

freedoms nourished. Not surprisingly, the state of nature is a state of war—monarchy—kingly power that was not subject to or limited by law—whereas Locke defended a type of electoral democracy. Hobbes's monarch was to be above the law. The elected government Locke advocated was subject to the laws it passed.

Hobbes's Account of the Social Contract (Excerpts from *Leviathan*)

Here follows Chapter 13 of Book 1 of Hobbes's major work *Leviathan* published in 1651:

Nature has made men so equal in their physical and mental capacities that, although sometimes we may find one man who is obviously stronger in body or quicker of mind than another, yet taking all in all the difference between one and another is not so great that one man can claim to have any advantage of strength or skill or the like that can't just as well be claimed by some others. As for strength of body: the weakest man is strong enough to kill the strongest, either by a secret plot or by an alliance with others who are in the same danger that he is in.

As for the faculties of the mind: I find that men are even more equal in these than they are in bodily strength. . . . Prudence is simply experience; and men will get an equal amount of that in an equal period of time spent on things that they equally apply themselves to. . .

Competition: This equality of ability produces equality of hope for the attaining of our goals. So if any two men want a single thing that they can't both enjoy, they become enemies; and each of them on the way to his goal (which is principally his own survival, though sometimes merely his delight) tries to destroy or subdue the other. And so it comes about that when someone has through farming and building come to possess a pleasant estate, if an invader would have nothing to fear but that one man's individual power, there will probably be an invader—someone who comes with united forces to deprive him not only of the fruit of his labor but also of his life or liberty. And the successful invader will then be in similar danger from someone else.

Distrust: Because of this distrust amongst men, the most reasonable way for any man to make himself safe is to strike first, that is, by force or cunning subdue other men—as many of them as he can, until he sees no other power great enough to endanger him. This is no more than what he needs for his own survival and is generally allowed. . . .

Glory: Every man wants his associates to value him as highly as he values himself; and any sign that he is disregarded or undervalued naturally leads a man to try, as far as he dares, to raise his value in the eyes of others. For those who have disregarded him, he does this by violence; for others, by example. . . .

So that in the nature of man, we find three principal causes of discord. First competition, secondly distrust, thirdly glory. . . .

This makes it obvious that for as long as men live without a common power to keep them all in awe, they are in the condition known as 'war'; and it is a war of every man against every man. For WAR doesn't consist just in battle or the act of fighting, but in a period of time during which it is well enough known that people are willing to join in battle. . . . what constitutes war is not actual fighting but a known disposition to fight during a time when there is no assurance to the contrary. All other time is PEACE.

Discussion Questions

Most Americans are competitive; we have learned to compete while playing sports, competing for college admissions, jobs, and good deals at auctions. Do you think that it is only the threat of punishment that keeps us from running roughshod over the needs of our neighbors or even family members? What do you think of Hobbes's claim that competition for survival puts all of us at war with one another? Give reasons for your answer.

Therefore, whatever results from a time of war, when every man is enemy to every man, also results from a time when men live with no other security but what their own strength and ingenuity provides them with. In such conditions there is no place for hard work, because there is no assurance that it will yield results; and consequently no cultivation of the earth, no navigation or use of materials that can be imported by sea, no construction of large buildings, no machines for moving things that require much force, no knowledge of the face of the earth, no account of time, no practical skills, no literature or scholarship, no society; and—worst of all—continual fear and danger of violent death, and the life of man solitary, poor, nasty, brutish, and short. It may seem strange to you, if you haven't thought hard about these things, that nature should thus separate men from one another and make them apt to invade and destroy one another.

So perhaps you won't trust my derivation of this account from the nature of the passions, and will want to have the account confirmed by experience. Well, then, think about how you behave: when going on a journey, you arm yourself, and try not to go alone; when going to sleep, you lock your doors; even inside your own house you lock your chests; and you do all this when you know that there are laws, and armed public officers of the law, to revenge any harms that are done to you.

Ask yourself: what opinion do you have of your fellow subjects when you ride armed? Of your fellow citizens when you lock your doors? Of your children and servants when you lock your chests? In all this, don't you accuse mankind as much by your actions as I do by my words?

