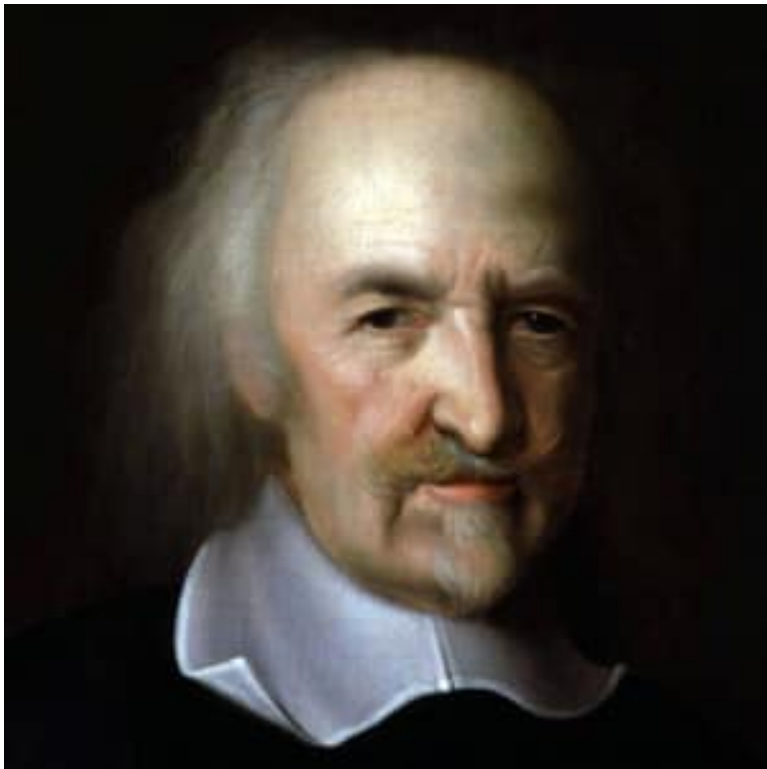


Lecture Note 03: Hobbes and Locke: Social Contract and the Individualistic Origin of Power (5303 words)

The modern, centralized, post-feudal state was conceived in the 16th century. That means a single central political authority with a monopoly on the use of force would rule over a large region. The English Philosopher Thomas Hobbes (1588–1679) was the first to attempt a modern theory of society. He was a member of the 17th century scientific revolution.



Thomas Hobbes pioneered the social contract theory of the state.

Hobbes, just as Aristotle, had very much Plato in mind when he was writing his political philosophy. He was responding to Plato's rationalism and especially Plato's utopian, from Hobbes' point of view, unrealistic thinking in *The Republic*, because Hobbes was, even more than Aristotle, a realist, who rejected ideal solutions for politics. In this lecture, we will explore Hobbes' pioneering version of the social contract theory and why it laid the foundations for liberal politics even though some thinkers have accused him of advancing a theory of the authoritarian political state.

Hobbes based his view on a pessimistic state of nature—a war of all against all. He asserted that people are ruled not by reason but by passions, especially the desire for power and the fear of death. The struggle for power ends only in death; it cannot lead to permanent tranquility. Humans in the state of nature fear each other as potential murderers; they are driven by fear to seek even more power, which frightens others into seeking power for their own self-defense, trapping all in a vicious cycle. Constant fear of death thus motivates our chronic state of insecurity and anxiety.

According to Hobbes, the only way to escape this cycle is to establish a higher authority—an omnipotent state, called the *Leviathan* (the sea monster, in another book on the English civil wars he published the title was the *Behemoth* or land monster), to avoid fratricidal civil war.

Individuals authorize the sovereign to assume and exercise all their rights and powers for the sake of ensuring their own peace and security. The sovereign is not a party to the social contract and, thus, its power is not limited by its terms. The sovereign holds all executive, legislative, and judicial powers. It has power over all private and public property.

The ultimate justification of the state, Hobbes would reason, was the protection it offered. The stronger the state, the better it will protect us. The legitimacy of the contract depends on the sovereign's ability to ensure personal security. Each subject retains the right to his own life. Hobbes is not an authoritarian; he established the principle of the state's legitimacy as rooted in the self-interest of each person. There are almost no limits on state power because fear of one omnipotent sovereign is better than fear of all one's neighbors. The acceptance of the rule by an absolute sovereign is born of desperate fear of anarchy.

