

Locke, Hobbes and the deprivation of liberty in matters of free speech

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In this paper, I shall attempt to illustrate Locke's and Hobbes' theories on liberty, assess their differences, and briefly apply them to consider appropriate conditions for the deprivation of liberty.

In essence, Locke's view of liberty allows for all actions guided by a seemingly arbitrary moral compass. His theory of natural law and natural rights illustrates this moral compass. Locke ascertained that some 'moral truths' were to be followed by all people, regardless of origin, location, or culture; these moral truths were called 'natural laws.' These natural laws were decidedly distinct from the idea of 'divine rights' prevalent at the time in that these were to be arrived at by reasoning with oneself rather than by prophets preaching the word of God. Furthermore, it is necessary to distinguish between natural law and natural rights. While natural laws refer to duties a citizen has to perform, natural rights refer to entitlements that the citizen has by their existence (Tuckness, 2005). Natural rights are inalienable and are paramount in their importance. In my interpretation of the same, a public has the moral ground to dissent and overthrow authority should the rights be violated. According to Locke, the Law of Nature is that no one should harm another in his life, health, liberty, or possessions. (Sriranjani, 2008, 43) Liberty as a natural right may then be exercised in any way, shape, or form as long as it stays within the boundaries of this natural law. Under this understanding, one may be asked to wear a mask during a pandemic for social well-being. However, banning girls from attending school can be interpreted as harming their liberty and as taking away their right to education, another topic on which Locke wrote extensively. (Locke, 2000)

Thomas Hobbes expressed an oft-presented contrarian view of liberty in his (in)famous book, *The Leviathan*: a reference to the magnitude of the authority of the ruler. Hobbes'

view is largely pessimistic in its view of liberty. His argument states that only the exercise of interfering power infringes on people's liberty, regardless of the nature of said power. This power may be arbitrary, unearned, or elected: its exercise would affect liberty in the same manner and to the same extent. (Pettit, 2005, 131) This view brings a few issues in its failure to distinguish between the exercise of power in democratically elected authorities and that in dictatorial regimes. Clearly, asking citizens to wear a mask in the middle of a pandemic does not affect their liberties in the same way as banning education for women in Middle eastern dictatorships. Furthermore, Hobbes' argued that citizens might only overthrow governments or rulers if their lives were directly threatened. This is in sheer contrast to Locke's view on the same.

This difference in views can be attributed to the vastly different interpretations of 'the natural state' of man. This state that preceded civilizations and communities was viewed by varied lenses, with Locke and Hobbes on opposite ends of the spectrum. Hobbes argued that humans, without a centralized authority, would quickly collapse into fighting, war, and bloodshed when left to their own devices. Hobbes argued that this would be a worse end than dictatorial regimes and the arbitrary exercise of power. However, Locke held a more optimistic view of this 'natural state': he believed that this state would have been largely peaceful and that people in agreeing to form governments had given the center authority while maintaining fundamental, inalienable rights could not be taken away. This stark difference in their imagination of the 'state of nature' leads to vastly different views on the same subject.

Now, we apply the above discussion to the very pertinent topic of free speech in the modern era. Let us consider an example to illustrate the same, a person on Twitter may want to question the morality of certain practices of the majority religion. These questions may be construed as 'offensive' by the majority. Does the right to expression of the critic outweigh the majority religion follower's right not to be offended? What responsibility does Twitter hold in this situation?

A Lockean philosopher may argue that the critic's statements go against the natural law and that Twitter may constrain liberty in this case to curtail majority backlash. Twitter, in this case, would be expected to delete the criticisms as a moral obligation. However, a Hobbes follower may say that Twitter does not hold any responsibility towards either party and may act arbitrarily. Twitter may even ban the majority against the critic, though it may not be financially prudent to do so.

In this scenario, I would argue for an enlightened approach to liberty, one which considers both Locke and Hobbes in its stead. The authority, in this example, Twitter, does not hold any responsibility towards either party and should offer them equal liberty in their expression. As the users agreed to be on the platform, Twitter may act arbitrarily as well without breaking any 'moral rules.' Borrowing from Locke, one should extend 'tolerance' to free speech in that minor violations of the natural laws should be dealt with less harshly, and criticisms should be accepted and expressed without fear of being suppressed by the majority. Finally, this tolerance may lead to more robust ideas and beliefs as criticism is the only challenge to pre-existing conceptions. (Clapham, 2015, 111)

References

Clapham, A. (2015). *Human Rights: A Very Short Introduction*. Oxford University Press.

Locke, J. (2000). *The Clarendon Edition of the Works of John Locke: Some Thoughts*

Concerning Education (J. W. Yolton & J. S. Yolton, Eds.). Clarendon Press.

Pettit, P. (2005). *Liberty and Leviathan. politics, philosophy & economics*.

10.1177/1470594X05049439

Sriranjani, V. (2008). *Political Theory: An Introduction* (R. Bhargava & A. Acharya, Eds.).

Pearson Education.

Tuckness, A. (2005, November 9). *Locke's Political Philosophy* (*Stanford Encyclopedia of Philosophy*). Stanford Encyclopedia of Philosophy. Retrieved September 30, 2022, from <https://plato.stanford.edu/entries/locke-political/#NatuLawNatuRigh>