



**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUTE STUDIES
FACULTY OF SOCIAL SCIENCIES
DEPARTMENT OF PHILOSOPHY**

**ANALYSIS OF STATE OF NATURE AND SOCIAL CONTRACT IN THOMAS
HOBBS AND JOHN LOCKE**

BY

MENGISTU ALAMINEH

**June, 2014(2006E.C)
Addis Ababa, Ethiopia**



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APPROVED BY BOARD OF EXAMINERS:

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Introduction

The seventeenth century England was manifested by series of civil wars; and also there were differences regarding how the country should be ruled. Some thinkers believed that monarchical rule was proper, whereas others assume that it was better for the people to govern themselves. There were many arguments between these two different positions. Thomas Hobbes and John Locke were the two among many political thinkers who devised the same method to formulate and defend their own positions. They both assumed a condition where there is no government and rose the question for themselves what life would be like in such situation. From their description of life in the absence of government they derived the appropriate role of government. State of nature is a hypothetical formulation where there is no human laws, rules, regulations that govern human actions and behaviors. In other words, it is a human condition where there is no government (before the establishment of government or common power) (Schmitt, 2009, pp. 63-64). The main purpose of talking about state of nature is to show and justify the necessity of government. State of nature is viewed differently from one political thinker to another. For instance, Thomas Hobbes viewed state of nature as state of war; whereas John Locke said that state of war and state of nature are not similar conditions. Though the state of nature and social contract of both Hobbes and Locke is problematic they have their own influence on the modern political system.

When Thomas Hobbes wrote about state of nature, he was no less influenced by his experience of the British civil war. The political philosophy of Thomas Hobbes is based on the understanding of human psychology as psychological egoism. As Hobbes described human beings are by nature egoistic, solitary, brutish, etc creatures; as such human beings act in

accordance with their own selfish interest. According to Hobbes, solidarity, sociability, brotherhood, etc are not the basic characters of human beings rather they acquire these characters after they enter in to the social contract (Pojman, 2002, pp. 8-9). But, it is difficult to take for granted Hobbes's understanding of human nature because there are human beings who prioritize the common good even at the expense of their own personal interest.

According to Hobbes (1651, p. 76), state of nature is a condition where everyone has the right to everything; as such there is no difference between mine and yours. And also, human beings are roughly equal; in this case Hobbes is talking about equality to destroy each other, even the weakest has a potential to destroy the strongest either by secret mechanism or by forming group with those who are in the same danger.

According to Hobbes (1651, p. 80), the ultimate goal (if there is any) in state of nature is self-preservation by possessing power. Hobbes (1651, p. 53) states that "the power of a man, to take it universally, is his present means to obtain some future apparent good...." No one is certain whether the next person will not harm him; or in state of nature everyone is under constant threat from other persons; and it is not comfortable to continue in such situation. However, there are laws of nature in state of nature: the first law is that 'every man ought to seek peace'; the second law is that 'giving up the right to all things, provided that others are also willing as well'; and the third law is to 'perform whatever agreements you made'. Then Hobbes runs through the social contract where everyone is agreed to give up his right to all things; and once they surrendered their rights they cannot easily reclaim. As such the social contract in Hobbes is an alienation contract so long as it is irrevocable and put citizens under absolute obligation while it gives the sovereign absolute power. In this case Hobbes stands in contrary to modern liberalism or he can be regarded as political absolutist.

When we consider the case of John Locke (1823, pp. 106-107) he was also influenced by his experience of monarchical rule. And he wrote against the monarchical rule of the time and more importantly by opposing Robert Filmer, who is the proponent of monarchical rule. The state of nature in Locke, unlike the case of Hobbes, is moral. State of nature is a state of equality so long as all are the creations of God. There is some sort of sociability and solidarity in Locke's state of nature than in Hobbes. In Hobbes's state of nature there was no sense of morality, justice, etc prior to the formation of the state; but in the case of Locke, there is some sort of morality and natural rights and obligations each other prior to the formation of state.

In Locke's (1823, p. 108) state of nature there is law of nature that governs the state of nature, and this law of nature is accessible to human reason. Each individual in the state of nature is both the judge and executioner of law of nature; and the main justification of punishment in state of nature is to deter the offenders in that they may learn from their punishment and will not repeat in the future, and also others will learn from the punishment of the offender. And this punishment aims at the preservation of life, liberty, and property of the individuals.

However, Locke realizes that it is not rational to continue in state of nature where there is no common judge; and as such forming government is necessary (Fornieri, 2009, p. 286). The social contract of Locke, unlike that of Hobbes, is an authorization contract (the individual holds authority to stop the contract whenever) and it is based on the consent of the people in that they can reclaim their surrendered rights if the government goes otherwise than its purpose of establishment. Therefore, citizens are not under absolute obligation and government has no absolute power over citizens, which is not the case in Hobbes. Locke is also the first to talk about separation of power. As such Locke laid a foundation for modern liberalism and representative government.

The purpose of my thesis is to explore the limitations of state of nature and social contract in both Hobbes and Locke, and also to show their influences on modern political system. For instance, Hobbes has a great influence in modern conception of power; and Locke can be taken as the founder of modern liberalism and representative government which most nations are striving to obtain in one way or another.

The whole thesis is composed of three chapters; of which in the first chapter I will explore and critically analyze the state of nature and social contract in the case of Hobbes. In this chapter, I will discuss Hobbes's understanding of human nature, state of nature as state of war, the right and law of nature, social contract as alienation contract, his concept of the sovereign and its purposes. In the second chapter I will discuss and reflect on the position of Locke on state of nature and social contract. The main points will be state of nature as moral, the rights of nature, law of nature that govern state of nature, his concept of property, social contract as authorization contract, the conception of commonwealth and its purposes. And in chapter three, I will discuss the influences of both Hobbes and Locke in the modern political system. The last part will be the conclusion of the thesis.

Chapter One: Hobbes on State of Nature and Social Contract

1.1. Hobbes on Human Nature

The whole political philosophy of Thomas Hobbes is based on human psychology. Most importantly, as Hobbes understood, human psychology is reduced to psychological egoism. It will be to be foolish not to consider that he was not significantly influenced by the situation of his time, that is, the civil wars of his country. According to him, human beings by nature seek to satisfy their own personal interest, or they want to promote their satisfaction, happiness or simply humans are by nature selfish; and they do not consider the interests of others to be satisfied or not (Pojman, 2002, p. 8). When Hobbes analyzes human nature, he is making a factual claim, not value claim. According to egoistic hedonism it is right to act everything in accordance with one's own best interest.

However, it is hard to take for granted the whole consideration of Hobbes regarding the nature of human beings; since his analysis is based on his experience specific situation it seems hasty generalization. His experience is dominated by the civil wars of his country during which everyone will not show sympathy towards each other, rather each will show their aggressiveness towards each other, since they have no assurance that the next person will not be aggressive towards them. What matters most during such time is the promotion of private interest. But when we think of human beings, especially outside of civil wars, there are cases in which the cooperation, sympathy, friendship, and the promotion of common good are observed. It will not be hard to get peoples who prioritize common good even at the expense of their own private interest, though very few, in human experience. Therefore, it is difficult to ascertain that human beings are naturally egoistic; though it is also hard to take humans as naturally altruistic

(A.R.M.Murray, 2010, p. 61). It is true that human beings can be considered as self interested but Hobbes's position goes to its extreme.

Hobbes's analysis of human nature is based on four experiential generalizations: Firstly, Hobbes assumes that the main driving engines of all voluntary actions are *desire* and *aversion*. According to him, aversion and desire are the two extreme poles of endeavor. Something is the object of desire (appetite) if it attracts towards itself or it is an object that human beings want to get (to make their own); whereas the object of aversion is that repels or it is something that human beings want to avoid. Hobbes also employed the concept *contempt* to identify things that are neither the object of aversion, nor the object of desire; but indifference or neutral from two opposite feelings and attitudes (A.R.M. Murray, 2010, p. 62).

It is true as Hobbes says that human beings want something to make their own if they have some sort of interest towards that thing, which he calls the object of desire; on the other hand, human beings want to avoid something if it has or they think it will bring some sort of harm towards them, which Hobbes calls it as an object of aversion. And also something that is an object of aversion for one person may be an object of desire for another; as such there is no independent standard by which something can be judged as an object of aversion or desire. An individual may call something good if he likes it and may call it bad if he dislikes it. Even Hobbes regards desire and aversion as reference for what is good and bad respectively that may differ from person to person. An individual may not like and at the same time may not dislike something, the position of an individual here is neutral or in moral term amoral.

Secondly, Hobbes assumes that human beings need not only immediately attainable things but also they need the guarantee that they will be capable of satisfying their desires in the long term. In other words, the object of human desire is not only temporal satisfaction, but also

to make sure that this will continue the same everlastingly. More importantly, the main target of human desire is power, Hobbes (1651, p. 61) "... I put for a general inclination of all mankind a perpetual and restless desire of power after power, that ceaseth only in death" that Hobbes identifies as any means at hand employed for the attainment of something good (A.R.M. Murray, 2010, p.62).

Human beings are the only creatures endowed with the faculty of reason that help them to examine different alternatives to satisfy their needs presently and also to plan for the future. Hobbes is right human beings want some sort of guarantee that they will continue satisfying their desires in the long run; and to make so the means by which everything useful can be attained is necessary. The prominent desire of human beings is power, by which they will be able to attain what they want. This desire (guarantee for the future) of human beings is important because it may lead them to pursue the common power and establish government apart from their personal power.

Thirdly, Hobbes believes that putting in to consideration both the mental and physical capabilities, human beings have roughly equal ability to realize their goals. The deficiency of physical power is usually counter balanced by mental capability and vice versa (A.R.M. Murray, 2010, p.62).

Lastly, Hobbes assumes that human beings have an element of reason that can help them to get the knowledge of consequences, and the relationship that they have (i.e., the reliance of events up on each other). This kind of knowledge is obtained by experiential generalization, and it helps human beings to calculate the most efficient means in attaining their wants. If human beings were not endowed with a faculty of reason, their actions would be dictated in accordance with any kind of situation based on their understanding of their desires and surroundings, so long

as they would give immediate response to any kind of state of affair that they face them. But the application of reason that may arrive at valid or invalid decisions regarding the best means of actualizing human desires, bring in an undetermined element (A.R.M. Murray, 2010, p.62).

1.2 Hobbes's state of Nature as a state of Anarchy

As said before, according to Hobbes (1651, p. 76) naturally human beings are roughly equal in their faculties of body and mind. The idea is that putting in to consideration both mind and body together, there is no significant difference between human beings. When we consider the faculty of body, even the weakest person has an ability to kill the strongest one, and this can be done either by secret set-up or by forming group with those persons who are victims of the same danger like him. Here Hobbes is talking about not equality of any sort but about equality of individuals to destroy each other in the state of nature. For if there is a strongest one who attacks others, others who are the target of attack may form a group to attack the strongest; and even an individual who is not that much strong enough to confront the strongest face to face physically but mentally wise, he may design a technique and destroy the stronger.

On the other hand, as Hobbes (1651, p. 76) says, when we consider the faculties of mind, a greater degree of equality is observed between and among human beings; in that human beings hardly acknowledge that they are less smart than others compared to that of their recognition that they are physically weaker than others. In other words, human beings regard themselves to be smarter (wiser) than others who are around them; or humans are more likely to recognize that there are more people who are physically stronger than them, but they recognize very few people who are smart as themselves and the majority is considered as less smart. This is so because humans are close to their own smartness and they observe the smartness of others from distance. This implies that human beings are equal than unequal at least in their own contention.

It seems probable as Hobbes claims that human beings pretend to be wiser more than they pretend to be physically stronger. This may be so because human beings know and talk about things that they have close connection and experience. As such they know their own smartness, and also smartness of others is not observable but can be detected through discourse. But in the case of physical strength, to some extent humans can acknowledge even by looking the muscles and posture of others and admit the strength of others.