It may be thought that there has never been such a time, such a condition of war as this; and I believe it was never generally like this all over the world. Still, there are many places where people live like that even now. For the savage people in many parts of America have no government at all except for the government of small families, whose harmony depends on natural lust. Those savages live right now in the brutish manner I have described. Anyway, we can see what way of life there would be if there were no common power to fear, from the degenerate way of life into which civil war has led men who had formerly lived under a peaceful government. Even if there had never been any time at which individual men were in a state of war one against another, this is how kings, and persons of sovereign authority relate to one another at all times. Because of their independence from one another, they are in continual mutual jealousies. Like gladiators, with their weapons pointing and their eyes fixed on one another, sovereigns have forts, garrisons, and guns on the frontiers of their kingdoms, and permanent spies on their neighbors—this is a posture of war, as much as the gladiators' is. But because in this the sovereigns uphold the economy of their nations, their state of war doesn't lead to the sort of misery that occurs when individual men are at liberty from laws and government.

In this war of every man against every man nothing can be unjust. The notions of right and wrong, justice and injustice have no place there. Where there is no common power, there is no law; and where there is no law, there is no injustice. In war the two chief virtues are force and fraud. Justice and injustice are not among the faculties of the body or of the mind. If they were, they could be in a man who was alone in the world, as his senses and passions can. They are qualities that relate to men in society, not in solitude. A further fact about the state of war of every man against every man: in it there is no such thing as ownership, no legal control, no distinction between mine and thine. Rather, anything that a man can get is his for as long as he can keep it. So much for the poor condition that man is actually placed in by mere nature; but as I now go on to explain, he can extricate himself from it, partly through his passions, partly through his reason.²

Discussion Question

Do you agree with Hobbes that words like right, wrong, justice, injustice, mine, yours, have meaning only where there is government that promulgates laws? Notice the implication of this that all laws are, by definition, just. Give reasons for your answer.

Hobbes on Human Nature

Chapter 13 is justly famous, if only for its impressive clarity and directness. Hobbes is moving in the direction of an account of the relations of government and citizen by way of a narrative about the state of nature and the social contract that puts an end to it. What we have seen so far is the description of the state of nature—that is, what human beings are basically like and how they relate to each other where no government exists. He then provides us with some evidence that his description of human nature and life in the state of nature are accurate.

According to Hobbes, human beings act to satisfy their desires. Because we live in a world of relative scarcity, we come into conflict with each other when two of us want the same thing and there is not enough of it to satisfy both of us. Human beings are therefore, Hobbes says, forever in competition with each other. This makes us distrustful of one another, on one hand, and desirous of power, on the other. If we are to compete successfully, if we are going to be able to take what we want or need from others, we need to be more powerful than they. Power is needed to survive. But power is not only necessary to win in the competition that is human life under conditions of scarcity; it also gives pleasure to those who possess it. We enjoy being powerful and we take pleasure in having others recognize our power. We want others to defer to us and look up to us. We are always striving for glory, Hobbes says. We might express this by saying that we like being famous, that we want the social status one gets from being recognized by all as a powerful person—that is, someone who can get what he or she wants under conditions where you and I, not being powerful and not being celebrities, might go empty-handed.

In a world in which there is no public authority to keep us in line, any person is a threat to every other person because we are all competing with one another; all of us are seeking to be more powerful than the others and thus are rightly suspicious of each other. Such a condition can only be described as a “war of all against all,” not because we are always actively fighting each other but because, in this situation, fights may break out at any moment. Human beings in the state of nature live constantly on the brink of serious conflict and of potential violence; they live in a state of permanent insecurity.

You think that is exaggerated? Hobbes points out that we lock our houses. But we do not think that that is enough; just locking your house does not assure the safety of our possessions. In addition, we lock up our precious possessions in cupboards or safes. When they go out, many persons are armed, even though we do, after all, live under a government and its police force and courts that keep the mutual animosity between human beings under some sort

of control. Governments have weapons and superior military power to subdue the members of the society that are prone to violence. But weapons sales nevertheless remain brisk, and we are told, most of the guns are sold to law-abiding citizens who are trying to protect themselves.