Hobbes described the origins of the state. He did not view the state of nature as a purely historical period or condition. We can revert to the state of nature at any time. The passions that incline men to seek peace are fear of death and desire for security. Humans cannot ensure their own peace and security by themselves. They must fashion a covenant under which they transfer their rights and power to a sovereign.

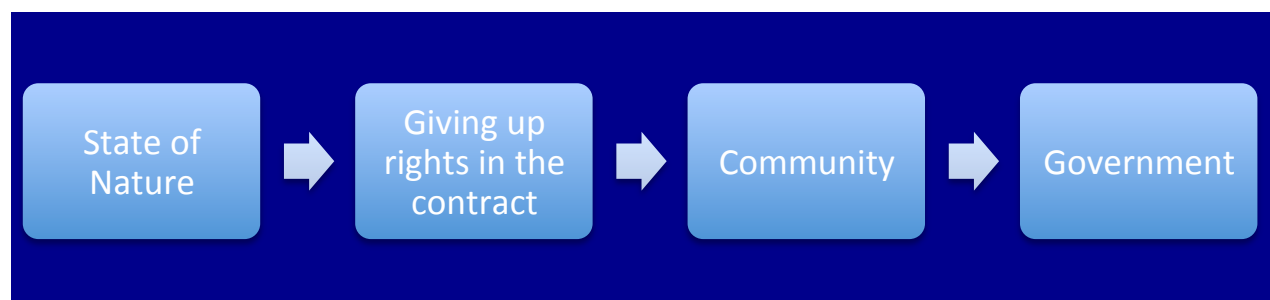
The contract establishes a common power that will leave the people in awe and direct their actions toward a common good. Men can achieve peace, order, and security only by conferring all their power and strength on one man or assembly, thereby reducing their multiple wills to one.

The Post-Feudal State

- From 1517 to 1648, Europe was engulfed in continual religious warfare. To end this warfare, new political thinkers sought to support the state on non-sectarian grounds. Many of them specifically needed to establish a Protestant foundation for politics and looked back to the only non-Catholic, non-medieval model they had: the ancients, above all, the Roman Republic.
- England was also desperate to surpass the economic power of the Dutch. While struggling with religious change in the two revolutionary periods in the 17th century—the Puritan Revolution and the Glorious Revolution—it laid the foundations for what would become known in the 19th century as liberalism.
 - After Elizabeth's death in 1603, James I ascended to the throne, himself a believer in absolute monarchy. His son Charles I succeeded him in 1625. Conflicts with Parliament and between Presbyterians and Puritans led to a series of civil wars, sometimes called the Great Rebellion (1642–1651). Charles I was beheaded; Charles II escaped England; and the Puritan Oliver Cromwell ruled as Lord Protector of the Puritan republic in 1649. He dissolved Parliament in 1653. After Cromwell's death, Charles II returned to the throne in 1660.
 - The Puritan Revolution seemed to convince the English that religious zealotry should be allowed to mix into politics.
 - The second revolutionary period, the Glorious Revolution, would come in 1688.

Thomas Hobbes and Leviathan

- Like other Protestant thinkers, Thomas Hobbes adapted Aquinas's notion of natural law to Protestantism. Natural law, given by God but discoverable by reason, lies in between God's laws revealed in revelation and the church and the positive laws made by humans.
 - Protestantism insisted that God could be contacted only internally, through faith, not through a worldly institution (the church). So politics could no longer be grounded on revelation or church authority, but solely on the natural law that God has left us.
 - Hobbes sought to use natural law to justify a strong centralized government, one immune to civil war, with virtually no religious preferences at all.
 - Hobbes's *Leviathan* (1651) (《利維坦》 also translated as 《巨靈論》) is the first attempt at an account of society that could be compared to the new sciences of nature. It offers systematic logic in asserting a science of politics. It presents the first version of the social contract theory, which we will also see in Locke and Rousseau.
- For Hobbes, the justification of society must be rooted in human nature, independent of any form of social life, history, or tradition. His method will be the social contract, one of the most powerful of modern political ideas. The basic idea of this theory is as follows: The political regime is just that would be **chosen by rational, self-interested individuals in a pre-social state of equality**, a state in which they are governed only by natural, not any human, power.
- To work this out, Hobbes produced the four parts of all subsequent social contract theories:
 - (1) a description of the state of nature;
 - (2) the formation of a **social contract among individuals** to leave the state of nature, where each gives up some right or liberty previously held;
 - (3) the political community formed by the contract; and
 - (4) the selection of a government to rule the political community.
- The source of political authority is the community, but the agent who wields the authority is the government.