Hobbes (1651, p. 76) argues that from the fact that humans are in the state of nature equal in ability to do something, they may have equal hope of realizing their goals. As such, when two or more human beings desire one and the same thing despite the fact that they both cannot possess it at once, they will be enemies one another (because of conflict of interest); and in this approach to their goal, which is mainly characterized by getting personal preservation and pleasure, they want to kill or dominate each other. Accordingly, in such condition where there is no common judge, an aggressor (invader) is not subjected to any power but only in continual threat from another individual around him; as such if one possesses very many things and forms a comfortable situation, he has no assurance that others around him will not divest and snatch all of his possessions and products of his effort even including his life or liberty, this can be done either individually or by forming group. And again, the invader or invaders are also always in the same danger, which may continue as such since there is no common power.

According to Hobbes(1651,p. 154), resources are limited and consequently it is inevitable that two and more human beings may want one and the same thing; however, one and the same thing cannot be possessed by two or more individuals, with this conflict of interest they become enemies one another and exercise their own power to dominate each other. Though the stronger may possess by forceful means it is less probable that he may continue as such since he has no

assurance that others may invade and dispossess him. This is true, as Hobbes says, in the natural condition of human beings. But what seems implausible is that resources are naturally scarce; as said by John Locke and others, nature bestowed enough resources to human beings and what is lacking is equal distribution among human beings and proper utilization of resources.

From this type of mistrust of each other, as Hobbes (1651, p. 77) says, any individual may have no any means to make safe him as rational as he may expect; may be by might, or tricks, to control and subdue all human beings and their possessions until he is certain that there is no other power that can threaten him; and this is nothing but what his own preservation demands, which is by and large permitted. Consequently, the increment of power and domination over other human beings around him is necessary so long as there is no other common power that assures his security and preservation but only his own power over others.

Again, as Hobbes claims (1651, p. 77) human beings feel no happy rather they are under immense misery in continuing with fruits of their effort in a situation where there is no common power which is capable of overawing them all. Every human being wants that his friend or the person around him has to value him with the same degree as he sets upon himself; and he wants to be magnificently valued by his contemnors by hurting them, and from others by the example (that is, others will value him by fearing that he will harm them like that of his contemnors).

It is true as Hobbes contends that human beings cannot lead permanently settled life for the mere fact that in the absence of common authority they cannot be certain that they will not be harmed and deprived by others. Naturally human beings desire to be valued, respected, loved, esteemed, recognized, etc. by others; and in the state of nature where every individual lives as he wishes by his own strength, he wants to attain the above values by terrorizing others, which may

hold the same for all individuals. However, Hobbes lived during the period of English civil war in which the beastly character of human beings is highly observed.

As such in the nature of human beings, Hobbes (1651, p. 77) recognizes that there are three main causes of conflict; these are *competition*, *diffidence*, and *glory*. In regard to the first, according to Thomas Hobbes, resources are scarce in the state of nature so that it will be a must to compete for gain. To do so, human beings employ violence to make them superior over all properties of other human beings. The second (diffidence) one is to defend themselves from the threats of others. The third (glory) is for reputation or to get recognition in the face of others; it may be in the form of opinion, word, a smile, and the like.

Regarding with the three sources of conflict (assuming resources are limited), I argue in favor of Hobbes; because in the natural conditions of human beings where there is no common authority all these are likely. For instance competition for resources is inevitable given the situation that resources are limited. Because if resources are limited it is also inevitable for two or more human beings to desire the same thing, which at the end of the day both can not possess but one of them; and as such the conflict of interest occur. And when each of them realizes the next person is a threat, they become enemies one another and this can be taken as a rational source of conflict. The second source of conflict (diffidence or mistrust) seems to be the derivation of the first one. Since human beings fight for resources, they mistrust each other in that they feel that they are threatened by others who are around them so long as they have no assurance that they will not be damaged. And also if you mistrust others, you will not only be limited (restricted) to defend yourself but also attack safety of others for your own safety; and this cause of conflict seems also a rational cause. The third source of conflict (desire for glory) is nothing but invasion for reputation. When humans enjoy power it is likely that they desire others

to value, respect, recognize, admire, etc them and for this reason, when they are trying to extract these values from others simultaneously they may enter in to physical violence; and this type of invasion for reputation is irrational cause of conflict. However, in the state of nature all these three causes of conflict seem inevitable.

According to Hobbes (1651, p. 77), all the natural conditions of human beings where there is no common power is nothing but in a situation that is called war; and this war is war of all against all. For him, a situation is regarded as war not only when there is real fighting in the battle field but also all period of time where there is no guarantee for peace.

As Hobbes says individuals in the state of nature are under continual threat from one another, and he calls this type condition as a condition of war, which is war of every person against every person. For him, war is not only actual fighting but also the absence of peace; human beings in their natural condition are in the type of cold war each other for the mere fact that they have no way of assuring that the next person will attack them at any time. As such state of nature is nothing but a condition of anarchy.

Human beings face the same type of repercussion after the time of war, where every individual is a threat for every individual, like that of the repercussion that human beings face after the period of time where there is no common power that can protect them other than that of their own ability and strength along with their own inventions to protect them. Hobbes (1651, p. 78) describes this condition as follows:

In such a condition there is no place for industry, because the fruit there of 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 things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

Because there is no trust among individuals or individuals are under constant danger one against another, no one can predict what will happen next day, as such individuals will not plan for the future rather they will take whatever immediate measure to preserve their life. Therefore, in such miserable situation, individuals will not be concerned about other things but focus only on their survival by employing all available means at hand.

It may seem surprising or unusual for some individual who has not thoroughly consider these phenomena that Nature should as such separate and provide human beings strong tendency to conquer and destroy each other; and as a result he may doubt to this deduction, considering that it may be taken as such from the passions, want the same empirical verification. For any individual who have this type of assumption, Hobbes (1651, p. 78) lets to consider with himself the following:

When taking a journey, he arms himself and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be laws and public officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children, and servants, when he locks his chests.

According to Hobbes, by doing so all of the above activities, an individual is condemning mankind practically by his actions more than his condemning of mankind verbally. According to him, neither of them condemns human nature in itself. The desires and other passions of human being have no problem in themselves. And also the actions followed from these passions are not to be condemned until they are aware of the law that prohibit them; which they cannot know the law until the law is made, the law cannot be made until there is no agreement between and among human beings who are going to make the law.

Perhaps it may be assumed that there was neither a period of time nor a situation of war like this; and Hobbes (1651, p. 78) also believes there was never so in all the regions of the world: but as Hobbes says there were several places during his time where they used to live so.

As he said, in a place where there is no strong common power that can keep everything under its supervision and control, the life of human beings is under continual threat from one another; or it is marked by bestial way of life.

But for him (1651, p. 79) though there was no a period of time where every individual is in war against every individual, yet in all times rulers of independent authority, because of their independency are in perpetual mistrust, and they are in the position of war one against another arming their soldiers with many and different weapons of war and also follow up the day to day activities of each other using different spying organizations and strategies, which is a posture of war. But so long as the rulers sustain the industry of their subjects, there is no consequent despair that affect the liberty of single individuals.

As Hobbes says, the individuals' way of life in the state of nature is reflected in modern states, though not identical. In the state of nature the mistrust is at individual level where as in modern times it is at the state level. Because in this modern times the great powers of the world are in perpetual follow up one another and they want to be superior each other; for this their own power and strength is the determinant factor even to cooperate, though there is diplomatic approach. And in their exercise of their power (political, economic, ideological, etc.) they are in continual threat one another and their guarantee is their power and strength above all. There are also situation where the government enter into such kind of situation with its own people.

According to Hobbes (1651, p. 79) in the situation where there is war of all against all, there is nothing which can be considered as unjust. The moral concepts like right, wrong, just, unjust, good, bad, and the like do not function there. In a situation where there is no common power, law cannot exist; and where there is no law according to which everything can be judged, there will be nothing as injustice. In a situation of war *force* and *fraud* are the two dominant

qualities to be employed by human beings. According to Hobbes, justice and injustice are innate neither to the body nor to the mind. If they were innate either to the body or to the mind or for both, they may function in a person who lives lonely life. These elements (justice and injustice) can function and exist when a person lives in the society, not in loneliness. In a situation like this, there is no standards of behavior according to which human actions can be evaluated, no sovereignty, no clear cut between mine and yours; but everything is for every individual who is capable of getting it, and remains to be his in so far as he is capable of keeping it in his control. As such in state of nature human beings are in miserable situation, yet it is not without the possibility of getting out of it; and this possibility is partially in the passions and partially in his reason. The passions that persuade human beings to seek peace are the fear of violent death; seeking peace is the necessary condition for harmonious living; and also the hope of getting them by their effort. As such reason provides expedient articles of peace upon which human beings may be attracted to agreement. These suitable articles (principles) provided by reason to get out of state of nature are otherwise called the laws of nature.

1.3 The Right and Laws of Nature

According to Hobbes (1651, pp. 79-80) the right of nature (*jus naturale*) is the right and freedom that each individual has in his natural condition, where everything is for everyone. In other words, it is the liberty that each man has to exercise his own power as he thinks best for his preservation; as such it is the right of each individual to do everything which in his own decision and reason believes it to be the best means for his self-preservation. And liberty in its proper sense of the word is the nonexistence of external obstacles, which may prevent man partially from exercising his power to do what he wants, but cannot prevent from exercising the power that is dictated in his decision and reason to himself.

Thomas Hobbes (1651, p. 80) defines the law of nature as follows:

A law of nature, *ex naturalis*, is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved.

Although those who talk about this issue use to confuse right and law, they should be differentiated, because right is about the liberty to do, or to abstain; whereas law limits and binds to one of them (to do or to abstain): therefore there is a difference between right and law like that of the difference between obligation and liberty, which cannot go hand in hand in one and the same subject matter.

Hobbes (1651, p. 80) contends that since the natural situation of human beings is a situation of war of all against all, wherein every individual is ruled by his own reason, and he employs all possible alternatives that can sustain his preservation against those who are the threats to his life; or in other words, he may employ nothing other than what is useful for his self-preservation; it follows that in such a condition, everyone has a right to everything, even to the body of another person. Consequently, so long as this right of everyone to everything perpetuates, every individual is under constant threat or no security to anybody regardless of how physically strong or mentally wise he may be. And therefore, it is the general principle of reason: *every human being ought to seek peace*, so long as he has a hope of getting it; and in a situation where he cannot get it he may desire and employ all means and advantages of war (may be physical violence). The first and fundamental law of nature is to *seek peace and follow it*. The second, which is the sum of the right of nature, is that *by all means we can to defend ourselves*.

From this basic law of nature, by which human beings are persuaded to seek peace, the second law of nature is derived as Hobbes (1651, pp. 80-81) claims, which is:

That a man be willing, when others are so too, as far forth as for peace and defence 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.

For in so far as every individual has this right of doing what he wants, all human beings are in a situation of war. However, if other human beings refuse to give up this right to everything, as well as he, then there is no reason for an individual to give up his right: because it will be putting himself in danger, wherein no one is bound to anything, rather than to dispose himself to peace. This is something like the law of the gospel; 'do to others as you want others do to you'.

