan, 1938: 140). For these chief reasons, the order in the country, as Hobsbawm claims, could only be achieved by the establishment of a powerful royal authority (Hobsbawm, 1962: 68). The bourgeoisie's need for a strong king also gave rise to mutual alliance with the king who started to be dependendent on the city merchants in terms of balance of power against old feudal remnants. Therefore, the relationship between the urban bourgeoisie and the king was based on mutual interest-based relations.

To elucidate the need for strong monarchy against local feudal powers during the transformation process of feudalism to capitalist mode of production one should underline economic role of monarchs in urban area first. That is, the fact that monarchy was using the growth of manufacturing and the development of trade for the interests of the nobility enabled monarch to promote luxury goods, woollen fabric, metal and weapons production (Agibalova and Donskoy, 1988: 209). The need for money which was never ending in such an economic atmosphere indicates that why the King created countless bureaus and sold them to the rich which led to an organic association between trademen and King. This kind of mutual benefit between new alliances, as Sée claims, led to a situation where the rich became judge prosecutors and city council members, as well (Sée, 2004: 49). More importantly, the fact that the bourgeoisie was buying the lands of the peasants in rural areas and the mansions of the nobility enabled the monarchy to respond to the grace of the bourgeois by grace (Ibid). In this sense, some other important interest-based relations also underline the necessity of alliance between bourgeoisie and monarchy. Among them it was King's encouragement of cities in terms of developing trade in cities which at the same time led to the King's great effort to bring experienced Italian weaving specialists in the production of silk fabrics to France (Ibid: 52). This policy of King did not only give rise to settling of great numbers of people in the city of Lyons which would then become the center of silk production in France yet also led to getting fairs opened for attracting merchants from European countries (Harman, 2008: 270). Thus, it is plain to say that this policy of King enabled the French traders to achieve favorable conditions in foreign trade.

All these bilateral economy based relations between monarch and bourgeoisie led to an inevitable alliance against the local feudal powers. In other words, these economic relations between monarch and new social class, namely bourgeoisie, resulted in a political and economic alliance against feudal local powers to ensure pre-french revolutionary security based order for their private property-based means of production. Besides, more importantly, historically speaking, one of the most important reasons for allying with the monarchy was the increasing poverty

in the cities and the anxiety that the beggars would attack the rebellion and attack against the property. Barnave's claim is an important indicator of the mutual relationship between monarchy and the bourgeoisie in this context. He argues that the greatest danger for bourgeoisie class was the destruction of the Monarchy as a sovereign power, because the destruction of monarchy would mean destruction of property as well (Barnave in McGarr and et al., 1989: 40). In other words, growing number of the bourgeoisie in cities, as Agebaliova and Donskoy argue, were waiting for help from the king in their fight against propertyless masses (Agebaliova and Donskoy, 1988: 105). The King, therefore, was a powerful ally of the urban bourgeoisie against church and propertyless masses.

Another important issue that brought the bourgeois class together with the monarchy was the existence of the church, the powerful actor of the feudal order. The church was still extremely rich in seventeenth century of France. Although the church still had one-third of all the land, it did not pay taxes (Ibid: 89). The church thus was put on the target board by the monarch who needed the money for establishing a sovereign power. Therefore, when the privileged position of the Church leaves the king in a difficult situation the bourgeois and the monarchy have searched for ways to make policies together against the common enemy (Ibid: 93). Besides, another reason for the rage between national monarchy and church was based on division of political power in the sense that some judicial cases were tried in church courts, not in national courts. Sée explains this situation as by underlining the fact that the decision of the church court often have been against the decision of the king's court (Sée, 2004: 52) . It was also important that the money to be paid as a penalty and bail would be bought by the state or the church. There were rumors that the Pope had come to know that he was willing to interfere in the inner workings of a country. The church thus became a ruling political competitor (Ibid: 74). In short, as understood from the points clarified by Sée, the second important event, dragged King into partnership with bourgeoisie class was that there was a supranational power with great servitude as land and money dividing the nationality

of the king. This meant that the income of the church property would go to Rome as loot for the place where it would flow to the King's treasure.

To sum up, the relation between bourgeoisie and monarchy was based on mutual interest emerged after the changes in feudal relations of production. In such a historical and material condition while the French monarchy used the development of trade and manufacturing to increase taxes and strengthen his army, despite their complaint against high taxes bourgeoisie continued to support the monarchy in terms of ending divided local feudal authorities and establishing a secure market in cities. Moreover, the struggle against the church which was regarded as a rival power to both the bourgeois class and the national monarchy indicates that how the power of monarchy has risen in the dissolution of the feudal order and why the bourgeoisie and monarchy mutually supported each other.

5. 1. The Road to French Revolution and Core Features of Bourgeoisie Order

The relationship between the bourgeoisie and the monarchy based on mutual interest was discussed above. The analogy of 'one who falls into the sea even holds a snake' best explains the relation between King and bourgeoisie during the dissolution process of feudal order in France. By hesitating about the looting and uprising of the propertyless masses that stemmed from transformation process of from feudal mode of production to capitalist mode of production bourgeoisie class had to ally with King in an unsecure feudal order. The monarchy, which provided its power through bourgeoisie in a sense, has now reached the pinnacle of absolutism during the early period of eighteenth century of France and has struggled for decades to maintain his greatest privileges. In such a political and economic atmosphere despite economically strong, bourgeoisie could not have political rights and still had to pay high taxes like other subjects of the state. This kind of discontent, the primary reason of revolution among other possible parameters, led to the realization of the French Revolution which deeply affected structural aspects of other societies in Europe under the leadership of both the bourgeoisie and the popular masses. In this

sense, it is important to mention here that it is sufficient to briefly mention the main arguments that led to the French Revolution, and the new post-revolutionary scheme within the context of the emergence process of capitalist mode of production, since it will exceed the purpose of the study to clarify all the reasons leading up to the French Revolution.

In this regard, changes in relations of production, which eventually resulted in commodification of land and trade in the form of feudal mode of production, also led to changes in the society's super-structure. These changes in the society's base indicate that the feudal institutions were no longer able to respond to the political and economic demands stemmed from the changes in society's base. In other words, the changes in society's base led to the change of everything rigid. In Marxian sense, changes in relation of feudal production turned everything rigid into the process of evaporation. In order to understand this radical change that has resulted in a revolution, it is necessary first to touch on the historical and social context in pre-Revolution France. In this sense, some statistical data discussed above indeed plainly indicate how the social context of France was shaped in terms of social classes. Before everything else, as far as social classes are considered it is plain to say that Priests and nobles were still privileged classes in the eve of revolution. They were called the first and the second layers of the society. The number of priests was one-hundred and thirty thousand, and of the nobility was one-hundred and forty thousand (Sée, 2004: 66). More importantly, besides clergy the sword nobles (*noblesse d'epee*) of the traditional feudal aristocracy preserved their privileged position in France which was already lost in Britain. The people who were called the third layer of the society on the other side were not privileged, even though they consisted of twenty two millions of a 25-million population of France (Huberman, 2016: 165-166). That is, as Harman argues, during 1780s of France twenty percent of the population was employed mainly in small-scale industries. Major provinces of eighteenth-century French in Europe, which corresponded to the transition from agricultural capital to trade and small industrial capital proceeded in the same direction but at a slower pace, have similar problems in terms of political

and economic inequalities (Harman, 2008: 236). Thereof, before the French revolution this kind of picture indicate that at the top of the old society, namely monarchy and nobility usually known as the primary indicator of ancien regime has lead to unjust society in which millions of people including bourgeoisie class has still faced with political inequalities. The problem was that; although the third layer of the French society constituted a large majority of the society, they had no political rights and had to pay high taxes (Hobsbawm, 1962: 19). In such a political and economic order the survival of feudal institutions where agrarian capitalism was incorporated into trade and small industrial capitalism was indeed impossible from historical materialist point of view. In other words, this situation of feudal order reached a point where revolution had to emerge to reshape superstructure of the society by the changes taken place in society's base. Therefore, in terms of regarding history as wars between classes it was seen that the bourgeois class, which was the driving force of the French Revolution, crowned behind the popular masses and revolutionized the war against the aristocracy and nobility. Such a revolution inspired from the English Glorious Revolution that had come before itself unavoidably needed establishing a political and economic order. Therefore, the contradictions between the relations of production that took shape in the base of society ultimately led to a superstructural change in French Revolution.

Given that, the emergence of the revolution was now looking at a spark which appeared in the summer of 1789. The King invited the three groups (Estates) - the apostles, nobility and the rest of the society, who made up the French community, to represent their third-tier representatives to discuss ways to increase taxes (Harman, 2008: 274). However, the representatives of the third layer of the society refused to submit to the directions of nobles and to do what the king wanted them (Ibid: 275). All the dynasties of the third layer came from the respected middle classes and most of them from the richer parts of the bourgeoisie, while half of the delegates were lawyers, and the rest were mostly consisted of merchants, bankers, businessmen, and wealthy middle-class landowners (Ibid). There was not a single craftsman or peasant among them. Almost all believed that monarchy was needed

provided that it was a Constitutional Monarchy and that any electoral system should have been strictly based on property limits. Every part of the bourgeoisie - the agricultural capitalists, the industrial and commercial capitalists - complained of the privileges made against them by the aristocracy, but in no way was the absolute monarchy counter-revolutionary in opposition. In fact, they still hoped that the monarch could protect themselves against the aristocracy (Ibid, 283). However, dissatisfaction with the old system has become so widespread in society that millions of people including unemployed, beggars, wage laborers and farmers struggled to seize the streets of France by acting against the Old Regime (Hobsbawm, 1962: 90). Under the slogan of universalism the bourgeois class with masses were mobilized to build a new order instead of the Ancien Regime. The motto of equality, fraternity and freedom, the classicized slogan of the revolution, in this respects, has convinced millions of people who were dissatisfied with the old regime that the revolution would completely abolish the feudal privileges and then build a higher order of prosperity for free and equal individuals in France.

However, when the post-revolutionary order is examined it seems that such optimism was of too purity. It can be said that in France the only winner of the revolution in the long run was the bourgeoisie as it was same in England in terms of satisfying their need for sovereign undivided authority, which seized political power after revolution. It was true that the feudal privileges have been removed, yet indeed it was replaced with bourgeoisie privileges. "Freedom, equality, fraternity" was a popular slogan shouted by all the revolutionaries, but it has served primarily for the benefit of bourgeoisie class. The most concrete examples showing that the bourgeois class was the main winner class in the long run after the revolution were superstructural reforms being done in this direction under the Napoleon laws. Especially, when the laws regarding property carried out by Napoleon are examined, it is seen that the primary goal of the revolution was to guarantee and protect bourgeoisie class' property. In this context, approximately 20 articles of the Revolutionary law dealing with private property and freedom which guarantee and protect new bourgeoisie private property against any possible threat that may come

from propertyless masses (Sée, 2004: 179). Even two important small applications of Revolutionary Laws in this sense explain how Revolutionary order worked for the benefit of bourgeoisie order. For instance, while these laws banned trade unions and strike on the one side, they on the other side allowed to be opened employers' associations. Similarly, according to the laws, in case of a dispute concerning wages, the court would count the truth of the employer, not the workers (Ibid: 182). Therefore, feudalism was legally, politically, and economically about to die after the French Revolution. Indeed, not only in France but also almost in every country in Europe the fact that Napoleon's armies' conquered feudal order gave rise to the dissolution of the feudal order and initiating of building process of national sovereign modern states in next century. Napoleon, in this sense, was carrier of the free market (and the Napoleonic law) in 'Ancient Europe' that was why the bourgeois classes of the captured countries were gladly welcomed the slogans of French Revolution. In these countries since economic base of the societies have changed, the serfdom institution based on the feudal tax system were swept and superstructural institutions were reshaped in the way bourgeoisie class wished according to the sui generis material, historical and social features of their own countries. In this respect, Marx's views on the French Revolution, which expresses the hardest transition from feudal order to the bourgeois order, best describe the post-revolutionary bourgeois order. Marx, in this respect, says that Desmoulins, Danton, Robespierre, Saint-Just, Napoleon, the heroes, parties and masses of the great French Revolution all were subjects of succeeding the task of establishing modern bourgeois society in France (Marx, 1897: 21). The Jacobins swept the roots of the feudal land away through cutting the heads of feudal barons. Likewise, Napoleon created the conditions for the development of free competition in all of France, the exploitation of land property after the sharing of large land, and the use of the country until the end of industrial production possibilities. Therefore, French Revolution, as Marx puts it, by cleaning feudal institutions established an order for the benefit of bourgeoisie class (Ibid: 22). As a consequence, it can be said that the French Revolution had a fatal blow to feudalism. The development of trade, the

commodification of land and the widespread use of money have led to a change in the mode of feudal production. In such an atmosphere, on the way to the French Revolution, the bourgeois class that flourished in the bosom of the feudality necessarily allied with the monarchy in terms of establishing secure market-based order against divided local feudal powers and especially against propertyless masses during the pre-revolutionary process. However, when the power of the bourgeois class reached its peak it took the millions' support to remove Ancient Regime. Thus, instead of feudal order, the bourgeoisie founded a different social order based on the free exchange of goods, primarily for bourgeoisie interest. The name of this system, no matter it was agrarian version or industrial version, was capitalism. More importantly, freedom, equality and fraternity in the capitalist system have been formulated in the direction of bourgeoisie class which aimed at guaranting and protecting private-property based economy. The French Revolution has also formulated the concepts of equality and freedom for bourgeoisie class in this context, in spite of its universal claims concerning the notions of freedom and equality. That is, as political rights were taken from feudal lords and given to the bourgeois class, the concept of ownership was formulated as an internal element of political rights and economic freedom thanks to French Revolution, namely to bourgeoisie order.

5. 2. Jean-Jacques Rousseau: On Private Property, Freedom and Order

The question of 'how did the changes in the relations of production in England during the sixteenth and seventeenth centuries lead to the social chaos?' was responded in analyzing the thoughts of Hobbes and Locke concerning the relation they made between private property, freedom and order in the previous chapter. Demands similar to the 'revolutionary demands' of the reformist land aristocracy and bourgeois class in England' which are the new basic class-based actors emerged as result of changes in relations of production have also raised by property owners in the eighteenth century of French society which have resulted in a

more universal revolution. In the eve of such a revolutionary period both the intellectual environment and material condition of the period evolved into a period where everything solid was to begin to evaporate in Marxian sense.

In such an environment, Rousseau challenges both the intellectual course of the period emerged in the context of the eve of Enlightenment⁵² and the remnants of the feudal system which was in evaporating process. Rousseau's radical thoughts in this sense leads to labelling him as one of the radical thinkers of the period in social sciences literature in the sense that Rousseau does not only radically criticize intellectual atmosphere of the seventeenth and eighteenth centuries but also theoretically formulates an order which demands all clearance of the social and political remnant of the feudal period (Neuhouser, 2013: 195). This kind of Rousseauan approach has been exaggerated by Rousseauan specialists in literature. Rousseau indeed has a different position from his intellectual peers in terms of his methodological approach to both modernity and social contract theory. However, this feature of Rousseau does not make him an extreme radical thinker compared to his predecessors in political philosophy since Rousseau, as will be clarified below, can be easily categorized into ordinary bourgeois thinkers of that period in the last instance. In this context, Rousseau, who radically criticizes the moderns' understanding of politics and law derived from social contract theories based on metaphysical principles of state of nature, in general sense, and Hobbes' and Locke's

52 Rousseau's criticisms of the universalist claims of the eve of enlightenment are generally directed at the arguments imposed by the idea of enlightenment under the name of universality. In this context, Rousseau develops criticisms especially of 'great concepts' such as 'human mind' and 'law of nature', which modern society contractors use as an invariable and universal feature of human nature. To illustrate; Rousseau criticizes the universality of modern social contract theories as follows: "each people will have its own ideas of God and natural law, it will be given proofs that they are the only good ones, and they will more often give rise to carnage and murder than to peace and concord" (Rousseau, 1999: 173).

concerning views, in narrow sense, develops a critical social contract theory in order to seek an answer to the social problems that his life term period faced with. In other words, despite his radical criticisms against understanding of modern politics and modern social contractarian way of building political theory, by not avoiding same mistakes as Hobbes and Locke made, Rousseau, like his forerunners, justifies a political and economic order in which any possibility of eliminating dependence stemmed from private ownership of means of production is sacrificed for the sake of maintaining bourgeoisie order which is lawfully protected against propertyless people under the mask of 'General Will'. Therefore, the tension between possessing property and freedom is alleviated in Rousseau's political theory under the mask of General Will also represents why Rousseauian ideal order indeed works as a kind of ideological camouflage aiming at lessening any possible threat to bourgeoisie order that may come from dependent/unfree propertyless masses. Such hypotheses formulated to criticize Rousseau formulation of the political and economic order in which the relation between private property and freedom is arranged can be best understood by briefly examining Rousseau's own critical points against the understanding of a modern way of analyzing politics, namely social contractarian way of analysing the relation between state, society, and individual.

The critiques of Rousseau concerning modern social contract theories, in this respect first of all is based on the idea that modern social contract theories have some flaws in the sense that their hypothetical description of state of nature is nothing but legalizing inequalities or providing formal equalities and freedoms under the mask of individual consent-based social contract theories. In this sense Rousseau writes that;

The philosophers, who have inquired into the foundations of society, have all felt the necessity of going back to a state of nature; but not one of them has got there. Some of them have not hesitated to ascribe to man, in such a state, the idea of just and unjust, without troubling themselves to show that he must be possessed of such an idea, or that it could be of any use to him (Rousseau, 2018: 19).

Given this, Rousseau's critique concerning the hypothetical aspect of the state of nature indeed leads to analyzing the notions of fictional natural law and natural rights which justify the emergence of authority in terms of applying positive law which, for Rousseau, does have nothing with natural law. He explains these two flaws of the hypothetical state of nature as follows:

Others have spoken of the natural right of every man to keep what belongs to him, without explaining what they meant by belongs. Others again, beginning by giving the strong authority over the weak, proceeded directly to the birth of government, without regard to the time that must have elapsed before the meaning of the words authority and government could have existed among men. Every one of them, in short, constantly dwelling on wants, avidity, oppression, desires and pride, has transferred to the state of nature ideas which were acquired in society; so that, in speaking of the savage, they described the social man. It has not even entered into the heads of most of our writers to doubt whether the state of nature ever existed (Ibid: 20).

Therefore, modern social science especially based on social contract way of obtaining knowledge about politics is regarded by Rousseau as based on false assumptions about the state of nature and natural law which are used as methodological apparatuses to reach conclusions that philosophers want. For instance, the term natural law used by modern intellectuals has been many times questioned by Rousseau in the sense that they have been used as a kind of ideological apparatus to link formal equality and freedom with natural law. He in this sense writes that;

The moderns, understanding, by the term law, merely a rule prescribed to a moral being, that is to say intelligent, free and considered in his relations to other beings, consequently confine the jurisdiction of natural law to man, as the only animal endowed with reason. But, defining this law, each after his own fashion, they have established it on such metaphysical principles, that there are very few persons among us capable of comprehending them, much less of discovering them for themselves (Ibid: 16).

This critique targeting at moderns includes many critics about Hobbesian and Lockean understanding of social contract theory based on the hypothetical state of nature and metaphysical natural law as well. Rousseau, in this respect, argues that “the error made by Hobbes, therefore, is not so much his assertion of a state of war between independent men in society, but his supposition that this state is natural to the species, and to have made it the cause of the vices by which it was produced” (Rousseau, 1999: 175) and he continues “Hobbes had seen clearly the defects of all the modern definition of natural right: but the consequences which he deduces from him show that he understands it in an equally false sense” (Rousseau, 2018: 36). Similarly he criticizes Locke, too, in the sense that the consequences which he deduces from state of nature in terms of justifying legal authority, namely government, is based on false assumptions, as he writes: “so that the goodness which was suitable in the pure state of nature was no longer proper in the new-born state of society” (Ibid: 50).

These critiques raised by Rousseau at the same time bring new content to the classical modern social contract theories. In this sense, Rousseau, who expresses that the state of nature is completely fictional in both Hobbes and Locke and therefore incompatible with the reality, tries to relate the depiction of the state of nature following ‘historical and ‘anthropological’⁵³ evidences’. At the same time,

⁵³ There can see many anthropological statements in elucidating state of nature in order to overcome the flaw of hypothetical description of state of nature in Rousseau’s theory. For instance; one of them is as follows: “This is doubtless why negroes and savages are so little afraid of the wild beasts they may meet in the woods. The Caraibs of Venezuela among others live in this respect in absolute security and without the smallest inconvenience. Though they are almost naked, Francis Correal tells us, they expose themselves freely in the woods, armed only with bows and arrows; but no one has ever heard of one of them being devoured by wild beasts” (Rousseau, 2018: 9). Another example can be pointed out as follows: “Thus the Hebrews in ancient times, and the Arabs recently, have made religion their primary concern; the Athenians, culture; Carthage and Tyre, trade; Rhodes, its navy; Sparta, war; and Rome virtue” (Ibid: 88). See. J. J. Rousseau. (2018). *A Discourse on the Origin of Inequality*, translated by G. D. H. Cole, London: Digireads Publishing. Also, many arguments put forward by Rousseau in terms of anthropological studies has been analyzed by Pablo Muchnik who describes Rousseau as father of anthropology, even he does not directly use the term father of anthropology. See, Pablo Muchnik, (2001). “An essay on the principles of Rousseau’s anthropology”, *Philosophy and Social Criticism*, 26 (2), pp: 51-77.

Rousseau, who radically criticizes the state of fetishization of the human mind imposed by modern-term social conventions and rejects the adjectives such as purely rational and selfish attributed to human nature, compared to his predecessors, seeks to establish a distinctive relationship among freedom, order, and property in his political theory. However, even though his methodological and contextual criticisms of the society toward contractarian theories are in place, Rousseau does not differ much from his predecessors, for he legitimates an economic and political system based on private property in the relationship he establishes between private property, freedom, and order in the formulation of civil society. In other words, Rousseau criticizes Hobbes and Locke both in terms of their methodological approach and in their bourgeoisie ideas though, he falls into a similar mistake with Hobbes and Locke in the framework of his own arguments.

Rousseau, who regards the main theoretical premises such as human nature and state of nature of used by modern term social contract theories as methodologically fictional and that the notions such as equality and freedom as attributed to only the riches under the mask of universality, indeed cannot go beyond his criticisms in terms of building an order in which all individuals share the same degree of freedom and equality. In other words, the criticisms developed by Rousseau are extremely logical, but the relationship he makes among the private property of the means of production, freedom, order, and its consequences are very similar to that of Hobbes and Locke and reflect a bourgeoisie mentality as well.

In line with these arguments concerning Rousseau's theory discussed above, the aim of this chapter is to elucidate the relationship that Rousseau makes between property, freedom, and order in his theory especially by focusing on the question of 'why is the order formulated by Rousseau nothing but a bourgeois order when the relation between private property and freedom is taken into consideration'?. In other words, the main aim of this chapter is to explain how Rousseau formulates an order in which the tension between freedom and the existence of private property based

means of production is being tried to alleviate for the benefit of bourgeoisie class in the last instance, despite his great effort to define/formulates the notion of freedom in positive sense which is labelled in today's modern understanding of freedom as positive freedom. In this context, since Rousseau, who follows his predecessors, formulates freedom with contractarian logic, this section firstly touches on the arguments of the state of nature and human nature which explain the path to the necessity of order in Rousseau's theory, and then critically assesses Rousseau's formulation of the link between private property, freedom and order by locating his arguments to the historical-social context and material conditions of eighteenth-century of France.

5. 2. 1. The Notions of State of Nature, Human Nature and Private Property

By basing his arguments concerning the notions of human nature and state of nature on historical and anthropological evidences, Rousseau portrays a state of nature and human nature quite different than those of his predecessors. In this regard, Rousseau who claims that human nature is not fixed/static and redefined according to the natural and social conditions in which human being lives says that primitive man does not have a bad nature at its core. Rather, they are social and environmental factors which corrupted the nature of this primitive man. Hence, Rousseau who emphasizes that in the state of nature human beings do not have a distinctive aspect compared to the animals before meeting the society describes how this primitive man has met all his needs from nature through primitive methods. In this context, people who satisfy his hunger from the tree, his thirst from nearest creek, his insomnia under the tree that feeds him in Rousseau's eyes do not know any moral judgments such as good or evil and live in nature according to forest laws (Rousseau, 1994b: 92).

In such a state of nature Rousseau defines man as ana-social, non-linguistic, lonely person and more importantly as free and equal being (Ibid: 96).

Although there are some natural differences between individuals in the state of nature, every man lives alone and nobody bows to anyone in Rousseauian description of the state of nature (Arnhart, 2016: 265). In short, as the primitive human in nature is described by Rousseau as a nomad who lives in forests and does not talk to anyone, need friends, want to hurt anyone's life, make distinction between people that is why this nomad is self-sufficient (Rousseau, 1994b: 110-111). More importantly, Rousseau claims men in state of nature “lived free, healthy, good, and happy lives” that’s why, men were living as if in a ‘Golden Age’⁵⁴ (Rousseau, 1994a: 61-62). In such an environment the most important feature to distinguish primitive man from other animals and in a sense from ‘modern man’⁵⁵, according to Rousseau, is the feelings of self-love and compassion that primitive man obtained thanks to nature. In other words, Rousseau argues that the feature that distinguishes man from animals is not the reason as it is claimed by the modern term philosophers but rather they are the feelings of compassion and self-love that nature has bestowed to man. Therefore, to Rousseau, man in nature does not have an instrumental reason as Hobbes and Locke claim, but has a conscience that outweighs the virtuous aspect (Rousseau, 1992: xi).

The relatively "good" nature of Rousseau's human nature as described above has been disrupted by social and environmental factors which according to Rousseau have also led to the disappearance of equality and freedom in the state of nature. Rousseau clarifies this situation by answering the question of ‘how is this

54 The term ‘Golden Age’ is used by Frederick Neuhouser (2013) in his article called “Rousseau’s Critique of Economic Inequality” published by *Philosophy and Public Affairs*, (41); (3). Pp. 196.