The State of Nature

Hobbes argued that all “voluntary” (as opposed to “involuntary” or “automatic”) human action is motivated by passions, divided into appetites and aversions. All action is due to passion. We are pulled and pushed by passions. Happiness consists of nothing more than continual success in satisfying one’s desires. Passions are not determined by sin or metaphysics, but by the pain/pleasure calculus.

To Hobbes the strongest human passions are the desire for power and the fear of violent death. But we are also rational, and reason is a means for adjudicating passions and achieving their ends. This is a non-classical, non-medieval view.

- The natural primitive condition of humankind—meaning pre-governmental and pre-social—Hobbes famously described as follows: Because people are of roughly equal powers and want the same things in a nature where such things are scarce, all must compete over the same ends and must constantly seek possession and any power that might be needed in the future competition.
 - In this condition, nothing can be unjust; force equals validity: All have the right to whatever they judge necessary, including the lives of others. As a result, the state of nature is a horrible place—a war of all against all.
 - In this state, there can be no progress because the overriding concern of each person is merely to live through the night.
- For entirely rational, self-interested reasons, individuals will come to the conclusion that if they can leave this condition, they ought to.
 - Hobbes says that there is a natural right and a natural law or obligation. The natural jus (“right”) is: Each is free to preserve himself or herself. The natural lex (“law”) is: One has an obligation not to destroy oneself. That’s why each person has a right to anything he or she judges necessary to those ends.
 - But also as rational creatures we derive from these a general rule of reason that contains both: Seek peace as far as it can be hoped, and if peace fails, defend yourself by any advantages of war.
- There is also a second natural law, discoverable by reason, and this is the social contract: “that a man be willing, when others are so too, as far forth as for peace and defense of himself he shall think it necessary, to lay down this right to all things, and be contented with so much liberty against other men, as he would allow other men against himself.”

A Sovereign Power

- But covenants have no validity without a common power to enforce them. For Hobbes, all power must be conferred on the sovereign or government; this is derived directly from what the citizens give up in the social contract, the “right to everything.”
- The community and, subsequently, the government can be given only those powers that the members have given up in the contract. We each give up our right to everything to the

sovereign, not the community. Without a sovereign, there is no legal political community at all; the existence of government makes things right and wrong. The standard of good and evil is what the sovereign decides, not the passions of individual citizens.

- The sovereign can take any of three forms: monarchy, aristocracy, or democracy. Hobbes clearly prefers a monarch, because the smaller the number of people with power, the greater the power and freedom of action of the government. The conferring of power reduces all wills to one will.
 - The sovereign's power can arise by election or by conquest. How much power does the sovereign have? There is no covenant between the sovereign and the people. The law cannot bind the sovereign because he is the legitimation of the law.
 - The sovereign cannot unjustly injure a subject; whatever the sovereign does is just. In fact, there is no greater crime than to presume to judge the sovereign.
 - Property rights are not absolute. But remember, in the 17th century, a sovereign would have neither the means to, nor interest in, taking vast tracts of property.
 - Sovereign power cannot be divided. Division weakens power.
 - Only the sovereign can appoint a successor. Conflicts over succession are perhaps the most potent forces for disorder.
 - Freedoms in this state are whatever the sovereign does not prohibit.
 - The sovereign, however, must act by laws applied equally to all and must protect all, except those who violate the law.
 - The sovereign may kill a citizen but may not force citizens to kill themselves; that would violate the law of nature against self-harm.
 - This is all obligatory unless the sovereign divides his own power and, thus, becomes unable to protect his subjects. This is the dissolution of the state and a return to the state of nature. Without a sovereign, the political community ceases to exist.
- Summarizing Hobbes

- Hobbes seems draconian to us, but his justification is clear: civil war. For Hobbes, all life is fear. The question is: Who do you want to fear, the one sovereign power, who acts predictably by law, or all of your neighbors? The sovereign alone, with maximum power, without checks and balances, can stop the development of factions and ambitious men that would throw us into civil war.
- There is no "right" to revolt in Hobbes, but if a revolt were to succeed and establish a new sovereign power that prevented further revolt, then it would be the legitimate sovereign. The former sovereign was illegitimate because he was weak. The fact of power makes itself normatively legitimate.
- Where does Hobbes fit into our later political notions? Hobbes justifies the essence of political sovereignty: There must be rule of law, hence, a sovereign power. In some ways,