Nations are not under an international government. There exist no international institutions that have the same police power to wield against member countries that the government wields in our country to keep the peace among citizens. In the international arena there exists no higher power to stop armed conflicts. Without a government to prevent wars, nations are indeed in a constant state of war against each other. There is hardly a moment in human history when two nations are not at each other's throat, killing each other's citizens and destroying each other's farmlands and houses. Hobbes's strongest argument for his description of human life in the state of nature is this reference to the constant warfare between nations. They are still with respect to each other in a state of nature; no government can subdue their competition, distrust, or desire for glory, and hence war is a permanent fixture in human existence. Even in our time, when there exists not only the United Nations (UN), with its occasional peacekeeping missions, and many other international economic, cultural, and aid organizations, but also regional organizations such as the North Atlantic Treaty Organization (NATO), the world is pretty constantly at war. The UN and other international organizations are at the beck and call of the most powerful nations. The international organizations do not serve to limit the power and the power politics of individual nations but are much more often the tools of power politics. Considering that, how can one deny that the state of nature is a sad, and indeed, terrifying reality?

Discussion Questions

How persuasive are Hobbes's arguments to show that without government we would all be in a state of war with one another? There is hardly a day that two nations are not at war. Do you lock your car, your house, and your safe because you do not trust anyone at all? Give reasons for your answer.

A PHILOSOPHY FOR THE FEARFUL?

This is the world seen through the eyes of a person thoroughly frightened. They need to struggle for whatever they want against others who want the same good. Other persons are competitors, indeed enemies, who want to take from them what they need. The presence of others is always a potential threat;

What would be an alternative to natural law?

The State of Nature as Locke Saw It (Excerpts from *The Second Treatise on Government*)

Coming to maturity almost fifty years after Hobbes, Locke experienced the coming of peace and the resolution of the bitter conflicts of the English Civil War of the 1640s. The conflict between the supporters of the monarchy and the supporters of a democratic republic was resolved in a constitutional monarchy; extended toleration moderated the discord between the religions. In 1688, in an upheaval, mostly peaceful, that is today known as the "Glorious Revolution," James II, a Catholic, was replaced by William and Mary, both Protestants, and Parliament became one of the centers of power in the English state. In the light of that experience, Locke came to believe that compromise was possible in human societies and important change could be produced peacefully. Unlike Hobbes, he did not think that every conflict threatened to end in violence.

More confident and more trusting in the peaceful possibilities of human association, Locke sketches out a different and much more complex vision of the state of nature. As Hobbes sees human beings, they have desires and act to satisfy those. Thwart a man's desires and he will fight you. Human beings are competitors with the each other in pursuit of the goods that satisfy their needs and wishes. In the state of nature, human beings are governed only by the desire to survive. There are no rules of conduct in that condition. What anyone chooses to do is open to criticism only if it does not produce the intended results.

But in Locke's view of the state of nature, human conduct is subject to moral rules. What a person does may be counterproductive but may nevertheless be morally justified. Or it may be morally wrong even though it accomplishes the intended results. Human beings are free by nature and any-

thing one does to violate another's freedom is wrong. Even in the state of nature we regard each other as moral beings, as creatures with rights to life, to freedom, and to the protection of property. Locke's political philosophy is deeply imbued with liberal values: every human being has its own value and dignity; everyone is entitled to equal freedom. Human beings are more than animals seeking to satisfy their needs; they are beings with moral standing that commands respect from other humans. Even in the state of nature they have the obligation to respect the integrity of other humans. They may not violate the others' freedoms or property.

Here is what Locke tells us about the state of nature in *The Second Treatise on Government* (1690).

Chapter 2: The state of nature

4. To understand political power correctly and derive it from its proper source, we must consider what state all men are *naturally* in. It is a state in which men are perfectly free to order their actions, and dispose of their possessions and themselves, in any way they like, without asking anyone else's permission—all this subject only to limits set by the law of nature.

It is also a state of equality, in which no-one has more power and authority than anyone else; because it is simply obvious that creatures of the same species and status, all born to all the same advantages of nature and to the use of the same abilities, should also be equal in other ways, with no-one being subjected to or subordinate to anyone else, unless God, the lord and master of them all, were to declare clearly and explicitly his wish that some one person be raised above the others and given an undoubted right to dominion and sovereignty . . .