55 In Rousseau's views on human nature, there are many arguments that modern man has been evaluated in this direction. Yet; the most obvious one is the argument of modern man elucidated by Rousseau in terms of criticizing theoreticians of natural law. In this argument, Rousseau argues that theoreticians of natural law put all the qualities of the civilized human being in social life into the natural human being. In short, Rousseau argues that the modern-day natural law theorists, when describing modern citizens, are actually talking about the modern human savages. See. Rousseau, J. J.. (1994a). “Discourse on Political Economy”, in *Discourse on Political Economy and the Social Contract (The Second Discourse)*, Oxford: Oxford University Press.

state of equality and freedom in the state of nature deteriorated?'. Rousseau, in this respect, answers this question by underlining two reasons. The fundamental reason why human beings are equal and free in nature turns into slaves is the process of socialization, in a broad sense, and the emergence of private property, in a narrow sense. Rousseau states that the person who has entered the process of socialization is subject to scientific and technical progress and the process of civilization. In other words, the process of civilization caused by socialization has not only turned the good sides of primitive man into a weak, cowardly, malevolent being but also led them to lose their equality and freedom in the state of nature (Rousseau, 1994a: 90). Hence, here the important point is to elucidate that the notions of equality and freedom in Rousseau's theory are interconnected and complementary notions, as Bayram points out;

The main aim of Rousseau in his social contract theory is to establish a direct link between equality and freedom by defining not only the state of nature as a situation in which people benefit from absolute equality but also stressing that no dependency relationship that would disrupt this equality is allowed. Thus, securing freedom in the state of nature in Rousseau's theory is derived from this condition of equality (Bayram, 2016: 589).

The strict link that Rousseau makes between equality and freedom can be elaborately discussed from different points of view even though, it will be beyond the end of this thesis to focus on tens of aspects related to the link between equality and freedom. Hence, it will just be tried to emphasize on the situation of inequality and the state of freedom which directly arises from the emergence of the private property below.

5. 2. 2. Private Property: The Road to Inequalities and Domination

Rousseau states that private property is the most important step towards civilization after explaining that human nature has deteriorated by both the process of socialization and of civilization. In this context, Rousseau, who puts the private

property institution which is one of the most important reasons leading to the emergence of inequalities among people into the second category in the classification of inequalities, speaks of two types of sources that lead to inequality among people which are 'natural inequalities' and the 'moral inequalities'⁵⁶, respectively. Rousseau describes these points as follows:

i-) physical and biological inequalities such as age, health, strength arising from nature, and; (Rousseau, 2018: 31)

ii) inequalities that are the product of compromises based on the common consent of people, which are morally or objectively related to the political and economic fields and not natural (Ibid).

Rousseau's primary purpose in this respect is to uncover natural inequalities and to clarify the artificial inequalities that directly led to the social inequalities among people. In this context, Rousseau, who literally deconstructs the reasons for the artificial inequalities between people by wearing glasses of historical anthropology, develops his economic and political theory through the conditions of inequality and dependence caused by private property especially in explaining the corruption process of human beings' Golden Age. By describing the emergence of the institution of private property as the most important factor leading to artificial inequalities, Rousseau expresses the strict link between the emergence of private

⁵⁶ 'Moral inequalities' are generally called as 'artificial inequalities' in the literature, even Rousseau did not use the term "artificial inequalities" in his social contract theory. Here it is important to point out that the main reason why moral inequalities should be called as artificial inequalities is best described by Frederick Neuhouser. In this sense, Neuhouser emphasizes that moral inequalities in Rousseau should be called as artificial because "they are created and sustained by us, and for this reason we are responsible for them in a way we are not responsible for the inequalities created by nature" See. Frederick, Neuhouser (2013). "Rousseau's Critique of Economic Inequality", *Philosophy and Public Affairs*, 41; 3. Pp. 194.

property, inequalities, and dependence among individuals. He, in this respect, writes that;

The true founder of civil society was the first man who, having enclosed a piece of land, thought of saying, 'This is mine', and came across people simple enough to believe him. How many crimes, wars, murders, and how much misery and horror the human race might have been spread if someone had pulled up the stakes or filled in the ditch, and cried out to his fellows: "Beware of listening to this charlatan. You are lost if you forget that the fruits of the earth belong to all and that the earth itself belongs to no one (Rousseau, 1994a: 55).

Therefore, Rousseau, who claims that the emergence of the institution of private property is the main reason for the deterioration of human nature and consequently the loss of equality and freedom of primitive man, gives an important role to private property in his theory. Though Rousseau's ideas about private property contain many arguments which are open to interpretation, they can be categorized into three basic arguments.

First of all, Rousseau depicts private property as a notion that does not exist in the first stage of the state of nature, namely Golden Age of human beings. In other words, private property is seen as the beginning of the 'second stage of the state of nature'⁵⁷ in Rousseau's theory. Therefore, this situation proves anthropologically that there were life forms/societies in which there was no private property in human history according to Rousseau. Similarly, it will not be surprising to say that primitive man in Rousseau's description of the state of nature would enjoy taking

⁵⁷ Rousseau does not describe the state of nature as having two stages as it is in Lockean description of state of nature though, the fact that some dualities such as primitive man-civilized man, amour de soi – amour propre, a-social man - social man used by him in terms of explaining what the essence of human nature is can be concluded that the state of nature in Rousseau implicitly consists of two stages. Moreover, as Chris Pierson argues the emergence of private property in Rousseau's description of state of nature indeed leads to a two-dimensional situation. In this sense, he writes that: "There is certainly a developmental history in the emergence of private property itself. While it represented the first step in the decline of the species, this staking of a property claim was actually the last stage in the state of nature" (Pierson, 2013: 412). See. Chris, Pierson, (2013). "Rousseau and the Paradoxes of Property", *European Journal of Political Theory*, 12 (4): 409-424.

part in a society in which private property has not emerged or justified yet. In other words Rousseau's primitive man who has at the level of 'amour de soi'⁵⁸ would voluntarily and freely take part in a primitive society features of which are elucidated by Anthropologist Eden as follows:

[A]mong them, the land is as common as the sun and water: And...Mine and Thine (the seeds of all mischief) have no place with them. They are content with so little, that is so large a country, they have rather superfluity than scarceness. So that... they seem to live in the golden world, without toil, living in open gardens, not entrenched with dikes, divided with hedges, or defended with walls. They deal truly with one another, without laws, without books, and without judges (Eden, in Edward Arber, 1885: 78).

In the second place, Rousseau, unlike Locke, implies indirectly that as the possession of property does not stem from natural right, its claim can only be based on laboring on nature. Here, it is important to mention that laboring something in nature, to Rousseau, does not lead to natural possession of that item whereas Locke justifies possessiveness based on labor as natural right (Rousseau, 1994b: 60). Thus, Rousseau, in this regard, compared to Locke, let alone seeking a way to justify the institution of private property as natural right he does reject natural rights as a wholesome of which can also be linked to the ontological aspect of any individual possession in the sense that it lays at the center of inequalities among people. For instance, Rousseau does accept the institution of private property in his political order underlying the importance of labor in possessing any property. Yet, this justification of private property in civil society does not make it natural according to

58 'Amour de soi' is a French concept used by Rousseau in order to refer to the kind of self-love that human beings share with other beings in state of nature. It is note-worthy to say that Rousseau uses the concept of amour proper which also means self-love as a counter-meaning against the term amour de soi in that while amour proper is linked by Rousseau to selfish character of human nature especially after the emergence of private property in state of nature, the term amour de soi on the other hand refers to human beings' basic altruistic incentive against other beings in Rousseau's theory. See. Rousseau, Jean-Jacques (1994). "Discourse on Political Economy", in *Discourse on Political Economy and the Social Contract (The Second Discourse)*, Oxford: Oxford University Press, pp: 57, 61, 85, 142.

Rousseau. Pierson, in this sense, expresses the importance of labor based possessiveness in Rousseau's formulation of civil society as follows:

In fact, the sovereign can and should use the laws to guard against the emergence of rich and poor. One we have a propertied regime, if we are to avoid relations of master and slave and a society based upon appearance and conceit, it is important to ensure that all should have enough property and none should have too much. So the sovereign may legislate for progressive taxation and (provision) for the poor. All should work (because this is the only legitimate source of property) (Pierson, 2013: 421).

Thirdly, Rousseau states that the emergence of private property leads to the rich-poor distinction between people in the state of nature. Another meaning of this situation is that the private property institution causes not only the dependence of the dispossessed on property owners but also a master-slave relationship in civil society. More importantly, since private property is regarded by Rousseau as a radical step to deteriorating of human nature, it results in loss of the equality and freedom of human beings. In other words, Rousseau claims that since private property, to say on land, leads to a strict division of labor, it also leads to evaporating of equality and freedom of individuals, as he writes;

From the moment one man needed help from another, and as soon as they found it useful for one man to have provisions enough for two, equality evaporated, property was introduced, and work became mandatory: vast forests were transformed into sunny open country that had to be watered with the sweat of man, and where slavery and adversity were soon seen to germinate and ripen with the crops (Rousseau, 1994a: 62).

This division of labor which leads to loss of freedom and equality similarly opens the way for distinguishing people as master and slave. In other words, it is the emergence of institution of private property which leads to the dependency among people in the state of nature in Rousseau's theory, as Pierson says, property in Rousseau's state of nature seals the dependency of both propertyless and property owners (Pierson, 2013: 413). Here, it is important to say that Rousseau regards

private property as an evil of human beings in the sense that he argues it leads to dependence not only for poor/slaves but also for rich/masters, as he writes;

Once free and independent, now subject, so to speak, through a multitude of new needs, to all of nature, and above all to his fellow men, whose slave he has in a sense become, even when he becomes their master. For if he is rich, he needs their services: if he is poor, he needs their aid (Rousseau, 1994a: 65- 66).

Therefore, the most important reason that leads to the degeneration of human nature in the state of nature and the emergence of inequalities among the people is the emergence of the institution of private property in Rousseau's theory. Moreover, since Rousseau regards the institution of private property as the main reason for artificial inequalities, he does regard it as an ethically dangerous entity which leads to economic inequalities as well. Rousseau, in this sense, expresses that "as soon as.....equality disappeared.....slavery and misery.....germinated and grew" (Rousseau in Neuhouser, 2013: 196).

As far as the arguments concerning private property discussed above taken into consideration it can be claimed that in order to overcome these negative situations in terms of loss of equality and freedom caused by private property Rousseau develops the concept of General Will in his social contract theory by expressing one of the main features and tasks of General Will as "the fundamental contract substitutes moral and legal equality for whatever degree of physical inequality nature has put between men" (Rousseau, 1994b: 62). The General Will, which, in this respect will be both the organizer and the regainer the dignity of the equality and freedom that people have lost in the state of nature, is also very important in this context to understand the relationship of Rousseau's views on private property, order and freedom. In other words, the formulation of freedom in Rousseau's theory can be best understood by means of analysing his central concept of political theory, namely General Will which provides a framework in which, as Neuhouser argues, "free will can exist only as part of rational political order" (Neuhouser, 1993: 366).

5. 2. 3. Theory of General Will as Constructor of an Ideal Order

In developing the theory of the state as an order founder Rousseau places the strategy of General Will in the core of the ontology of his formulation of legalizing the institution of the state. In other words, General Will, which according to Rousseau founds an ideal order in terms of transforming corrupted human beings in the second stage of the state of nature into ideal civil society, constitutes the ontological origin of the state in Rousseau's theory. By noticing the importance of the theory of General Will in explaining the ontological aspect of the state as order founder Rousseau tries to avoid falling into the mistakes of the earlier modern-period social contract theoretician's arguments flaws of which were discussed in detail in the previous section. Accordingly, Rousseau who claims that modern politics does not only have methodological deficiencies but also is built on a human nature that is incomplete or inaccurate highlights two major criticisms to his predecessors' approach in terms of justifying the emergence of the state as order builder. When the criticisms directed by Rousseau to his predecessors are assessed, two important findings should be underlined. The first of these is related to the Hobbesian understanding of Leviathan. In this sense, Rousseau argues that state in Hobbes' theory is so fetishized that as if it is a 'sui generis'⁵⁹ phenomenon which is exclusively superior from an individual (Rousseau, 1994b: 99). This feature of Hobbesian formulation of state, to Rousseau, puts an individual's freedoms into secondary importance under the shadow of mortal God, namely Leviathan. The other is related to the theory developed by Locke. According to Rousseau, Locke explains the state on the basis of a false contract and the purpose of this false

59 The term 'sui generis' is a latin word which means a thing that is without a counterpart or equal. That is, "if you describe a person or thing as sui generis, you mean that there is no-one else or nothing else of the same kind and so you cannot make judgments about them based on other things". Source: <https://www.collinsdictionary.com/dictionary/english/sui-generis>, (Accessed date: 16/09/2018).

contract is to seduce ordinary poor people to regard the interests of the bourgeoisie class or riches as natural rights based on private property and to think of these interests as if they are their own interests (Rousseau, 1979: 559-560).

In this context, Rousseau mainly claims that Positive Law, which emerged as a result of social contracts, destroys freedom under the mask of protecting natural law in both Hobbes' and Locke's theory (Ibid). More importantly, these laws legitimize economic inequalities resulting from private property to ensure the continuation of the exploitation and ensure that these inequalities continue in favor of a handful of the rich (Ibid: 562). In other words, Rousseau agrees with the idea that artificial inequalities that emerge as a result of private property in the society are tried to be assured by Positive Laws emerged in contractarian way as if they are very natural, as Pierson emphasizes "men do indeed come together to form civil societies to guarantee each member's property, life, and liberty...But in practice, this agreement exists principally for the benefit of rich" (Pierson, 2013: 414). The same situation can be deduced from Rousseau's own words regarding the artificial aspect of social contract theories as follows:

Let me briefly sum up the social pact between the two classes. "You need me, because I am rich and you are poor; let us therefore make an agreement: I will allow you to have the honour of working for me, on condition that you give me the little you still have in return for the trouble I take to give you orders (Rousseau, 1994a: 36).

Rousseau, who expresses his criticism of the state and its laws that emerged in the early modern term social contract theories, constitutes the concept of the General Will which he claims not to fall upon the same errors made by Hobbes and Locke in their theories of social contract. By claiming that human beings are born free but they are in chain everywhere Rousseau, in this sense, underlines three features of General Will that can be directly linked to the notions of private property and freedom.

The first of these is strictly about the establishment of a legal order in which political association is formulated in terms of enjoying equality and freedom. In this

sense, Neuhouser clearly explains the functional aspect of General Will in Rousseau by stating that “Rousseau invokes the concept of the general will in order to solve what he takes to be the fundamental problem of political philosophy- namely, to devise a form of political association that reconciles the associates’ need for social cooperation with their essential natures as free beings” (Neuhouser, 1993: 367). Therefore, the necessity of state in terms of enabling individuals to exercise their real freedom in Rousseau’s theory can be regarded as the ontological dimension of General Will. Neuhouser, in this respects formulates why Rousseau justifies the institution of state as follows: “The justification of the rational state resides in the fact that such a state plays an indispensable role in constituting human beings as bearers of free wills and is therefore essential to the fulfillment of their true nature as free beings” (Ibid: 365).

Second, concerning property, Rousseau defines General Will as “a form of association which will defend and protect, with the whole of its joint strength, the person and property of each associate” (Rousseau, 1979: 354). Similarly, he underlines the important role of the General Will in constructing civil society and political order concerning property by claiming that the right to property is guaranteed by the laws of the legal authority, namely the sovereign. He, in this regard, writes that;

The remarkable thing about this transfer of ownership is that when the community receives the possessions of individuals it does not in any way despoil them, but instead ensures that their ownership is legitimate, changing usurpation into genuine right, and enjoyment of use into property....their act of ceding ownership to the state has benefited not only the public but, even more, themselves, and they have as it were acquired everything that they have given – a paradox which is easily explained if we distinguish between the rights that the sovereign and the owner have over the same piece of property (Rousseau, 1994b: 62).

Given that, it can be said that the main duty of General Will is to protect individuals’ property rights which people did not have in the state of nature but do have in civil society thanks to General Will. In other words, Rousseau claims that the goal of the General Will must be to protect individuals’ private property rights

which are regarded by Rousseau as “the most sacred of all citizens’ rights, and in some respects more important than freedom itself” (Rousseau, 1994a: 25).

In the third place, as far as the link that Rousseau establishes between freedom and the General Will is concerned, it can be basically said that in Rousseau’s theory man can only be free provided that obeying the laws of General Will. In order to understand the connection between General Will and freedom, it is necessary to highlight how Rousseau assesses the relation between natural freedom in the state of nature and freedom in civil and political society, first. Rousseau, in this respect makes a clear cut distinction between natural freedom and civil freedom or ‘moral freedom’⁶⁰ which he shortly describes as ‘human obedience to his own laws’ (Rousseau, 1999: 58). In other words, in the theory of Rousseau, a person who has lost his natural freedom if and only can be free as much as he obeys the laws that arise in the law-making process in which he participates as a moral subject (Kuper and Kuper, 2009: 895). Rousseau, thus, states that citizens must obey the laws emerged in the process of law-making which they take part in as autonomous moral subjects, as he writes:

To the acquisition of moral status could be added, on the basis of what has just been said, the acquisition of moral liberty, this being the only thing that makes man truly the master of himself; for to be driven by our appetites alone is slavery, while to obey a law that we have imposed on ourselves is freedom (Rousseau, 1999: 59).

⁶⁰Moral freedom is defined by Rousseau as “obedience to the law one has prescribed for oneself” (Rousseau, in Neuhouser, 1993: 366). More importantly by using the term ‘moral’ as an umbrella term referring to rational and autonomous aspects of human beings Rousseau makes a strict relation between morality and freedom. In this respects, he argues that “it is incompatible with the nature of man; to remove the will’s freedom is to remove all morality from our actions” (Rousseau, 2018: 50). See. J. J. Rousseau, (2018). *A Discourse on the Origin of Inequality*, translated by G. D. H. Cole, London: Digireads Publishing

Hence, the importance of being part of political order for individuals is defined by Rousseau as a mandatory condition for being enjoyed individual freedoms as righteous citizens. That is since the General Will reflects the true will of all people who may not be able to know what is right and wrong for their enjoying real freedom, then there remains one choice which is to obey the laws for virtuous citizens of an ideal state as order founder. Therefore, according to Rousseau, individuals who do not understand this aspect of the General Will must be forced to obey the laws to be free. He writes that:

In order therefore that the social pact should not be an empty formula, it contains an implicit obligation which alone can give force to the others, that if anyone refuses to obey the general will he will be compelled to do so by the whole body; which means nothing else than that he will be forced to be free; for such is the condition which, giving each citizen to his country, guarantees that he will not depend on any person.* This condition is the device that ensures the operation of the political machine; it alone legitimizes civil obligations, which without it would be absurd and tyrannical, and subject to the most terrible abuses (Ibid: 58).

The important point here is that since Rousseau considers the General Will more than the sum of the individual wills, it asks for citizens to be free from their personal interests and act according to their common interests when participating in the law-making process. Thereby, since people who consent to the convention that provides for the emergence of the General Will are the only sovereign authority associated with the spirit of social solidarity, everyone in the construction of the political order is equally subject to its own laws. According to this understanding of freedom which is defined as 'social autonomy model of freedom' by Joshua Cohen (1986) individuals do not only remain free but are motivated for the common good in a society ruled by the General Will which says the importance of common will to them in a louder voice than their individual will (Cohen, 1986: 282). That is to say, every citizen who is involved in the law-making process and who complies with these laws, as Arnhart states, is transformed into virtuous, free and moral subjects by combining political authority with personal freedom in Rousseau's formulation of General Will (Arnhart, 2011: 264).

So far, by highlighting the basic features of the Rousseauian formulation of an order concerning the relationship between private property and freedom, the main theoretical arguments of Rousseau in the way to reach theoretical outcomes have been explained in detail. The question, here, to be asked is: ‘How is the institution of private property, which is the root cause of artificial inequalities and at the same time leads to the tension between freedom and order, located and assessed in Rousseau's social and political order?’ Rousseau's answer to this question indeed also reflects the basic purpose of his theory of social contract. In this context, Rousseau states that the most fundamental duty of the state arising from the consent of individuals is to protect the property of the person and the general interest of the society as discussed above. Thus, Rousseau does not eliminate the institution of private property, which he considers to be the source of evil in the state of nature, in civil society or in his ideal social order. Rather, he considers the private property institution as the most important institution to be protected by the laws of General Will. Nevertheless, Rousseau treats the concept of private property differently from the libertarians and especially from Locke. In this context, Rousseau states in his basic economic theory that prosperity arising from private property should be directed towards common interest through the method of taxation (Rousseau, 1994b: 72). In other words, Rousseau claims that the institution of private property which leads to economic inequalities in society even though, the General Will can manage these inequalities stemmed from private property for the benefit of common interest, as Neuhouser puts it “(t)he social contract is to solve makes it clear that legitimate laws aim at realizing the freedom and promoting the social conditions of well-being for each citizen (Neuhouser, 2013: 208). Moreover, General Will is described in Rousseau’s theory as “a just social order strives to eradicate the material conditions of domination, preventing the systematic domination of any individual or group” (Ibid: 225).

In this context, Rousseau states that citizens who are expected to act in accordance with common interests instead of personal interests should obey the laws of the General will be related to private property. The General Will is the only

institution that can never change its purity and, above all, reconcile the inequalities caused by private property because it always reflects the truth and is of public interest, according to Rousseau. By giving the main features and tasks of General Will Rousseau states that individual freedoms that can be associated with private property, if necessary, maybe restricted for the public good, public interest or common interest. As a result, the General Will must reflect an order in which as the rich must not be rich enough to buy the poor, the poor must not be so poor as to sell themselves to riches, as Rousseau writes:

As for equality, the word must not be taken to mean that the degree of power and wealth should be exactly the same, but.....as regards wealth, that no citizen should be rich enough to be able to buy another, and none so poor that he has to sell himself: and this depends on those of high position exercising restraint concerning property and influence, and on the common people restraining their greed and envy (Rousseau, 1994b: 87).

Thus, the primary duty of Rousseau's general will is to protect private property and regulate social inequalities arising from private property. Therefore, Rousseau, in a sense, states that the institution of private property can only be accepted in a political and economic system provided that social inequalities stemmed from private property are regulated in favor of people who are economically disadvantaged in society and provided that the rich are not rich enough to buy any poor. In other words, as Neuhouser argues that the welfare aspect of Rousseauian formulation of General Will bases on the idea that the state would realize freedom by fulfilling the conditions (at least some of them) that enable individuals to possess a free will (Neuhouser, 1993: 365). Hence, Rousseau, who formulates an economic and political system based on legally and morally justification of private ownership, imposes a duty similar to the task of the modern welfare state on General Will in the sense that the state should reflect the social interest through a redistribution mechanism in terms of providing economic justice. The conclusion that can be deduced from this argument in terms of freedom can be exactly linked to what moderns call as positive freedom in which economically

disadvantaged groups/individuals need financial assistance of the state to realize their freedom. To put it differently, the participant as a part of the General Will recognizes that while participating in the law-making process, in a sense, his law will help him to overcome the obstacles stemming from his own material conditions which at the same time enable him to exercise the freedom in a positive sense. Similarly, the General Will enacts laws by knowing that for a citizen to be free one must have the minimum requirements in the economic sense.

5. 2. 4. Rousseau's Formulation of Social Order for Eliminating/Alleviating the Tension between Private Property and Freedom: A Critical Assessment

The material conditions stemmed from the emergence of capitalism in the seventeenth century of England and the social events caused by the changes in the economic base of French society in eighteenth-century have some common points discussed in the third chapter in detail. Yet, the results of these events led in a more universal revolution in eighteenth-century of France compared to the British Civil War. In line with this information, it can be said first that Rousseau's ideas serve the bourgeois class' interests during the emergence of new social classes arising from the changes in the economic base when the social and historical context of the seventeenth and eighteenth centuries of France is taken into account. Even though Rousseau pursues a methodologically different path from the bourgeois ideologues of the time, he comes up with similar conclusions reached by his bourgeois predecessors in his theory of social contract. In this respect, it can be said that Rousseau's critical thoughts which target at the modern thinkers of the seventeenth century under the context of modernity, in a broad sense, and the modern social contractarian theoreticians, in a narrow sense, are convincing. However, the order that Rousseau wants to build in the social contract theory is a property-based economic and political order that guarantees the freedoms of owners of the property, namely of bourgeoisie class who emerged during the sixteenth and seventeenth-century of France and become revolutionary force during French Revolution. In this

context, although Rousseau radically criticizes the institution of private property in the state of nature, the fact that he defines the General Will as inherent in property indicates why he ought to be regarded as a bourgeois thinker like his predecessors. The most obvious example of this is the fact that the theoretical foundations of the French Revolution, which led to the construction of the bourgeois order in the concrete world and which had a universal impact as far as its results are taken into consideration, can be obtained from Rousseau's views. The fact that why and how the theory developed by Rousseau serves the class of property owners can be based on five distinctive arguments pointed out below.

First of all, Rousseau does not provide a tangible justification for legitimating the institution of private property which he considers as the main reason of inequality and dependence in the state of nature in his formulation of civil society. Unlike Locke, who justifies property acquisition through the condition of labor, Rousseau does not justify property acquisition only through the condition based on laboring in the state of nature. He, in this sense, justifies labor-based possessiveness only in civil society. Thus, the question of 'why is private property, which is not assessed as a natural right by Rousseau, justified in Rousseau's contractarian order'? is not satisfactorily responded by Rousseau. The most optimistic comment may be based on the idea that wealth obtained from the institution of private property can be used for social common interests/goods; that is why Rousseau justifies the institution of private ownership for establishing political order. However, even such an optimistic approach to justification of the private property does not eliminate the economic inequalities in Rousseau's ideal order in the sense that Rousseau just does legitimate any state intervention to the institution of private property in order to alleviate the strict economic distinction between riches and poors by means of taxation system as kind of one of the prototype of modern welfare state exercises. Moreover, such a situation directly results in justifying the existence of dispossessed individuals and so of poors who are dependent on the property and so on riches in a given political and economic order based on private property. To objectify this hypothesis it is important to re-underline

the material and social context of eighteenth-century of France that Rousseau has witnessed. In this sense, when we consider the social context of the eighteenth century is considered it is possible to comment on Rousseau's assessment of the institution of private property in terms of alleviating economic inequalities stemmed from private property. Transferring some income of the bourgeoisie class including its fractions pointed out in the Table C obtained from the private property to the landless beggars or free peasants would let alone eliminating the relationship of dependence it would pin this dependence. Perhaps the most important reason why 'a beggar or free peasant' is dispossessed is the existence of one of that bourgeoisie whose property had already justified and protected by political and economic order. In other words, bourgeoisie who exerted a resource that is in common use in the state of nature will be a member of political and civil society with his private property thanks to logic of Rousseauan social contract. This, on the one hand, brings the liberty and rights arising from private ownership to the bourgeoisie in civil society, while a beggar and a free peasant are still dependent on this order in terms of obeying the laws based on securing property rights. Therefore, the function of the naturalization and legitimization of non-natural rights employing the positive laws as if they are natural is indeed nothing but the temptation of the propertyless people in terms of participating contract or obeying riches' rules. In short, despite Rousseau's great effort to avoid his predecessors' ideological approach to contractarian way, Rousseau himself maintains the same argument in terms of eliminating the tension between private property and freedom for the benefit of bourgeoisie class in the last instance in his own contractarian theory.