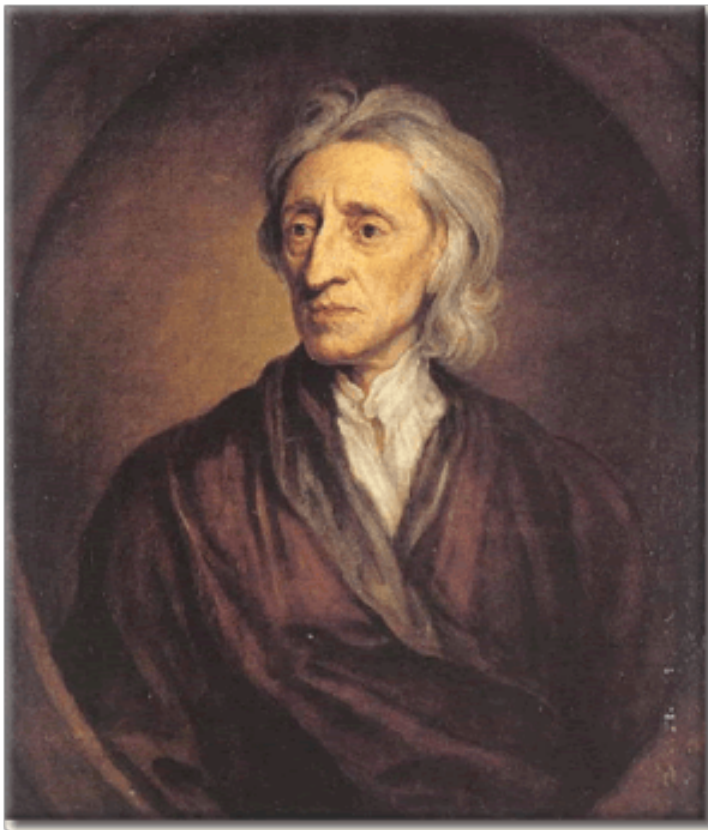
this is the most basic justification of modern political community and one chosen by all the citizens, hence, a republic.

- Most important in Hobbes, we see the clearest example of a design for a just political society that is based not on the virtue of citizens or rulers but on the self-interest of the citizens and a structure to express and limit that. Justice comes from the structure that selfish citizens freely impose on themselves. We have completely left behind classical and medieval notions of virtue. This doesn't mean politics is amoral, but we have been left behind certain kinds of virtues, regarded as unnecessary or politically dangerous. Justice is now the structure in which rational animals rightly cage themselves.

The Hobbesian sovereign is endowed with absolute political power and this has led many to believe that Hobbes was not the founder of liberal political theory but an authoritarian believing in the autonomy of political authority. Leo Strauss has argued that this is deeply mistaken. Central to Hobbes argument for a social contract theory is a critique of aristocratism, and the aristocratic valorization of courage. Not courage but cowardice and the fear of death are the ruling passion of the Hobbesian bourgeois. Hobbes is the defender of the bourgeois passion for liberty.

Leo Strauss also pinpoints what is original and innovative in the political philosophy of Thomas Hobbes. He argues that Hobbes's ideas arose not from tradition or science but from his own deep knowledge and experience of human nature. Hobbes was a penetrating observer of the affairs of men and is a pioneer of the English Enlightenment tradition of unifying both conceptual and practical styles of reasoning.

Locke on Limited Government and Toleration



John Locke is the father of the idea of a limited government.

John Locke was born in 1632, 44 years after Thomas Hobbes and so, like Hobbes, he was an English political philosopher writing in the 17th century. Locke contrasts with Hobbes in his theory of the state of nature, which he regards as benign, unlike the aggressive and violent condition perceived by Hobbes. Because of this differing viewpoint, Locke recommends a type of government that is much more limited in its power and scope than Hobbes's omnipotent Leviathan.