For Hobbes (1998, pp.43-53), other laws of nature are derived from the first law of nature. Just to list the names, the second law of nature is about keeping contracts. The third focuses on gratitude (trust and kindness). The fourth one is that the rights and feelings of everyone should be put in to consideration. The fifth is on the feeling of sympathy and sorrow for the misfortunes of others. The sixth is that the function of punishment is to deter wrong deeds in the future or the punishment considers only the future. The seventh focuses against the offensive or rude treatment or expression intended to hurt others. The eighth is against self-respect and personal worth. The ninth focuses on freedom from vanity or conceit. The tenth is concerned with fairness or impartiality. The eleventh is about communal possession of things that cannot be divided. The twelfth is about things that cannot be divided or held communally must be used in turn or be given to one individual only. The thirteenth is on inheritance and first occupation. The fourteenth is about those who function as negotiators of peace must not be affected. The fifteenth is on nominating a negotiator. The sixteenth is about that no one can be the judge of his own case. The seventeenth is that negotiators should not expect any payment from those who are in need to be negotiated. The eighteenth is about witnesses. The nineteenth is that no one can make an agreement with the umpire. The twentieth one is against alcohol addiction and other things that can make imperfect the exercise of reason.

1.4 Thomas Hobbes on the Social Contract

To escape from the state of nature, for Hobbes (1651, p. 81) man must give up his right to everything that he has in that natural condition; and also the third party or common power is needed that can keep in awe human beings or to force them to keep their promise. To give up an individual's right to everything is nothing but to abstain from exercising his liberty so that he may not hinder another from exercising his own right to everything. However, when an individual renounces or transfers his right to everything, he does not provide any additional right to another which he had not before, because naturally every man has a right to everything; as such a man for whom a right is transferred or renounced to cannot get additional right rather he can exercise his original right to everything without any impediment. As a result, as the number of individuals who give up their right to everything increased, in like manner the number of hindrances that affect a man, for whom a right is given up, from enjoying his own original right decreased.

Right is given up either by renouncing it or by transferring it to someone else. Hobbes (1651, p. 81) says when a man renounces his right, he does not care to whom the advantage goes by renouncing his right. On the other hand, when a man transfers his right he puts in to consideration somebody or group of persons to whom the advantage goes by transferring his right. And when a man in either form given up his right, starting from that time, he is regarded as under obligation or bound not to be an impediment to that or those to whom he has given up his right from the advantage of it; and it is considered as his duty not to deny his own voluntary act; and if a man be an obstacle after he has given up his right willingly or to reclaim that he has already done voluntarily before, then his action is considered as injustice or injury towards those to whom he has given up his right. The manner by which an individual either simply abandons or

grants his right is an announcement, or affirmation, by some deliberate and ample indication, that he does abandon or grant, or has abandoned or granted his right to someone that accepts it. These indications or signs may be either words only or actions only, or may be both actions and words together. And these and the like are the bonds according to which individuals are bound or obliged; however, naturally bonds have no strength in themselves for that human word can be easily broken, but from the fear of bad effect followed by breaking the promise or word.

At any time, as Hobbes(1651, p. 82) argues, when an individual transfers or renounces his right, an individual may expect either some right in turn or may hope some other advantage for that transference or renouncement; because since it is an intentional act, and any intentional act of any individual is done by aiming some good to himself. As such there are certain rights that cannot be abandoned or granted by any means. First of all an individual cannot give up his right of protesting against those that pose violent attack forcefully to kill him; because an individual by doing so cannot expect any type of advantage to himself; and the same is true for wounds, chains, and imprisonment. Moreover, the intention and goal of an individual in granting or abandoning his right is nothing but for his own security, in his life, and not to face trouble in the means to preserve him. And consequently, if an individual by words or any other kind of signs gives the impression to plunder him of the goal for which those signs were wished-for, an individual cannot be regarded as if he meant it, or that it was his intention, but he was unable to realize in what way such words or actions were to be construed.

According to Hobbes, when human beings mutually transfer their right, it is considered as contract. When one party of the contract carries out his part of the contract prior to the other party, it becomes a covenant or a contract with a duty to be carried out in the future. The duty or obligation here is neither physical nor moral obligation, but simply a rational obligation to

perform what an individual has promised to perform in return for something that the other party of the contract has performed or is performing. And his performance is regarded as keeping promise, or faith, and if one intentionally fails to perform, it is considered as the violation of faith. On the other hand, human beings who perform first have no guarantee that others will perform their part of the contract after, that is, be persons of their words, because human words can easily be broken or words are unable to bridle human desire, greed, anger, and other passions if there is no external power that can compel them in keeping their promises or punish when breaking their promises (A.R.M.Murray, 2010, p. 66). Though Hobbes acknowledges the law of nature to be binding in the state of nature he gives it simply an imaginary position for he says that in a situation where there is no an absolute sovereign that impose punishments, one is not bound to obey agreements or mutual trust (Harrison, 2003, p. 78). In other words, Hobbes is claiming that the law of nature is not binding in the absence of the sovereign power to be feared; and since there is no sovereign in the state of nature, law of nature in Hobbes's state of nature is no more binding by itself.

According to Hobbes (1651, p, 82), when the transference of a right is not mutual, but only one of the parties transfers by anticipating companionship or benefit from another, or may be from his friends; or in anticipating good image in the face of others, or generosity of spirit, or by anticipating reward in the afterlife; this cannot be considered as contract, but gift, or free gift, or grace.

Indications of agreement as Hobbes (1651, pp. 82-83) contends, may be either express or by inference. Express are words verbally expressed with the realization of what they indicate; and these words may express the time past, present, or future, that is one may say I have given, I grant, I will grant; and words of the future are regarded as promise. Indications by inference in

some cases may proceed as a result of silence; in some cases as a result of actions; in some cases as a result of refraining from an action: and generally an indication by inference of any type of agreement (contract) is based up on the intention of the contractor.

However, human beings may keep silent when they have no choice; and not only this but also they may agree by being compelled with the immediate terrifying conditions but not for long last. As such individuals of a nation who have no other better alternatives may abstain from violating the rules and regulations of the government not because they feel comfort with the government but because of fear of the government. During this type of condition, they have no choice but to choose to keep silent; but this does not mean that they have agreed.

Hobbes(1651, p. 83) claims that words alone, if they signify the future, and hold a simple promise are not adequate indication of free gift and as such not compulsory. For instance if they signify something like, if one say that *tomorrow I will give*, they signify that he has not given up hitherto, and therefore the right is not given up yet but remains with him so long as he does not give up by some other act. However, if words signify the present or past time, like if one says *I have given*, or *I do give* to be conducted in the coming day, then his right of the coming day is given up today. And this is so only by virtue of his words regardless of any other evidence about his will. And there is a significant difference between the expressions *I will that this be yours tomorrow*, and, *I will give it to you tomorrow*: for the expression *I will* in the former sense indicates an act of the will present; but in latter, it indicates a promise of an act of the will to come (future): and as such the earlier expression, since it indicates the present, transfer a future right; while the latter, since it indicates the future, nothing is transferred.

In contracts the right passes, as Hobbes (1651, p. 83) says, not only in the present or past time, but also in the future time, because all contract is the mutual transference of right; and as

such the one who only promises, since he already benefited from what he promises, is considered as if he meant his right should pass: for if his intention was not considered as such, the other party would not have performed his own part first.

According to Hobbes 1651, pp. 84-85), when two parties enter into a covenant and if neither of them performs presently but only trusts each other, in their natural condition, where there is war of all against all, up on any rational doubt, it is invalid: but if there is a common power erected with enough power and authority to force them to perform, it is valid. Because, in a situation where there is no common power, that who accomplishes his part prior to the other party has no any guarantee that the other will also accomplish later; because, as said before, words only cannot harness different human inclinations in the natural condition of human beings where every man acts in accordance with his own decision and appetite putting aside the interest of others. And as such the one who carries out first exposes himself to his adversary, opposing to the right that can never be given up of protecting his life and means of self-preservation. But in a situation where there is common power established to compel and punish those who may act contrary to their promise, the doubt of one who performs first is no more rational; and so the one who is to accomplish first may have no any sensible doubt and compelled to perform.

As Hobbes (1651, p. 86) says, covenants formed by fear in the state of nature are compulsory. For instance, if one agrees to pay money to be released from his captivity, or anything asked for his life to an enemy, he is bound by it; for otherwise his life will be in a difficult situation. And the agreement where one party gets money whereas the other party gets the advantage of life in a situation where there is no other kind of law in state of nature that prohibits an enemy from doing anything that an enemy wants, the covenants is valid. Hence, the prisoners of war, if they agreed and trusted to pay money to get release, they are compelled to

pay: likewise, if the powerless ruler agrees to make inconvenient peace with the powerful ruler for fear, he is also bound to act in accordance with his agreement; for otherwise there emerges other viable source of fear to reengage in to war. And this may occur even in states, for instance if one is compelled by robber to pay money to save his life, he is bound to pay that money, till the civil law emancipates him. For that anything that one may lawfully perform in the absence of obligation, likewise one may lawfully agree to perform via intimidation: and as such what one lawfully agrees, he cannot lawfully deny. The first covenant makes invalid the second one in that an individual that already transferred his right to one man now cannot transfer his right to another in the next day; and accordingly there is no transference of right in the second agreement, but it is an absurd.

For Hobbes (1651, pp. 86-87), any type of agreement not to defend oneself from physical violence via physical violence is invalid; this is so because, as said previously, one cannot abandon or grant his right to protect his life from death, torture, wounds, imprisonment; ...as such the promise of not resisting violence, in any type of agreement cannot transfer any right, nor binding. Although an individual may agree that *if I do not do such or such, destroy me*; an individual cannot agree that *if I do not do such or such I may not fight you when you come to destroy me*. Human beings naturally prefer lesser evil that is the peril of death in defending, than that of greater evil that is sure and apparent death in not defending. An agreement to blame oneself in the mere state of nature where every individual is the arbiter is also invalid. And also any kind of allegations based on agony are not to be taken as evidence; because agony can be employed as a source of estimation, and may help for more investigation and search of truth: and in that situation an individual who is under torture may admit whatever that can ease his agony.

As said before, the strength of words is not enough to bind human beings to accomplish their agreement; for Hobbes (1651, p. 87), there are two supposed things in human nature to strengthen the force of it. These are either the fear of some dangerous repercussion that can be followed as a result of failing to perform according to their agreement, or to build good image (reputation) by performing their agreement, that is, by being the person of their word. When we come to the practical arena, it is unlikely that human beings keep their promise or agreement for their reputation, especially those who have materialistic approach (which covers the majority of human race). As such it is more likely that human beings may keep their promise by fearing some evil consequence that may face them when breaking. The target of fear may be either the power of spirits, which is related to their own religion and this is with human beings naturally prior to the establishment of government, or the other one is the power of those who may affront them when they fail to perform their promise, and this force is not present in the state of nature to awe human beings, because the inequality of power is not well differentiated, but only in phenomenon of fighting or battle field.

In the state of nature human beings are in a perpetual fear of violent death and with the right to self-preservation. According to Hobbes, it is this fear of violent death that persuades human beings to seek peace. However, peace can be realized if and only if human beings get out of their natural condition and establish the political order. The state of nature indicates that political order is completely artificial or conventional. To establish political order, individuals must abandon or grant their right of all things. But, as said before, any convention or agreement that only depends on mutual trust where there is no common power that can punish the party who fails to perform is invalid. In the state of nature, there are laws of nature that dictate human beings how to act; but these laws of nature are have fundamental defect in that they lack some

coercive power to follow up the performance of agreements. As such in the absence of power that supervise the laws of nature, every individual is not willing to be the first to obey principles of reason (laws of nature) for the mere fact that one who performs first has no guarantee that others will do the same later. As a political solution Hobbes introduces the absolute sovereign, who has power and authority to punish those who violate the agreement; and the punishment should be greater than that of an advantage that an individual can expect by violating the agreement (Fornieri, 2009, p. 246).

The social contract that Hobbes talks about seems irreversible in that once individuals enter in to agreement they cannot reclaim when they want, though he made exception in some cases. As such individuals become alien to the agreement they made. And therefore, this type of social contract is an alienation contract. The established sovereign by such agreement is alien to them and not accountable for individuals. Therefore, fearful situation of individuals still persists what is changed is the object of fear: that is, in state of nature the object of fear was one another, whereas after the contract the object of fear becomes the absolute sovereign.