Secondly, when eighteenth century of France is examined it can be said that the market economy, which is an economic system based on private property, was developing, and that the imaginary traces of the phenomenon of civil society have started to serve as a backyard of an economy based on private ownership system, as discussed in detail in the third chapter. In such an environment it remains utterly utopian to argue that in the bourgeois civil society that will emerge in the next phase of early capitalism, the atomistic bourgeois individual, who is rational and has no

other purpose than to protect his own interests, will make accounts for the public good in the way Rousseau formulates in his theory of General Will. In other words, acting according to the public common interest in civil society, which will evolve towards competition and individual interests, is more than a dream in the early part of the French Revolution, since in such an environment waiting for bourgeois individuals to behave towards public interest is not only transcendental to the logic of developing capitalism but also becomes the product of imagination at the time of the French Revolution, where social chaos began to evolve into a medium where people in the Hobbesian sense fight each other in the heart of early wild capitalism based on primitive accumulation of wealth.

Third, Rousseau argues that modern social contract theories justify artificial inequalities through the contractarian mask, in other words, through formulating formal equalities and freedoms. The correctness of this determination by Rousseau was indeed examined in detail while analyzing Hobbes and Locke. Yet, Rousseau does the same thing by hiding them behind the mask of moral freedom or civil liberty he developed. Namely; Rousseau states that people can gain positive freedom in an atmosphere where private property based artificial inequalities can be transformed into a kind of modern welfare state practices with the participation of moral citizens in the legislative process. Thus, Rousseau identifies the state of freedom which he reduces to 'participatory citizen freedom' with moral and virtuous adjectives. This means for the dispossessed individuals, each of whom will be one of the parties to the contract, that there are artificial inequalities arising from private property in society and unfortunately you face with numerous of these inequalities but if you do not undertake any rebellion against the abolition of the institution of private property that leads to this situation you will be a moral and virtuous citizen thanks to your unconditional obedience to the laws that protect the institution of private property. Rousseau thus indeed tries to tempt the poor with a moral mask by bringing the real dependence of the poor in civil society which derives from the inequalities caused by private property into the realm of moral and civil liberty

especially by claiming that one should be forced to obey the rules/laws of General Will in order to be free in civil society.

Another critical point about Rousseau's formulation of freedom, private property and order are about his master-slave dialect. In this respect, Rousseau, in a sense, evaluates the transformation of the means of production into private ownership over the dependency of agrarian capitalism. In this context, Rousseau says that the emergence of private property on land leads to the dialectic of the master-slave depending on the division of labor. This kind of evaluation by Rousseau is certainly true as discussed this situation in detail in the third chapter especially in explaining the inequalities stemmed from the emergence process of agricultural capitalism in England and France. However, the argument put forward by Rousseau which claims that the fact that private property leads to a kind of master-slave dialect also leads to the dependence of all humanity is wrong. Rousseau who claims that with the emergence of private ownership in both state of nature and civil society the owners of the property have started/will start to need slaves tries to show the master through a logical trick as if he is a slave-dependent. However, as the master directly seizes the surplus value produced by his slave, he becomes not only able to meet his basic needs but also able to create an environment in which he exercises his freedom in social life. Thus, while the emergence of the institution of private property over means of production, on the one hand, makes the slave dependent on the master, on the other hand it improves the master's living conditions and leads the master to move more freely in the civil and political society established by means of General Will.

Finally, as it is stated above, Rousseau's methodological criticism of his predecessors are convincing. In this context, Rousseau's criticism of modern period social contract theories can be grouped under two headings. First, the fact that human nature has a variable feature depending on the material and social conditions is of great importance in terms of displaying the methodological flaws of modern term social contract theories. The second is the criticism of description of the state of nature which is portrayed by modern terms theoreticians as fictional/hypothetical.

Rousseau gives importance to anthropological studies to overcome this problem. However, despite his breakthrough criticisms, Rousseau, like his predecessors, defines the emergence of the state on individual's consent based on Methodological Individualism under the context of the state of nature. Such a situation causes two important problems in Rousseau's theory as well. In spite of the importance that Rousseau gives to political anthropology, can Rousseau show an example of a state that emerged as a result of the consent of individuals in history? The answer to this question is of course 'no, he cannot' because most of the anthropological studies discussed in the second part of the study indicate that even the most primitive state organization has emerged as a result of antagonisms stemmed from class-based society. Accordingly, another question related to the first question can be raised here as well. Why should moral, autonomous and partly rational individuals who are ones of the subjects/parties to the social contract submit their will to General Will which approves the institution of private property that leads to artificial inequalities in political and civil society? In other words, does not it mean for dispossessed individuals to accept General Will is indeed to accept inequalities arising from private property in civil and political society? Rousseau reduces his answers to all these questions to moral judgments. A morally acceptable citizen for Rousseau accepts the authority of General Will for the sake of enjoying their moral freedom. Yet, in such an environment, the word 'moral citizen' indeed means confirming the private property acquired in an immoral manner in Rousseau's theory, since he states that in the state of nature there is no moral legitimate basis for the acquisition of property. Therefore, Rousseau paradoxically wants parties of the contract morally obey the institution of private property, which has emerged immorally in his theory, for the sake of realizing their so-called moral and virtuous freedom in civil society.

5. 2. 5. Conclusion

In order to analyze the ideas of Rousseau, who lived in the eve of a century where everything solid began to evaporate, the material and social conditions of the period in which he lived are of great importance. In this context, before everything else, it can be said that Rousseau's theory of social contract makes him different from its predecessors in the methodological sense. But this difference remains only methodological, because Rousseau, like his predecessors, wants to establish a political and economic order which protects the interests of the bourgeois class of his time in his theory by means of formal equality and formal freedom which was realized after French Revolution against hereditary monarchy for the sake of securing market-based capitalist economy. Such a comment is directly related to his social contract theory in which he tries to eliminate the tension between freedom and private property through an ideal political and economic order. In this regard, it is the institution of private property that Rousseau justifies through his theory of General Will which leads to the strict wealth-based distinction between property owners and dispossessed people, in other words, to the strict wealth-based distinction between rich and poor. Besides, it is theoretically justification of private property by Rousseau that leads to the legalizing of inequalities, to freedom of owners of private property and, above all, to the ontological existence of the state in terms of the question of why is a state needed?

More importantly, in spite of all the criticisms he makes to the institution of private property which he cites as the main reason for the emergence of these situations in the state of nature, Rousseau falls into a great contradiction in constructing his ideal order by considering the state's most fundamental duty as protecting the institution of private property under the mask of fair distribution of income by means of taxation system. Moreover, this is such a contradiction that the ideal state of Rousseau on the one hand allows the economically disadvantaged people stemmed from dispossession to exercise their freedom in a positive sense in civil society by means of welfare state-like practices based on re-distributive justice

system, on the other hand, it does not allow them to free themselves from the chains of property which prevent them from realizing their true freedom. In other words, even though he claims that the notions of equality and freedom are formulated by modern social contract theories as formal, Rousseau himself cannot go beyond this formality in his ideal order either. Therefore, when the social and material conditions of the period are taken into account it is plain to say that the only thing that Rousseau has accomplished is that he develops a theory to free the dispossessed people from the state of dependence and inequality caused by feudal privileges. However, in doing so, Rousseau imprisons any possibility of the freedom of dispossessed/poor masses who want to get rid of feudal inequalities into his ideal order which he designs to solve/alleviate the tension between private property and freedom for the benefit of the bourgeois' class. Of course, in such a political and economic order the involvement of the dispossessed/poor people in the law-making process as moral and righteous citizens does not mean that they are free as Rousseau formulates/wishes. That is, the mottos following as; 'people born free but chained in Rousseau's ideal order' or 'people can only be free provided that they are enforced to depend on private property' may seem meaningful for the aim of this study to put Rousseau into the right place in the history of political philosophy.

CHAPTER 6

RE-FORMULATION OF SOCIAL CONTRACT THEORY IN TERMS OF ALLEVIATING THE NEVER-ENDING TENSION BETWEEN PRIVATE PROPERTY AND FREEDOM WITHIN THE CONTEXT OF A WELL-ORDERED SOCIETY: THE CASE OF JOHN RAWLS

Doubtless, capitalism marks a powerful, widely employed and widely disputed concept today, and the comprehensive overview of its historical development is certainly a major contribution to economic, social, and political thought. As Beaud puts it, the emergence of capitalism seems to capture some of the vital realities of our time, and consequently, a clear understanding of it offers a considerable promise of an improved understanding of our times and ourselves (Beaud, 2001: 4-5). Similarly, Friedrich August von Hayek claims that it is not possible to take the individual freedom of modern times further back than the seventeenth century of England and eighteenth-century of France in which capitalism emerged (Hayek, 2012: 253). Taking these claims into consideration it is noteworthy to say that even though some parameters concerning capitalism have been changed over the years from the seventeenth century to nowadays, justification of private property over means of productions has been remained unchanged in the last instance. Of course, compared to the seventeenth and eighteenth centuries of Europe, capitalism has affected not only state forms but also meanings of freedom and equalities as well as the definition of property. While the main content of means of production were manufactures, lands and small-sized factories during eighteenth and nineteenth centuries, today besides classical means of production, intellectual properties are ones among main properties. Similarly, the content of state as order founder is very different than that of the orders formulated by modern social contractarian theoreticians during seventeenth and eighteenth centuries. Yet, what is common today is the justification of private property over means of production and its relation with individual freedoms by means of contractarian logic. That is, although the logic of capitalist economy has been reformulated and changed over the centuries, the main claim concerning justification of private property-based mean of production and its strict relation with freedom is in a sense inalienable and still plays

key role in constructing a well-ordered society among liberal intellectuals and theoreticians including John Rawls, a contemporary contractarian theoretician.

In the last quarter of the twentieth century, that is, a few years after the ‘political philosophy has been declared dead’⁶¹, John Rawls, with his theory of Justice as Fairness, has revitalized political philosophy (Freeman, 1999: 4). In other words, the fact that if someone working on political philosophy during the last quarter of the twentieth century does not mention the name of John Rawls in his/her study means that he or she does not focus either on political philosophy or on the notion of justice in his or her work explains how theory of Justice as Fairness developed by Rawls play key role in shaping general aspects of current political theory. By the same token, in order to mention the importance of Rawls in the process of revitalizing political philosophy in the last quarter of the twentieth century Nozick argues that “political philosophers are entitled to study within the theory of Rawls or if they don’t then they need to explain why they do not care about Rawls’s theory of justice” (Nozick in Kanatlı, 2015: 302). The most important element that makes Rawls such an important figure in the field of political theory thus is based on the fact that Rawls has done a very comprehensive study on how equality and freedom can be reconciled in an ideal just order, which has been one of the ancient issues of political philosophy from Ancient world to current modern world, under the framework of the notion of justice as fairness. The basic logic of this comprehensive study of Rawls is principally based on two claims; i-) to revive the modern term social contract theories in the light of basic principles of justice

61 Especially from 1920s onwards social sciences in general and political philosophy in narrow sense remained under the influence of logical positivism or logical empiricism. In the 1950s and 1960s, the behaviorist school that emerged within the positivist movement began to dominate social sciences. According to the school, scientific studies related to the social sciences should be subjected to an experimenter logic. Namely; Philosophy, to this approach, is reduced only to reveal the true meaning of concepts because the propositions that cannot be empirically tested whether they are correct or wrong are not scientifically accepted. Stoker and Marsh, in this sense, summarize this situation as follows: “For the positivists, in short, meaningful analysis could proceed only on the basis of useful tautologies and empirical statements: metaphysics, theology, aesthetics and even ethics merely introduced meaningless obfuscation into the process of inquiry” (Stoker, and Marsh, 2002: 46).

and, ii-) to ensure a fair order in which the reconciliation of equality and freedom is formulated by consent of rational and moral individuals. More importantly, these two speculative claims pave the way for Rawls to particularly seek an answer to the question of ‘how is it possible to ensure a well-ordered social structure in an unjust world caused by capitalism in the twentieth century?’ The reaction of this question lies at the heart of Rawls’s contractarian theory which also enables one to assess how Rawlsian fair order tries to eliminate/ or alleviate the tension between private property and freedom in a given capitalist society.

There are thousands of published articles and books directly related to the work of Rawlsian contractarian theory and his theory of justice as fairness, yet there are only a few publications do directly compare Rawls with the modern-term social contractarian theorists. Since the main goal of this study is to deal with the way in which the contradiction between private property and freedom is tried to be solved through social contract theories, it is essential to assess Rawls’s theory of Justice as Fairness in the light of the logic of contractarian methodology. In this context, the main goal in this chapter is basically to discuss how the economic inequalities and dependence/unfreedom arising from the private property-based mode of production in the capitalist system is tried to be legitimized / justified by Rawlsian just order based on contractual logic. To this aim; in the first part of the study, the theory of justice which Rawls regards as a necessary value of a fair order is tried to be placed on its historical and social context. More importantly, it is also the first part of the chapter which underlines a general framework of basic injustices and inequalities taken place in the capitalist world especially during the last quarter of the twentieth century. The second part of the chapter makes a general link between Rawlsian social contract theory and his predecessors’ in terms of reading Rawls with the social contractarian glasses. By focusing on the principles of Justice as Fairness which also enables one to make a relation between Rawlsian formulation of ‘reconciliation of freedom and equality’ and just order in which private property based means of production is justified, the third part of the study descriptively elucidates the arguments concerning how Rawlsian principles of Justice as Fairness

should be read. In the final part of the study by underlining arguments concerning how Rawls tries to justify the contradiction between private property and freedom under the mask of just order, the study will hypothesize that Rawlsian contractual logic, like his predecessors's, in the last instance indeed provides nothing but legitimating dependence/unfreedom and inequalities under the mask of a moral concept, namely 'justice as fairness'. In other words, in the last part of the chapter it is hypothesized that Rawls, just like his predecessors, legitimates the inequalities and dependence/unfreedom stemmed from the capitalist system based on the private property of the means of production under the mask of his so-called just order which derives its ontological being from the principles of 'justice as fairness' that he formulated in contractarian way of thinking.

6. 1. Historical and Material Conditions of Late Twentieth Century in terms of Putting Rawls' into Right Place

Taking into account the impact of the two major devastating wars in the twentieth century on the intellectuals, it can be said that Rawls, like other philosophers, has not only observed the consequences of the world wars that caused these destructive effects but also been affected from material and social conditions of these world wars in theorizing his arguments concerning justice. Despite the fact that Rawls was born after the World War I, the fact that this imperialist sharing war led to the Great Depression as well as to the footsteps of the Second World War was important in understanding Rawls's theoretical approach to the notion of justice. What is even more concrete is that Rawls, who had fought in the name of his country, namely for the USA, during the Second World War, was confronted with the fact that there were crises in a capitalist system which even gave rise to the World Wars, besides injustices (Freeman, 2007: 9). By noticing about the realities mentioned above Rawls has developed his theory especially after the end of the Second World War which led to the death of millions of people and the end of fascism. It was also this war results of which brought about the emergence of a

bipolar international system. In this bipolar international system, it is possible to see the fact that two opposing ideologies, namely, capitalism and socialism, fought each other on a world scale in all the basic ‘introduction to political science’ books. In other words, when we think in the context of relations of production, this ideological polarization, generally speaking, has passed between the Soviets Union, roughly who supports collective ownership of the means of production, and the US, who advocates private property-based mode of production (Pipes, 1999: 214). More importantly, generally speaking, one of the basic subjects of the bipolar world system, which emerged after the Second World War and continued until the 1990s, was the ideological arguments developed by bourgeoisie thinkers in terms of defending USA’s capitalist system in that political freedoms and ‘social welfare’⁶²- if any- can only be achieved through economic freedoms based on ‘laissez faire laissez passer principle’⁶³. Against the claims of bourgeoisie thinkers, it was Soviet Russia which, even in theoretical level, hypothesizes that political freedoms could find meaning only when social equality could be achieved not only in the political sphere but also in the economic area. In such an international order the literature tells us that liberalism, the ideological defender of the capitalist world, has been roughly divided into two intellectual streams as Classical Liberalism and ‘Modern

62 It is noteworthy to mention here that classical liberals generally reduce society to the sum of individuals that is why they argue that the phenomenon of society is nothing but an abstract concept. On the other hand, the claim of social welfare in liberalism, as will be discussed next section, has been raised by modern liberals as a sharp contrast to the classical liberals.

63 The fundamental aim of proponents of free market economy such as Friedrich von Hayek and American economist Milton Friedman is to attack interventionist governmental policies, since they believe that market freedom will raise both individual liberties and social welfare to a fair bar. This is why Hayek and Friedman have developed an economic and political criticism that often curses economic intervention in general sense and central planning in economy in narrow sense. In particular, Hayek argues that any economic planning leads to economically inefficiency, for state bureaucrats in a planned economy have to deal with a variety of information and complexity that may go beyond their control capacities. Similarly, Friedman argues that taxation policies in Keynesian practices both increase unemployment and inflation especially by encouraging borrowing. More importantly, both Hayek and Friedman argues that any welfarist practices lead to the limitation of individuals’ freedom including suppliers and consumers in free market economy. See. Hayek, Friedrich. (2012). *The Constitution of Liberty*, London: Routledge Press, and Friedman, Milton (1962). *Capitalism and Freedom*, Chicago: Chicago University Press.

Liberalism⁶⁴ since the Second World War, especially since the 1970s. The main reason for the emergence of these two fractions in liberal ideology can be simply summarised in that the capitalist world has entered into crisis periodically since its emergence process and efforts seeking solutions to the crises of capitalism in liberal ideology has led to the different ideological fractions. In this respect, in the words of Beaud, nineteenth-century of cotton weaving, of mining, iron and steel enterprises, twentieth-century of automobile and electricity enterprises, and last quarter of the twentieth century of high-tech production reflect the same capitalist logic that is forcing to work over for extracting surplus value (Beaud, 2001: 352). Beaud, in this sense, argues that this free market-based logic/approach is at the same time a logic of crisis owing to the fact that increased production is in a way that one or the other is facing a barrier to market saturation resulting in a steady crisis of income distribution disequilibrium which leads to hardening of competition and a decrease in profitability rates, too (Ibid: 359).

Of course, discussing the crises of capitalism here would be an effort to go beyond the main goal of the study. However, when we examine the historical moments of economic crises of the capitalist world between the years the 1930s and 1970s what is necessary to underline is that Rawls has witnessed two big economic crises of a free-market economy with their ideological background, namely the relation between classical liberalism and capitalism. In such an atmosphere to put Rawls into the right place, it is important to underline basic framework of welfare

64 There are many different views related to the definition of modern liberalism. But two different and theoretically contradict arguments best explain how modern liberalism should be defined. According to the classical liberals' argument modern liberalism is an ideology that has been diverged from the principles and teachings of classical liberalism or real liberalism, since it has abandoned individualism and embraced collectivism. The modern liberals' argument, on the other hand, argues that in order to enable individuals to realize themselves in all parts of the society state should take role especially in economy for the concretization of classical liberal ideals for individuals. Therefore, it will not be wrong to define modern liberalism as an ideology that represents a marriage between new and old liberalism which legitimizes state's distributive role in economy. In this sense, since theory of justice as fairness developed by Rawls legitimizes state's role in economy in a liberal order, it will not be wrong to label John Rawls as one of the good example of advocate of modern liberalism.

model and neo-liberal model based on laissez fair laissez-passer ideology both of which lead to a reformulation of liberalism in different paradigms.

Before everything else, it is noteworthy to mention that there are many different definitions in the literature about what the welfare state is. Nevertheless, based on the fundamental point related to link between freedom and social welfare where all the different definitions are reconciled, the Welfare State, in its most general form, can be formulated and defined as a state that provides individuals with a minimum level of prosperity which enable individuals to exercise their basic rights including freedom in positive sense (Weale, 1982: 146). Therefore, the common point about the definition of the welfare state is based on the idea that state should intervene to the economy in terms of achieving a fair distribution and fluent production in the economy in order to achieve welfare policies in a given country in which individuals are economically able to exercise their basic rights including freedoms.

What enables scholars to define what welfare state in this way is indeed based on historical applications/experiences of western states especially during the economic crises that stemmed from capitalism (Hall and Soskice, 2001: 50). In this sense, this common recognition of the welfare state mentioned above has, of course, been achieved by looking at the historical past practices of the welfare state especially from the late nineteenth century to the 1970s. In this context, Gümüş summarizes the historical stages of the welfare state in his article called "Welfare state in historical perspective: Birth, Rise and Restructuring Process" as follows:

Welfare state, which emerged by the end of nineteenth century in Western Europe, found a basis of practice in developed capitalist countries, following the Second World War. The increasing social expenditure of that period, the social protection measures, the social welfare services and the graduated tax rates intended to avoid the social risks are the basic policies that are used in describing the interventionist state approach. Petrol shocks and crises, which took place in 1970's, caused severe criticism of generous welfare expenditures made by the Western European governments, as a result of which, the welfare state faced strong pressure for downsizing (Gümüş, 2018: 33).

In order to find solutions to the historical momentous crises of capitalism especially in the capitalist western world without abandoning capitalism, John Maynard Keynes has formulated an economic model to find solutions to the economic crisis of capitalism. What enabled Keynes to realize this goal was destructive effects of the Great Depression of 1929. Interestingly, according to many liberal and libertarian theorists, in the countries where the free market economy is applied if the economic crises such as Great Depression occurred, the main reason is that free-market principles are not fully implemented.⁶⁵ Likewise, according to liberal economists, the main reason that leads to the economic crisis is the government's intervention to the market (Ibid: 52). Therefore, what makes the Keynesian model critically important is, contrary to those liberals, his formulation of the interventionist economic model. In this sense, *General Theory of Employment, Interest, and Money*, was written by Keynes in 1936 to find solutions to economic crises of capitalism. To summarize his theoretical remedy for the crisis of capitalism it can be said that according to Keynes governments should not only provide a variety of social assistance to those who are unemployed due to the economic crisis but also should make investments by increasing public spending (Keynes, 1965: 73). More importantly, Keynes claims that the state should implement monetary and fiscal policy to increase the total demand and predicts that the deficiencies of the capitalist system could be repaired in this way. With Keynes's advice, especially after the Second World War, many capitalist countries, especially the US, have improved their economies with welfare state practices (Townsend, 2002: 3). The

65 See. Hayek, Friedrich. (2012). *The Constitution of Liberty*, London: Routledge Press, pp:29, Friedman, Milton (1962). *Capitalism and Freedom*, Chicago: Chicago University Press, pp: 48, and Nozick, Robert (1971). *Anarchy, State and Utopia*, London: Cambridge University Press, pp: 62. More importantly, generally speaking, according to the proponents of this view, any state's intervention to market economy is undesirable. In general terms, the common opinion of these three theoreticians is based on the idea that market does not need any state intervention, since it has its own regulative principle, namely invisible hand, in market based on private property means of production which does not only lead to effective use of natural resources but also to an increase in social welfare thanks to self-interested individual efforts in market.

Keynesian model thus became popular after the Second World War and was applied by many capitalist states that directly faced with the capitalist economic crisis.

By examining the practices and experiences of Welfarian model after the Second World War especially in the light of Keynesian arguments, it is plain to say that despite the fact that the concept of welfare state had different content periodically, it was commonly identified with the social facilities provided by state especially when we examine the period that Rawls developed his theory during the late 1960s and early 1970s, (Flora and Alber, 2009: 19). The popularity of welfare model during that period when the welfare state was living its Golden Age, namely from the 1950s to the early 1970s, has become identical with an economic support of the disadvantaged people in many areas of the society predominantly in education, health and economy spheres (Flora and Heidenheimer, 1981: 169). More importantly, thanks to results of welfare practices the economies of the capitalist countries, called the Western Bloc, have had a general growth in the bipolar international system. In the literature the main reason why Western Block lived their Golden Age or why Golden Age of Capitalism was linked with welfare model during the years between the 1950s and 1970s was in this respect this economic growth in the countries where welfare state practices were experienced (Middlestone, 2000: 36; Skidelsky, 2009: 24).

However, the Golden Age of Capitalism thanks to Welfarian model was easily transformed to a kind of Stone Age, since it was understood that welfare state practices produced temporary solutions within the capitalist system for the crises caused by capitalism. The significant economic problems occurred from the early 1970s until the early 1980s in the western world indicate this situation. As a result of the collapses of the Bretton Woods System (1971), the First (1973-1974) and the Second (1979-1980) World Oil Crises, respectively led to the great economic stagflation in most of the western countries that was why welfare practices were radically criticized by both the liberal economists and liberal theorists (Gümüş, 2018: 63). Similarly, from the early 1970s to the late 1980s, the economic recession in the western world was marked by inequalities in income distribution not only

among countries but also among citizens' of the countries. The following table, in this sense, is the most concrete indicator of the situation.

Table 1. The ratio of the number of people living below the poverty line to the total population between the periodical years 1970 and 1986

	1970	1974	1978	1982	1986
Eastern Asia	%22,06	%29.68	%21.82	%17. 64	% 23.56
Eastern Europe and Middle Asia	%5.52	%18.19	%19.32	%25.16	%28.48
Latin America and Carribbean	%40.20	%47.48	%43.02	%46.55	%49.25
Middle East (North Africa)	%11.82	%16.54	%12.38	%14.02	%16.44
South Asia	%34.16	%40.22	%44.52	%46.49	%48.10
Part of Africa Under the Sahara Desert	%42.09	%52.05	%55.06	%56.62	%57.88

Source: https://www.epi.org/publication/briefingpapers_sept01inequality/ (Accessed Date: 05/10/2018)

Neo-liberal academicians and politicians in Western Block in the 1970s initiated black propaganda against interventionist policies by claiming that the main guilty of this economic negativity occurring around the world illustrated in the table was nothing but non-classical liberal, in general sense, and Welfare model applications, in a narrow sense. In this context, neo-liberal intellectuals and politicians have published their manifestos both in the academic world and in the

political arena by emphasizing that the welfare state practices should have been abandoned as soon as possible. In particular, those who have opened flag against welfare model argued that welfare state applications had to be liquidated not only from economic spheres but also from social spheres before the transformation of the neo-liberal world during the eve of the 1980s. In this context, politicians such as Ronald Wilson Reagan, Margaret Thatcher, and Turgut Özal, who applied neo-liberal practices in their countries, were initial implementers of the neo-liberal programs in their own countries which reflect the realization of neo-liberal theoretical claims in practice.