Locke envisaged a social contract among reasonable men, in the state of nature, to legitimize a moderate government ruled not by an authoritarian sovereign, but by a majority of propertied citizens. Locke insisted on the values of liberty and the right to hold private property, but these must be under laws determined by a legislature, not by a monarch. The rule of parliament was essential to Locke, who feared that the king could usurp power, which could produce tyranny. His cry that absolute, arbitrary power was illegitimate and should be resisted influenced American colonists who wanted to revolt against British imperial rule.

The American *Declaration of Independence* reflects the ideas of Locke by proclaiming, "all men are created equal and are endowed by their Creator with certain inalienable rights, among them, life, liberty and the pursuit of happiness." Locke held that all people have a natural right to life, liberty, and property. Just governments, in his view, derive their power from the consent of the governed.

Locke posits two types of power: legitimate and illegitimate. Hobbes, a realist, sees man's political situation as one of desperate crisis that requires a desperate remedy: strong central government led by a powerful sovereign. Reformists, led by Aristotle and including Locke, assume that man's natural state is not one of crisis, as Plato and Hobbes suggest, inviting an arbitrary and illegitimate form of power. Locke denies that humans are in a state of crisis and require powerful leadership, which, as he warns, tends inevitably toward despotism and tyranny. The solution to the imperfections of the human political condition, Locke argues, consists above all in respect for institutions and liberty under law.

Locke and Hobbes offer differing prescriptions for man's condition. Hobbes goes to extremes; he creates an all-powerful central state to resolve the perceived crisis facing men in the state of nature. Locke speaks not of leadership but of institutions, laws, political culture, and the sacred nature of property. His key concern is to fashion a polity that will secure freedom under law.

Locke views the state of nature in far more benign terms than Hobbes does. Locke views power as the right to make laws for regulating and preserving property (understood both as one's possessions and as life itself). Power can be exercised legitimately only for the public good.

According to both Hobbes and Locke, the state of nature is not a historical "golden age." It refers to the intrinsic human impulses that would manifest themselves in the absence of government.

Unlike Hobbes, who sees a warlike state of nature, Locke views the state of nature as an original benign condition of perfect equality and perfect freedom from the arbitrary power of others. For Locke, liberty in the state of nature is governed by the laws of nature, which enjoin respect for the lives and welfare of others. Liberty exists but not license.

Locke's social contract is a compact among free and equal men to exit the state of nature by forming a limited polity. Locke differs profoundly in this respect from Hobbes, who holds that

desperate individuals are driven by fear to create an all-powerful sovereign. Locke holds that one must consent to become subject to another's power, a benign vision of human nature.

The majority has the right to rule the minority. This "majority" consists of propertied males. Locke, not Hobbes, marks the beginnings of modern democratic political theory that emphasizes the rights of the majority.

Locke's theory of property begins with the labor theory of value, or property as valued according to the amount of labor invested in it. Human beings consent to unequal possession of property, based on the labor one expends in acquiring it. The invention of money advanced this inequality. Locke stresses legal equality, not equality of material possessions. Class inequality is protected.

Lockean natural liberty consists not in license but in freedom from another's arbitrary power. Man is free when he is subject only to political authority to which he has given his consent. The purpose of law is to preserve and enlarge liberty. Liberty is impossible without law. The form of government that is least injurious to liberty vests power in the legislature rather than the monarch.

The legislature is the least likely of the branches of government to abuse power, because it represents the middle class, which holds property and is thus unlikely to go to revolutionary or disruptive extremes. Legislative power is constrained by specific boundaries that apply in all circumstances: the legislature must apply the same rules to all citizens, both rich and poor; its laws must promote the public good; it must not seize property via taxation without the people's direct and continuing consent.

Legitimate political power is exercised only for the common benefit, and it requires continuing consent of the governed. Political power becomes illegitimate when it is exercised arbitrarily and without regard for the public good. Absolute arbitrary power can and must be resisted. This was a powerful idea for America's Founding Fathers: liberty under law and resistance to despotism.

John Locke wrote two works central to the development of modern political thought: *Two Treatises of Government* (1689) and *A Letter Concerning Toleration* (1689). His work legitimized the Glorious Revolution of 1688. He formulates a more 'liberal' notion of the state of nature and the social contract, what might be called 'civic republicanism' reinterpreted in terms of property. Lockean government is made a servant of the political community.

Locke's *A Letter Concerning Toleration* argues for a novel (but limited) separation of religion and political authority. He was one of the brightest lights of the "political century," the period from 1688 to 1789 that spawned modern republicanism.