1.5 Hobbes's Concept of the Sovereign and its Power

According to Hobbes, the way out from the state of nature is establishing an absolute government by social contract. After the absolute government is formed, the mutual fear of each other that manifests the life in the state of nature is changed to the fear of government which manifests civil society. Thomas Hobbes denies the concept limited government and praises an absolute government. According to him, limited government is unable to protect the individual's natural right to self-preservation. He contends that when the government is not strong enough, every individual may depend properly on his own strength or power and follow his own way to defend himself from the attacks of others. As Hobbes says, in order to protect the natural right of

each and every human being, the sovereign must possess the full natural right, including the right to self-preservation. In the state of nature everyone is an absolute in that everyone has a right to everything; likewise, the sovereign that Hobbes proposes to escape from the state of nature is an absolute. The misery and terrifying situations in the state of nature validate the absolute government in that situations are more dreadful in the natural condition than that of in absolute government. As such, Hobbes argues that it is only where there is absolute government that peace will be protected and convenient life will be imaginable (Fornieri, 2009, p. 247).

It is true that, as Hobbes says once the absolute is formed the fear of each other in the state of nature is replaced with the fear of an absolute government. According to Hobbes, the government should have an absolute right in the same manner as the individual has an absolute right in the state of nature. As Hobbes noted once they enter in to the social contract they cannot reclaim the transferred right from the sovereign, though he put exception. Considering situations from the perspective of his time, civil war, it is true that an absolute government seems better than anarchy. But if the government possesses absolute right, there is no freedom of individuals. Hobbes also advocates an absolute government at the expense of limited government by fearing that limited government may be unable to protect and safeguard the peace and security of individuals. However, if we consider from the perspective of modern politics, and if the government is unlimited, then the state will be led only by the interest of the ruling government; on the other hand, if the government is limited the ruling government will be replaced by another if it fails to accomplish the purpose for which the government was formed. And there is high possibility that there will be a room for the entertainment of different ideas than in absolute government. In general, limited government is better than the absolute. However, change of government for the sake of changing may not be good in some cases; as Thomas Aquinas says

when we are going to change the old government, we have to take care of that the coming will not be worse than the previous, and better alternatives must be there before overthrowing the old one.

An absolute sovereign is formed if and only if human beings give up all their natural rights to single person or group of persons via agreement. The agreement implies that any right that every individual has including any means for self-preservation is moved to the absolute sovereign. Hobbes also contends that each and every individual has to recognize that they are the authors of the sovereign authority and that they have approved the activities of the sovereign for the sake of peace and protection. The absolute sovereign is not part and parcel of the citizens' will but an independent will that is erected to protect the natural rights of citizens. As such the sovereign power is not bound by the agreement, since the sovereign was not the party to the agreement but it is the consequent to the agreement. Accordingly, the actions and regulations of the sovereign is regarded as self-regulated; and as such no individual can justly oppose the actions or will of the sovereign, even they cannot evaluate the activities of the sovereign because the sovereign is authorized to achieve what every individual struggles to attain in the state of nature, that is, peace and security. To blame the sovereign for something wrong is like that of to blame oneself of wrong doing- for Hobbes, to blame oneself is unbearable. Obeying the sovereign is for the sake of individuals' protection; because an individual fears the sovereign more than any expected advantage that may be attained by doing some wrong doing against some individual (Fornieri, 2009, p. 256).

According to Hobbes, an absolute government is formed when individuals surrender their natural rights by aiming that the sovereign will safeguard their peace and security, which are things that they were striving to attain individually. This is somewhat plausible from the stand

point of state of nature. However, for Hobbes, the sovereign for whom the natural rights of individuals are bestowed is not the part of an agreement, rather an independent entity that is not accountable for any one. But, so long as the sovereign accepts the transferred rights of individuals and also the sovereign is one person or group of persons among the many individuals who were in the same situation with the multitude, there is some sort of chain or link between individuals on the one side and the sovereign on the other; as such the sovereign is not that much independent but part of the agreement. On the other hand, according to Hobbes, once the sovereign is erected it cannot be influenced by individuals and individuals must acknowledge that what the sovereign does is their own deed; and individuals cannot rightly criticize the sovereign since they replace the sovereign in their own place it will be to criticize themselves; and to blame oneself is an absurd. But human thinking, attitude, will, desire etc. continually changes. What an individual considers something good at one time, the same person may consider the same thing as bad at another time; or human beings have the right to change their mind. The state of nature is a terrifying condition and as such human beings are in extreme tension; during this situation they may make an agreement that they could not make if they reconsider it again. Therefore, what Hobbes asserts is against human thinking, which perpetually changes.

The sovereign is established for common benefit, that is, to be protected from both external attack and injury among themselves. As such the sovereign has so many rights: to declare war, manage peace, to impose taxes, to make up money, to control business, and to establish property rights. The three branches of government (legislative, executive, and judicial powers) are all in the hands of the absolute sovereign. The intention of Hobbes is that individuals will not obey the rules, regulations, and decisions of somebody if they do not fear. Hobbes also

denies the separation of power between different branches of government, which is regarded as the foundation of individual liberty these days, in that all branches are exclusively held by the sovereign; the reason that Hobbes provides for denying separation of power is that it will be an obstacle and confines the sovereign from safeguarding peace and security; and as Hobbes says the divided sovereign is not the solution to get out from the state of nature. The sovereign is also in a position of rebuking the views and principles of individuals in accordance with whether they are favorable to peace or not. Because according to Hobbes the actions of individuals are the continuation of their views, and as such the views and opinions of individuals need to be supervised by the sovereign; and opinions and actions of individuals must be regulated for the sake of peace and security. For Hobbes, any opinion or idea of individual that is not favorable to peace is not regarded as true rather taken as the violation of law of nature (Fornieri, 2009, p. 256).

It is true that a government is formed for common advantage, which is to protect individuals from external invader and also enmity among themselves. According to Hobbes, the erected sovereign possesses so many rights exclusively; and also Hobbes denies the presence of separation of power between the three organs of the government rather praises undivided sovereignty for the mere fact that the divided sovereign will not be the solution to escape from the state of nature. For Hobbes, the sovereign is also in a position of controlling individual views. What Hobbes did may not be wrong to escape state of nature, when we consider the history of many nations they are passed through different blood-sheds and many scarifications; but when we consider what Hobbes is saying, the absence of separation of power and also the government is to control the individuals' views, it will be the regress of progress for one country. Innovation and improvements will be made only where there are diversity of ideas and

perspectives. However, if everything including the opinions of individuals is under control of the absolute government where there is no separation of power, only one way is permitted and things cannot be viewed from different stand points. Where there is no separation of power, it is implausible that there can be individual freedom; and also if the established government continues having all rights exclusively, it is highly probable that the best leaders who can best transform the nation may be suppressed.

The sovereign, as Hobbes defines, is single person or a group of persons to whom the rights of the government (as Hobbes terms it commonwealth) are transferred to and under which the great multitude are united; and individuals other than the sovereign are taken to be the subjects. As said before, the commonwealth or the sovereign is formed when individuals give up their rights in the state of nature for their common peace and security. And this commonwealth can be formed in two ways: either by institution or by acquisition (A.R.M.Murray, 2010, p. 67).

1.5.1 Commonwealth by Institution and Commonwealth by Acquisition

A commonwealth is regarded as instituted if and only if the majority of human beings freely agree among themselves to be ruled by the sovereign power. Whereas, a commonwealth by acquisition is established by employing force as a means, and human beings submit them to the sovereign power not by agreement but by fearing that sovereign power will kill them if they refuse. According to Hobbes, in the case of commonwealth by institution, once the majority agreed and formed the sovereign the contract that they enter is taken as irreversible; and this is for the sake of their common benefit to maintain powerful and steady government possessing unrestricted power. As Hobbes said, it is irrational to reclaim the granted rights from the sovereign in any condition, and he says that once the sovereign is formed by agreement they are submissive to the sovereign and as such they cannot make any type of new covenant among

themselves to submit them to another power without the permission of the former power. Although Hobbes says it is irrational to reclaim the transferred rights from the sovereign, he also says that there are situations under which breaking the social contract is just or rational. Accordingly, Hobbes contends that the obligation of subjects endures so long as the sovereign is capable of safeguarding them and nothing more. Since human beings have natural right to defend themselves and if there is no other power that can safeguard them, they are not required to obey any kind of agreement, but rather they may use their own strength and ability to defend themselves (A.R.M.Murray, 2010, pp. 68-69).

As Hobbes contends, once the sovereign is established by the social contract individuals cannot withdraw the sovereign and form any other agreement among them to be under the submission of another power without the willingness of the first sovereign. And also Hobbes says individuals can justly withdraw their agreement if the sovereign is unable to fulfill the purpose for which it was erected. But despite the contradiction, who is the judge and supervisor whether the sovereign is doing best or not? For Hobbes says once formed the sovereign is out of the contract and no one can blame the sovereign. And also it is less probable that the absolute sovereign of Hobbes to willingly let individuals to submit themselves to another power.

However, Hobbes faced contradiction when he says the social contract is irrevocable on one hand and there are conditions under which breaking the social contract is just on the other hand. According to Hobbes human beings enter into agreement and establish the sovereign power by granting their natural rights for their own common benefit, that is, to escape state of nature and achieve peace and security, which the state of nature lacks; and if the established sovereign become inefficient to achieve the established purpose (maintaining peace and security), subjects can break their agreement and withdraw the granted rights from the sovereign

and transfer to another power that can preserve their peace and security more effectively. This type contradiction in Hobbes seems to be observed from his strong desire to confirm powerful and stable government at any cost (A.R.M.Murray, 2010, p. 69).

But if the theory of Hobbes suggests that it is just for human beings to substitute the sovereign power that is incapable of maintaining the purpose for which it was erected, this will seem that his theory is in favor of the idea that absolute dictatorship must be rejected; and if this is so, his theory is assisting the principle of government based on the consent of the people, which is the idea that modern political system strive to achieve (A.R.M.Murray, 2010, p. 69).

According to Hobbes (1651, pp. 108-112), the sovereign by institution has the following rights: to control and judge the opinions, actions and decisions of subjects; to prescribe the rules and regulations by which the actions of subjects judged or determines what is good, bad, right, wrong etc. for the fact that these concepts can have their place only after the establishment of commonwealth; to administer of justice, that is, hearing and deciding all disagreements regarding law; engaging in war and peace with other states and commonwealths for the sake of public good; choosing any kind of administrative staff like counselors, ministers, judges, and officers both in war and peace; giving awards and titles of honor, and imposing punishments.

However, the reality in Hobbes seems that he did not differentiate between the *absolute* and *irreversible* transfer of rights. One may transfer an absolute right to the sovereign, but this does not imply that the transfer is irreversible. The main points that Hobbes focuses are: it is the heart and soul of the sovereign to be absolute and unreserved; and the government possessing an absolute and unreserved powers is the groundwork of stable and orderly community. But as Hobbes himself admits, such government is allowed to remain in power so long as it exercises its powers for the purpose that it was established to (A.R.M.Murray, 2010, p. 69).

Being his inconsistency as such, Hobbes wants the sovereign to have unrestricted power from his anxiety to get out of state of nature. He acknowledges that the sovereign will stay in power so long as the sovereign accomplishes the purposes it was established; unless and otherwise individuals can rightly withdraw their transferred rights to empower another that can best accomplish their desires. In this case, the political theory of Hobbes has contribution to modern political system.