The main purpose of the neo-liberalism, sometimes called as classical liberalism which was counter-revolutionary against welfare state practices, as Heywood argues, was to stop and, if possible, to reverse the course of great government and state intervention that had identified a large part of the twentieth century (Heywood, 2012: 73). Neo-liberalism had its first great influence on two countries in which the principles of the free market economy had been firmly settled in the 19th century, namely in the United Kingdom and in the United States where Rawls was born. However, in the case of both ‘Thatcherism and ‘Reaganism’⁶⁶, experienced in the England and the USA respectively, neo-liberalism, as David Harvey argues, was a more comprehensive New Right ideological project seeking to unite the laissez-faire economy with a fundamentally conservative social philosophy (Harvey, 2005: 17). The main reason why neo-liberalism needs an ideological hegemonic project such as New Right should be sought in the heart of the loss of

66 ‘Thatcherism and Reaganism’ is a kind of new right ideology developed by Margaret Thatcher who was Prime Minister in England from 1979 to 1990 and by Ronald Wilson Reagan who was president of USA from 1981 to 1989 in order to initiate/practice neo-liberal policies in Europe and USA, namely in Western Block. According to this ideology, competition based free market which rejects any governmental intervention is best economic model which enables individuals to have the freedom to determine their own lives. See. Matthew Eagleton-Pierce. (2016). *Neoliberalism: The Key Concepts*, London: Routledge, pp: 33.

ideological project of a welfare model. That is, welfare state practices applied especially after the Second World War had also an ideological dimension goal of which, as Harvey argues, was to bring the workers in Europe into their ranks against the Soviet threat during the Cold War period (Ibid: 20). Since neo-liberal policies needed ideological support formulated in New Right ideology, it was not surprised to propagate that state intervention in terms of economic fairness or of justice in income distribution has led to the infringement of individual basic rights and freedoms (Ibid: 22). Therefore, it is not difficult to say that the main role of ideological dimension of neoliberalism was to glorify the market, to prioritize the individual interest against the public interest, to flex the labor market against the capital power and, above all, to refer the social assistance to the voluntary organizations in the civil society in order to expel the burden of social aid from the state (Ibid: 62).

As it is understood from the critical assessments against welfare state discussed above the main aim of neoliberal policies was to find solutions to the problems created by capitalism within the capitalist system during the late 1970s. One of the main claims of neo-liberal policies, as Milton Friedman argues, is based on the idea that in a free market economy the more self-interested individuals seek their own benefits the more public benefit is obtained if the rules of the market are able to free itself from state intervention (Friedman, 1962: 28). That is, laissez fair and laissez passer economy is itself main regulator of fair income distribution and social welfare according to this approach. In other words, according to neo-liberalism, which states that welfare state practices should be abandoned, the number of fair and prosperous societies across the world will increase, especially in liberal countries, provided that free-market operates within its own rules.⁶⁷ By supporting

67 This kind of arguments are generally put forward by Friedrich August von Hayek, Milton Friedman, and Robert Nozick. For the discussions on this topic see. See. Hayek, Friedrich. (2012). *The Constitution of Liberty*, London: Routledge Press, pp: 66-75, Friedman, Milton (1962). *Capitalism and Freedom*, Chicago: Chicago University Press, pp: 52-63, and Nozick, Robert (1971). *Anarchy, State and Utopia*, London: Cambridge University Press, pp: 77-88.

the argument of ‘market fundamentalism’⁶⁸ they are particularly Hayek and Friedman who base their hypotheses on a general idea that free market, as a kind of nervous system, is capable of regulating the economy, thanks to its ability to simultaneously transmit almost an infinite number of messages through the price mechanism (Hayek, 2012: 15; Friedman, 1962: 27). More importantly, private property based free-market system, to them, is naturally productive, since resources are not only inevitably invested in the most profitable areas of use but also it offers all people opportunity to rise or fall in exchange for their abilities and hard work (Ibid). Therefore, classical liberalism contrary to modern liberalism or welfare state theory do claim that private property-based free-market economy without letting any statist intervention provides an ideal order in which the situation of ‘tragedy of commons’ cannot be experienced and social welfare is naturally regulated for the benefits of societies all around the capitalist world.

However, when we examine the empirical data we notice that this has not been realized in the way neo-liberal and libertarian scholars claims. Especially some empirical data concerning the period from the early 1980s to the late 1990s show that neoliberalism, which tried to market itself as a dominant and most reasonable ideology for the globalized world especially through the mystification of globalization, has not diminished inequality in the distribution of income around the world. On the contrary, it has increased the inequality all around the world. In this context, the table below will enable one to evaluate and grasp how inequalities in income distribution in the world over the poverty line in the period from the beginning of the implementation of the neo-liberal policies concealed under the mask of globalization until the end of the 1990s.

68 Market fundamentalism is a kind of faith-based doctrine which claims that free market mechanism provides solutions to all economic and social problems including social justice, as well. See. Heywood, Andrew (2012). *Political Ideologies: An Introduction*, London: Palgrave Macmillan Press, pp: 73.

Table: 2. The ratio of the number of people living below the poverty line to the total population between the periodical years 1987 and 1998

	1987	1990	1993	1996	1998
Eastern Asia	%33.01	%38.69	%29.82	%19.03	%19.56
Eastern Europe and Middle Asia	%7.54	%16.19	%25.34	%26.08	%25.60
Latin America and Carribean	%50.20	%51.48	%51.05	%51.55	%51.35
Middle East (North Africa)	%18.93	%14.49	%13.62	%11.40	%10.76
South Asia	%45.20	%44.21	%42.52	%42.49	%40.20
Part of Africa Under the Sahara Desert	%51.09	%52.05	%54.01	%52.80	%50.49

Source: https://www.epi.org/publication/briefingpapers_sept01inequality/ (Accessed Date: 14/10/2018).

When the table above is examined it is understood that the claim raised by neo-liberal economists, neo-liberal politicians and in particular neo-liberal intellectuals does not reflect the reality. In contrary to their claims discussed above the data in the table indicates that with the implementation of the neo-liberal policies a fair income distribution and social welfare level has not improved both among the countries and among the countries' own citizens over years. Rather, it is observable that fair income distribution and social welfare level has been getting worse and worse years by years nearly all around the world.

In the lights of these arguments discussed through this part so far it is obvious to say that some critical events during the years from the 1930s to the early 1970s have enabled Rawls to develop his theory of “justice as fairness”. In other words, the Nazi Racism, the Second World War, the Cold War, the Welfare State practices and the current Neoliberal political practices under the mask of globalization process are some general worldly events that underline basic historical and material conditions of the period in which Rawls have developed his theory of justice as fairness. In this context, it can be said that theory of Justice as Fairness, as Rawls indirectly argues, aims at finding fair solutions to many unnatural inequalities and injustices stemmed from the capitalist mode of production (Rawls, 1971: 29). Besides, Rawlsian formulation of just order aims at morally humanizing wild aspects of the private property-based mode of production in the capitalist world.

Generally speaking, when the material and social conditions in the world when Rawls lived is examined it can be said that Rawls has developed a theory which has a close link to the Welfare State practices at least in the sense that the state should intervene to the economy for the realization of fair income distribution especially in terms of realizing individuals’ basic rights and freedoms. However, unlike philosophers or economists such as Keynes who advocate Welfare State practices in a technical and, in a sense, direct economic terms, Rawls can be said to have imposed roles on the state by considering mostly moral criteria. That is, Rawls is aware of unnatural inequalities and injustices in the new market order nourished by classical policies that is why he expresses the critique of wild capitalism on the moral grounds. Rawls is indeed an important figure in the light of these historical and material conditions of capitalism due to his great effort to evaluate the values of freedom and equality together. That is, Rawls is important because he developed a theoretical claim related to the value of freedom and equality by arguing that one cannot exercise freedom without caring other, especially disadvantaged one in the society, though he does it on moral grounds. Moreover, Rawls's theory has content within the liberal world that could then be contradicted to the spirit of the time in that Rawls advocated modern liberalism which had different content than neo-

liberalism. However, what is ironic as to Rawls' aim is that he morally criticizes capitalism for the survival of capitalism itself.

As a consequence, it can be said that in liberal ideology those who advocate the view that state should intervene to economy consists of two groups who aim at realizing two separate goals. The first is to try to find solutions to the crises caused by capitalism in the light of the arguments put forward by welfare theorists such as Keynes in the capitalist system. The other goal in which the name of Rawls may be first mentioned is to humanize/moralize inhuman conditions of capitalism through the distributive role of the state in economic issues. However, what common in both group is based on the idea that they both aims at realizing their goals without abandoning capitalism which is the main reason of economic crisis and emergence of inhuman conditions including individual dependence.

6. 2. Revitalizing Social Contract Tradition in Twentieth Century

In the second chapter, the basic features of the modern social contract theories were explained in detail. Therefore, by not re-underlining all aspects of modern social contract theories the main purpose of this section is to explain at which points Rawls, who revitalized the tradition of the social contract in the twentieth century, is separated from his predecessors and at which points his social contract theory overlaps with their theories. In this context, it can be first said that even though there are many definitions about what modern term social contract theory is and what its features are in literature, the common point of these arguments reflects a general definition of modern social contract theories as follows;

“Social contract theory is rightly associated with modern moral and political theory and is given its first full exposition and defense by Thomas Hobbes. After Hobbes, John Locke and Jean-Jacques Rousseau are the best known proponents of

this enormously influential theory throughout the history of the modern political theory”⁶⁹.

It would not be an exaggeration to add John Rawls to the list of pioneers of modern social contract theories mentioned above quotation. Many reasons can be sorted out here to explain why Rawls can easily be added to the list. Before everything else, Rawls like his predecessors serves to formulate inequalities stemmed from the capitalist mode of production based on the private property of the means of production for the benefit of least disadvantaged groups in a given capitalist society. In other words, as the justification of inequalities and unfreedom/dependence stemmed from private-property based means of production in the sixteenth and seventeenth centuries was main goal of modern social contract theoretician, he is John Rawls in the twentieth century who formulates and legitimates inequalities and dependence through formal equality and freedom, even though their theoretical approach in formulating social contract methodology has some nuances. That is, as modern social contract theories of the seventeenth and eighteenth centuries have been effectively used in Europe especially during the emergence of agricultural capitalist production in England and of urban bourgeoisie in France by political philosophers in terms of solving social inequalities by means of an ideal order, this time he is John Rawls who tries to construct a just order by means of contraction logic in order to solve social inequalities stemmed from capitalist mode of production in twentieth-century of “liberal world”⁷⁰.

As mentioned in the second chapter modern social contract theories, which emerged as a consensus among rational human beings theoretically speaking, work as a methodological tool that regulates the relations between state, society, and

69 Source: <https://www.iep.utm.edu/soc-cont/> (Accessed Date 03. 09. 2017)

70 Rawls does emphasise that his theory of justice can best be applied in western liberal societies, since illiberal societies are regarded by Rawls as societies which have not grasped western liberal democratic principles yet. See. Rawls, John (2011). *Political Liberalism*, New York: Columbia University Press, pp: 16, 29, 102.

individual. Therefore, social contract theories have a sui generis important methodological content, for it does formulate not only the answer to the question of ‘how have been/do states emerged/emerge?’ but also formulate notions such as freedom, justice, and equality in the axis of individual, society, and state. In this regard, social contract theories, which also reflect early examples of the individualistic theory that explains the emergence of political and civil society based on individual consent in the history of political thought, are at the same time early examples of defining an ideal order in which the relation between private property and freedom is formulated (Boucher and Kelly, 1994: 103). This feature of the modern term social contract theories can be linked to Rawls’s revitalized social contract method as well, although it has some differences compared to his forerunners’ theories.

In his theory, Rawls presents a more abstract and detailed example of the tradition of social contract method including contract theories developed by such philosophers as Locke, Rousseau, Hobbes, and Kant (Kocaoğlu, 2014: 20). Rawls himself underlines one of the aims of his social contract theory by arguing that moving the traditional theory of the understanding of the social contract introduced by Locke Rousseau and Kant to a more general and abstract position is first distinctive point of Justice as Fairness (Rawls, 1971: viii). However, Rawls, compared to his predecessors, uses some similar points in formulating his social contract theory. In other words, although his methodology and theoretical approach have some radical differences, some conceptual tools used by Rawls in establishing a just order in which the tension between private property and freedom is lessened for the benefit of property owners reflect common points compared to early social contract theories. ‘Hypothetical Contract’, ‘Original Position’, ‘Veil of Ignorance’, ‘self-interested but morally altruistic human nature’ are such concepts that underline not only his theoretical approach but also his methodology with its all differences and similarities.

Let’s begin with Rawlsian metaphor of the ‘Original Position’. As Rawls’s predecessors describe the notion of state of nature as a characterization of initial

situation Rawls formulates Original Position as a hypothetical tool in terms of explaining how and why parties/individuals come to an agreement on selecting Rawlsian principles of justice among other possible principles of justice in terms of founding an ideal social order (Rawls, 1971: 17-22). In terms of questioning how to build social cooperation in a just society Rawls argues that this cannot only be done based on the will of God and the moral values; that is why, it will only be possible through an agreement on the mutual advantage of equal and free individuals who are the actors of establishing social cooperation (Rawls, 1971: 14). Thus, the Original Position developed by Rawls is a conceptual tool that corresponds to the state of nature (Ricoeur, 1990: 134) and the basic function of it, in this sense, is to provide a ground-based on impartiality in the selection of the principles of justice. In other words, the Original Position is a situation in which equal and free individuals seek conditions of fair cooperation and its public acceptance (Freeman, 1990: 146). In such an abstract ground, that is, in the Original Position, Rawls argues that the parties will choose the principles of justice proposed by Rawls for the fair construction of ‘the basic structure of society’⁷¹. In this context, Rawls uses the metaphor of Original Position to determine how the parties want to live in civil society before moving from an unjust order to a just and fair order as, in a sense, Hobbes, Locke, and Rousseau use in the way of justifying the existence of ‘state of nature’ in their theories. However, it is noteworthy to say here that Rawlsian initial position has a different meaning/goal compared to his predecessors in the sense that the purpose of Rawls in the Original Position, as Graham does emphasize, is not only to demonstrate how obedience to the state will be ensured, yet also to indicate how a well-ordered society can be constructed through a fair

⁷¹ By the concept of ‘basic structure of society’, Rawls means the utter set of primary social, political, legal, and economic institutions. The function of it is to deal the burdens and benefits of social cooperation among the each member of society. As far as the benefits of social cooperation is concerned it can be said that “the benefits of social cooperation include wealth and income, food and shelter, authority and power, rights and liberties” (Buchanan, 1982: 105). The burdens of social cooperation, on the other side, contain diverse liabilities, duties/tasks, and obligations, including for instance, the obligation of paying taxes (Ibid).

distribution of freedoms, power, and other primary values/‘primary goods’⁷² (Graham, 2007: 20).

In the second place, Rawls, like his predecessors, emphasizes equality and freedom of individuals during the process of building an ideal order. Different from Hobbessian self-interested individual but similar to Rousseauan and Lockean morally altruistic individual Rawls wants to entitle parties with Kantian autonomous free and moral agents in the state of nature, namely, in Original Position by using the metaphor of “the Veil of Ignorance”. The main reason that Rawls uses the metaphor of ‘Veil of Ignorance’ which provides parties a margin/framework in which they are not able to know their negative and positive positions such as their social status, racial status, economic status, etc as a tool in Original Position before the parties select the principles of justice is to enable parties to be a free subject of the contract. In other words, Rawls attaches the methodological tool of Veil of Ignorance to the parties in the Original Position to enable them to choose the principles of justice as Kantian free and equal individuals who are neutral and free from prejudices (Kocaoglu, 2014: 49; Freeman, 1990: 139; Chapman, 1975: 590). Rawls thus describes the importance of the Veil of Ignorance metaphor in terms of autonomy and objectivity as follows:

The veil of ignorance prevents us from shaping our moral view to accord with our own particular attachments and interests. We do not look at the social order from our situation but take up a point of view that everyone can adopt on an equal footing. In this sense we look at our society and our place in it objectively: we share a common standpoint along with

⁷² Primary goods are “things that every rational person is presumed to want whatever else he wants” Rawls, 1971: 174). Among these Rawls lists rights and freedom, individual/social powers and opportunities, income, wealth, and self-respect as primary goods. Therefore, Primary goods are, as Munzer writes “intended to supply a person with an adequate basis for choosing principles of justice from behind the veil of ignorance but nevertheless to be neutral with respect to specific conceptions of the good” (Munzer, 1990: 233). In this sense, primary goods are classified by Rawls into two categories: “Natural Primary Goods which are ‘intelligence’, ‘imagination’, ‘health’ and etc., and Social Primary Goods which are civil and political rights, liberties, wealth and income etc.” (Rawls in Kanatli, 2015: 318).

others and do not make our judgments from a personal slant. Thus our moral principles and convictions are objective to the extent that they have been arrived at and tested by assuming this general standpoint and by assessing the arguments for them by the restrictions expressed by the conception of the original position. The judicial virtues such as impartiality and considerateness are the excellences of intellect and sensibility that enable us to do these things well (Rawls, 1971: 516-517).

The main goal of the Veil of Ignorance is thus to guarantee the parties to be objective as free autonomous and moral agents. That is, when there is no veil of ignorance the parties, according to Rawls, may be subjected to any kind of prejudice and irrational desire (Rawls, 1971: 251). The parties, who do not know their position in society and their related interests, are thus stripped of the tendencies expressed behind the Veil of Ignorance. Being behind the Veil of Ignorance thus allows the parties to choose any alternative principles of justice, for they are unaware of the information about themselves and the society in which they will live (Freeman, 1990: 139). In short, the parties behind the Veil of Ignorance in the Original Position ratiocinate the principles of any alternative justice and choose any principles of justice as free and equal individuals by knowing that the principles to be chosen must meet certain conditions in terms of establishing basic structure of the society (Rawls, 1971: 252). Therefore, the main purpose in the use of the metaphor of the Veil of Ignorance is to make it possible for individuals to be truly abstracted from the realities and disadvantages of the real world as free and equal subjects and to reach an agreement that constitutes the basic structure of fair society. In Graham's words, Rawls wants to show how a just social order can be achieved through the fair distribution of freedoms, power, and other 'primary goods', in a sense by attaching the Veil of Ignorance to the parties in the Original Position. (Graham, 2007: 20).

Thirdly, despite the fact that Rawls, compared to his predecessors, does not directly develop a theory of human nature, the fact that the parties know some things and do not know some things before choosing the basic principles of a fair order behind the Veil of Ignorance in the Original Position can actually be said to have carried some of the characteristic of their own nature which can be linked to the

notion of human nature. In this sense, Rawls clarifies that in the Original Position behind the Veil of Ignorance;

“Parties do not know:

- i) “the race, ethnicity, gender, age, income, wealth, natural endowments, comprehensive doctrine, etc. of any of the citizens in society, or to which generation in the history of the society these citizens belong
- ii-) the political system of the society, its class structure, economic system, or level of economic development

Parties do know:

- i-) that the society is under conditions of moderate scarcity: there is enough to go around, but not enough for everyone to get what they want,
- ii-) general fact about human social life; facts of common sense; general conclusions of science that are uncontroversial” (Rawls in Kanatlı, 2015: 305-306).

According to Rawls, man is rational and pursues his own interests, but he does not do without caring about others. On the contrary, individuals are altruistic by nature and have the potential to behave as morally fair beings and put themselves in someone else’s place in the society. Rawls explains in the Original Position that the parties are aware of the possible inequalities and injustices in society; that is why they will act in that direction. For instance, although parties in the Original Position do know inequalities stemmed from by birth and material and social context of the period in which they live, they do not know which possible inequality will prevent them from realizing their freedom or their conception of the good life. Rawls, in this sense, tries to make it possible for the parties to behave impartially and to make sense of others during the process of constructing the basic structure of society. Rawls explains this situation by emphasizing that “social institutions are to be fair to all cooperating members of society, regardless of their race, gender, religion, class of origin, the reasonable conception of the good life, and so on” (Rawls in Kanatlı, 2015: 304). More importantly, as far as the things parties do know in the Original Position are concerned it is plain to say that Rawls formulates individuals as moral beings who are able to place himself/herself to others in a world in which everyone

may face with the disadvantages in terms of wealth, power, social class, ethnicity, political power, etc in society. This feature of Rawlsian formulation of human nature can be linked to Kantian ethics in the sense that each equal and autonomous individual morally ends in himself/herself. However, this optimistic feature of human nature in Rawls overlaps Hobbesian, Lockean, and Rousseauan formulations of human nature in the sense that they all describe fictional human nature without referring/verifying historical and social realities. Therefore, it can be said that Rawls like his predecessors bases his argument about the feature of human character on pure and fictional floor.

Fourth, Rawls bases the ontology of the relation between state and society on individuals/unencumbered selves. In this sense, it can be said that Rawls similar to Hobbessian Methodological Individualism reduces the ontology of all basic structure of society including state to abstract individual/unencumbered self. Without considering historical and material conditions or by deliberately ignoring them, Rawls, like his predecessors, ignores class-based relations in the historical process of the emergence of the state. Such an approach that Rawls applied to his theory thus makes his arguments not only a-historical but also an ideological apparatus in the sense that each person no matter what his/her class, ethnicity, social status, etc. is indeed isolated person entitled with pure fictional and formal equality and freedom as if each person is equal and has *free will* in building the basic material structure of society. In addition, Rawlsian individualistic methodology also paves the way for legitimizing formal equality and formal freedom in terms of the relation between state and society, since such an atomistic/abstract understanding of citizenship, as Mansour says “begins by a well-matured rational individual, and deduce all its ideas about rights, freedom, contract, political association and law from this a priori concept of the individual”⁷³ (Mansour, 2018: 2). Therefore, since individuals alone cannot be theoretical dimensions of any social order in the way

⁷³ Source: <https://www.marxists.org/reference/archive/hegel/txt/mansour.htm> (Accessed Date: 06.01.2019).

Rawls describes, any attempt to derive epistemological base from “isolated atomistic individual” which is blind to social reality cannot give holistic arguments in terms of what/how society and social order should be. Rather, it works as an ideological apparatus in terms of formally equalizing unequal people as it was same in the theories developed by his predecessors.

As to differences, it can be said that Rawlsian contract theory is too abstract or hypothetical in the sense that he never touches the historical process of human beings in which the basic features of human nature and state of nature is determined. That is, while his predecessors are in search for locating their arguments concerning the state of nature and human nature on referring to material circumstances in the last instance, Rawls does not care about historical and material conditions that enforce parties to decide ideal principles of the basic structure of society in original position at all. For instance, Hobbesian imagination of selfish human nature is directly derived from the material conditions of the state of nature which he describes as brutal, warlike, and etc. Similarly, Rousseau tries to explain the situation; that’s why parties are enforced to participate in social contract or to enter civil society by anthropologically underlining material conditions and historical processes of the state of nature. As far as Lockean formulation of social contract theory is concerned it can be also said that Locke bases individual's ownership of the property and inclusion of society as free individuals on his ‘theory of labor’ by means of describing the state of nature in the light of natural rights. More importantly, in Locke’s theory what justifies the theory of labor is the arguments that have stemmed from the peaceful social and material conditions of nature which have been made available for people who are equally created by God. In short, in the contractual tradition of the seventeenth and eighteenth centuries for justifying the human nature and the state of nature one of the main issue in early social contractarian philosophers was to base the reasons in terms of justifying historical and material conditions led to the transition to civil society. Rawls, on the other hand, almost completely ignores the social and material conditions through the

imagination of atomistic individual that is why he tries to justify his theory through an abstract rational method rather than historical and material realities/conditions.

In the second place, while Hobbes and Locke rationalise economic inequalities in civil society as natural rights by means of contractarian method, Rawls like Rousseau problematizes economic inequalities in civil society by claiming that economic inequalities can be justified provided that inequalities stemmed from private property based mode of production increase the welfare of disadvantaged people (Rawls, 1971: 61; Rousseau, 1999: 78). That is, while Hobbes and Locke link inequalities stemmed from the application of the free market economy in civil society to natural law in the sense that political power emerged as a contractarian agreement, Rousseau and Rawls do problematize free-market economy, despite not rejecting it in the process of justifying contractarian agreement. Rawls and Rousseau, in this respect, do claim that private-property based mode of production cannot be regarded as natural rights, since the term natural right itself is a controversial concept and reality of it is based on speculative discourses (Rawls, 1980: 203; Rousseau, 1979: 559-560).

Thirdly, what is the main need for constructing an order derived from the social contractarian method? What is the social contract and which goal does it realize? When the answers to these questions are searched it can be said that the social contractor theoreticians are in search of different answers to these questions, though their main aim is to construct an order in which the notions of equality and freedom are formulated. In this context, while Rawls and Rousseau resort to the method of social contract to establish a fair order, Hobbes and Locke, on the other hand, resort to the method of social contract to ensure the sustainability of the order to be established and to find a solution to end anarchy and ‘disorder’⁷⁴ respectively

⁷⁴ As it was discussed in the third chapter, in the second phase of Locke's state of nature the state of peace has ended and become discontent due to the inequalities resulting from property ownership which began to cause turmoil and disorder.

rather than constructing a fair order in the way Rawls aims at. Similarly, Rawls and Rousseau need a social contract in which people agree to ensure the fair functioning of the institutions that will form the basic structure of society in which, especially for Rawls, “justice is the first virtue of social institutions” (Rawls, 1971: 3). Also, it can be claimed that Rawlsian and Rousseauan social contract theories, in this sense, basically strive for an answer to the question of, in Rawlsian terms, “What terms of collaboration would free and equal citizens agree to under fair circumstances?” (Rawls in Kanatlı, 2015: 303). Hobbes and Locke, on the other hand, need a social contractarian methodology to end the social disorder caused by the civil war they witnessed and to provide a market order for the emergence of the capitalist mode of production. In this context, Hobbes, in particular, needs a social contract to sacrifice individual fundamental rights for the sake of market security, while Locke needs a social contract to establish a common consensus that would accept the free market order to legitimize economic inequalities.

Fourth; one of the main fundamental elements of social contract methodology is about the characterization of the parties/individuals in terms of their motivation to agree. Especially the notion of ‘rationality in human beings’, generally speaking, is main motivation behind the parties in order to come to decide how an order should be established in civil society. This hypothesis is also valid for all Hobbesian, Lockean and Rousseauan formulation of the main motivation behind the parties in terms of agreeing. It can be claimed that Rawls also regards parties as rational beings. However, Rawlsian rationality is different than that of rationality based on pure selfishness formulated in Hobbesian contractarian methodology. As mentioned above Rawlsian social contract thought is inspired by Kantian ethics in the sense that rationality requires respect for every person owing to the fact that all individuals are morally equal beings. Morally speaking, Rawls like Kant regards individuals as ends rather than as means. Therefore, as far as Hobbessian formulation of features of human nature, which is wolfish and self-interested individual, is concerned it can be said that Rawls, contrary to Hobbes yet similar to Rousseau, regards rationality as something which is part of morality and altruism.