The Glorious Revolution

- The late 16th and 17th centuries saw the rise of absolute monarchy in Europe. As the aristocracy declined, the middle class developed and benefited from the royals' power to embody the new sovereign state against the local power of feudal lords. Kings started making inroads into the power of the estates, and new theories emerged to justify this new power, including Robert Filmer's (1588–1653) theory of the "divine right of kings."

- In England, Charles II made overtures to Catholics and to the French. His younger brother James converted to Catholicism, raising the possibility of a Catholic king. New political parties emerged: The Tories supported James and Charles, but the Whigs wanted James excluded from possible ascension. When James took the throne in 1685, the result was a tense situation in predominantly Protestant England and Scotland.
- When James's queen bore him a child and baptized him, the Tories joined the Whigs. In 1688, in the almost bloodless Glorious Revolution, Parliament invited a foreign royal, Protestant William of Orange of the Netherlands, to invade and take the throne. William accepted the supremacy of Parliament. The revolution showed that in England at least, Parliament, not the monarch, was supreme.
- John Locke (1632–1704) was perhaps the greatest English philosopher of the 17th century. As we will see, Locke's *Two Treatises* sought to defeat Filmer's divine right of kings and, in effect, defended the Glorious Revolution, but scholarship has shown that these works were written long before the revolution.

Second Treatise on Government

- The first section of the *Second Treatise on Government* gives us the main point of the entire book. Locke denies any notion of political rulers as father, husband, Lord, or religious leader. The political domain, which is the relation of "magistrate"—the general name for any official—to citizen is unique and unlike all others.
- Locke uses a contract theory, like Hobbes, but argues that the rational self-interest of signatories to the contract will lead them to give only limited powers to government and to justify revolution. Locke is the classic modern theorist of limited government.
- Locke's state of nature is fundamentally different from what Hobbes describes. First, like Hobbes, he accepts that all are free and equal in nature. But he regards this state also as one of peaceful independence. Most people in nature will quietly pursue their own self-interest.
- Locke claims that there is a moral law of nature: "No one ought to harm another in his life, liberty, or possessions."
 - Any rational person can know, by rational intuition, that this law is valid and obligatory for all humans. Like any law, it has a legislator: God. The law binds each person to preserve the self and as "much as he can," the rest of mankind.
 - Thus, in the state of nature, when someone violates the law, anyone is obliged to enforce it by punishing the violator, and the victimized party is due reparation for the injury.
 - This also means that there is lawful private property in the state of nature. Private property justly exists whenever someone removes property from the collective granted to mankind by God through "mixing" his own labor with it to use or enjoy.
- In the state of nature, individuals and families generally pursue an agrarian lifestyle without interference. But now and then, someone violates natural law, "seek[ing] absolute power

over another.” When that happens, a state of war exists. Thus, Locke admits that the state of nature is insecure. Further, there will be inevitable injustice in one part of executing the law of nature, namely, that individuals must serve as judges in their own cases for reparations, which is unjust.

Locke’s Social Contract

- To remedy this injustice and insecurity, all rational individuals out of self-interest choose to join in a social contract. All rationally choose to give up the right to execute the law of nature (and judgment on reparations) to the community. The community operates through majority rule to execute the law of nature.
- Locke thinks this contract solves the problem of how civil society can be as free or desirable as the state of nature. Although people give up a right when they leave the state of nature, they participate in making the law that they obey; thus, people obey themselves and have a freedom equivalent to what they enjoyed before.
- For Locke, the goal and purpose of this commonwealth is the preservation of property, including individual life, liberty, and estates. But he also writes, “all this to be directed to no other end, but the peace, safety and publick good of the people.” Locke believes that preservation of property and the public good is one and the same. This explains why Locke is thought of as a capitalist and enemy by some socialists.

Government under the Social Contract

- The community can choose monarchy, oligarchy, or democracy to perform the functions of government, which are: legislative (supreme power), executive, and federative (foreign relations). Communities may also have a “mixed government.”
- The most important idea for our purposes is Locke’s description of the supreme power of government (the legislative). The key here is that the legislative power is “only a Fiduciary power to act for certain ends.” In other words, the supreme power is a kind of trustee, and if it performs badly, it can be removed. This is Locke’s account of the right to revolt.
- Notice that all political power is limited, both the community’s and the government’s. The source and limits on community and governmental power are as follows:
 - The government and community have only those powers given up in the contract;
 - Government must use those powers for the common good or protection of property;
 - The community and government must always obey natural law; and
 - The government has a series of legal, technical restrictions; for example, it can act only through public standing laws.
- There is no account of individual rights and liberties per se in Locke’s *Treatise*, but their justification is clear in the law of nature: Neither community nor government can harm individuals in their lives, liberty, or possessions without their consent. There is, however, the prerogative of executive power, even to violate law for the public good over a limited time.