Accordingly, Hobbes establishes two significant principles of government. The first one is that every government inevitably uses force by ruler upon the ruled. It is inevitable that government that the majority is controlled by the few or one person, and this is common also even in the presence of self-government. If there is self-government in reality, the ruled have some methods to supervise and control the actions of those who rule them. As such, the ruled may influence the ruler directly or indirectly in policy making and other issues. Direct influence may be exercised by the ruled especially when there is small number of people, when referendum is required for policy making; however, even in this type of condition there are issues that cannot be compromised for referendum rather left only for government. The main limitation of referendum is that it confines the responsibility of government and gives the power about policy making and exercise to those who are not responsible. The second point that Hobbes focused is that in commonwealth by institution, the formation of government is a voluntary act in the side of subjects. As history witnesses it is in special situations that government came in to being by the consent of subjects. However, if the *consent* that Hobbes talks about is realized as lasting, and not irreversible consent, it designates the corner stone upon which democratic government is based (A.R.M.Murray, 2010, pp. 69-70).

1.5.2 Types of Commonwealth by Institution

Having discussed commonwealth by institution (design), now it is better to talk about its types. According to Hobbes (1998, pp. 91-92), there are three types of commonwealth by design: democracy, aristocracy, and monarchy. The difference between these three commonwealths is related to individuals for whom sovereign power is vested. The sovereign power is given either to a single individual or a group of individuals. However, a group of individuals can be either a group of all citizens or only part of the citizens. As such the first commonwealth where sovereignty is vested to a group of individuals and at the same time all citizens have their own say is named as *democracy*; veto power is for the people. The second commonwealth that sovereignty is vested to a group of individuals in which only few individuals have their say is named as *aristocracy*; the veto power is for nobility. The third type of commonwealth where sovereignty is vested to a single individual is named as *monarchy*; veto power is for the monarch himself.

However, the earliest political writers presented three other types of commonwealths which stand in opposition to the above mentioned ones respectively: anarchy, oligarchy, and tyranny. But for Hobbes (1998, pp. 92-93), these are not additional forms of autonomous government rather these are terms that human beings employ when they are dissatisfied with previously mentioned three forms of government; that is, when they dislike democracy they call it anarchy (confusion), when they dislike aristocracy they name it as oligarchy (government by the few or the wealthiest), and when they dislike monarchy they call it tyranny. For instance, anarchy means there is no government at all; and if there is no government there can be no commonwealth, as such anarchy is not a form of government but rather the term used by individuals who damn democracy. When we consider the case of monarch, individuals call a

monarch as king (who rules well) when they want to praise him and others may call the monarch as tyrant (who rules badly) when they want to blame or damn him. And aristocracy means government by the few best; however, what is best for some individuals may be the worst for some others.

Thomas Hobbes (1998, pp. 117-126) as the philosopher of power argues that monarchy is the best form of government; because in monarchy, sovereignty is held in the hands of single individual and for Hobbes sovereignty must not be divided. But when we consider the case of both aristocracy and democracy the sovereign power is held in group; and as such when decision is to be made, meeting is necessary and also there may be conflict of interest between and among the members of the group, and may be unable to make immediate decisions for the common good and security. But in the case of monarchy, making decision is easy in that there is no other persons required but only the monarch himself can readily decide on matters and hence there can be no conflict of interest and it is in the monarch that the interests of the majority best united. For Hobbes, the reason why he provides sovereignty for single individual is the fear of civil war in that if there is conflict of interests among decision maker, there may be circumstances which lead to civil war.

From the three types of governments mentioned above, Hobbes prefers the monarchical government where the sovereign power is exclusively held by a single individual. Conflict of interest in the state of nature is the source of quarrel, and Hobbes is demanding undivided sovereignty where one decides for all and no conflict of interest that led to war. In the remaining types of government, sovereign power is held in group (though the members of the group in each type of government differ) and it is more likely that there will be disagreement among members who are going to decide on different issues, which may led to civil war that Hobbes is

being frightened by. But as said before, it is in the presence plurality of ideas that things can be viewed from different vantage points and progress will be made. And also a monarch having absolute power may be less wise; and it closes the door for the coming of best leaders who can better change the nation. It is also in the presence of separation of power and check and balance between the three branches of the government that provides space for individual liberty and other related opportunities.

1.6 Hobbes's Rational State

The whole political theory of Hobbes is an effort to rationalize a firm conception the *Ideal* state. An interesting part of his political theory rests on his effort to describe the ideal state absolutely in amoral terms. While many political thinkers understood the ideal state as moral terms, Hobbes understood it as rational ideal; as such he considers the ideal state as the type of state that would come into being if and only if human beings *rightly judged* the best means to attain their desires. According to Hobbes, the end of the government must not be to attain and preserve the system of morally ideal state but rather to realize the essential needs of its people. His main purpose in *Leviathan* is to warrant his political principle, being the nature of human beings what it is, powerful government having an absolute power that is conferred based on agreement, will provide the best guarantee for the basic desires of human beings: peace and security (A.R.M.Murray, 2010, p. 71). But the question is what does Hobbes mean by saying that ideal state will come in to existence if and only if human beings rightly judge the best means to attain their desires, and who is the judge for the means employed means to be right; Hobbes also says by using right reason yet without defining what is right reason.

Accordingly, the political theory of Hobbes is teleological, the teleological theory of fundamental and amoral sort that tries to justify the organization of government based on its

purpose in advancing the attainment of human beings' desires. However, Hobbes does not set any autonomous reference according to which human desires can be judged (A.R.M. Murray, 2010, p. 72).

When Hobbes talks about amoral state he does not reject that moral concepts like right, wrong, good, ought and the like have some meanings; rather he rejects that these moral concepts possess meaning which seems to be implied by ordinary speech. It seems to be entailed by common speech that these are designations for exceptional ideas of a distinct character that cannot be defined in terms of desire and interest. On the other hand, Hobbes contends that they are nothing but optional names for concepts that can be vividly expressed in terms of desire and interest. His contention is that the facts of politics can be described in terms of desire and interest. As such, for Hobbes, it is interest, not duty, that describes the obedience shown by the subjects to their sovereign. Hence subjects have no moral obligation to obey the sovereign, rather rational obligation in that they have to do so if they want to enjoy peace and security (A.R.M. Murray, 2010, p. 72).

The political theory of Hobbes is entirely based on factual claims; not in moral basis for there is no accepted standard by which the truth and falsity of moral claims can be judged. He attempts to describe the whole realities of politics entirely in terms of realities of human desire, and the means of attaining them, regardless of any autonomous moral reference. As such he presents a good option to moral theories which was advocated by many thinkers before him. The possible significance of his theory has become noticeable with the overall deterioration in moral faith that has been observed in the contemporary period. If this decline perpetuates, and moral claims continually become less suitable as basis for political society, the optional principle

forwarded by Hobbes may be recognized as the correct groundwork (A.R.M. Murray, 2010, p. 72).

Hobbes's understanding of the ideal state as rational state and also his purposeful conception of the government is remarkable. It is correct that the government is established not for its own sake, but for some purpose: to meet the demands of its citizens. As Hobbes says, the main relation between the ruler and the ruled is not primarily moral obligation and vice versa; however, the moral values of the nation must be recognized by the government unless and otherwise, its survival will be doubtful. Especially in the country like ours, moral values have their own significance in no less (if not more) than the rules and regulations of the government.

Chapter Two: Locke on State of Nature and Social Contract

2.1 Locke State of Nature as Moral

The political theory of John Locke, like that of Thomas Hobbes's, can be understood with his experience of his time which was the time of disorder and civil war in England. Locke's state of nature can be viewed in comparison to Hobbes's state of nature. Hobbes's representation of state of nature is primarily more individualistic; and also he considered state of nature and state of war to be the same; since there is no trust between and among human beings in their natural conditions, each one of them is always ready to confront the danger that may be posed from anyone else at any time. However, Locke focuses on the level of trust that can faithfully put in others; Hobbes compels human beings to think of what has to be done if the trust collapses. There is mainly the difference in direction of emphasis in Hobbes and Locke; in that Locke focuses on sociability of human beings, where as Hobbes focuses on individuality. However, both of them acknowledge the importance of consent to form government. Even though Hobbes takes a firm stand that the absolute sovereign is the final enforcer of agreements, he is conscious that this will continue so long as it can get the intended support of the majority. When the sovereign wants to force every person, he lacks the power even to force a person. As such, both understood the unfeasibility of establishing government based on simple self-interest (Fornieri, 2009, p. 277).

Like Thomas Hobbes, John Locke analyzed state of nature to justify the necessity of government; however, Locke's account of state of nature and government is to some extent differ from that of Hobbes's. In that Hobbes wants an absolute government, whereas Locke wants limited civil government. The political thought of Locke (1823, p. 106) is to justify legitimate political authority, which he defines as:

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 the commonwealth from foreign injury, and all this only for the public good.

Political power can be exercised only to promote and protect the common good of the society. In other words, whatever type rules and regulations, decisions, judgments, punishments, and the like may be enforced; but all these must ultimately aim at the common good.

As said previously, state of nature is the condition of human beings before the establishment of government; or there is no set authority on earth to appeal for something. When Locke (1823, p. 106) talks about state of nature, he considers the natural condition of human beings as having their own possessions, and it is a condition of perfect liberty to act as they like, and to manage their properties and themselves in the way that they consider better, and all this can be done with limits of law of nature, regardless of asking any kind of permission from fellow man. Locke considers state of nature as:

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another, without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.

Unlike that of Hobbes whose equality of individuals in the state of nature is based on the potential to destroy each other, Locke states that in the state of nature every individual is equal with all the rest, since they all belong to the same creator (God). All things are in the hands of God, and it is God who can make everything as He pleases in the life of human beings.

According to Locke (1823, p. 107), though state of nature is a situation of liberty, it is not a condition of *license*; although every human being in state of nature has an uncontrollable freedom to manage his properties and himself, yet he has no freedom to destroy himself.

Although there is no government human beings are still subject to the law, which is natural law that comes to human beings from God. He states:

The state of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another's pleasure.

For Locke state of nature is not empty but has its own law of nature according to which human beings ought to act. This law of nature can be discovered by human beings using reason. However, he recognizes this law of nature to be the will of God. Accordingly his position is closely related to traditional Christianity. No harm is allowed between and among individuals themselves. But God can make them as He wishes since they belong to Him and created by Him.

As Locke(1823, p. 107) says, human beings being endowed with the same faculties and sharing all things of nature in common, one individual cannot exploit another; and no one can destroy himself or another; that is, human beings cannot use as a means one another but other inferior beings are created to serve human beings. Each and every human being is confined to preserve him/her self; and by the same logic he ought to preserve all humanity in general as much as possible. One cannot harm another if it is not to do justice on a wrongdoer, who do harm on someone.

According to Locke (1823, p. 108), in the state of nature everyone has an executive power to enforce the law of nature. So long as no one can pose any harm on another, as such if one invades another, everyone can take corrective measure on an offender. According to Lloyd Thomas, the presence of individuals' right to punish an offender in the state of nature is vital to Locke's explanation of how justifiable political authority can come in to being. The executive power of the law of nature has three main aspects: 1) The right to judge for oneself what deeds are and are not hand in hand with the law of nature. 2) The right to restrain attempts to transgress

the law of nature, this may be done even using force when necessary. 3) The right to decide what is proportional punishment and also to apply punishment on an offender, who according to one's judgment transgressed the law of nature (Thomas, 1995, p. 21).

According to Locke (1823, p. 108), those who punish an offender must not be in absolute and arbitrary way rather in proportion to his transgression, which is for reparation and restraint. It is for these two reasons that one can rightfully punish another in the state of nature. When an individual violates the law of nature, he is declaring that he is no longer be abide by reason and common equity, which the divine law giver provides to the actions of human beings for the security of humanity in general, rather starts to live by another rule, which is against the principle that God provides; and as such he is a threat to mankind. Law of Nature dictates that in the state of nature man has to preserve him and also mankind in general; as such every individual can punish an offender, who becomes the threat to mankind, so long as the executive power of law of nature is in the hands of every individual. The purpose of punishment is to make regret the offender for his evil deed and thereby learn from this not to repeat for the future, and also to deter others from doing the same evil.