Rawls in this regards is against Hobbesian formulation of selfish human nature in the sense that in the social contract of Rawls, as Weber argues, while individuals are rationally pursuing their own interests, they are limited to a morality in which individuals are considered to be the end, which prevents individuals from being 'homo hominu lipus' (Weber, 2010: 24). Rawls, therefore, in his theory aims at reaching an ideal moral understanding of Kantian and Rousseauan individuals. In this regards, Rawls, like Rousseau, recognizes that people are motivated not only by their own interests but also have social tendencies including sympathy and compassion for their own species (Rawls, 1971: 18). More importantly, according to Rawls, people have the capacity of realizing a fair behavior in terms of constructing a just order and tend to cooperate in any conditions of social life with a sense of justice (Ibid: 21). Therefore, Rawls' view on the character of human nature during the process of constructing a social order is different from Hobbesian selfishness, since the Kantian ideal morality, as Gonzales states, inevitably leads Rawls not to define human nature as selfish (Gonzales, 2005: 71). Rather, Rawls describes man as an altruistic one the nature of whom is inherently capable of replacing himself/himself with the other. In short, contrary to Hobbesian view of the selfish character of human nature, individuals, for Rawls like Locke and Rousseau, is not taken to be motivated only by self-interest but rather by a commitment to behave morally altruistic.

6. 3. Reading Principles of Justice as Fairness within the Context of the Relation between Private Property, Freedom and Order

In the Original Position, which corresponds to the initial process in the construction of a fair order, the parties set out the principles that will not only ensure a fair order but also determine how the two fundamental factssuch as freedom and equality should be as well. In this context, although Rawls does not develop a systematic argument about private property in his theory, he addresses the inequalities stemmed from private ownership of the means of production and the

negative effects of these inequalities on freedom in the process of both ‘selecting the principles of justice’ and ‘applying these principles’. Since in Rawls’ theory the priority is given to freedom compared to economic equality, Rawls argues that not only liberal democratic formal equality but also the fair distribution of income are needed in terms of materializing and realizing individual freedoms (Rawls, 1971: 77). Thus, it can be claimed that the notions of freedom and equality are two complementary elements in all of Rawls’ theory. By Rawls’s words, freedom without the fair distribution of income remains incomplete (Rawls, 2011: 5).

Giving this brief intro concerning Rawlsian formulation of freedom and equality in a private-property based economic order, it can be said that in the process of the construction of a fair order Rawls’s main objective of regarding people as Kantian egalitarian sense and Rousseauan sense of an altruistic moral nature is to provide a moral basis that can be an alternative to the ‘utilitarian moral philosophy’⁷⁵. By problematizing unnatural inequalities (such as inequalities stemmed from by birth) that may arise in social life Rawls, just like his predecessor Rousseau, wants to find fair solutions to the situations that may lead to severe inequalities in the social order. In this context, according to Rawls, in order to build a fair order in a world where inequalities exist people in the Original Position will

⁷⁵ It is plain to say that there are many versions of Utilitarian philosophy. Rawls whose main goal is to develop a social justice theory as an alternative to Utilitarianism particularly concentrates on two versions of it which are Classical Utilitarianism and Average Utilitarianism. Classic Utilitarianism, as Munzer defines is “the view that social institutions are just when and only when they serve to maximize aggregate utility” (Munzer, 1990: 104). Average Utilitarianism, as a theory of social justice, on the other hand, is a “view that social institutions are just when and only when they serve to maximize average utility per capita” (Ibid: 105). Therefore, it can be claimed that the ethical theories defining a truth in order to maximize a certain good, to Rawls, are morally invalid, since the people’s conceptions of good are different and diverse. In this contexts, the first thing that must be done in order to develop a morally valid theory of ethics, according to Rawls, is to determine the principles that are true stemmed from ‘right’ rather than ‘utility’. In other words, the neutrality and universality of Rawls’s theory, as Kocaoğlu writes, ‘is based on the assumption that the truth is a prior principle to good/utility’ (Kocaoğlu, 2014: 31).

choose the principles of Justice as Fairness among other possible notions/principles of justice. In this sense, Rawls' initial aim is to enable parties to notice possible inequalities in society before constructing the basic structure of society in terms of establishing a fair order. In other words, according to Rawls, in the Original Position, the parties will choose the Rawlsian principles of justice from among many alternative conceptions of justice including the utilitarian sense of justice. As Munzer puts it;

the parties in the original position must choose principles of justice that will govern the basic structure of society and the distribution of primary goods. Rawls argues that the parties will reject, among other candidates, various forms of utilitarianism (Munzer, 1990: 104).

Therefore, Rawls claims that the doctrine of utilitarianism, which is based on the philosophy of 'the greatest happiness for the greatest number', does not care about the minorities (Rawls, 1971: 24). Thus, by claiming that the doctrine of utilitarianism cannot treat man as an end in Kantian sense Rawls presumes that the parties will choose the following principles of justice listed below, namely 'principles of Justice as Fairness', in the Original Position in order to construct basic structure of society based on 'deontological ethical based justice'⁷⁶.

First Principle: "Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all" (Ibid: 42).

Second Principle: "Social and economic inequalities are to satisfy two conditions:

⁷⁶ Deontological ethics is a branch of normative ethical theory which claims that the morality of any action should be based on whether that action itself is correct or wrong. Contrary to consequentialism which claims that the morality of any action should be based of the consequences of that action deontological ethics on the other hand takes Kantian moral precision in that individuals are not means they are ends in themselves. See. Kasper Lippert, Rasmussen (2005). *Deontology, Responsibility, and Equality*, Chicago: Museum Tusculanum Press, pp: 4, 17, 29.

- a. They are to be attached to offices and positions open to all under conditions of fair equality of opportunity;
- b. They are to be to the greatest benefit of the least-advantaged members of society” (Ibid: 43).

The lexical correlation between first and second principle provides a theoretical framework which mirrors how the basic structure of the society including political and economic institutions should be arranged. Rawls, in this regards, arranges the first principle prior to the second principle. Besides, as far as the second principle is concerned, Rawls regards option ‘a’ as the premise of option ‘b’ (Ibid). In other words, Rawls says that fair equality of opportunity is prior to the option ‘b’ which Rawls calls as ‘Difference Principle’. Giving main correlation of principles of Justice as Fairness formulated by Rawls, it is plain to say that Rawlsian “first principle assures ‘basic rights and liberties’⁷⁷ for all citizens providing that unequal rights will never benefit those who have a lesser share of rights” (Kanatlı, 2015: 307). Also, the first principle empowers Rawls to claim that a fair contribution of rights must contain identical rights for everyone in any conditions as Rawls says the primary rights and freedoms must not be traded off in contradiction of other social goods (Rawls, 1971: 184). Here, in order to analyze the relation between freedom and fair distribution of economic welfare formulated by Rawls it is important to underline the importance of the correlation between first and second principles of Justice as Fairness. First of all, the Rawlsian formulation between freedom and economic income is directly related to the ‘Difference Principle’ (2/b). That is, the Difference Principle in Rawls theory plays a critical role in understanding how

⁷⁷ “Basic rights and liberties are formulated by Rawls as follows: “liberty of conscience and freedom of association, freedom of speech and liberty of the person, the rights to vote, to hold public office, to be treated in accordance with the rule of law, and so on”” (Rawls, in Kanatlı, 2015: 318)

disadvantaged groups can realize or materialize their freedom/liberties formulated in the first principle.

Rawlsian Difference Principle is so open to be assessed that many commentators give different meaning to the Difference Principle. However, in terms of linking the Difference Principle to liberties, I will follow Rawls' own comment about the Difference Principle. Rawls, in this respect, argues that the Difference Principle is the main element of constructing a basic structure of the society (Rawls, 1971: 65-66). In other words, the Difference Principle, for Rawls, plays a key role in realizing fair distribution of primary goods including particularly wealth and income. For instance, when any economic policy is carried out by the state in terms of materializing fair distribution of income and wealth, the state, according to Rawlsian Difference Principle, should act for the benefit of everyone or should not act for some groups at the cost of disadvantaged groups. Rawls, in this sense, writes that;

The second principle applies, in the first approximation, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command. While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices of command must be accessible to all. One applies the second principle by holding positions open, and then, subject to this constraint, arranges inequalities so that everyone benefits (Rawls, 1971: 61).

Rawls formulates or develops more explicit ideal political order in which the statements concerning the Difference Principle above can be realized. In this sense, Rawls cites "Property-Ownning Democracy" model, which he believes can best realize the basic institutions of justice as fairness in his later book called *Justice as Fairness: A Restatement* (2001), as best political system compared to other political systems such as laissez-fair capitalism and state socialism with a command economy. He describes the main aim of a Property-Ownning Democracy, in this sense, as follows:

In property-owning democracy, ... the aim is to realize in the basic institutions the idea of society as a fair system of cooperation between citizens regarded as free and equal. To do this, those institutions must, from the outset, put in the hands of citizens generally, and not only of a few, sufficient productive means for them to be fully cooperating members of society on a footing of equality (Rawls, 2001: 140).

More importantly, Rawls entitles institutions of Property-Owning Democracy with two specific goals in terms of income fairness: (i) a right to average income to survive and (ii) a right of individuals to a share of society's wealth, (Ibid: 75). The following table below, in this respects, gives a good concrete example about how a possible economic policy/taxation system should be carried out in Rawlsian 'Property-Owning Democratic System' in terms of materializing Rawlsian theory of distributive justice based on the Difference Principle;

Table 3: A Possible Implementation of Economy Policy in a Property-Owning Democratic System in which Private-Property Based Free-Market Economy is Applied

Economy Policy	Least Advantaged Group /Worst off	Average Advantaged Group	Most Advantaged Group
A	7000 dollars per person	7000 dollars per person	7000 dollars per person
B	10000 dollars per person	25000 dollars per person	45000 dollars per person
C	20000 dollars per person	500000 dollars per person	80000 dollars per person
D	5000 dollars per person	60000 dollars per person	300000 dollars per person

When the table above is examined it is necessary to implement the Policy C when the state, which will provide the basic structure of society, acts according to the principle of the Difference Principle in terms of materializing fair distribution of

income and welfare in a private-property based economy. There are two main reasons for this: The first is that the implementation of Policy C will provide the best income to the disadvantaged group. Latter; the implementation of the Policy C serves for the advantage of everyone in comparison to Policy A and Policy B in terms of legitimizing inequalities. More importantly; the difference principle makes it impossible for the state to implement the Policy D which in a sense shows the deepest inequality that the free market can give rise to. The main reason for this is that while the implementation of such a policy leads to gain of a certain number of people in the society, it, on the other hand, brings about worsening of the disadvantaged groups in terms of economic income and welfare.

Thereof, Rawls, who advocates that income and welfare distribution as a kind of moral equality should be regulated according to the Difference Principle, can be labeled as a supporter of positive freedom labeled to 'modern liberalism' instead of classical liberal negative freedom. Accordingly, Rawls argues that the concept of equality and freedom should be formulated through democratic equality, since formal liberal equality and liberties alone would be meaningless (Rawls, 1971: 65). In this sense he does write as follows:

An inequality in the basic structure must always be justified to those in the disadvantaged position. This holds whatever the primary social good and especially for liberty. Therefore the priority rule requires us to show that the inequality of right would be accepted by the less favoured in return for the greater protection of their other liberties that results from this direction (Ibid: 231).

Interestingly, Rawls carries a fair distribution to the moral ground by making the right prior to the utility by underlining the importance of the Difference Principle in constructing the basic structure of society. Therefore, Rawls, compared to advocates of classical liberal understanding of free-market economy such as Hayek, Friedman and Nozick who argue that the state should not intervene to rules of free-market economy even in distributive justice sense, assigns an important role to the state in order for the notions of rights and freedoms to have a meaning in

material/real life. According to Rawls's theory, especially according to the Difference Principle, to ensure a fair distribution of wealth and income state must intervene in the economy by making arrangements in the economic sphere-in particular through regulating taxes.

More importantly, as far as the relationship between fair distribution of wealth, income and freedom is concerned, it can be claimed that when Rawls's primary goods list, which he formulates as open and equally accessible to all citizens is taken into consideration, Rawls reflects a position close to positive freedom in the sense that he tries to provide a just social order in which formulation of 'equal liberty for all' can be realized by means of Difference Principle (Pogge, 2004: 274). In other words, when we consider freedom in light of the Difference Principle, Rawls advocates modern liberalism's formulation of freedom. However, Rawls also places freedom, which is one of the primary core values in society, at the top of all values that is why any inequalities in society cannot be justified if it limits freedom no matter this inequality serves in favor of those who are in a disadvantaged position (due to lexical correlation between principles of justice as fairness). Thus, Rawls, who claims that freedom as one of the primary goods will be interrupted when there is no fair distribution of prosperity and income in society, claims that it is necessary to enable disadvantaged group through Difference Principle in order to materialize or realize the core value of primary goods, namely liberty provided that it does not limit advantageous individuals' freedom.

After commenting on Rawls's principles of justice through freedom and equality, we can return to the question that is important for our subject, namely 'how does Rawls, who revitalizes the modern social contract tradition, make a relationship between freedom and private property?' First of all, Rawls, as Munzer points out, has not developed a comprehensive property theory (Munzer, 1990: 233). However, Rawls, who formulated the relation between liberty and equality on moral grounds, indirectly developed several arguments concerning the issue of private property and freedom. In this context, we see that Rawls does not make the mistake made by earlier social contract theoreticians and liberals who do not make any distinction

between ‘private property as personal belonging’ and ‘private property as means of production’. On the other hand, Rawls makes a distinction between them. Many quotations from Rawls’s book which indicate this distinction can be mentioned here. Yet three obvious examples may be enough to illustrate it;

I assume in all interpretations that the first principle of equal liberty is satisfied and that the economy is roughly a free market system, although the means of production may or may not be privately owned (Rawls, 1971: 66).

In a private-property economy the number of publicly owned firms is presumably small and in any event limited to special cases such as public utilities and transportation (Ibid: 266).

A final point about public goods. Since the proportion of social resources devoted to their production is distinct from the question of public ownership of the means of production, there is no necessary connection between the two. A private-property economy may allocate a large fraction of national income to these purposes, a socialist society a small one, and vice versa. There are public goods of many kinds, ranging from military equipment to health services. Having agreed politically to allocate and finance to these items, the government may purchase them from the private sector or from publicly owned firms (Ibid: 270).

Secondly, through this distinction, Rawls does not link ‘the right to property on the means of production’ to the theory of natural basic rights in Lockean sense by saying that “the right to own certain kinds of property (e.g., means of production).... is not basic” (Rawls, 1980: 203). Hence, the right to private property as a means of production, for Rawls, should not be evaluated under the framework of the first principle of justice as fairness. When we return to the Rawlsian principles of justice in terms of locating Rawlsian assessment on the relationship between property and liberty it can be argued that the first principle of justice shields on property in the sense that it relates to the “basic liberties”, which contain “freedom of the person along with the right to hold (personal) property” (Rawls, 1971: 61). These liberties, Rawls says, “are all required to be equal by the first principle, since

citizens of a just society are to have the same basic rights” (Ibid). Here, the objection raised by Munzer which claims that Rawlsian interpretation of property is unclear, since “whether the first principle requires only that people have an equal right to hold personal property or that they all have an equal amount of it” (Munzer, 1990: 235) can be refuted due to following reason. Rawls, as mentioned above, does make a difference between property as personal belonging and property as means of production and does regard property ownership of means of production as unnatural which may lead to inequalities in the capitalist system. Thus, the correct question here should be raised is that “whether does Rawls justify unlimited economic liberties stemmed from the capitalist mode of production or does not he regard them as liberties formulated in the first principle?”. If the answer of the former question was “yes” then Rawlsian Difference Principle would play no role in constructing a just society or a fair basic structure of the society, since the first principle of justice including liberties and Difference Principle becomes contradict in terms of applying lexical correlation to the principles of justice as fairness. In other words, if the liberties formulated by Rawls in the first principle included unrestricted economic freedoms, the result would be unlimited capitalism or anarcho-capitalism which Rawls does not defend (Nagel, 2005: 128). Rather, Rawls thinks that justice requires many freedoms and rights, yet these freedoms do not include freedoms such as 'making unlimited contracts, the freedom to acquire unlimited property ownership of means of production or any exemption from taxes for distributive purposes' (Ibid: 129). By the same token, Lomasky argues that for the Principle of Difference to be meaningful, the list of freedoms defined by Rawls should not contain unlimited economic freedom, which otherwise would make the theory meaningless (Lomasky, 2005: 183).

Therefore, the meaningful interpretation of the relation made by Rawls about equality, freedom and property is based on the idea that by means of Difference Principle Rawls, who does not regard private ownership of means of production as natural basic right, as Hart argues, tries to make it possible for disadvantaged groups to materialize or realize the notion of liberties formulated by

the first principle of justice as much as possible (Hart, 1975: 236). In other words, Rawls is aware of the reality that the inequalities stemmed from capitalist mode of production may weaken not only social stability and effective use of civil and political rights in practice but also undermine the fairness of basic liberties that is why he tries to solve this contradiction by means of the difference principle of justice as fairness (Dworkin, 1975: 257). When the first principle is examined it can be understood why this is so. Rawls in the first principle says that “each person is to have an equal right to the most extensive basic liberty compatible with a *similar liberty for others*” (my emphasis) (Rawls, 2011: 60). Rawls, thus, envisages an order in which the worth of liberties is as much possible open as to all citizens. State, as a constructor of this fair order, for Rawls, by means of Difference Principle, thus, should make it possible for disadvantaged groups to exercise freedom in a positive sense. Morally speaking, since Rawls regards individuals as Kantian teleological beings, he wants to construct an order in which individuals will be able to exercise their primary liberties formulated in the first principle thanks to the formulation of Difference Principle.

6. 4. A Critical Assessment of Rawlsian Well-Ordered Society in terms of Alleviating the Tension between Private Property and Freedom

There are hundreds of critical points made by intellectual terrain in the literature about the theory of Justice as Fairness developed by John Rawls who revived the political philosophy in the twentieth century. If these criticisms are divided into categories it is plain to say that communitarians, socialists, liberals, conservatives, and libertarians are the most systematic critics of them. However, the number of these criticisms can be lessened if the critics target the relationship between private property, freedom, and order in a way not to exceed the purpose of this thesis.

Before everything else, Rawls, as a liberal political philosopher, in this respect, can be criticized as an ideological intellectual figure of legitimizing private

property-based means of production in which the relationship between private property and freedom is formulated for the benefit of property owners in a so-called fair order. Marx and Engels, in this respects, do underline basic features of intellectuals of the dominant class, namely of capitalists, as follows;

The ideas of the ruling class are in every epoch the ruling ideas: i.e. the class which is the ruling *material* force of society is at the same time its ruling *intellectual* force. The class which has the means of material production at its disposal, consequently also controls the means of mental production, so that the ideas of those who lack the means of mental production are on the whole subject to it. The ruling ideas are nothing more than the ideal expression of the dominant material relations, the dominant material relations grasped as ideas; hence of the relations which make the one class the ruling one, therefore, the ideas of its dominance (Marx and Engels, 1976; 67).

While Marx and Engels summarize the class position of intellectuals in class-based societies in this way mentioned above quotation, Soviet thinker Victor Afanasiev revitalizes their argument concerning intellectuals many years later by claiming political philosophers are not only those who reflect the social forms of consciousness but also are those ideas influence and penetrate the forms of social consciousness such as law, morality, art, religion, philosophy, and science (Afanasiev, 1990: 560). Therefore, as far as Rawlsian intellectual background is concerned it can be claimed that Rawls also deserves this kind of label, since his theory of Justice as Fairness in the last instance serves for the benefit of the bourgeoisie class. That is Rawlsian formulation of fair order both methodologically and theoretically does provide an order in which private-property based means of production is justified even if it heals ‘welfare and income problems of the disadvantaged groups’ stemmed from the capitalist mode of production. Seven critical points two of which are directly related to the Rawlsian methodological approach which prove why Rawlsian theory of Justice as Fairness like his predecessor’s theories legitimates a capitalist order in which dependence/unfreedom stemmed from the private property-based mode of production formulated ought to be mentioned.

As far as Rawlsian methodological approach is concerned it is plain to say that Rawls methodologically continues similar flaws of his predecessors's. That is, methodologically speaking, by reducing the ontological origins of the state to the atomistic individual/unencumbered self and hypothetical situation both of which were disconnected from the historical and social reality, Rawls ignores class-based feature of private property-based social, political and economic order. In other words, by basing emergence or origin of the modern capitalist state on the consent of morally equal and rational individuals in a hypothetical situation Rawls seeks to conceal the fact that the modern state historically emerged as the result of class conflicts. In doing so, Rawls, like his predecessors, uses the method of Methodological Individualism within the logic of the social contract to bring the so-called state as if something beyond class-conflict by labeling everyone under the mask of formal equality in the Original Position. The criticism raised by Allen E. Buchanan, in this respects, sounds plausible. He argues that by means of using hypothetical contractarian logic Rawls not only "wrongly assumes that the existence of social classes is a permanent feature of human society" (Buchanan, 1982: 122) but also ignores/masks the strict relation between owners of the private property as a class and the emergence of state in terms of constructing an order in which liberties and rights are formulated according to pure hypothetically-based Methodological Individualism (Ibid: 134). Therefore, as seen throughout the thesis, hypothetical situation and atomistic individual-based contractarian method used by Rawls, too, works as a device which not only does justify the inequalities and domination caused by the private-property based mode of production but also does mask the historical and material conditions of the emergence of capitalist state stemmed from the emergence of class-based society throughout history.

In the second place, Rawls, like his predecessors, develops and resorts his metaphor of Original Position as a hypothetical situation to enable individuals to make a rational and reasonable decision in the way Rawls wants. The fact that Rawls presents the Original Position as a hypothetical ground in front of the individuals who determine not only some holistic facts such as what the characteristics of the

state, as an order constructor, should be but also which principles of justice that formulate the relation between freedom and equality in civil society should be, or what the state's distributive role in economy should be weakens his arguments in terms of constructing a fair order. Rawls in his formulation of Original Position, as Dworkin says, treats the principles of Justice as Fairness as something related to atomistic individuals that is why he misses the fact that individuals live in and belong to the social segments such as ethnic or religious groups (Dworkin in Daniels, 1979: 29). Therefore, to Dworkin, parties in the Original Position are not able to select any principle of justice as an unencumbered self in the way Rawls describes. Rather, they are social realities such as ethnic, class, and religious-based identities that shape individuals to determine how they ought to behave in the process of selecting any principles of justice. By the same token, Charles Taylor describes the descriptions of atomistic/unencumbered self individuals in liberal theories of justice, including Rawls, as the subject of nihilistic and instrumental mind just pursuing his/her own interests (Taylor in Mulhall and Swift, 1996: 32). In other words, atomistic individual formulated Rawls as the methodological origin of holistic facts such as state, society, social freedom, and social equality was designed in the original position as a rational subject, which, according to both Dworkin and Taylor, can have no ties to the social realities. Despite the fact that Dworkin and Taylor's criticisms can be justified in the sense that Rawlsian methodological approach has flaws in constructing and defining holistic facts such as state, freedom and equality, Rawls's moral attribution to individuals implies that Rawls should not be regarded as equivalent to the Hobbesian selfish atomistic individual as Dworkin and Taylor argues. In this sense, when the phenomena of freedom, equality, and order are examined in the light of Dworkin's and Taylor's criticism, the problematic aspect of Rawlsian methodological approach comes to surface in the sense that by ignoring social, historical and material realities, Rawlsian individual-based theory remains too individualistic that is not able to explain the origin of holistic facts as objects of inquiry. That is, the notion of freedom, equality, and order which directly

related to a holistic fact, namely state, cannot be based on Methodological Individualism in the way Rawls hypothetically designs.

As far as the content of Rawlsian theory of justice as fairness are concerned, Rawls, before everything else, envisages that individuals as autonomous rational agencies in the Original Position will choose the principles of Justice as Fairness among the other possible principles of justice that will constitute the basic structure of the society. Similarly, Rawls claims that the 'Property-Owning Democracy' model which will institutionally implement the principles of Justice as Fairness for individuals provides best social, political and economic order among other possible models. In other words, Rawls argues that the Property-Owning Democracy model, which will ensure the concretization of the principles of Justice as Fairness or the institutionalization of justice, is the most equitable model among alternatives political systems. As discussed in the previous section in detail, Rawls in both cases accepts an economic system in which private ownership of the means of production is justified for the benefit of least advantaged groups. However, neither the lexical order in the principles of justice developed by Rawls nor the Rawlsian Property-Owning Democracy model guarantee and justify that the parties will choose Rawlsian principles of justice as fairness. Suppose one of the alternative theories of justice is Marxist inspired in the Original Position and some of the parties do not only know Marx's theory of surplus value but also do support a socialist order rather than Rawlsian Property-Owning Democracy in terms of realizing real/social freedom. If so, then, are there any reasons/motives for parties to admit Rawlsian principles of Justice as Fairness or in more concrete sense to select Economy C in the Table 3 which is applied and institutionalized by Property-Owning Democracy model that is formulated by Rawls? Of course, there are not. Indeed, it is not important for working class whether to justify Property-Owning Democracy or principles of Justice as Fairness at all, since in Property-Owning Democracy, which legitimizes private ownership of means of production, worker, as Nancy Holmstrom says, still "is forced to sell his labor power to the capitalist because it is the latter who controls the means of productions" (Holmstrom, 1977: 268). Therefore,

Rawlsian Difference Principle derived from hypothetical contractual agreement which in one sense aims at enabling disadvantaged working class to realize their freedom does not work in a private-property based economy, since the liberty and equivalence of the wage-labor transactions in private property based capitalist economy is nothing but such an illusion that Marx writes “the free labourer agrees, thanks to the development of capitalistic production, agrees, i.e., is compelled by social conditions, to sell the whole of his active life, his very capacity for work, for the price of the necessities of life, his birthright for a mess of pottage” (Marx, 1887: 181).