- Failing to wield power according to its proper role, “the government dissolves itself,” and power reverts to the community. The community can exist temporarily without a government.

A Letter Concerning Toleration

- Locke’s *A Letter Concerning Toleration* is a set of arguments for the separation of civil law and authority from sectarian religious ends. Locke claims that civil authority is solely concerned with life, liberty, and property, whereas religion is concerned with truth and salvation of the soul. This is a crucial distinction. It implies that the political order is not concerned with the inculcation of all human virtues.
- Locke further argues that sincere belief is internal and cannot be judged; thus, there is no fair and accurate way to enforce religious edicts. In addition, church membership is voluntary; unlike in civil society, no one is born a member.
- The truth as to which church is correct is “irresolvable.” In civil life, we use reason, as opposed to faith, and reason cannot determine which church is correct.
- For Locke, there is “no such thing as a Christian commonwealth.” By definition, a commonwealth is non-sectarian and not a religious entity. All the members could hold one religion, and still the commonwealth that is their political relations would not be characterized by their religion.
- Still, we must recognize that Locke’s toleration had definite limits, acknowledging some beliefs and practices that may be prohibited.

Locke and Later Political Traditions

- Locke’s views are central to modern Anglo-American liberal republicanism.
 - Natural law means that there are limits on community and government powers. All power has limits that are built into the moral structure of human existence by God.
 - Protection of individual liberty is roughly the same thing as the community good. Locke feared government power as the greatest threat to individual liberty and property. The basis for individual liberties is that government has no power to take away our liberty or property, except with our consent.
 - Locke has an optimistic and benign view of human beings. This is the core of modern republicanism, even when liberal, as opposed to civic: The people’s rationality is trusted to determine that the elites who rule them are or are not legitimate, are or are not following the natural law, have or have not violated their office. Revolution is morally legitimate.
- Locke is, however, anathema to civic republicans, progressives, and socialists.
 - Political activity is not natural for Locke; it is necessary only to preserve natural rights. Locke is more liberal than civic republicans, perhaps best called a liberal.

- Locke was part of a change in England and other Western countries by which some of the features of republicanism were being transferred from aristocratic-military citizens to the middle classes. The martial concern with honor in traditional republicanism was being replaced by the propertied sense of responsibility. The result, by the time we get to the late 18th and early 19th centuries, would be liberal rather than civic republicanism.
- Locke's emphasis on the protection of private property has made him the target of Marxists, socialists, and social democrats or progressives. That is, he makes it appear that the interest of the community can never trump private property, although there are some limits to this.
- Finally, property is justified by one's use and enjoyment of it. Locke does not go into detail, but this implies there is no entitlement to waste property, which meant of course, wasteland. Here, Locke is on the side of the new commercial bourgeoisie and against the old landed nobility.
- Among the contract theorists, Locke is clearly the most liberal and the most relevant to what became liberal republicanism, especially in English-speaking countries. The core idea of liberalism in the late 18th and 19th centuries was the limitation of political and governmental power.

Readings:

Thomas Hobbes, *Leviathan*.

John Locke, *A Letter Concerning Toleration*.

John Locke, *Second Treatise of Government*.

Questions:

1. What does it mean to ground all political values on what is "natural"?
2. How might one reconcile Hobbes's preference for absolute monarchy and his apparent predilection for authoritarianism with his reputation as one of the founders of liberalism?
3. According to Hobbes, what is the source of legitimate political authority? In what does this legitimacy consist and how, if at all, can it be lost?
4. In the social contract, who gives up what power to whom and for what reason?
5. What are the several sources of limitations on the political power of the community and the government in Locke?
6. According to Locke, does the existence of government enhance or diminish individual freedom?
7. According to Locke and Hobbes, what makes political power legitimate? Under what circumstances, if any, may people rightfully rebel against their government?
8. Can liberty and equality coexist under Locke's system of government?