Locke(1823, p. 110) contends that the offender leaving aside reason, the general principle that God provide for human beings to live accordingly, who pose harm on anybody is regarded as if he waged war against all human beings in general, and consequently may be destroyed as any kind of wild beast with which human beings can have no association. It is on the basis of this that the great law of nature is based, which is “Whoso sheddeth man’s blood, by man shall his blood be shed.” In other words, individuals who deny the commonly accepted principle are considered to be against of human community and no one can have unity with them.

As Locke (1823, p. 110) says, in the state of nature each evil doing may be punished accordingly, that is, to the extent that it will be a lesson for an offender and others not to do such kind of evil deed, the punishment must assure that the violator is not beneficial in violating. Every violation in the state of nature can be punished in the like manner that can be punished in commonwealth. The positive laws of any commonwealth are derived from the law of nature, and positive laws are right so long as they go hand in hand with natural law, according to which positive laws can be regulated and interpreted.

As said in the previous chapter, Hobbes also claims that the punishment of any violation must be greater than that of the benefit expected by violating; this is for the fact that it will deter from doing the same in the future and others can also take a lesson from that punishment. Accordingly both Hobbes and Locke have similar intention in justifying punishment of the violations in the state of nature.

So long as the executive power of law of nature is in the hands of every individual, Locke (1823, p.110) also considers that the possible objection (from the advocates of absolute monarchy) that it will be not logical that human beings can be the judge on their own cases, and they will be partial for themselves and friends; in addition to this human beings may not properly execute the law of nature because of malevolent disposition, passion, sense of vengeance, and the like, as a result there will be chaos and uncertainty; and that God appointed government (absolute monarch) to remedy bias and aggression of human beings. For this Locke admits that civil government is an appropriate solution for uncertainties of state of nature. Locke wants to remind those who advocate absolute monarch as a remedy that absolute monarchs are also human beings; for government to be the solution of uncertainties of state of nature that follow from human beings being the arbitrator of their own cases, and to stop state of nature, Locke

wants to comprehend what type of government that is, and to what extent is it better than that of state of nature, in a situation where one man ruling the majority possesses a freedom to arbitrate his own case and also of others' as he wishes, which is forbidden for human beings to do one another in the state of nature. Whenever one judges his own case and of others' judges inappropriately, he is responsible for his decision to the whole human beings.

Many wondered that whether there are, or were places wherein people live in the state of nature, in other words, is there a time when state of nature really exists. To this Locke (1823, p. 111) responds that even currently there are human beings living in state of nature; as he says, rulers of sovereign states are in the state of nature one another, whether they agree or not to end this state of nature, since it is not only agreement and promise between human beings that end the state of nature; but the state of nature can come to an end only if the rulers of sovereign states made mutual agreement and make one body politic.

However, unlike Hobbes, who made state of nature and state of war as the same, for Locke state of nature and state of war are not similar. Locke (1823, p. 112) states that:

The state of war is a state of enmity and destruction; and therefore declaring by word or action, not a passionate and hasty, but sedate, settled design upon another man's life puts him in a state of war with him against whom he has declared such an intention, and so has exposed his life to the other's power to be taken away by him, or any one that joins with him in his defence, and espouses his quarrel; it being reasonable and just I should have a right to destroy that which threatens me with destruction; for by the fundamental law of Nature, man being to be preserved as much as possible, when all cannot be preserved, the safety of the innocent is to be preferred, and one may destroy a man who makes war upon him, or has discovered an enmity to his being, for the same reason that he may kill a wolf or a lion, because they are not under the ties of the common law of reason, have no other rule but that of force and violence, and so may be treated as a beast of prey, those dangerous and noxious creatures that will be sure to destroy him whenever he falls into their power.

Unlike Hobbes, who considered state of war as a condition where there is no guarantee for peace, that is, state of war is identical with state of nature; Locke considered state of war was not the same with state of nature for it has law of nature to govern it. For Locke state of war is a condition where one wages an open and planned attack against another to make under his own

control. As such the one who is an object of attack has a right to defend him, for the law of nature states that an individual has a right to preserve him and all humanity in general as much as possible. By denying this law of nature an individual who waged a deliberate attack on another is in the state of war with his object of attack and others who will support the victim for everyone is in a position to execute law of nature.

According to Locke (1823, p. 112), someone who attempts to make another person under his own absolute control and supervision without the consent of the person to be controlled, it is at this time that the one who wants to control engages himself in the state of war with the person to be controlled. The one who made another under his control without consent may do whatever anything that he wishes even may kill if necessary, because no one wants to put another in his absolute control if it is not to forcefully command and make slave, which is contrary to natural freedom. Locke made freedom to be the basic for everything else, and says that someone who wants to deprive the freedom of another is regarded as if he also wants to deprive all the rest that the person has; as such by the right of preservation that person (the person to be enslaved) can rightfully destroy the one who is about to enslave himself.

According to Locke (1823, p. 113), though some thinkers confused state of nature with state of war, there is a clear difference between them; and the difference is like the difference between state of peace, good will, mutual assistance, and preservation; and state of enmity, malice, violence and mutual destruction one another. As he says, human beings who live together based on the principle of reason in the absence of common power to judge the differences between them is considered as state of nature. But force, or an affirmed plan of force on another in a situation where there is no common power to appeal for relief is a state of war;

and it is this absence of common power that gives an individual the right of war against the attacker, even if he may be the member of the society.

2.2 Natural Law and Natural Rights

The political philosophy of Locke, like that of Hobbes's, is a political theory committed to establish an ideal state. The difference between the ideal state that Hobbes and Locke want to establish is that Hobbes perceives it as a rational state, while Locke perceives it as a moral state. The political thought of Locke relied on the supposition that there is a law of nature, which is especially of moral nature. As such, he understands the ideal state as morally ideal state. As said before, Locke's state of nature has its law of nature to govern it; he also regards the law of nature as the *will of God*. The political thought of Locke is not the same with Hobbes basically in their account of human beings from the very outset. For Hobbes human being is a creature actuated by desire and gifted with rational ability capable of calculating how his needs can be fulfilled with the maximum level. Whereas Locke considers human being as a creature whose reason reveals a self-governing law dictating moral principles according to which the action of human beings ought always go hand in hand with. In other words, Hobbes considers human beings as *a rational but amoral being*, but Locke considers human being as fundamentally moral (A.R.M.Murray, 2010, p. 74).

According to Lloyd Thomas, the natural law that Locke is talking about is not any descriptive laws that govern physical phenomena, but rather prescriptive laws. Natural laws for Locke are laws, according to which human action and behavior ought to go hand in hand with, not laws according to which human beings always really do act. This means that natural laws are prescriptive laws out there that human beings ought to act in conformity with, and does not describe the day to day activities of human beings. As Thomas says, to have a better

understanding of Locke's concept of natural law, it is useful to differentiate its two aspects. The first one can be considered as *formal* aspect, which consists of necessary features that make something law of nature, yet Locke does not show specifically what law of nature demands human beings to do. The second aspect is the *specific structure and content* Locke believed natural law had (Thomas, 1995, p. 15).

As Thomas contends, Locke's perspective of the formal aspect of natural law is conformist for his time. 1) A law of nature is a normative law *independent* from human conventions. That is the validity of law of nature does not rely on human conventions; and also the positive laws of the states ought to go hand in hand with the law of nature (however, someone who is not natural law theorist may not accept). 2) The law of nature is the law of reason. To act in conformity with natural law is to act in conformity with reason, and it is quite true for vice versa. Accordingly, we can understand what law of nature demands us to do by the use of reason. But the question is what does it mean to act in accordance with reason, how can one know whether he is acting in conformity with reason or not, and who is the judge for that act. 3) The law of nature is the law that God wants human beings to follow. We can understand what law of nature demands us to do by consulting the will of God as revealed in scripture. Locke thinks that the outcomes of our attempts to understand what law of nature demands us to do by using reason and revelation will be coherent, since the true will of God might not be opposing to reason. 4) Natural law is universal. It holds the same to all human beings whenever and wherever. All human beings ought to be treated according to natural law. All human beings (who have reached the age of reason) ought to treat others according to natural law. The positive laws formulated by different states and different conventions ought to go hand in hand with law of nature. However, law of nature permits variations for different states and conventions

accordingly. Law of nature does not clearly state all specific rules of conduct that human beings ought to follow and act accordingly (Thomas, 1995, pp. 15-16).

According to Thomas, this type of representation of law of nature is unable to show what exactly the law of nature demands human beings to do; it does not also show how it can be vindicated using reason. It is better to consider what Locke believes in application of reason to understand what law of nature is. First, Locke necessitates the basic law of nature, which says that 'all human beings should be preserved as much as possible'. According to Thomas, when Locke says that a specific (non- basic) law of nature is founded out by reason , he means that non-basic (derivative) laws of nature can be reasonably vindicated based on the basic law of nature. In other words, the validity of other (derivative) laws of nature depends on the basic (fundamental) law of nature and certain long-familiar everyday conditions of human life. Locke's understanding of reasonable vindication of law of nature is goal oriented: the reasonable necessity of non-basic law of nature is viewed from the perspective of usual conditions of human life and a certain goal (conservation of humanity) (Thomas, 1995, p. 17).

However, as Thomas contends, to employ the preservation of all human beings as much as possible in order to show the reasonable vindication of law of nature is more of theological than rational in the case of Locke(Thomas, 1995, p. 18). Locke (1823, p. 107) says we are all the creatures of God. He claims that, so long as all human beings are created by the same divine God for His own purpose, the life and liberty of human beings cannot be determined by themselves one another, rather it is God's will to determine whatever is necessary for them.

Locke believes that it is logical to take for granted that if God created human beings, then it is his purpose that human beings should perpetuate to survive as long as God wishes, as such

nobody possesses a right to demolish himself, and thereby human beings cannot transfer this right to someone else: specifically, to the government (Thomas, 1995, p. 18).

The intention seems that individuals being created and came to this world by God and continue to survive as far as God lets them; they have no power to destroy themselves even in the state of nature. Accordingly, the prospective government cannot have power to destroy the people, for government has but only transferred power from individuals, and also since they have no power to destroy themselves, they cannot transfer what they have not.

According to Thomas, if we take for granted theological premise, Locke's attempt can explain that it is reasonable to accept the basic law of nature. However, the contemporary political assumption may not accept the vindication of prescriptive political claims based on theological assumptions; and consequently, Locke's apprehension of the reasonableness of law of nature may be denied. Perhaps a 'secular' vindication of the claim that 'all human beings should be preserved as much as possible' may be provided; however, it is not simple to observe how this can be accomplished. If this is accomplished, it is more probable that more human beings may accept than that of theological one (Thomas, 1995, p. 18).

Natural rights are merely rights bestowed to human beings by laws of nature. These rights are given to human beings by non-basic (derivative) laws of nature, and not by the basic law of nature. This is so for the fact that the basic law of nature only defines the goal to be attained by other laws of nature; yet without clearly indicating what principles human beings are to adopt (Thomas, 1995, p. 18).