6. But though this is a state of liberty, it isn't a state of license in which there are *no* constraints on how people behave. A man in that state is absolutely free to dispose of himself or his possessions, but he isn't at liberty to *destroy* himself, or even to destroy any created thing in his possession unless something nobler than its mere preservation is at stake. The state of nature is governed by a law that creates obligations for everyone. And reason, which is that law, teaches anyone who takes the trouble to consult it, that because we are all equal and independent, no one ought to harm anyone else in his life, health, liberty, or possessions. This is because we are all the work of one omnipotent and infinitely wise maker; we are all the servants of one sovereign master, sent into the world by his order to do his business; we are all the property of him who made us, and he made us to last as long as *he* chooses, not as long as *we* choose; we have the same abilities, and share in one common nature, so there can't be any rank ordering that would authorize some of us to destroy others, as if we were made to be *used* by one another, as the lower kinds of creatures *are* made to be used by us.

Everyone is obliged to preserve himself and not opt out of life willfully, so for the same reason everyone ought, when his own survival isn't at stake, to do as much as he can to preserve the rest of mankind; and except when it's a matter

of punishing an offender, no-one may take away or damage anything that contributes to the preservation of someone else's life, liberty, health, limb, or goods.⁷

Discussion Question

> *Locke argues that human beings, even in the state of nature, have certain moral obligations to one another to respect each other's equal freedom. Look at the text carefully and determine what Locke's reasons are for that opinion. How powerful do you think those reasons are?*

Human beings have desires—Locke of course agrees on that with Hobbes—and paramount among them is the desire for survival. But our pursuit of the goods that satisfy our desires is limited by our obligations to other persons. We need to avoid harming them. In a world in which compromise is possible, in which other persons are not always enemies and therefore to be distrusted, it is only reasonable that we should avoid making enemies by injuring others. In Locke's more trusting view of the world not every person is automatically an enemy. It is reasonable, therefore, to demand of ourselves that we not make enemies if we can possibly avoid it. Hobbes thought that all human beings are inevitably each other's enemies; each is a mere means to another's ends. But according to Locke, we live in a world in which others are not to be used as means to our own ends, a world in which we can share with the others without fearing that they will take advantage of us, a world in which respecting the freedom of others and caring for their well-being is the most reasonable course of action.

Discussion Question

The belief in the intrinsic importance and dignity of all human beings is an essential part of traditional liberal political principles. Human beings are entitled to equal freedoms because they are all equally valuable. How would Hobbes argue against this principle? How persuasive do you think his arguments are?

THE POWER OF THE GOVERNMENT

Hobbes and Locke on Government

Hobbes (Excerpts from Leviathan)

Having exhibited his ideas about human nature in his story about the state of nature, Hobbes is now ready to develop his theory of government and its relations to citizens. In the state of nature human life is "solitary, poor, nasty,

brutish, and short." To save us from this deplorable condition we need a superior force to make rules and to enforce them vigorously so as to suppress the constant and deadly competition that is the state of nature. Government must above all be strong. It must be able to establish laws and to keep order so that we may trust that our neighbors will not harm us at every turn, that they will keep at least some of their promises, that contracts made can be expected to be fulfilled, and that disagreements will be litigated in a court of law rather than being settled by hired thugs. Given his view of human life, Hobbes looks for security from a government that is strong enough and determined enough to preserve us from our neighbors, let alone our enemies, by enforcing the laws against violence, theft, and fraud with the utmost diligence. Government must be able to do whatever is necessary to force everyone to refrain from robbing or murdering their competitors, and instead, to compete only with nonviolent means. It can succeed in keeping the peace only if it is given free rein; freedoms guaranteed to all citizens should not be allowed to restrict the state when upholding law and order. Citizens have no rights against the government; its actions serve the single purpose of suppressing violence. If peace is to be preserved, citizens cannot have constitutionally guaranteed freedoms that might interfere with law enforcement and peacekeeping. Government power may not be restricted by laws; the government must be above the law.