Secondly, when we consider Rawlsian Difference Principle in terms of the relationship between freedom and property Rawls, as discussed above, does not consider private property as a natural right for freedom to be meaningful in a real capitalist world. In other words, Rawls, through Difference Principle, seeks a way in which to formulate the inequalities that stemmed from private ownership of the means of production in favor of the disadvantaged groups in society. In this sense, the Difference Principle, as Buchanan argues, “refers to the inequalities in persons’ prospects of obtaining the primary goods of wealth, income, power, and authority” (Buchanan, 1982: 108). Taking this specific goal of the Rawlsian Difference Principle into consideration, it is not difficult to claim that Rawls aims at enabling economy income-based disadvantaged groups to reach or realize liberties listed in primary goods.’ This feature of theory of Justice as Fairness enables us to label Rawls as supporter of modern positive freedom when the ‘modern classification of freedom’⁷⁸ is taken into consideration. In this sense, Rawls like Rousseau can be labeled as advocates of positive freedom in that they both entitles state with a

⁷⁸ It is note-worthy to remember that if liberal modern classification of freedom is taken into consideration both Hobbes and Locke, as discussed in the previous parts, should be labelled as supporters of negative freedom, while Rawls and Rousseau are labelled as supporters of positive freedom. See. MacCullum, G. C. (1967). “Negative and Positive Freedom”, *Philosophical Review*, 74: 3, pp: 312-334 for more detailed discussion on modern notion of freedom with its negative freedom and positive freedom aspects.

distributive role in terms of the distribution of economic income in favor of the disadvantaged groups. Yet, positive freedom itself has some flaws in materializing social freedom that is why I call it as 'limited freedom' which is against 'social freedom'⁷⁹. In a political system where a private property-based economy is legitimized, the greatest obstacle to the realization of freedom is the existence of private ownership of the means of production. A simple example is sufficient to understand that this will lead to a vicious cycle. Consider "freedom of travel" as one of the lists of freedoms that Rawls listed as primary goods. In a constitution based on Rawls's principles of justice, 'the right thing to do' most probably will be defined as 'every citizen has the freedom to travel' in this case. In order to exercise this right-based freedom in the real world, a person must have enough material conditions including economic income to exercise it. Rawls indeed tries to provide it through the Difference Principle. However, if we give a present-day example, to say space tourism, it is not difficult to see that the Difference Principle will be insufficient or will not work for a worker who is in a disadvantaged position but wants to travel to space compared to a multi-millionaire bourgeoisie.

Someone who tries to place Rawls in the context of the economic inequality in terms of making a relationship between freedom and private property in social contract tradition will undoubtedly place Rawls and Rousseau altogether on a separate account compared to Hobbes and Locke. Hobbes's reduction of individual freedom to freedom of choice in a secure market exercised by the selfish individual and by the same token Locke's reduction of freedom to those who possess property stemmed from natural right indicate that these two thinkers' understanding of

⁷⁹ I use the notion of social freedom in the way Felix E. Oppenheim describes. Social freedom, as Oppenheim argues, before everything else should be distinguished from negative freedom in terms of freedom of choice (Oppenheim, 2004: 176). Contrary to the negative and positive freedoms of liberalism social freedom has completely a different logic. That is the situation of "X is free to do Y provided that X should be free from any interference" is meaningless in the sense that if each individuals of the society have no same economic income like others to realize their freedom, being free from anything does not have any meaning in a capitalist society in which inequalities are legitimated by means of formal equality and freedom.

freedom is so close to the modern negative freedom. But for Rawls and Rousseau, the situation is completely different in that both of them have similar objectives in terms of reducing the domination stemmed from economic inequalities caused by the existence of the private ownership of the means of production in a given society. In this sense, Neuhouser, who defines Rawls as the most prominent of Rousseauian thinker in the contemporary world, argues that both Rousseau and Rawls try to lessen any domination stemmed from private-property ownership of means of production for the benefit of disadvantaged groups (Neuhouser, 2013: 217). However, what different point between Rousseau and Rawls is based on the fact that “the different principle is capable of justifying very large disparities in wealth, whereas Rousseau believed that even modest inequalities tended to produce domination” (Ibid: 218). That is, even though Rousseau admits that the state of domination may even result from the slightest economic inequality, Rawls argues that individual and social freedoms can be further realized through Property-Owning Democracy model which will provide an order in which the Difference Principle will be implemented. More importantly, Property-Owning Democracy model developed as an alternative to capitalism, according to Rawls, “ensures widespread ownership of productive assets, thereby obliterating (or reducing) the class distinctions on which capitalism depends” (Rawls, 2001: 139). In this context, by criticizing the logic of monopolistic capitalism Rawls argues that the welfare of the working class will rise in an order which is regulated according to the principles of Property-Owning Democracy model which is an alternative to monopoly and anarcho-capitalism. Neuhouser underlines the importance of this situation by writing that;

His sparing description of property-owning democracy makes it difficult to know for sure, but he does say that property owning democracy disperse(s) ownership of wealth...to prevent a small part of society from controlling the economy and that it aims to put all citizens in a position to manage their own affairs on a footing of a suitable degree of social and economic equality. Also relevant is his claim that “excess market power must be prevented and fair bargaining power should obtain between employers and employees (Neuhouser, 2013: 222).

Similarly, Rousseau also admits that “domination often extends beyond the political realm, where some have more say than others in determining laws, infecting other social spheres as well, especially the economy” (Rousseau, in Neuhouser, 2013: 225). More importantly, Rousseau, as Neuhouser says, “argues convincingly that economic inequality, especially class inequality, generates domination among interdependent individuals and that a social order strives to eradicate the material conditions of domination, preventing the systematic domination of any individual or group” (Ibid). Despite the fact that Rousseau’s and Rawls’s arguments concerning the relationship between domination/dependence and economy in this respect overlap, Rawls, who is more optimistic than Rousseau in terms of alleviating domination in society, is mistaken in that Property-Owning Democracy model, which is developed as an alternative to capitalism, still legitimates the means of production based on private property. In such a system needless to say that existence of the private ownership of the means of production which is the main reason of domination, or the evolution of the means of production from monopoly capitalism into ‘so-called humanistic capitalism’⁸⁰ does not eliminate all kinds of domination resulting from private-property based means of production. Therefore, the main reason why freedom is confined to discussion on the basis of negative liberty or positive freedom by modern liberals, and why both Rousseau and Rawls cannot get out of this category is that they do not reject the economic system based on private property that directly causes the domination and dependence especially in political realm. Moreover, it can be said that both Rousseau and Rawls advocate an order aim of which is to morally alleviate the tension between private property and freedom that causes to domination and

80 Basically I use the term ‘so-called humanistic capitalism’ in order to refer Rawlsian formulation of capitalism. It is important to call Rawlsian capitalism developed under the name of ‘property-owning democracy’ in a way that is sarcastic in such a way as to bring Hobbes’s wild capitalism and the selfish individual in a sense to humanize and put him in a moral jacket. This definition is important to underline the fact that Rawls cannot abandon capitalism. Moreover, it is important to say that the model of capitalism developed by Rawls aims at justifying capitalism under the name of a just order by dressing wild capitalism in a moral sauce.

dependence which stemmed from capitalist mode of production rather than formulating an order that will completely eliminate inequalities resulting from private ownership of the means of production in the model they developed, even though they both try to eliminate political inequalities by means of formal equalities in order to reach political authority. However, it is not difficult to say that despite the fact that citizens have equal formal rights in order to reach political authority in both Rawlsian and Rousseauan political system, this formal equality alone is not enough to realize freedoms especially political freedoms in capitalist societies in which power matrixes are greatly shaped by economic income or class distinctions. Therefore, Rawls's theory like Rousseau's theory, as Buchanan summarizes, "suffers from a failing that is characteristic of liberal theories: it accords priority to civil and political rights without adequately acknowledging the problem that social and economic inequalities produce inequalities in the effectiveness with which equal rights can be exercised" (Buchanan, 1982: 122).

Another critical point that ought to be raised here is directly linked to the question of 'why does Rawls develop a theory of distributive justice in order to construct a fair order? This question is important because it enables us to explain how Rawls deals with the relationship between freedom and private property-based mode of production in a capitalist state in terms of establishing a fair order. In this sense, the conditions of distributive justice, as Wolff elucidates, are roughly derived from the conditions of conflict based on competition for scarce goods (Wolff, 1977: 38). Being aware of this fact, Rawls gives information in advance to the parties that they must know before they choose the principles of justice in the Original Position that there is a considerable shortage of natural resources in a given competitive society (Rawls, 2001: 47). This kind of famine actually requires the use of the principles that Rawls prepared for the realization of distributive justice. Accepting the assumption that resources are scarce, Rawls indeed indirectly says that the efficient and effective use of these resources is important and also claims that individual freedoms can be increased through the fair share of the surplus-value that will be obtained in the market order in which owners of the private-property means

of production compete. The failure of Rawls here is to focus only on the fair distribution of surplus-value instead of eliminating economic inequalities arising from the existence of private ownership of the means of production in a capitalist order. The fact that scarce resources exist is actually advocated by Rawls as an argument that justifies the exploitation of the profit-oriented capitalist mode of production and is dictated to the parties in the Original Position through the Veil of Ignorance which is dressed to the parties who will choose the principles of justice. Similar logic in the meaning of the concretization of freedoms is seen in Rawls' theory, especially in constructing the concept of Difference Principle, as well. It is true that Rawls does criticize the sanctity of private ownership of the means of production in the capitalist mode of production which leads to dependence. However, instead of rejecting the private property-based capitalist mode of production that causes inequalities stemmed from ownership of the means of production Rawls tries to alleviate these economic inequalities through his formulation of distributive justice or his formulation of humanizing wild capitalism on moral grounds.

Finally, when we examine the historical and material conditions Rawls advocates an explicitly liberal argument among the arguments of liberalism and socialism which ideologically collide with each other for years during the international bipolar world. In this regards, socialism and socialist state practices, to Rawls, are non-ideal theories and state practices, respectively, since let alone they are able to build an ideal fair order they do constitute an obstacle to the realization of individual freedoms. In this context, it can be claimed that Rawls indirectly affirms a state practice similar to the welfare state in terms of the distribution of economic income during the golden age of welfare state practices mostly abiding by Kantian moral precisions in the sense that human beings are not means they are ends in themselves. Similarly, unlike those who claim that the crisis of capitalism that emerged since the mid-1970s could be overcome by neoliberal policies which theoretically advocate the idea of the liberal minimal state, Rawls argues that state should intervene to economy in order to realize fair distribution of income in terms

of constructing a just, moral and egalitarian order. For this goal, by putting an ethical cover on capitalism without rejecting the capitalist mode of production Rawls seeks to overcome any possible economic crisis stemming from private ownership of the means of production in a capitalist order. In this context, Rawls argues that his theory of Justice as Fairness will raise the welfare of the most disadvantaged groups- especially of most disadvantaged working class as much as possible. However, Rawlsian justification of fair distribution of income under the name of Property-Owning Democracy can be assessed as a step in which individual freedoms are formulated as part of a capitalist consumer society. That is, despite the fact that Rawls does reject any monopoly on private property-based means of production or reject any attempt which justifies capital accumulation in one hand, he does justify a fair and equitable distribution of capital. By means of implementation of the Difference Principle in Property-Owning Democracy Rawls indeed seeks to ensure the creation of millions of disadvantaged workers with high purchasing power required by the capitalist market. In other words, by not totally rejecting accumulation of capital stemmed from private ownership on means of production Rawls wants to establish an order in which the most disadvantaged workers are forced to take a fair sop from economic pie thanks to the Difference Principle. In other words, in the so-called liberal socialist order of Rawls workers/proletariat apart from their chains will have a few personal items/properties to lose. In this way, Rawls's recruitment of workers with high purchasing power towards the construction of capitalist consumer society, even within the framework of positive freedom, leads to reducing freedom to a kind of 'freedom of choice' for selling their labour with a relatively high price which is propagated by liberals as a blessing of capitalist market sanctity.

6. 5. Summing Up

The theory of justice that Rawls developed as a moral philosopher who revived political philosophy at a time when many arguments about the death of political philosophy were raised in the academic world caused a stir among many intellectuals. Taking the historical and material conditions into consideration, it can be plainly claimed that Rawls is a pure defender of the liberal ideology.

In a time when welfare-state practice in the Western world was experiencing its Golden Age Rawls, who has also witnessed the Second World War and deaths of millions of people, developed his theory of justice as fairness. What is conjectural importance of his theory is based on his theoretical effort which legitimates the state's role against neo-liberal and libertarian intellectuals? Rawls, contrary to neo-liberals and libertarians, argues that the state should take a distributive role in economic pie in order to establish a fair order. In particular, with his model of Property-Owning Democracy, Rawls, similar to the Keynesian strategy, by not rejecting the capitalist mode of production seeks to find solutions to the crises of capitalism, inequalities, and injustices which, according to Rawls, resulting from anarcho-capitalism. To this aim, by challenging utilitarian theories of justice Rawls puts forward his theory of justice as fairness in order to moralize / humanize wild capitalism. By claiming that 'right' is/should be prior to 'good' in moral philosophy Rawls, as a moral philosopher, develops his theoretical premises in a more abstract ground than his predecessors'. Rawlsian social contractarian method revitalized in the twenty-first century for the sake of constructing a liberal well-ordered society in this sense shares some differences compared to his predecessors' though, Rawls, like his predecessors, justifies inequalities and injustices stemming from the private ownership of the means of production by means of liberal formal equality and freedom. Therefore, the Rawlsian formulation of a well-ordered society indeed serves for the benefit of bourgeoisie class in the last instance. In other words, the fair order put forward by Rawls is both methodologically and in content aimed at maintaining bourgeois order in which inequalities and injustices resulting from private-property based means of production are masked by Rawlsian so-called just order.

Methodologically speaking, Rawls uses hypothetical tools in order to lessen negative aspects of artificial inequalities including especially economic ones that have been continued since the emergence process of the modern capitalist state. In this respect, Rawls reduces all holistic arguments such as state, freedom, and equality to the abstract atomistic unencumbered self/individual which is deliberately distinguished from his/her social context and material conditions of the period. By the same token, Rawls, just like his predecessors, bases his theoretical premises on a fictional state of nature and fictional-based features of human nature both of which has never been proved at any stage throughout history. The main reason for these methodological flaws/distortions in Rawls's theory is that Rawls, like his predecessors, tries to justify inequalities and injustices caused by capitalist order through formal equality and formal freedom. This method applied in social contract theories ideologically aims at equalizing unequal persons in terms of income and income distribution by claiming that state as an order founder has emerged as a result of individuals' own consent. In other words, the main goal of this kind of methodological distortion is to legitimate an order in which the inequalities and injustices caused by the material and historical conditions based on private-property means of production are justified especially by emphasizing moral and rational nature of the atomistic individuals that assent to contractarian order. However, as it was explained in detail that masses especially those propertyless individuals and working class would agree to justify an order that social contract theoreticians put forward.

Contextually speaking, Rawls argues that economic inequalities originating from the private ownership of the means of production can only be legitimated when they are formulated for the benefit of those disadvantaged groups. When we consider this logic in the context of the first and second principles of Rawlsian Justice as Fairness it is obvious to say that Rawls seeks to ensure that the freedoms in the primary goods list guaranteed by the first principle of justice can have a meaning in the concrete world provided that an economic and political order is constructed according to the principles of Justice as Fairness and especially to the

Difference Principle. Rawls, who does not consider the ownership of the means of production as a natural and basic right, entitles state one of the aims of which is to enable economically disadvantaged people to exercise their freedom in a positive sense in the real world with a distributive role in income in order to improve the economic situation of the disadvantaged people. In other words, one of the goals of Rawlsian Property Owning Democracy model as an order constructor is to lessen strict economic inequalities resulting from the ownership of the means of production for the benefit of an economically disadvantaged group in order to enable them free from dependence as much as possible in a morally legitimated capitalist order. Therefore, although Rawls, like Rousseau, is labeled as an advocator of positive freedom in terms of the modern classification of freedom, this formulation of freedom developed by Rawls should ultimately and still be corresponded to the notion of 'limited freedom' which is contrary to social freedom.

More importantly, Rawls's evaluation of the existence of classes in the capitalist system as a natural phenomenon, that is, the fact that he does not regard the emergence of classes as a result of private property based means of production does not go beyond formally and morally equalizing each unequal individuals in capitalist order which enable us to assess Rawlsian theory, as Gauthier claims, as an ideological apparatus under the mask of justice (Gauthier, 1978: 142). In other words, Rawlsian justification of class-based society as if something natural phenomenon indirectly aims at humanizing/moralizing wild capitalism by means of a Property-Owning Democracy in which the notions of freedom and equality cannot go beyond to liberal formal equalities in the last instance.

As a result, Rawls does criticize inequalities and injustices caused by wild capitalism through the liberal front and attempt to put a kind of 'Gracious Capitalism' in place of 'Wild capitalism' for the sake of capitalist order. Rawls, as a bourgeoisie intellectual in the last instance, in this sense, develops a so-called just order in which he tries not only to enhance welfare of disadvantaged masses/workers for the survival of the capitalist system through distributive justice policy which can be called a kind of 'sop' but also to increase the purchasing power of relatively poor

workers/millions who needed by the capitalist market as members of consumer society. Ironically, in such a Rawlsian order the liberties promised by Rawls still correspond to the freedom of the bourgeois class, despite Rawlsian formulation of Difference Principle. Furthermore, since Rawls does not reject private ownership of the means of production, his Property-Owning Democracy model is only able to reduce one of the chainrings struck on the neck of the millions of workers who will live in a Rawlsian so-called gracious capitalist order.

CHAPTER 7

CONCLUSION

One of the fundamental issues of political philosophy is freedom, a subject that has been pondered by many thinkers from the Ancient Greek world to today's modern world. The notion of freedom at the same time has been linked to private property which has been regarded as either the main premise of realizing freedom or the main obstacle to realize freedom. Therefore, linking the issue of freedom to private property has led some thinkers to consider private property as an obligation to open the door to freedom, while some thinkers have expressed that one of the biggest obstacles to realizing freedom is existence of the institution of private property which leads to many inequalities especially economic ones in society. More importantly, the asymmetric relation between freedom and dependence arising from private property over means of production inevitably leads to building a social formation / order in terms of alleviating the tension.

Plato and Aristotle make a separate page for the institution of private property in their ideal political and economic order and underline positive and negative aspects of it in terms of revealing its possible effects on social freedom. Although both thinkers mention the negative effects of private-property institution in society, they regard it as an essential element in ensuring social order and realization of freedom in the last instance. As discussed in the first chapter of the thesis, Plato in his masterpiece, *Republic*, raises some objections to the idea of individual possessiveness for Guardians and Ruling classes though; he justifies the institution of private property in general sense for the sake of maintaining an ideal order. Aristotle's views on the institution of private property and its necessity for freedom is not different than that of his master at least in terms of justifying it for an ideal order. More importantly, philosophically speaking, they both put forward philosophically arguments which can be linked to reason based assumptions.

The relationship between private property and freedom in the Ancient Greek philosophy is designed by medieval philosophy mostly with references to reason that serves religious dogmas in medieval Europe. In this context, generally speaking, medieval scholars who can be regarded as organic intellectuals of the Church argue that the richness arising from the institution of private property could only have a meaning in terms of freedom provided that it is used in the name of God. Taking the social and material conditions of the period into consideration one can assess this relationship that medieval philosophers made in this way highly understandable. Taking theoretical arguments discussed elaborately in the first chapter into consideration, it is quite sensible to find an answer to the question of 'why do theological-based arguments in medieval philosophy justify the institution of private property that formulated by Catholic Church which possesses a lot of land and seizing surplus-value through taxes from land aristocracy?' In other words, since one of the main tasks of medieval philosophy was to justify the institution of Catholic Church, it was not surprised for medieval scholars to formulate the relation between private property, freedom, and order in the way Catholic Church refers to.

Some developments that resulted in the transition to the Modern Age many of which were caused by changes in the economic structure in the last instance also began to change the course of the relationship between freedom and property in building any political theory in modern period compared to that of the medieval period. Methodologically speaking, individual-based methodological approach to the relationship between private property and freedom has led modern political philosophers to develop theories about how political and economic order should be in an ideal social formation. In addition, the effects of the social changes caused by the capitalist mode of production on the relationship between freedom, private property and order are also reasons that enable modern-term philosophers to formulate an order in which the tension between private property and freedom is alleviated thanks to this modern methodological shift.

Similarly, from a methodological point of view, it is possible to say that by using hypothetical methodological tools in order to obtain theoretical outcomes in the way they wish, social contractarian theoreticians want to legitimate dependence and inequalities arising from historical and material conditions of their time in which they live. In this context, the fact that they base their theoretical premises on a hypothetical basis in the formation of the social order enabled them to formulate social inequalities and dependence stemmed from the existence of private property as acceptable/justified phenomena under the mask of formal equalities and formal freedoms.

The fact that the state of nature is handled in an abstract / independent way from historical and material reality, that is, the fact that a state of nature in the sense described by Hobbes, Locke, Rousseau and in a sense Rawls, which discussed in fourth, fifth, and sixth chapters, respectively, was not experienced in history makes it possible for them to transform and justify artificial social inequalities that stem from private property-based means of production into formal equalities on the basis of legal and moral grounds. More importantly, the deduction of the need for order from inequalities and injustices caused by the state of nature enabled the social contracting theories to formulate equality and freedom as formal equality and formal

freedom. Both in Hobbes', Locke's and Rousseau's theories directly, and in Rawls's theory indirectly the main factor that causes the deterioration of the state of nature is the state of artificial inequalities caused by somehow possessing something in the state of nature. In other words, both Hobbesian formulation of order for security and Lockean formulation of order for the sake of protecting private property are in fact nothing but an order that regulates the inequalities arising as a result of the ownership / seizing of something in the state of nature. As discussed in the fourth chapter, Hobbes describes state of nature as state of war in which individuals is able to possess something on nature however they want in order to survive. This kind of describing state of nature inevitably enable individuals to appropriate lands whichever they want. Yet, what is problem in Hobbesian formulation of state of nature is that Hobbes does not problematize how individuals possessed properties in civil society or at least in the process of transition to civil society. By the same token, in the same chapter Lockean formulation of state of nature was problematized in the sense that Locke does not develop a convincing argument in terms of justifying economic inequalities especially after the invention of money in his second stage of state of nature. As far as the Rousseauian General Will-based order and Rawlsian Property-Ownning Democracy model is concerned it can be claimed that by using similar methodological approach, they both formulates another type of order that justifies such inequalities through the mask of morality and virtue in favor of the owners of the private property in the last instance. As discussed in the fifth chapter despite the fact that Rousseau regards the institution of private property as basic causes of not only deterioration of first stage of the state of nature, namely state of Golden Age in a sense, but also dependence, he does not satisfactorily clarify why private property is justified for realizing freedom in civil society. As to Rawls, even though he differs from his predecessors in terms of formulation of the state of nature from methodological point of view, his formulation of Original Position has similar flaws in the sense that the reason formulated by Rawls in terms of enabling parties in Original Position to select Rawlsian principles of justice as fairness which legitimate private-property based means of production in civil society

or in process of transition to civil society does not make sense for those who are not liberal. In other words, is not it Rawlsian own hypothetical formulation of Original Position which does not make room for selecting Marxian inspired principles of justice in civil society? Therefore, hypothetically formulations of state of nature which indeed justify an order in the way contractarian philosophers wish do methodologically function to justify artificial economic inequalities arising from private-property based means of production during the period they have lived.

By the same token the premises developed by the social contract theories about human nature are methodologically designed according to the results they want to achieve in their theories. In other words, by attributing eternal a-priori features to human nature contractarian theoreticians except Rawls want to obtain results they want to achieve in the way of legitimating their contractarian order. Any static and free from any historical and social context-based descriptions of human nature, as discussed in the third chapter in detail, do fall into contradiction, for many historical evidences indicated that the features and characters of human nature have been changed over centuries. Hobbessian and Lockean theories of human nature in this sense can be problematized in the sense that not only Hobbes's wolfish man but also Lockean altruistic human being indeed has appeared in a historical moment, as discussed in the fourth chapter. That is; by describing human nature as wolfish, Hobbes formulates human beings that live during the emergence of capitalism, while altruistic individuals and moral beings in Lockean sense of describing human nature reflects possibility of humanizing wolfish beings that live during the same period. Therefore, describings of human nature as e-ternal and free from any social and historical context is indeed a way of justifying basic feature of human beings that is shaped by the emergence of capitalism. In other words, methodologically describing human nature in the way contractarian philosophers formulate is not innocent. If it weren't so, then how would it be possible for a theoretician, who describes human nature as selfish and so *homo homini lupus*, to legitimate a Mortal God, like Leviathan as a founder of order? Or how would it be possible for a theoretician, who

describes human nature as altruistic, to legitimate strict economic inequalities arising from private property-based means of production?

Apart from methodological criticisms mentioned above some other important points / outcomes should be mentioned here. In other words, the methodology used in this study made it possible to reach many remarkable conclusions, as well.

Before everything else, as it was elaborately discussed in the second chapter of the thesis, the distortion of the concept of private property has led to the distortion of concepts related to freedom, equality, and order, as well. In other words, since many scholars including social contractarian ones except Rawls do not make a clear-cut distinction between 'property as personal belonging' and 'property as mean of production', the relation they make with property and freedom leads to reaching theoretical outcomes. For example; the evaluation of the association of a person with a personal toothbrush and a person who owns a mean of production, i.e. land or factory with freedom, is an important example to illustrate one aspect of the distortion in the literature. By following the same logic in terms of justifying the necessity of private property for realizing individual freedom those writers who attribute ownership to all living creatures or define a child's freedom and those around him by means of a doll or define a house as the basic determinant of the area of freedom are at the center of this distortion. However, it was discussed in the second chapter in detail that making a distinction between two concepts of private property easily refutes such claims. Among many other examples discussed in the second chapter one another example can generalize how this kind of distortions in the literature is not convincing. For instance; granting the right to use a house that will provide a shelter for satisfying human beings' basic needs in a social order that has adopted the principle of 'from each according to his ability, to each according to his needs' is sufficient to refute the so-called arguments which claim that since there is no private property as personal belonging in socialist systems, individual freedoms can not be exercised. Similarly, these arguments which do not make room for a distinction between two concepts of freedom also put forward that in the

socialist system children cannot even have a toy that will improve their sense of mine and thine which enable them to make their area of freedom. However, in the second chapter it was evidently pointed out that not only common property systems but also collective property systems allows one to have his / her personal belongings.