According to Thomas, natural rights in the case of Locke appear to be considered as the rights of control human beings possess over themselves. These are rights of self-possession, in that Locke says 'every man has a property in his own person'. Natural rights keep one in

managing oneself in so far as what he does is not contrary to self-ownership of all other human beings. However, it may be questioned why Locke can provide such type of assertion provided that he also believes that human beings are the possessions of God. A potential justification is that Locke is viewing the account of *self-ownership* from different perspective. From the perspective of human beings' relationship with God, human beings are to consider themselves as having a 'lease' and nothing more in their own lives, which can come to an end when God wishes. This may be the case that permits Locke to argue that human beings have no right to destroy themselves; standing in contrary to the contemporary proponents of self-ownership, who guard the right to self-destruction or suicide. However, as Thomas admits, although Locke believes that natural rights similar with that of rights of *self-ownership*, he does not believe that all natural rights are property rights in common sense (Thomas, 1995, p. 19).

2.3 The Concept of Property in Locke

The common preservation of rights that consists the end of civil society is for Locke fundamentally achieved via the protection of property. For him, property is the cornerstone based on which all the rest rights are practiced. For instance, the *right to life* relies on the safe attainment of the means of living; the *right to liberty* may be nothing if there is no economic autonomy that property assures. As such for Locke someone who is deprived of his possession is thereby deprived of his life and liberty that relied up on it. For Locke the concept of property cannot be seen separately from the concept of man (Fornieri, 2009, pp. 282-283).

According to Locke (1823, p. 115), human beings once came to this world have the right to preservation, and thereby to all necessary means available to get what is vital for their survival provided by nature or God. God has bestowed the earth for all human beings in general. But the

question is, putting in to consideration this assumption, how can it be possible to have one's own property?

As Locke (1823, pp. 115-116) says, God, who has bestowed the earth to all human beings, has also endowed them the faculty of reason to employ it for the best benefit of survival and *conveniency*. The world and everything in it is bestowed to human beings for their best continual existence. Although substandard (inferior) beings belong to human beings in general, there must be some way by which human beings make things their own prior to these being owned and utilized by someone else in particular. Locke (1823, p. 116) states that:

Though the earth and all inferior creatures be common to all men, yet 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. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it that excludes the common right of other men. For this "labour" being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.

The intention of Locke is that even if the world and all lower beings in it belong to mankind in general, an individual is propertied in himself that he exclusively has a right to it, which is his labor. His own labor and the products of his labor are appropriately belongs to him, and not to anyone else. Accordingly, whatever that he makes out of state of nature by mixing his labor with what nature provides belongs to him, and thereby he makes it his own property. However, in doing so he has to make sure that there is enough left for others.

Locke (1823, pp. 116-117) contends that someone who is alimeted by the acorns he picked up under an oak, or the apples he collected from the trees in the forest, has surely made them his own. No one can deny the fact that the aliment is only his. But the question is when did these things start to be his possessions? According to Locke, it is the first assembling, by employing his own labor to make out of state of nature, which made these things his possessions.

By employing his labor, he added something to that thing which was in mere state of nature, and thereby he started to have private right over these things. No one can deny that labor is one's own and by mixing his own labor with something held in common, he makes that thing out of state of nature; and thereby those things begin to be his own private property, without asking the permission of the commoners. As such it is one's own labor that lets someone to have private property.

Locke (1823, pp. 117-118) admits the possible objection that if assembling the fruits of the earth and the like gives right to them, then somebody may monopolize as much as he wants. Locke responds to this objection by saying that this cannot be so, because the same law of nature applies with the limits of property as it gave human beings property. God has bestowed human beings everything amply. Everyone can own things so long as he can consume before it perishes; and God provided for human beings nothing to waste. Unlike that of Hobbes who claims that natural resources are limited, Locke contends that there is no scarcity of natural resources, and also reason dictates that one can have property that he can make use of before it perishes; or what is beyond his consumption is not his share, but for others. As such there can be no disagreement and conflict regarding possession. When God bestowed the world to human beings in general, also ordered human being to work and fulfill his needs. God and his reason ordered man to inhabit the world for the advantage of life by mixing with it what is his own, his labor. Someone who acts in accordance with the order of God cultivate the piece of land by his labor and make his property, yet it must not be preoccupied by someone else and cannot be taken away by another without harm.

According to Locke (1823, p. 118), making the piece of land one's own and cultivating it does not harm someone else, because there is still sufficient left for others to cultivate. In a

situation where there is sufficient river water to fetch, no one should assume that he is harmed by the drinking of another, though he is thirsty. The same is true for the case of land. the intention of Locke is that God provided human beings everything abundantly; as such everyone can cultivate to support his life and make it out of state of nature, but when doing so , one must make sure that there is enough left for others. When God gave the earth to human beings in common, it does not mean that it must be remain communal and uncultivated forever, rather to use for the best benefit of life and not to spoil nor to be the source of conflict. Someone who did not cultivate must not complain with another who cultivated some parcel of land and making his own by his own labor, rather must cultivate for himself from what is left uncultivated by his labor.

Naturally, as Locke (1823, p. 119) says, every individual has something in his own, his labor, and since the earth is given by God to all human beings, human want and the command of God forced them to work; and thereby private property is introduced. The standard of property as nature put is determined by the degree of human beings' work and the *conveniency of life*. The labor of a single individual might not control all, nor might he can make use of greater than a small share. In other words, when one cultivates a piece of land or other type of thing as a private property, he has to make sure that there is enough for others to cultivate like he did, or it is not possible to occupy something that is preoccupied by another, so that there will be no conflict. Labor is the difference maker in the value of things.

As said previously, human beings can accumulate private property consistent with their consumption and nothing to perish. As Locke (1823, pp. 124-126) admits, the size of one's property is determined not by the quantity of his possession, but by the thing that is to perish before consumption. That is, if there is nothing to perish, the increment of property can go on. Accordingly, the introduction of money (with the consent of human beings for its worth and use)

comes up with the radical change of the inherent worth of things; so long as money (like gold and silver) can stay for a long time without perishing. Moreover, an individual can have possession beyond his consumption; and thereby, uneven and unbalanced possession of property prevails in the world with the consent of human beings. Consequently, with the introduction of money there will be unlimited accumulation of possessions, and thereby quarrel will arise. In a situation where there is government, its rules and regulations will adjust this.

Locke does not support unlimited accumulation of affluence for he believed that this will lead to the situation where human beings use all affluences only individually at the expense of the common good. According to Locke, the desire to accumulate unlimited affluence is restricted by three factors. Firstly, human beings are bounded to the accumulation of wealth that they can produce using their own labor. But this restriction will no longer work in the present situation; because industrial revolution and money made unrestricted accumulation possible. The second constraint that Locke formulated from agricultural economy is the notion of spoilage, that is, the accumulation of property for every human being is limited to his own consumption before it spoils. However, in the modern times this will not work for there is mass utilization, money, machines that used to hold products for long time without perishing. The third restriction that Locke put is that when an individual accumulate property he must make sure that there is enough for others or for the common good. But this will not work in the modern world where many things are privately held. However, the implication in the modern public administration is that different common places, parks, and the like must be protected for public good (Griffith, 1997, pp. 232-233). As such the limits that Locke put against unlimited accumulation of wealth are unlikely to function in the modern world.

2.4 Social Contract in Locke

As said previously, in the state of nature that Locke (1823, p. 141) is talking about, human beings once come to this world with absolute liberty and unlimited enjoyment of all the *rights and privileges* of law of nature, this holds the same for all human beings, naturally have the power not only to protect one's own property (that is, one's life, liberty, and estate) from the damages and threats of others but also to decide and penalize the violation of law of nature by any level of punishment in the case of others, if he is convinced, with his own judgment, that the violation demands. As such if political society is to be established and sustain, it must necessarily possess the power to protect property and punish violations in the society, and for this to be so, every member must give up this individually held executive power of law of nature.

Though Locke assumes it is important that the power to enforce the law of nature to be held by single authority, that authority will be legitimate if and only if individuals who are the original owners of that power (executive power of law of nature) agreed to give up it. The intention of Locke is establishing legitimate government that can be legitimately rebelled against if it fails to achieve the established purpose (Thomas, 1995, p. 25).

According to Thomas, Locke suggests a two-phase process upon which government is established. In the first phase of the process every human being enter in to a contract with every other human beings to bring to an end the state of nature by which it is agreed to give up his/her executive power of law of nature, and make this executive power for all who entered to the contract as a group (that is, the executive power is no more in the hands of single individual but held collectively). Accordingly, every human being agrees to give up individually held power to enforce law of nature in a substitute for the adequate share, together with all other contractors, in combined control of everybody's shared power to enforce law of nature (Thomas, 1995, p. 25).

Locke regards this newly formed entity based on agreement as the *community*, which is the midway between the state of nature and the state. It is not the same with state of nature so long as the executive power of law of nature is no more under the control of individuals; and also it is not the same with the state since there is no officially established entity having authority to handle this power; that is, *to legislate, and to enforce the law*. Locke's notion of community is noteworthy in political thought; since it represents the group of human beings who are politically important yet have no official and autonomous political institutions (Thomas, 1995, pp. 25-26).

According to Locke (1823, pp. 141-142), with the formation of community all individual judgments are abandoned rather it is the community which becomes the judge of disputes among its members and also punishes crimes posed by any member against the society based on the established law. Individuals who combined together in to one body and have a common accepted law and court to appeal to, with the authority to settle disputes between them and penalize transgressors, are in civil society each other, but individuals who lack this common appeal are still in the state of nature.

The survival of the community does not rely on the formed constitutional government; however, in a condition where there is no government but only community there is no stability, and the community will break up if the power is not soon entrusted to the constitutional government. This is so for the mere fact that what united the community is nothing but the common goal to bring to an end the state of nature and form civil society (Thomas, 1995, p. 26).

As such in the creation of the community things remain unfinished, and necessitate the second phase to set up civil society. Individuals who made the first contract are in need of avoiding the *inconveniencies* of state of nature: they need a common, undisputed understanding of law of nature, independently implemented. Therefore, their shared power to enforce law of

nature must be conducted by an officially recognized authority, which is regarded as government. The members of the community are the decision makers to which type of constitutional form they are conferring their power to enforce the law of nature. Their executive power should be given to constitutional form, and not immediately to single individual since it is the *constitutional form* that help human beings to distinguish individuals who handle political power rightfully by fulfilling requirements set in the constitution to be legitimate; for instance, to be elected. As Locke suggests, there are different constitutional forms: monarchy, aristocracy, and democracy. However Locke contends that when individuals agree in the *original compact*, they are to be considered as having agreed, at least implicitly, to be concluded by the majority decision as to where their shared power to enforce law of nature is to be entrusted. As such, by the majority decision of members of the community *entrust* their shared power to enforce law of nature to constitutional form of government; thereby the state is formed (Thomas, 1995, p. 27).

However, Locke does not consider the second phase as the contract. The community (capable of the majority) put their given up power to enforce the law of nature in the hands of the government on trust. Locke is not promoting the double contract theory- in the first place between every individual with each other, and in the second place between community as a group and the prospective government. If an individual refuses to acknowledge his legitimate government the duty he dismisses is one owed to his associate individuals and not to the government directly. For Locke the true contract is the first one, but the second one is not a contract rather a *trust*. For Locke the ultimate owner of political power is the people, as such the people can rightfully overthrow the government if it acts against the established purpose. However, Locke assumes that the people may desire to withdraw their power from the government only when they think that the trust is broken. But in the end it is up to the people to

judge, and there is no earthly power that can judge the people, and decide if they had correctly judged that the trust is broken or not. As such the people may withdraw the trust whenever they wish (Thomas, 1995, p. 31).

The reason that Locke considers the second phase as a trust, and not a contract is that if the second phase is considered as the contract, individuals as a group (that is, the community) may have rights against the government when it fails to act in accordance with the agreement or contract, but likewise the government may have rights against the people, which must not be so. If disagreement occurs between the government and the people, no one will be in a position to judge. But if the government gets its power only by being trusted by the people, then the people can rightfully remove their power at any time they think better to do so. As such legitimate government possesses power only on *trust* from the people (Thomas, 1995, pp. 31-32).