Chapter 17. The causes, creation, and definition of a commonwealth

Men naturally love liberty, and dominion over others; so what is the final cause or end or design they have in mind when they introduce the *restraint upon themselves* under which we see them live in commonwealths? It is the prospect of their own preservation and, through that, of a more contented life; that is to say, of getting themselves out of the miserable condition of war which (as I have shown) necessarily flows from the natural passions of men when there is no visible power to keep them in awe and tie them by fear of punishment to keep their covenants and to obey the laws of nature . . .

For the laws of nature—enjoining justice, fairness, modesty, mercy, and (in short) treating others as we want them to treat us—are in themselves contrary to our natural passions, unless some power frightens us into observing them. In the absence of such a power, our natural passions carry us to partiality, pride, revenge, and the like. And covenants without the sword are merely words, with no strength to secure a man at all. . . .

The only way to establish a common power that can defend them from the invasion of foreigners and the injuries of one another, and thereby make them secure enough to be able to nourish themselves and live contentedly through their own labors and the fruits of the earth, is to confer all their power and strength on one man, or one assembly of men, so as to turn all their wills by a majority

vote into a single will. That is to say: to appoint one man or assembly of men to *bear their person*; and everyone to *own* and *acknowledge himself to be the author* of every act that he who bears their person performs or causes to be performed in matters concerning the common peace and safety, and all of them to submit their wills to his will, and their judgments to his judgment.

This is more than mere agreement or harmony; it is a real *unity* of them all. They are unified in that they constitute *one* single person, created through a covenant of every man with every other man, as though *each* man were to say to *each* of the others:

> 'I authorize and give up my right of governing myself to this man, or to this assembly of men, on condition that you surrender to him your right of governing yourself, and authorize all his actions in the same way.'

When this is done, the multitude so united in one person is called a COMMONWEALTH, in Latin CIVITAS. This is the method of creation of that great LEVIATHAN, or rather (to speak more reverently) of that *mortal god* to which we owe, under the immortal God, our peace and defense. For by this authority that has been given to him by every individual man in the commonwealth, he has conferred on him the use of so much power and strength that people's fear of it enables him to harmonize and control the wills of them all, to the end of peace at home and mutual aid against their enemies abroad. . . .

Chapter 18. The rights of sovereigns by institution

A commonwealth is said to be 'instituted' when a multitude of men agree and covenant—each one with each other—that when some man or assembly of men is chosen by majority vote to present the person of them all (that is, to be their representative), each of them will authorize all the actions and judgments of that man or assembly of men as though they were his own, doing this to the end of living peacefully among themselves and being protected against other men. This binds those who did not vote for this representative, as well as those who did. For unless the votes are all understood to be included in the majority of votes, they have come together in vain, and contrary to the end that each proposed for himself, namely the peace and protection of them all.

From the form of the institution are derived all the power and all the rights of the one having supreme power, as well as the duties of all the citizens. I shall discuss these rights, powers, and duties under *twelve* headings. . . .

Secondly, what gives the sovereign a right to bear the person of all his subjects is a covenant that they make with one another, and not a covenant between him and any of them; there can't be a breach of covenant on *his* part; and consequently none of his subjects can be freed from subjection by a claim that the sovereign has forfeited his right to govern by breaking his covenant with his subject(s). It is obvious that the sovereign makes no covenant with his subjects on the way to becoming sovereign. . . .

Fourthly, because every subject is by this institution of the commonwealth the author of all the actions and judgments of the sovereign, it follows that nothing

the sovereign does can wrong any of his subjects, nor ought any of them to accuse him of injustice. For someone who acts by the authority of someone else can't in acting wrong the person by whose authority he acts; but according to this institution of a commonwealth, every individual man is an author of everything the sovereign does; so someone who complains of being wronged by his sovereign complains about something of which *he himself* is an author; so he oughtn't to accuse anyone but himself. . . .