Taking the importance of making a clear-cut distinction between property as personal belonging and property as means of production into account, it is noteworthy to say that the arguments put forward by modern term philosophers including contractarian ones that make a strict relation between private property, freedom and order have some flaws. In this sense, the ‘individual possessiveness argument’ which claims that ‘one can only establish his/her area of freedom with his property’ cannot necessarily lead to a legitimate private property based economy order. Arguments of ‘self-character/self-development and autonomous free agent’ which claim that one can only realize himself both morally and freely through his own property can also be refuted by means of following previous reason. Therefore, taken pioneers of modern social contract theoreticians into consideration, it is plain to claim that Hobbesian understanding of freedom directly related to the argument of ‘individual possessiveness’ as an indicator of early modern version of negative freedom can be refuted in this way, even though Hobbes’s great effort to reduce individual freedom to a kind of ‘freedom of choice’ in a highly secured market during the developing process of agrarian capitalism. Besides, the same objection can be raised to Locke, for he considers private property as a first condition in the creation of a space of freedom in terms of realizing his self-development and moral character.

Another important point is about the logic of contractarian theories in terms of building an order in which most of the people / citizens have a say. In other words, the claim raised by social contract theories in terms of ‘inclusion of society’ indeed does not reflect many social groups of society. It is true that the social contract theories tries to explain the issues of ‘the process of emergence of the state’, ‘how the notions such as freedom and equality should be formulated’ and ‘how the nature of property rights should be constituted on a mutual agreement carried out by

individuals'. In this sense, the fact that whether the individual is rational due to his selfish nature as in Hobbes's case or rational as moral being or altruistic as in both Rawls's and Locke's is not so important. The important point is the fact that all parties consent to the convention. This consent indeed means that the laws of the state, which will establish the social order, are binding, for the state existence of which is based on the result of the social consensus is obliged to implement the laws. However, it should be said that all social contracting theories are not inclusive. Rather, they are exclusive in essence.

The notion of exclusivism in Hobbes, Locke, and Rousseau includes not only women, black, and non-Europeans, who were not periodically regarded as subjects of politics, but also non-proprietors. For example, when Hobbes's convention is considered, answer of the question of 'why should a person who could not own property in state of nature and has to live only with his labor in civil society obey the laws of state which defines freedom as a freedom of choice in a negative sense and formulates freedom for propertyless individuals as only selling their labor as a commodity in the market economy which is highly secured by state?' is not satisfactorily formulated with 'the need of security' reasoned by Hobbes in the contract. By the same token, 'why should so-called a free worker whose land was taken away during the fencing process obey the laws of a Lockean state which legitimized land ownership at both stages of the state of nature and placed private property at the center of realizing individual freedom in civil society? In Rousseau, the situation is not different. As it is elaborately discussed in the fifth chapter, private property, which Rousseau regards as main cause of inequalities and domination in society, is confirmed by the General Will in the process of transition to civil society. Then, is there any sensible response to the question of 'why would someone who finds himself as a rogue, beggar, or free-worker of Paris in the wolfish aspect of capitalism during the eve of French Revolution, consent to a state aim of which is to alleviate the inequalities stemming from private property without touching the existence of it? in Rousseau's ideal order. In other words, why should someone who is dispossessed, bum and 'so-called free' city worker consent to an

order based on private property that leads him to live in such a miserable condition? Once more, in this context, does not the fact that someone who does not obey the General Will be forced to freedom in the words of Rousseau mean that one who has nothing but his labor will have the 'freedom to' sell his labor as a commodity in the market economy in the eve of the emergence of wolfish capitalism?

More importantly, the exclusive feature of social contract theories developed in the sixteenth and seventeenth centuries, when the capitalist mode of production began to lead to social radical changes, has been maintaining in the twentieth century of political theory in different forms, as well. This situation emerges with all its clarity when Rawlsian social contract theory is taken into consideration. In this respects, despite the fact that Rawls claims that individuals / citizens are able to choose the basic principles of justice regardless of their color, race, language, religion and social class, then why should someone who knows and agrees with the Marxist labour theory of value in the Original Position approve a well-ordered social structure which justifies private ownership of the means of production without eliminating social inequalities and economic inequalities arising from it. In other words, why should propertyless individuals obey the rules of Property-Owning Democracy model one of the goals of which is to alleviate economic inequalities arising from the private property-based mode of production instead of abolishing it? In line with this last example is it not indeed highly understandable to underline why Rawls considers the socialist order which does not allow private ownership of the means of production as non-ideal order? Thus, Rawls, like his predecessors, implicitly excludes those dispossessed individuals under the mask of formal equality and formal freedom in his social contract theory.

All these examples indicate that in order to understand the content and aim of order formulated by social contractarian theories one should seek an answer to the questions of 'order for whom? or whose order? Unsurprisingly, the answer to these questions is that; the order of the owners of the means of production.

As to the the context of modern classification of freedom, which began to take shape in the nineteenth century and dominated the literature of modern political

theory during the twentieth century, it can be easily claimed that all four social contractarian theoreticians cannot go beyond the modern classification which is categorized as negative freedom and positive freedom. In this context, while Hobbes's and Locke's formulation of freedom can be evaluated in the category of negative freedom, Rawls's and Rousseau's formulation of freedom can be put into the category of positive freedom. Yet, they all could not reach a point where all social freedom is achieved. In other words, formulating the notion of freedom as positive or negative freedom does not mean that they put forward a social order in which the notions of exclusion and dependence have been disappeared. Rather, the formulations put forward by contractarian theoreticians define the relationship between freedom and order based on the fetishization of the individual. As such, the social contracting theorists, particularly Hobbes and Locke, who neglect the fact that individual freedom will have a meaning only when social freedom is attained, link freedom to property ownership in a social order in which they do not deny private ownership of the means of production. Rousseau and Rawls, who apply the same method, argue that individual freedoms can only be realized within the economic possibilities by considering that the state should intervene in the economy through redistribution of income policies in order to alleviate social inequalities and dependence/domination arising from the ownership of the means of production though, they cannot go beyond classical definitions of modern freedom. As both Rousseauan General Will and Rawlsian Difference Principle do not deny the private ownership of the means of production in this sense, their formulation of positive freedom remains inadequate in terms of realizing social freedom, as well. In other words, although Rousseau and Rawls developed arguments close to positive freedom to transform freedom into social freedom, they do not develop a social order which makes room for exercising social freedom in the last instance.

More importantly, in their contractarian orders Rousseau, Hobbes and Locke free the masses, especially the serfs condemned to the captivity of the feudal order, from the feudal dependence though; they all put them into the dependence of bourgeois order. As discussed in the fourth, fifth and sixth chapters, freedom and

dependence in all social contract theories are attributed to certain classes in an asymmetric relation, namely to owners of private property and propertyless people. That is, the fact that the new territorial aristocracy and the bourgeois class in the floral region began to possess political freedoms in England and France, starting from the seventeenth and eighteenth centuries respectively, has caused the dependence of the dispossessed class. In this context, both the policies of French Parliament under the leadership of the bourgeois class, who took the banner of the French Revolution inspired by the theory of Rousseau, and the British Parliament, which was under the control of the British bourgeois class after the Glorious Revolution, indicate how bourgeoisie orders formulated the notion of political and economic order for the benefit of owners of means of productions against freedom of dispossessed masses. Such an understanding of freedom has been continuing in capitalist societies for nearly two hundred years, although there are formal differences. In this sense, it can be said that in the field of political theory it is John Rawls who tries to justify it theoretically. In other words, in the last quarter of the twentieth century by not rejecting private property based economy order, John Rawls tries to reformulate the asymmetric relation of freedom formulated by Hobbes, Locke and Rousseau in the context of the relationship between private property and freedom.

Finally, the most important way of analyzing the theoretical arguments developed by political philosophers is to take the historical and material conditions of the period in which the thinkers have lived into account, since there have been no political philosopher in the history of political thought that the social problems of the period in which they lived have not affected him/her. When this assumption is taken into consideration, it can be obviously said that all four political philosophers are intellectual figures belonging to the bourgeois class in the last instance.

When Hobbesian and Lockean theories of social contract are taken into consideration, it is obvious to say that both contractarian orders are formulated for the benefit of bourgeois class in the last instance. In this context, theoretically speaking, Hobbesian formulation of social contract in favor of monarchy does not

mean the same monarchy as formulated in terms of traditional blood tie and defended by the organic theoreticians of traditional monarchy like Robert Filmer. On the contrary, Hobbes's contractarian order is as powerful as a monster that will protect the interests of a class of proprietors in a highly secure market by suppressing the dispossessed masses who may threaten the security of order. Thus, Hobbes' main purpose in his contractarian order is to bring together those selfish individuals who have property as mean of production and those who are free but have nothing except selling their labor in a highly secured market. As to the Lockean contractarian order, the situation is not different as well. Locke who regards private property institution as main premise of realizing individual freedom fetishizes private property. This kind of fetishization of private property in Locke's theory paves the way for him to formulate a contractarian order which guarantees the freedom of the proprietors and alleviates social tension stemmed from private property-based mean of production for the benefit of owners of means of production. In other words, thanks to the Lockean fetishization of private property by trying to suppress the threat that may possibly come from the dispossessed groups, Locke suggests an order in which the relation between freedom and property is formulated for the benefit of proprietors.

As far as Rousseau's contractarian order is concerned it can be said that Rousseau argues that the legitimacy of power should be based on the people instead of being based on traditional means reflecting traditional monarchy. The subjects, as the founder of order, formulated in General Will in Rousseau's contractarian order of course theoretically include both property owners and dispossessed people in this sense. However, Rousseau's ideal order is a scheme that will protect the interests of the bourgeois order in the last instance, for true freedom in Rousseau's ideal order is attributed to virtuous citizenship and being a virtuous citizen is reduced to those who unconditionally obey 'the laws of the General Will' that is subject to education of citizen, as it was discussed elaborately in the fifth chapter of the thesis. That is, Rousseau's General Will is a guarantee of an order that protects private property and tries to conceal artificial social inequalities arising from private property-based

means of production under the mask of being virtuous in terms of obeying the General Will. Moreover, in Rousseau's ideal order dispossessed are in a sense those who are forced to accept freedom through Rousseauian principle of freedom discussed in the fifth chapter. In other words, dispossessed in Rousseauian contractarian order are those who have to obey the rules of General Will which does not abolish the institution of private property that leads to social artificial inequalities in terms of exercising so-called freedom.

As to the Rawlsian contractarian order, it can be said that thanks to Difference Principle and Property-Owning Democracy Model, Rawls theoretically does try to provide a solution to the social artificial inequalities including 'unrealization of freedom' or 'dependence' caused by the capitalist order. However, Rawlsian theory of Justice as Fairness leads to contributing to the survival of the capitalist order in the last instance by producing solutions based on moral grounds in order to overcome the cyclical crisis of the capitalist system. In other words, in the well-ordered social structure that he developed, Rawls, while on the one hand, tries to put a moral cover on the capitalist order in the sense of alleviating the inhuman conditions caused by the brutal capitalism, on the other side he tries to solve a kind of legitimacy crisis which capitalism would fall due to the injustice in the income distribution by giving the state a role to provide a just order by means of redistributive policies of income. The arguments which can be formulated and arranged as (i) 'capital should not be accumulated in one hand'; (ii) 'human beings are ends in themselves that is why they should not be used as a tool for capitalism', and above all, (iii) 'individual freedom can only be realized within a certain economic income/capability' are theoretical outcomes that Rawls want to materialize in a given social formation in this context. However, by not rejecting private property-based mean of production in the basic structure of the society, Rawls, as discussed in sixth chapter in detail, like his predecessors maintains the role of one of the intellectual protectors of the bourgeois order in the last instance in terms of alleviating and eliminating artificial social inequalities / tension arising from private property based means of production under the mask of morality.

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APPENDICIES

A. TURKISH SUMMARY/TÜRKÇE ÖZET

TOPLUM SÖZLEŞMECİ TEORİLERDE ÖZEL MÜLKİYET, ÖZGÜRLÜK VE DÜZEN ARASINDAKİ GERİLİM

Özel mülkiyetin meşru kabul edildiği toplumlarda özgürlük ve özel mülkiyet arasındaki gerilim Batı Siyasi Teorisinin en temel konularından biri olagelmıştır. Antik Yunan Siyasal Teorisinden Modern Siyasal Teoriye değin özgürlük meselesinin siyaset filozoflarınca ele alınış biçimi çoğu kere özel mülkiyet kavramı ve düzen arasındaki ilişkinin nasıl olması gerektiği yönündeki soruları da beraberinde getirmiştir. Özellikle, özgürlük nosyonunun kendisi tartışmaya açık bir özelliğe sahip olduğundan, birçok düşünür ‘özgürlük nedir?’ sorusuna yönelik birbirlerinden farklı ve çoğu zaman birbirlerine zıt görüşler/argümanlar geliştirmiştir. Bu bağlamda, özgürlüğün ancak ve ancak hem ahlaki hem ekonomik hem de siyasal anlamda ideal bir düzen tesis edildiğinde gerçekleştirilebileceğini iddia eden filozofların, özgürlük ve düzen arasındaki görüşleri kaçınılmaz olarak özel mülkiyetin meşrulaştırıldığı siyasi ve ekonomik bir düzeni ideal düzen olarak

tanımlamışlardır⁸¹. Diğer taraftan, özel mülkiyetin meşru kabul edildiği bir toplumda toplumsal özgürlüğün hayalden öte bir anlama sahip olamayacağı ve dolayısıyla özel mülkiyete dayalı toplumsal düzenlerde bir avuç insanın dışında kitlelerin tutsaklığa hapsedileceğini iddia eden siyaset filozofları ise özel mülkiyeti meşrulaştıran her türlü ekonomik ve siyasi düzenin kaldırılması gerektiği yönünde argümanlar geliştirmiştir⁸².

Eski Yunan filozofları, Orta Çağ filozofları ve Modern Dönem filozoflarının her birini bu kategori altına yerleştirmek son derece mümkündür. Eski Yunan filozoflarından Plato'nun-her ne kadar özel mülkiyete sahip olmayı Devlet adlı kitabında belli kesimlerle sınırlandırmış olsa da- özel mülkiyeti ahlaki ve ideal bir düzende özgürlüğün yaşanması için elzem bir kurum olarak görmüş olması (Plato, 2016: 39) ve benzer şekilde öğrencisi Aristoteles'in, özel mülkiyeti insanlar arasında kıskançlığı ve eşitsizliği tetikleyecek bir unsur olarak değerlendirmesine rağmen son kertede özel mülkiyet nosyonunu toplumsal düzenin ve adaletin temel kurucu öğelerinden biri olarak değerlendirmesi (Aristotle, 1954: 61) kadim Yunan filozoflarının özel mülkiyet, özgürlük ve düzen arasındaki ilişkinin nasıl olması gerektiği yönündeki görüşlerini açığa çıkarır. Bu iki Antik Yunan siyaset filozofunun bir anlamda doğal düzenin yansıması olarak kabul ettikleri toplumsal düzen içerisinde özel mülkiyet kurumuna yönelik olumsuz eleştirilerine rağmen son kertede özel mülkiyeti ideal bir düzenin tesisi ve özgürlüğün gerçekleşmesi yönünde atılması gereken bir basamak olarak değerlendirmesi, özel mülkiyet, özgürlük ve düzen arasındaki ilişkinin nasıl olması gerektiği konusunun Batı Siyasi Teorisinde yaklaşık iki bin beş yüz yıl öncesinde ele alındığını gösterir. Fikirlerimizin maddi

81 Siyasal teori literatüründe bu görüşü savunan onlarca siyaset filozofu yer almasına rağmen, siyaset teorisi alanında bu konuda etki bırakmış belli başlı filozoflar; Antik Yunan dünyasında Platon, Aristoteles, Orta Çağ Avrupa'sında Aziz Augustinus, Thomas Aquinas, Modern Çağ'da ise John Locke, Adam Smith, Milton Friedman, John Rawls, Robert Nozick ve Richard Pipes'tir.

82 Bu yönde argümanlar geliştiren ve literatüre etki etmiş belli başlı siyaset filozofları Pierre-Joseph Proudhon gibi Anarşist felsefenin önemli teorisyenleri ile Marksist Teorinin önemli figürü Karl Marx'tır.

gerçeklik içindeki konumlanışımızın bir yansıması olduğunu hesaba kattığımızda tabi ki de Plato ve Aristoteles gibi Yunan dünyasının büyük filozofları özel mülkiyet, düzen ve özgürlük arasındaki ilişkiye dair fikirlerini dönemin tarihsel, toplumsal ve maddi gerçeklikleri/bağlamı içerisinde geliştirmişlerdir (Wood, 2005: 12).

Eski Yunan filozoflarının bir anlamda akla dayalı geliştirmeye çalıştıkları özel mülkiyet, özgürlük ve düzen arasındaki ilişkiye dair argümanlara Orta Çağ Avrupa'sında farklı bir içerik kazandırılmıştır. Feodal üretim tarzının ortaya çıkmasıyla birlikte gelişen feodal üretim ilişkileri ekseninde, George Sabine ve Thomas Thorson'un (1973) da belirttiği üzere, mülkiyet, düzen ve özgürlük ilişkisi 'teolojik-akla'⁸³ dayalı argümanlar doğrultusunda formüle edilmeye çalışılmıştır. Bir başka deyişle, akla dayalı argümanlardan yola çıkılarak meşrulaştırılmaya çalışılan Yunanlı'ların anlamış olduğu özgürlük, düzen ve mülkiyet arasındaki ilişki, Orta Çağ feodal düzeninde Orta Çağ filozoflarınca Tanrı'nın yeryüzü düzenine dair söyledikleri esas alınarak yeniden formüle edilmeye çalışılmıştır. Dolayısıyla, Orta Çağ dünyasında feodal üretim ilişkilerine dayalı toplumsal düzen içerisinde, Copleston'un da belirttiği üzere, artı değere doğrudan veya dolaylı yollardan el koyan Kilise başta olmak üzere feodal ayrıcalıklı özneler, aynı zamanda, özgürlük nedir, özgür irade var mıdır, kişi nasıl erdemli olabilir, dünyevi ve tanrısal düzen arasındaki ilişki nasıl olmalıdır ve her şeyden önemlisi özel mülkiyetin meşruluğu neye dayanmalıdır? gibi sorulara cevaplar üretme adına temel temel belirleyiciler olmuştur (Copleston, 1950: 13). Mesela, teorik yaklaşımlarındaki derin farklılıklarına rağmen, Aziz Augustinus ve Thomas Aquinas toplumda özel mülkiyet kurumunun ancak ve ancak Tanrı'ya hizmet amacı taşıdığında kabul edilebileceğini

83 "Teolojik temelli akıl" ile kast etmek istediğim kısaca 'aklı, dini argümanların hizmetine sokmak'tır. Aklın bu şekilde metodolojik bir araç olarak Orta Çağ filozoflarınca kullanılması, aynı zamanda Tanrı'nın dikte ettiği siyasi, sosyal ve ahlaki düzeni meşrulaştırmanın dini argümanların haklılığı oranında kabul gördüğünü göstermektedir.

dile getirirler (Dauphinais, and et al., 2007: 37-38). Benzer şekilde, her iki düşünüre göre de gerçek bir özgürlük ancak Tanrı'nın yeryüzünde kurmak istediği düzen içerisinde gerçekleştirilebilir çünkü mülkiyetten kaynaklı zenginlikler Tanrısal düzende Tanrı adına kullanıldığı için mülkiyetten kaynaklı maddi eşitsizlikler de özgürlüğün önünde engel teşkil etmeyecektir (Ibid). Tıpkı Antik Yunan Dünyasında olduğu gibi Orta Çağ düşünürleri tarafından özel mülkiyet, özgürlük ve düzen arasındaki ilişkiye dair geliştirilen bu argümanlar, Orta Çağ toplumunun maddi koşullarından bağımsız ele alınmamalıdır. Feodal sistem içerisinde üretim aracı olan topraktan elde edilen artı değerın büyük bir kısmına doğrudan veya dolaylı olarak Kilise'nin el koymasına dayanan politik ve ekonomik bir düzende, Kilise'nin ve aynı zamanda feodal ayrıcalıklı sınıfların organik entelektüelleri veya filozofları tarafından özgürlüğün neden Tanrısal düzene içkin olarak tanımlandığı veya üretim araçlarının mülkiyetinden kaynaklı eşitsizliklerin nasıl ahlaki ve dini argümanlarca meşrulaştırıldığını anlamak bu bağlamda zor olmasa gerek. Başka bir deyişle, toplumsal katmanları kabaca din adamı veya kiliseye bağlı görece seküler yöneticilerden, savaşçılardan ve çalışanlardan oluşan Orta Çağ klasik toplumsal politik ve ekonomik düzeninde üretim aracına sahip olmayan kitlelerin özgürlüklerinin dinsel özgürlük ekseninde tanımlanmış olması veya üretim araçlarından kaynaklı eşitsizliklerin ve gerilimlerin Tanrısal düzen içerisinde sözüm ona meşru bir zemine çekilerek ört pas edilmesi, Orta Çağ filozoflarının mülkiyet, özgürlük ve düzen arasında neden bu türden bir ilişki kurduklarını anlamamızı kolaylaştıracaktır.

Özel mülkiyet, özgürlük ve düzen arasındaki ilişkinin nasıl olması gerektiğiyle ilgili tartışmanın modern siyasal teoride hem yöntemsel olarak hem de içerik olarak hem Antik Yunan dünyasından hem de Orta Çağ döneminden tamamen farklı bir zeminde ele alındığı söylenebilir. Her şeyden evvel, modern düşünürler diye tanımlayabileceğimiz siyaset filozoflarının genel anlamda özgürlüğe Orta Çağ düşünürlerinden farklı bakış açılarına sahip olduğu söylenmelidir. Kabaca on altıncı yüzyıldan itibaren siyaset teorisinin öznesini “rasyonel otonom birey” anlayışına dayandıran modern dönem siyaset filozoflarının, özgürlük nosyonunu da büyük

oranda bu rasyonel otonom bireye dayandırmış olmaları, haliyle düzen, özgürlük ve özel mülkiyet arasındaki ilişkiyi de hem ontolojik anlamda hem de epistemolojik anlamda birey üzerine inşa etmiştir. Bu doğrultuda, modernlerin özgürlük anlayışı hem Eski Yunan dünyasındaki hem de Orta Çağ Avrupa'sındaki özgürlük anlayışından tamamen farklı bir içeriğe sahip olmuştur. Benjamin Constant bu durumu; 'eskilerin özgürlük dedikleri şey aynı anavatan üzerinde yaşayan vatandaşların toplumsal zenginliklerden belli ölçüde yararlanıp kamusal alanda kendini gerçekleştirebilmek iken, modernlerin özgürlükten anladıkları şey ise kendi özeline ait ve güvenliği sağlanmış alanlarda bireysel hazları, özel zevkleri tatmin etmektir' şeklinde özetlemektedir (Constant, 1997: 110-111).

Modernlerin özgürlüğü bireye indirgemelerinin ve özel mülkiyetle özgürlük arasındaki ilişkiyi düzenleyecek olan düzen kurucu devleti bireyden türetmelerinin, feodal çağdan modern döneme geçiş sürecinde ortaya çıkan birçok nedeni vardır. Rönesans ve Reform dönemlerinin yaşanmış olması, bilimsel buluşlar ve Erken dönem aydınlanma diye tabir edilebilecek olan felsefi uyanış şüphesiz modern dönem siyasal teorisinin birey üzerine inşa edilmesinde önemli paya sahip olmuştur. Fakat özgürlük, düzen ve özel mülkiyet arasındaki ilişkinin modern paradigma içerisinde ele alınmasının en önemli nedeni; feodal üretim tarzının sonlanmasına yol açmış olan kapitalist üretim tarzının ortaya çıkmasıdır. Kapitalist üretim tarzının ortaya çıkmasıyla, başta İngiltere olmak üzere birçok Avrupa ülkesinde Marks'ın deyimiyle 'katı olan her şeyin buharlaşmaya' başladığı bir dönemde kapitalist üretim ilişkilerinin mahiyeti aynı zamanda yeni toplumsal katmanların ortaya çıkmasını tetiklemiş ve Avrupa'da "yeni bir düzen" arayışı modern dönem siyaset filozoflarının birçoğunu harekete geçirmiştir. Kapitalist üretim tarzının yol açtığı toplumsal değişikliklerin belirlediği tarihsel momente denk gelen Thommas Hobbes, John Locke ve Jean Jacques Rousseau modern dönem toplum sözleşmecisi geleneği başlatarak özel mülkiyet, özgürlük ve düzen arasındaki ilişkinin nasıl olması gerektiğini "ideal düzen" arayışlarının sonucu olan siyasal teorilerinde ortaya koymuşlardır. 'Yöntemsel bireycilik' kisvesi altında teorilerinin epistemolojik temellerini atmaya çalışan modern dönem toplum sözleşmecisi teorileri

bir anlamda feodal üretim tarzının çözülmesiyle ortaya çıkan düzensizlik döneminde kapitalist düzenin teorik tohumlarını atmaya çalışmışlardır. Boucher ve Kelly'nin de belirttiği gibi modern dönem toplum sözleşmecisi teorisyenler, geliştirmiş oldukları “insan doğası”, “doğa durumu”, “atomistik birey”, “doğal hukuk” gibi kavramsal araçlarla, kendinden önce gelen siyasal teorinin düzen, özgürlük ve özel mülkiyet arasındaki ilişkiye hem yöntemsel hem de içerik olarak farklı bir boyut kazandırmışlardır (Boucher and Kelly, 1994: 21). Bu bağlamda, toplum sözleşmecisi teorilerde uygulanan yöntemsel yaklaşım maddi, tarihsel ve toplumsal koşullardan bağımsız ele alınamayacak olan düzen kurucu devletin ontolojik temellerinin soyut bireye indirgenmesine yol açmıştır. Toplum sözleşmecisi teorilerde tamamen hipotetik bir zemin üzerinde tartışılan doğa durumundan türetilen teorik öncüller, toplum sözleşmecisi teorilerde devlet, birey ve toplum ilişkileri içerisinde ele alınacak olan özgürlük ve özel mülkiyet gibi nosyonların da hipotetik bir zeminden türetilmesine yol açmakla kalmamış aynı zamanda toplum sözleşmecisi teorilerin maddi gerçeklikten kaynaklı eşitsizliklerin ve özgürlük/tutsaklık durumunun yol açtığı toplumsal gerilimi soyut eşitlik üzerinden ört pas etmelerini sağlamıştır.