Fifthly, following from the preceding point: no man who has sovereign power can justly be put to death or punished in any other way by his subjects. . . . And therefore,

Sixthly, it is for the sovereignty to be the judge of what opinions and doctrines are threats to peace and what ones tend to support it; and consequently of which men are to be trusted to speak to multitudes of people, on what occasions, and how far they should be allowed to go; and of who shall examine the doctrines of all books before they are published."⁸

What Hobbes describes in these pages is often called *absolute monarchy* or *dictatorship*—a government that is not subject to the laws it makes. It is absolute precisely because there are no rules to limit its power—it may do whatever it can do. It should do whatever is necessary to keep the peace. Citizens have no claims against the monarch and no freedoms which the monarch must respect at all costs. They have no right to complain about the monarch because they have hired him, as it were, to do whatever is necessary to protect them against one another. Hobbes rejects any claims that citizens have inherent freedoms, merely by virtue of their humanity.

Discussion Questions

1. *Hobbes believes that a government, allowed to use whatever violence it deems necessary and which is not restricted by legislatures, citizens rights, and courts defending them can keep order and secure the lives of citizens. Consider the effectiveness or lack thereof of violence in war, in civil strife, as well as in education or child rearing. How plausible is Hobbes's claim?*
2. *Do you believe that governments not subject to law can enhance the security of citizens? Give reasons for your answers.*

Locke (Excerpts from The Second Treatise on Government)

Locke provides a different picture of government because his view of human beings is different. To be sure, human beings have their desires and often get carried away by them; they do what they know to be wrong because it invades the freedom of others. But human beings are not only motivated by desire, they also have a moral sense. However powerful desires, some of them are

wrong and should not be satisfied. Morality distinguishes between desires one should resist—such as wanting to murder someone, take their property, or “bear false witness” against them—and those one may yield to. Humans know that they are entitled to freedom and they know that others are owed the same freedoms. We are complex creatures and live in the conflict between the sense of what is morally right and of what we want. Caught in these dilemmas, we need a government to gently move us away from being overcome by our desire and to remind us of our moral obligations. We definitely do not want that government to violate the freedoms that make us genuinely human. A government must respect our freedoms. We have the right to remove a government that fails to do so.

95. Men all being naturally free, equal, and independent, no one can be deprived of this freedom, etc. and subjected to the political power of someone else, without his own consent. The only way anyone can strip off his natural liberty and clothe himself in the bonds of civil society is for him to agree with other men to unite into a community, so as to live together comfortably, safely, and peaceably, in a secure enjoyment of their properties and a greater security against outsiders. Any number of men can do this, because it does no harm to the freedom of the rest; *they* are left with the liberty of the state of nature, which they had all along. When any number of men have in this way consented to make one community or government, that immediately incorporates them, turns them into a single *body politic* in which the majority have a right to act on behalf of the rest and to bind them by its decisions. . . .

97. Thus every man, by agreeing with others to make one body politic under one government, puts himself under an obligation to everyone in that society to submit to the decisions of the majority, and to be bound by it. Otherwise—that is, if he were willing to submit himself only to the majority acts that he approved of—the original compact through which he and others incorporated into one society would be meaningless; it wouldn’t be a compact if it left him as free of obligations as he had been in the state of nature. . . .

Chapter 9: The purposes of political society and government

ments that do not coerce citizens because they are no more than the representatives of the will of the people. When such governments exert compulsion on citizens they are only exerting pressures the citizens want to exert on themselves.

Discussion Question

How can Locke justify the existence of government when he also recognizes that all human beings are entitled to equal freedom?

The anarchists answer that the existence of government cannot be justified. They invite us to consider human history and to mention any occasions where citizens assembled to conclude a social contract. Most likely the social contract entered into by the pilgrims arriving in the New World will be one of a short list of examples. The anarchists will then ask us for examples of governments that originated in wars, which were established by superior powers to rule over those who were less powerful. We will have too many examples of those. The anarchists will conclude from this experiment that governments, in the overwhelming number of cases, were established by force and often by force of arms, that their power derives not from the consent of the ruled but from the capacity of the powerful to coerce everyone else. The story of governments established with the consent of the governed is a myth that the powerful invented to hide their own violence and coercion.

Discussion Questions

1. *What can Locke reply to this anarchist challenge?*
2. *Consider our own history. Is the establishment of our republic an example of Locke's story about social contracts, or does it support the anarchist claim that most governments are coercively imposed by the few on the many?*
3. *What would Hobbes have to say about anarchists?*