Modern dönem toplum sözleşmecisi teorisyenler birbirlerinden farklı teorik öncüller geliştirmiş olsa da son kertede her üç siyaset teorisyeni de kapitalist üretim tarzının temelinde yer alan üretim araçlarının özel mülkiyetini meşrulaştırmakla kalmamış aynı zamanda düzen kurucu olarak devletin en temel görevlerinden birinin kişinin özel mülkiyetini korumak olduğunu dile getirmişlerdir (Hobbes, 1985: 81; Locke, 2003: 72; Rousseau, 1999: 62). Benzer şekilde, bireysel özgürlüğü de bireysel mülkiyete içkin tanımlayan modern dönem toplum sözleşmecisi teorisyenler –‘Rawls da buna dahil’⁸⁴– devlet, toplum ve birey arasındaki ilişkiyi yöntemsel

84 Yirminci yüzyılın son çeyreğine gelindiğinde ise toplum sözleşmecisi geleneği yeniden canlandıran John Rawls da benzer şekilde eşitsizlikleri doğal ve yapay eşitsizlikler üzerinden sınıflandırıp özel mülkiyetten kaynaklı eşitsizlikleri sadece yapay eşitsizlik olarak tanımlamamış aynı zamanda toplumda dezavantajlı konumda olan insanların dezavantajlı konumda olmalarının temel nedenlerinden biri olarak üretim araçlarının özel mülkiyetini kabul etmiştir. Bkz. Rawls, John. (2001). *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press.

olarak kurgusal zemine oturttuklarından dolayı, geliřtirmiş oldukları siyasal teorilerinde kapitalist üretim tarzının yol açtığı “yapay eşitsizlikleri”⁸⁵ biçimsel eşitlik üzerinden meşrulaştırmışlardır. Bu doğrultuda, Locke’un özel mülkiyetten kaynaklı eşitsizlikleri son kertede doğal hukuk üzerinden biçimsel eşitlik maskesi altında gizlemesi, Hobbes’un kapitalist üretim ilişkilerinin ortaya çıkmasıyla acilen ihtiyaç duyulan piyasa güvenliğini sağlayacak bir devleti, piyasa özgürlüğüne yani emeğin serbestçe bir meta gibi alınıp satılmasını sağlayacak bir canavara dönüřtürmesi ve son olarak Rousseau’nun adeta neredeyse tüm kötülüklerin temel kaynağı olarak değerlendirdiğı özel mülkiyeti son kertede ideal düzeninin bekası için olmazsa olmaz olumlu bir kurum olarak meşrulaştırması ve mülkiyetten kaynaklı eşitsizlikleri erdemli yurttaş maskesi altında gizlemeye çalışması toplum sözleşmecisi teorisyenlerin on yedinci ve on sekizinci yüzyılda kapitalist üretim tarzının ortaya çıkmasıyla yaygınlaşmaya başlayan kapitalist sınıflı toplumlarda burjuva sınıfının çıkarlarını kollayacak ve özgürlüğü mülkiyet sahipliğıyle özdeşleştirecek bir düzeni inşa etmek istediklerini göstermektedir. Bir başka deyişle, İngiliz Şanlı Devrimi ile başlayan ve Fransız Devrimiyle zirve noktasına ulaşan burjuva devrimlerinin sonucunda ortaya çıkan kapitalist üretim tarzının ihtiyaç duyduğu kapitalist düzenin teorik temellerini atmaya çalışan modern dönem toplum sözleşmecisi teorisyenler, geliřtirmiş oldukları teorilerle on yedinci yüzyıldan

85 Her üç toplum sözleşmecisi teorisyen de eşitsizlikleri doğal ve yapay eşitsizlikler kategorisi üzerinden sınıflandırmaya çalışmış ve özel mülkiyetten kaynaklı eşitsizliğı yapay eşitsizliğin nedenlerinden biri olarak değerlendirmişlerdir. Bkz. Hobbes, Thomas (1997). *Leviathan or the Matter, Forme, & Power of a Commonwealth Ecclesiasticall and Civill*, edited by Michael Oakeshott, London: Touchstone Press; Locke, John. (2003). *Two Treatises of Government and A Letter Concerning Toleration*, Edited by Ian Shapiro, New Haven: Yale University Press; Rousseau, J. J.. (1994a). “Discourse on Political Economy”, in *Discourse on Political Economy and the Social Contract (The Second Discourse)*, Oxford: Oxford University Press.

günümüze değin devam eden ve üretim araçlarının özel mülkiyetini kabul eden toplumlarda kaçınılmaz olarak ortaya çıkacak olan maddi eşitsizliklerin ve bu eşitsizliklerin yol açacağı özgürlük/tutsaklık durumunun veya tutsaklığın devamını meşrulaştıracak argümanlar öne sürmüşlerdir. Daha da önemlisi, ideolojik bir manipölasyon görevi gören-ki bunun en önemli nedeni maddi eşitsizlikleri biçimsel eşitlikler, ahlaklı ve erdemli yaşam dayatması üzerinden meşrulaştırmaya çalışmalarıdır- modern dönem toplum sözleşmecî teorisyenlerin, özgürlüğe günümüz modern negatif özgürlük (Hobbes, 1997: 27, 30, 35; Locke, 2003: 47, 49, 53) veya pozitif özgürlük (Rousseau, 1994a: 19, 22, 57, 59; Rawls, 2001: 146, 225, 219) anlamında yaklaşmış olmaları üretim araçlarının özel mülkiyetinden kaynaklı eşitsizliklerin yol açtığı özgürlük veya tutsaklık durumunun ortadan kaldırmamaktadır.

On yedinci ve on sekizinci yüzyılda kapitalist üretim tarzıyla birlikte ortaya çıkan üretim araçlarının özel mülkiyetinden kaynaklı maddi/yapay eşitsizliklerin yirmi birinci yüzyıldaki yansımalarını selefleri gibi toplum sözleşmesi yöntemiyle meşrulaştırmaya çalışan bir diğer toplum sözleşmecî teorisyen de John Rawls'tır. Etik kaygılar gözeterek geliştirmiş olduğu 'Hakkaniyet Olarak Adalet Teorisi' (1971) ile Rawls, ideal bir düzende üretim araçlarının özel mülkiyetinden kaynaklı maddi eşitsizlikleri toplumdaki 'dezavantajlı konumda olanların'⁸⁶ sözüm ona lehine olacak şekilde formüle etmeye çalışmıştır (Rawls, 1971: 252). Kapitalizmin yol açtığı 1929 Büyük Buhran'ın olumsuzluklarına çözüm üretmeye çalışan başta ABD olmak üzere Avrupa'daki Keynesçi uygulamalara, dünya ölçeğinde yıkıcı etkiler gösteren ve kapitalist üretim tarzının dünyada tetiklediği İkinci Dünya Savaşı ile

86 Rawls geliştirmiş olduğu toplum sözleşmecî teorisinde bireyin toplumda dezavantajlı konumda olmalarını doğuştan gelen ve sonradan ortaya çıkan eşitsizlikler olarak tanımlamaktadır. Mesela doğuştan bedensel ve zihinsel engelli olan veya Iq'su düşük olan biri ilk kategoride değerlendirilirken, ekonomik olarak fakir bir ailede doğan biri veya toplum içerisinde ekonomik olarak az gelire sahip olan biri ikinci kategoride yer almaktadır. Bkz. Rawls, John. (2001). *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press.

birlikte soğuk savaş dönemine de doğrudan şahitlik etmiş olan John Rawls, Adalet Teorisinde vahşi kapitalizmin insanı araçlaştıran etik dışı boyutuna Kantçı etik anlayışını baz alarak eleştiriler getirmiştir. Fakat, kapitalizmi bir anlamda ‘insanileştirmeye’ çalışan Rawls, yapay eşitsizlikler olarak tanımladığı eşitsizliklerin temel nedeni olan tekellerci kapitalist üretim tarzını eleştirmesine rağmen son kertede üretim araçlarının özel mülkiyetini onaylamıştır (Rawls, 2001: 77). Geliştirmiş olduğu ‘Property-Owning Democracy’ modeline dayanan adil/ideal düzeninde özgürlüğü pozitif özgürlük bağlamında ele alan Rawls, maddi imkansızlıklardan kaynaklı özgürlüklük veya tutsaklık durumunun iyileştirilmesi yönünde “hakkaniyet olarak adalet prensipleri” ni ideal düzenin kurucusu olacak olan liberal sözleşmecî devletin ortaya çıkmasında ve görevlerinin tanımlanmasında temel dayanak noktası olarak formüle etmiştir. Rousseau’nun taşıdığı etik kaygıları taşıyan John Rawls’ın en azından üretim araçlarının özel mülkiyetinden kaynaklı eşitsizlikleri eleştirdiği ve özgürlüğü Rousseau gibi pozitif anlamda değerlendirdiği için selefleri olan Hobbes ve Locke’tan radikal anlamda ayrıldığını söyleyebiliriz. Fakat, hem yöntemsel olarak teorik öncüllerini toplumsal sözleşmecî geleneğin kurgusal ve maddi gerçekliklerden kopuk yönlerine dayandırdığı hem de devlet, toplum, özgürlük ve eşitlik gibi holistik bakış açısıyla ele alınması gereken nosyonları atomistik birey anlayışına dayandırdığı için Rawls’un da tıpkı selefleri gibi kapitalist üretim tarzının temel özelliği olan üretim araçlarının özel mülkiyetinden kaynaklı maddi eşitsizliklerin yol açtığı özgürlüklük/tutsaklık durumunu formel eşitlikler maskesi altında gizlemeye çalışmıştır. Nasıl ki selefleri modern dönemde kapitalist üretim tarzının ihtiyaç duyduğu üretim araçlarının özel mülkiyetini garantiye alan bir düzen kurucu devlete ihtiyaç duymuşsa, Rawls da yirminci yüzyılın son çeyreğinde kapitalizmin yaşadığı krizlere çözümler üretme kaygısı taşıyarak teorisini geliştirmiştir. Büyük oranda Keynesçi uygulamalara dayanan Refah Devleti anlayışından neo-liberal devlet anlayışına doğru başta ABD olmak üzere Batı dünyasındaki 1970’lerin ikinci yarısındaki hem teorik hem de pratik eğilim Rawls’un toplum sözleşmesinde devlete yeniden dağıtım yoluyla adil bir düzen tesis etme görevi vermesini engellememiştir. Rawls, özellikle vergilendirme aracılığıyla

devlete gelirin adil dağıtımı konusunda klasik liberal devlet ve özellikle Locke'çu minimal devlet anlayışından devletin müdahaleciliği bağlamında çok daha büyük bir düzen kurucu devlet tanımlamıştır. Fakat; Rawls'un geliştirdiği ideal düzenin kurucusu olacak olan devletin etik temeller üzerine oturtulmaya çalışılması, Rawls'çu adalet teorisinin hem piyasa ekonomisinin ihtiyaç duyduğu gelir seviyesi görece yüksek yani piyasada satın alma gücüne sahip kitlelerin oluşması anlamında hem de Keynesçi kapitalist devlet hegemonyasının sarsılmaya başladığı bir dönemde üst yapısal değişiklikler aracılığıyla kapitalist hegemonyanın yeniden inşası anlamında siyaset felsefesi alanında ve somut siyaset dünyasında ses getirmesine yol açmıştır.

Yirminci yüzyılın ikinci yarısında modern siyaset teorisinde toplum sözleşmecî geleneği yeniden canlandıran Rawls, “başlangıç durumu”, “bilgisizlik peçesi”, “rasyonel diğerkâm birey” gibi kavramsal araçlar kullanarak seleflerinin de yapmaya çalıştığı gibi ideal bir düzen nasıl inşa edilmelidir? sorusuna cevap aramıştır. Eşitlik ve özgürlük gibi iki önemli nosyonu bir araya getirmeye çalışan Rawls (Ricoeur, 1990: 133), bireyi araştırma nesnesi olarak belirleyip toplum birey ve devlet arasındaki ilişkinin ontolojik ve epistemolojik mahiyetini de liberal atomistik birey anlayışı üzerine inşa etmiştir. Hakkaniyet olarak adalet prensipleri olarak tanımladığı adaletin iki ilkesinden biri olan ‘Fark İlkesi’ aynı zamanda düzen, özel mülkiyet ve özgürlük arasındaki ilişkinin mahiyetini de belirlemektedir. Rawls, burada özgürlüğün somut dünyada bir anlamının olabilmesi için modern özgürlük anlayışının bir uzantısı olan pozitif özgürlüğü savunanlarla aynı kategoride değerlendirilebilecek argümanlar geliştirmiştir. Bu bağlamda, Rawls’a göre düzen kurucu olan devletin en önemli görevlerinden birisi de kişinin özgürlüğünü gerçekleştirebilmesinin temel dayanakları olan maddi imkânların yaratılması konusunda toplumda dezavantajlı konumda olanlara yapılacak maddi desteklerdir. Bir başka deyişle Rawls, yapay eşitsizliklere sebep olan üretim araçlarının özel mülkiyetini ancak ve ancak dezavantajlı konumda olan insanların lehine olacak şekilde devlet tarafından bir vergilendirme yöntemiyle sağlandığında kabul edilebilir olacağını iddia eder (Neouhouser, 2013: 197). Dolayısıyla, Rawls da selefî Rousseau

gibi toplumsal adaletin zenginle fakir arasındaki uçurumun en aza indirgendiğinde sağlanabileceğini ve kişinin özgürlüğünü de ancak ve ancak kişinin, kendi özgürlüğünü başkasına tutsak olmadan yaşayabilecek kadar refah seviyesinin yüksek olmasına eşitler. Ama ne trajiktir ki, hem Rawls hem de Rousseau özel mülkiyetten kaynaklı yapay eşitsizlikleri etik kaygılar gözeterek ‘insanileştirmeye’ çalışırken, maddi eşitsizliğin ve özgürsüzlük durumunun/tutsaklığın temel nedenlerinden biri olan üretim araçlarının özel mülkiyetini reddetmedikleri gibi, üretim araçlarının özel mülkiyetinden kaynaklı eşitsizlikleri son kertede biçimsel eşitlikler ve sırasıyla ahlak ve erdem nosyonları üzerinden meşrulaştırmışlardır. Bir başka deyişle Rawls da tıpkı selefleri gibi, kitlelerin tutsaklığına yol açan üretim araçlarının özel mülkiyetinden kaynaklı maddi eşitsizlikleri üretim araçlarına sahip burjuva sınıfının özgürlüğünü garanti altına almak için biçimsel eşitlikleri sağlayacak ideal bir düzene/devlete ihtiyaç duymuştur. Bu devletin ontolojik kökeni ise toplum sözleşmecisi geleneğe uygun bir şekilde tamamen hipotetik teorik öncüllere dayandırılmıştır. Kısaca, toplum sözleşmecisi geleneği yeniden canlandıran Rawls, bir anlamda kapitalist üretim tarzının ortaya çıkmasıyla meşrulaştırılmaya çalışılan üretim araçlarının özel mülkiyetine dayanan ekonomik, siyasi ve toplumsal bir düzeni devam ettirmenin yollarını tıpkı selefleri gibi ideolojik bir manipülasyon görevi gören sözleşmecisi mantıktan türetmeye çalışmıştır.

Yukarıdaki bilgilerden de anlaşılacağı üzere bu tezin temel sorunsalı/amacı üretim araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve özgürsüzlüğün/tutsaklığın yol açtığı toplumsal gerilimin on yedinci yüzyıldan başlayarak yirminci yüzyıla kadar toplum sözleşmecisi teorisyenler tarafından ideal bir düzen maskesi altında nasıl ve niçin meşrulaştırıldığını incelemektir. Bu bağlamda, çalışma genel anlamda iki temel noktaya odaklanmıştır. Bunlardan ilki; Hobbes, Locke ve Rousseau tarafından geliştirilen modern dönem toplum sözleşmesi teorilerinde özel mülkiyet, özgürlük ve düzen arasındaki ilişkiyi, kapitalist üretim tarzının ortaya çıkış süreciyle ilişkilendirmeye çalışmaktır. İkinci temel nokta ise sırasıyla İngiltere ve Fransa’da kapitalist üretim tarzının temel dayanağı olan üretim araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve

tutsaklığın yol açtığı toplumsal gerilimin günümüz kapitalist toplumlarında farklı bir biçimde devam ettiğini göstererek bu gerilimin yine toplum sözleşmecisi mantıkla bu kez John Rawls tarafından ideal bir düzen maskesi altında nasıl ve niçin meşrulaştırıldığını anlamaya çalışmaktır. Daha da önemlisi, çalışma ‘siyasi düşünceler tarihi’ ve ‘siyaset felsefesi’ disiplinlerini yöntemsel olarak toplum sözleşmecisi teorisyenlerin konuyla ilgili argümanlarını maddi ve toplumsal bağlam içerisinde değerlendirmektedir. Bu yöntem sayesinde, çalışma şu temel hipoteze ulaşmıştır; “toplum sözleşmecisi teorilerin özgürlüğü negatif veya pozitif anlamda tanımlamaları, düzen kurucu olan devletin sözleşmecisi mutabakata dayandırılarak yasal fakat biçimsel politik ve ekonomik eşitlikleri formüle etmiş olması, üretim araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve tutsaklığın yol açtığı toplumsal gerilimin üretim araçlarının özel mülkiyetini meşrulaştıran her hangi bir politik ve ekonomik düzende devam etmesini engellemez. Bu hipotezin oluşmasına zemin hazırlayan tezin yöntemsel yaklaşımı ve içeriği hesaba katıldığında tez toplam altı ana bölüm ve bir de sonuç bölümünden oluşmaktadır.

Aynı zamanda tezin giriş bölümünü de içeren birinci ana bölümde siyasi düşünceler tarihi disiplini içerisinde özel mülkiyet, özgürlük ve düzen arasındaki ilişkinin önemine kısaca değinilmiştir. Hemen akabinde, konuyla alakalı literatürde yer alan Antik Yunan düşünürlerinden Platon ve Aristoteles’in, Orta Çağ düşünürlerinden Aziz Augustinus ve Thomas Aquinas’ın ve Modern Çağ toplum sözleşmecisi düşünürlerin konuyla alakalı görüşleri kısaca özetlenerek konunun sorunsallaştırılması sağlanmıştır. Yoğun bir şekilde yapılan literatür taramasından sonra yine aynı bölümde toplum sözleşmecisi teorisyenlerin konuyla alakalı argümanlarının kapitalist üretim tarzının ortaya çıkma süreciyle olan bağlantısına değinilerek konu daraltılmaya çalışılmış ve tezin temel sorunsalı açıklığa kavuşturulmuştur. Tezin yöntemsel yaklaşımını ve amacını da açıklayan bu bölümde, siyaset felsefesi tarihi ve siyasi düşünceler disiplinlerinde uygulanan iki temel yöntemsel yaklaşım olan ‘büyük yazarlar büyük metinler’ yönteminin ve ‘Cambridge Ekolü’ yönteminin özellikleri ayrı ayrı açıklanmıştır. Hemen akabinde yine aynı bölümde tarihsel ve toplumsal bağlamı baz alan yöntemin neden bu iki

temel yöntemsel yaklaşımdan daha uygulanabilir olduğu etraflıca tartışılmış ve toplum sözleşmeci teorisyenlerin argümanlarının neden maddi ve toplumsal bağlam içerisinde ele alınması gerektiğinin konumuz açısından önemine değinilmiştir. Daha da önemlisi bu bölümde tezin amaçlarından biri olan literatürde modern toplum sözleşmeci teorisyenleri tezin konusu ekseninde birlikte ele alan yeterli sayıda çalışmanın olmaması durumundan kaynaklı boşluğu doldurmak olduğu gerçeğine de etraflıca değinilmiştir.

Tezin ana bölümlerinden olan ikinci bölümde ise ‘özel mülkiyet nedir ve özel mülkiyetin özgürlük ve düzen arasındaki ilişkideki önemi nedir?’ ve ‘özel mülkiyet nosyonunun bireysel özgürlükle ne gibi ilişkisi olabilir ve bu ilişki nasıl bir ideal düzende gerçekleştirilmeye çalışılmaktadır?’ sorularına verilebilecek cevaplar özellikle mülkiyet sistemlerinin nasıl değerlendirilmesi gerektiği sorunsalı üzerinde etraflıca tartışılmıştır. Bir başka deyişle, bu bölümde özel mülkiyetin ne olduğu, ortak mülkiyet ve kolektif mülkiyet kavramları ekseninde ele alınarak; özel mülkiyet, özgürlük ve düzen arasındaki ilişki, mülkiyet sistemleri ve yol açtığı toplumsal ilişkiler bağlamında ele alınmaya çalışılmıştır.

Üçüncü bölümde ise, toplum sözleşmeci teorilerin temel özellikleri açıklanarak bu yaklaşımın yöntemsel açmazları açıklanmıştır. Ayrıca yine bu bölümde toplum sözleşmeci teorilerin teorik öncüllerinin aslında üretim araçlarına sahip burjuva sınıfının lehine olacak bir düzenin ortaya çıkmasında oynamış olduğu role değinilmektedir. Düzen kurucu olarak devlet, toplum, özgürlük ve eşitlik gibi nosyonların bütüncül bir biçimde ele alınması gerektiği yönünde geliştirilen argümanlar doğrultusunda toplum sözleşmeci teorilerin atomistik birey, hipotetik doğa durumu ve statik insan doğası gibi geliştirmiş oldukları öncüllerin yöntemsel açıdan eleştirilmesi de yine bu bölümün temel tartışma noktalarından birini oluşturmaktadır.

Dördüncü bölümde ise, kapitalist üretim tarzının yeşermeye ve yerleşmeye başladığı İngiltere’de Thommas Hobbes ve John Locke’un geliştirdiği sözleşmeci teorilerde özel mülkiyet, özgürlük ve düzen arasındaki ilişkiye dair geliştirilen

argümanlar, Marksist tarih yazımı literatüründe önemli tarihçilerin eserleri doğrultusunda dönemin toplumsal ve maddi koşullarını hesaba katarak analiz edilmeye çalışılmıştır. Yine bu bölümde, İngiltere’de ortaya çıkan kapitalist üretim tarzından kaynaklı ekonomik eşitsizliklerin ve özgürlük durumunun veya tutsaklığın günümüzdeki yansımalarına satır aralarında değinilerek beşinci bölümde ele alınacak olan John Rawls’un ideal düzeninde benzer sözleşmecî mantıkla bu durumun nasıl ve niçin meşrulaştırılmaya çalışıldığının temel izleri sürülmüştür.

Beşinci bölüm incelendiğinde, bu bölümde İngiltere’de yüzyıl öncesinde ortaya çıkan kapitalist gelişmelerin Fransa’daki kapitalist gelişmelerle benzerliklerine ve farklılıklarına değinilerek Jean Jacques Rousseau’nun yaşamış olduğu ve fikirlerinin etkisinin ortaya çıkmaya başladığı dönemin maddi ve toplumsal koşulları belirlenmeye çalışılmıştır. Akabinde yine aynı bölümde Rousseau’nun özel mülkiyet, özgürlük ve düzen arasındaki ilişkiye dair geliştirdiği argümanlar, Fransa’da kapitalist üretim tarzının yeşermeye başladığı bir toplumsal ve maddi bağlam içerisinde analiz edilmeye çalışılmıştır. Ayrıca, Rousseau’nun sözleşmecî teorisinin selefleri Hobbes ve Locke’un teorilerindeki temel benzerlikler ve farklılıklara da değinilerek özel mülkiyetten kaynaklı ekonomik eşitsizliklerin yol açtığı tutsaklık durumundan kaynaklı toplumsal gerilimin nasıl burjuva sınıfının lehine olacak şekilde modern dönem sözleşmecî teorisyenler tarafından aşılmaya çalışıldığı açıklanmıştır.

Tezin altıncı ana bölümünde ise yirminci yüzyılın son çeyreğinde toplum sözleşmesi geleneğini yeniden canlandıran John Rawls’un “hakkaniyet olarak adalet teorisi” adlı teorisinde özel mülkiyet, özgürlük ve düzen arasındaki ilişkiye dair argümanlar dönemin maddi ve toplumsal koşulları bağlamında ele alınmıştır. Rawls’un kullanmış olduğu toplum sözleşmecî yöntemin seleflerinkinden farkına ve benzerliklerine de değinilen bu bölümde esas üzerinde durulan nokta şudur; kapitalist üretim tarzının temel dayanağı olan üretim araçlarının özel mülkiyetinden kaynaklı ekonomik eşitsizliklerin ve tutsaklığın on yedinci ve onsekizinci yüzyıldan günümüze değin kapitalist toplumlarda farklı bir biçimde nasıl devam ettiği ve

Rawls'un da tıpkı selefleri gibi, geliřtirmiş olduđu ideal düzeninde bu durumun devam etmesini nasıl sağladığı ve niçin meşrulaştırmaya çalıştığı açıklanmıştır.

Tezin sonuç bölümünde ise, her şeyden evvel, maddi ve toplumsal bağlam içerisinde elde edilen bulguların, 'siyaset felsefesi tarihi' ve 'siyasi fikirler' disiplinlerinde uygulanan klasik iki yaklaşımdan farklı bir yaklaşım olarak literatürdeki yöntemsel tartışmalara bir katkı sağladığına değinilmiştir. Bu yöntem sayesinde, modern toplum sözleşmecî teorisyenlerin özel mülkiyet, özgürlük ve düzen arasındaki ilişkiye dair geliřtirdiğı argümanların esasında üretim araçlarının özel mülkiyetine dayalı kapitalist toplumlarda özgürlüğü burjuva sınıfına, tutsaklığı ise üretim aracından yoksun olan kitlelere yönelik formüle ettikleri ve daha da önemlisi "ideal düzen" dedikleri politik ve ekonomik düzenin de esasında, kapitalizmin selametini sağlayacak ve kapitalist üretim tarzının yol açtığı yapay eşitsizlikleri ve tutsaklığı yeri geldiğinde ahlak veya erdem kılıfı ardına maskeleyecek yeri geldiğinde ise biçimsel eşitlikler ve biçimsel özgürlüklere hapsedecek bir düzenden ibaret olduğı sonucuna bu bölümde ulaşılmıştır.

B. CURRICULUM VITAE

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Erasmus Programme	The University of Joensuu, Political Science and International Relations	2005
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WORK EXPERIENCE

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PUBLICATIONS

Journal Article:

-Kanatlı M, The Concept of Freedom in Hannah Arendt's Political Thought, *Journal of Current Researches on Social Sciences*, 2017. (SCI), 7(2), 101-112

-Kanatlı M, RAWLSIAN THEORY OF JUSTICE AS FAIRNESS: A MARXIST CRITIQUE, *Hitit University Journal of Social Sciences Institute*, 2015. (2536), 3(2), 111-130

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Chapter in a book:

Dinler V, Kanatlı M. (2017). “From the Rule of Law to Polizeistaat: Turkey between 2007 and 2015”, *The Term Security in Legal Sciences-Selected Aspects*, Poland: Universitätsverlag Regensburg Press.

RESEARCH PROJECTS

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TEZİN TÜRÜ / DEGREE: **Yüksek Lisans / Master** ☐ **Doktora / PhD** ☒

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