As Locke (1823, p. 142) contends the state comes in to being with the power and authority to settle what penalty may seem right to different offences that they suppose fit to it, for the offences posed by the members of the society each other (that is, the *power to make laws*), and also to penalize injuries committed by those who are not the member of the society against any member of the society (that is, the *power of war and peace*), and this is done for the sake of protection of property of all members of the society as much as possible.

As such Locke (1823, p. 146) states that:

Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate and subjected to the political power of another without his own consent, which is done by agreeing with other men, to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left, as they were, in the liberty of the state of Nature. When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest.

Accordingly, the beginning of lawful government is heralded when individuals who are capable of the majority agreed to submit themselves for political power for the common purpose; that is, to avoid difficulties of state of nature and to be protected both from inside and outside threats. Hence, the consent of the majority is the foundation for legitimate government.

However, there are two different forms of the concept- *consent* (express consent and tacit consent) that Locke (1823, p. 157) differentiated. An express consent is a formal declaration that makes an individual a complete member of civil society, and thereby subjects him to the rules and regulations of that government. But the question is what is to give a tacit consent and to what extent it is binding, and makes some one the member of the society and submit him to that government without giving his consent openly. To this Locke says that anyone who possesses any ownership or delectation which is located in the territory of that government (in the area that the government is exercising its power and dominion) is considered as if he gave his tacit (implicit) consent, and accordingly makes himself the subject of that government (that is, under obligation to be abide by its rules and regulations).

However, this position of Locke faced objection from David Hume. According to Hume, firstly Locke seems to assume that the tacit consent may be given not deliberately, merely by dwelling in the place under the dominion of government, though an individual is not aware of he is consenting. But binding agreements must not be given unconsciously. Secondly, for an act to be considered as binding contractual agreement, it must be made freely. An individual should have freedom to do or not to do the act by which the consent is given. But many human beings because of economic, language and other restraints are unable to choose their departure from districts under the government. Individuals who are constrained as such have no choice but to remain in the place where they are, under the territory of government, though not willingly.

Consequently, in a situation like this, the consent is not freely given, and must not be binding (Pojman, 2002, pp. 65-71). As such the objection of Hume regarding tacit consent is persuasive.

2.5 Locke on purposes of Political Society and Government

According to Locke (1823, p. 159), what compels individuals in the state of nature who have absolute liberty like all the rest of their fellows and not subject to any worldly power but only to law of nature to give up their individually held executive power of law of nature is by realizing the uncertainties of state of nature. In the state of nature there is no neutral observer of law of nature and hence individuals are vulnerable to the threat of others and cannot enjoy their property safely. As such, it is to overcome difficulties of state of nature and for the common protection of their lives, liberties and estates, which Locke named collectively as property that they come together to form society or to join the already established one. Therefore, the principal purpose of human beings coming together in to body politic, and subject themselves to the government is the protection of their property; since state of nature lacks many things. Firstly, there is no objectively established and recognized law based on common approval, according to which the right or wrong acts can be differentiated and to settle disputes among themselves. Secondly, state of nature lacks an acknowledged and neutral umpire having authority to decide on disputes based on the established law. Since in the state of nature every individual is both the judge and executioner of law of nature, each person's bias towards his or her own interests, passion, vengeance and the like will make them do favor in the case of his or her own and friends or relatives, and at the same time he or she may not take the case of others seriously. Thirdly, state of nature lacks adequate power to *back and support* the verdict when correct, and to follow up its implementation.

An individual in the state of nature has two powers, as Locke (1823, p. 160) states. The first power is that to do everything useful for the protection of him and to all humanity in general with the bound of law of nature. And the second one is penalizing violations of law of nature. However, he surrenders the first power to be regulated by the society for the common protection of the society. Likewise, he also surrenders the second power totally, as such he stops enforcing the law of nature by his own individual power as he pleases, and help the power of the society to enforce the law of nature as the law of the society demands. Locke (1823, p. 161) states that:

...though men when they enter into society give up the equality, liberty, and executive power they had in the state of Nature into the hands of the society, to be so far disposed of by the legislative as the good of the society shall require, yet it being only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse), the power of the society or legislative constituted by them can never be supposed to extend farther than the common good, but is obliged to secure every one's property.... And so, whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees, by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this to be directed to no other end but the peace, safety, and public good of the people.

The reason why human beings give up their power and freedom in the state of nature is by aiming that their condition will be better than they were in the state of nature, by avoiding its inconveniencies. As such need a political society that can protect their property, settle the disputes among themselves independently, protect from external attacks. In other words, political power cannot be exercised arbitrarily but in a way that people demands, that is, the enforcement of rules and regulations must ultimately focus on the promotion of the common good, and a government can have no other purpose but to enhance the common interest of the people.

2.6 Locke on the Types of Commonwealth

In classical political thought (ancient Greeks and Romans), there were three types of government named based on the number of individuals who share in the rule of the state: may be a single individual, few individuals, or many people. Based on Aristotle's categorization, a

government by single individual is regarded as *monarchy* if and only if he governed to foster and preserve the common good; *tyranny* if the ruler governs chiefly to advance his own self interest. A form of government in which few individuals rule is regarded as *aristocracy* if these few ruled to promote the common good; *oligarchy* if the few ruled for the advantage of the affluent. And lastly, the form of government in which the many rule is *constitutional* government if the many ruled to promote the common good; *democracy* if the many ruled primarily to promote the interest of the poor. However, democracy can be taken as the rule by the majority contrary to rule by single individual or rule by the few (Barcalow, 2001, p. 450). Democracy is not for the poor only rather it is the system of government that many countries of the world strive to achieve.

As has been said previously, Locke (1823, pp. 161-162) argues that the community capable of the majority possesses the power that belongs to individuals of original compact, may make use of all that power in legislating laws for the society from time to time, and enforcing those laws by officers of their own appointing, and this type of government is a perfect democracy; or else if the power of legislating laws put in the hands of the selected few individuals, and their successors, then this type of government is aristocracy; if that power is held by single individual, the type of government is monarchy. The type of government is determined by who holds the supreme power, which is the legislative, for it is the supreme that makes laws. For Locke democracy is the best form of government as opposed to others, for it is democracy that is based up on the popular consent. By popular consent Locke means the consent of the majority, not the consent of each and every individual.

2.7 Locke on Limited Government

Unlike that of Robert Filmer, who advocated and defended the divinely and unquestionable power and authority of kings over their subjects, Locke having rebutted the position Robert Filmer in the first part of the *Two Treatises of Government*, advocated limited government that is based on popular consent only. According to Locke (1823, p. 162), human beings come together and subject themselves for political authority by aiming that the law of nature will be better enforced and thereby they can enjoy their property in peace and secure manner. Locke contends that the power and authority of the government must be exercised to preserve property, or the aim that it was established by popular consent. For him, the supreme power belongs to the legislative that makes laws that bind even the legislative itself.

Though Locke (1823, pp. 162-167) puts the supreme power in the hands of the legislative, there are limits to its power. Firstly, it must not be absolute arbitrary over the life and destinies of the people, for even in the state of nature no one has absolute arbitrary power over himself. Secondly, it must not consider itself in a position of governing as it pleases but limited to promote the interests of the people and must act according to established law; and also there should be recognized adjudicators. Thirdly, it is not allowed to take even some fraction of the possession of anyone without his permission, for its main goal is to protect property and not to dispossess. And fourthly, it cannot shift its power for others, so long as it is delegated power by the people. It is the people who can transfer that power.

The incorporation of consent in to a legislative procedure that is the foundation of civil society does not signify that consent to all its judgments. Absolute assent is unlikely among collective bodies. Even the legislative will not continue ineffective by lacking the consent of all. Consent is but the agreement to the process that consists of the probability that the minority will

disagree with the majority. Majority rule is the best principle by which the group can successfully function. In the original compact, the community is formed by the consent of all individuals, and thereby the community is established to behave as one body, which is the *will* and decision of the majority (Fornieri, 2009, p. 291).

So long as an individual in the state of nature has no arbitrary power over the existence, autonomy and property of someone else, rather to protect him and all humanity in general with the bound of law of nature, and he gives up to the commonwealth, and thereby to the legislative power; as such the legislative cannot possess power more than an individual had in the state of nature. Accordingly, the power of legislative must be fixed to the promotion of the common good of the society. According to Locke, any government must act in accordance with law of nature, its act will be wrong if it contradicts with law of nature. As such no government is in a position to rule as it wishes. This position of Locke is opposed to the doctrine of *Divine Rights of Kings*; according to which whatever is done by the king is right since his power is gained from God and since his acts signify the will of God. Locke believes that kings are but human beings who are under the domain of moral law and are likely to transgress it (A.R.M.Murray, 2010, pp. 75-76). Locke is correct in arguing that kings are but human beings and liable to do whatever an individual may do.

Locke's focus on the moral limitation of the power of government is opposed to Hobbes's promotion of the absolute sovereign. Hobbes did not acknowledge any moral restriction to the power of government; however, he admits that the power is not irreversible. Hobbes contends that it is the will of individuals to allow absolute authority to the government so far as it accomplishes the established end, that is, uphold public order and security; but he recognizes that if the government is unable to achieve this goal, they can stand against it. Hobbes focuses

primarily on the benefit of obeying governmental authority at the expense of vindicating revolution; however, he was influenced at least partially by his own experience of civil war. As such the main conflict of their idea on the extent of governmental power is of *emphasis* and not of *principle*, for they vindicate revolution from different perspectives. That is, Hobbes says that revolution is vindicated 'on the ground of individual-self interest if the government failed to uphold the rational laws of Nature', where as Locke assumes that it could be vindicated 'on moral grounds if a government failed to observe the moral law of Nature' (A.R.M.Murray, 2010, p. 76).

Hobbes and Locke focus on two different, yet *complementary principles* in all government. For Hobbes, it is the *essence* of government to rule, and to do so it should have enough power to put into effect its determinations on the ruled. For Locke this type mandatory authority can be implemented if and only if the government got the support of the majority; and also he recognizes that human beings are justified in standing against the government if it denies the moral values they recognized. Hobbes also acknowledged the voluntary foundation of government at least in the commonwealth by institution, that is, where he focused on the voluntary nature of social contract, but he did not pay more attention for the conditions people may stand against the government; though he put exceptions. This divergence of stress on the relative significance of consent and authority emanated from Hobbes's strong belief that the primary need of human beings is to have 'strong and stable government', and Locke's worry to give good reason for rebellion against the monarch who harmed him and whose guiding principle, as Locke believes, is contradictory with moral law. Accordingly, the significance of the consent of the people is implicit in the case of Hobbes's understanding of commonwealth by institution, while Locke believes that the consent of the people (the majority) is essential to assure the enforcement of law of nature by the government (A.R.M.Murray, 2010, p. 76).

2.8 Locke on Rightful Revolution

As Thomas claims that the main intention of Locke in the *Second Treatise* is to give good reason for revolution. For Locke to argue that there was a means according to which the government may come to hold legitimate political power was not something strange to the thinkers of his time. Rather what was strange was to claim that the very foundations for possessing that government lawful political power (provided that it fulfilled some requirements) were also foundations for revolution (if it was unsuccessful to fulfill those requirements). For Locke, the true foundations of rightful government also provide, in the proper conditions to give a good reason for rebellion (Thomas, 1995, pp. 57-58).

According to A. R. Murray, regardless of whether law of nature is a conditional or an unconditional standard, Locke's understanding that rebellion is vindicated when the law of nature is transgressed by a government seems to be significantly acceptable both as an explanation of the ground and as a validation of rebellion. The moral and political authority of the government will be accepted and the majority of the people will be under obligation to obey the government if and only if the government functions in accordance with the existing moral bounds defined and accepted by a society (A.R.M.Murray, 2010, p. 79).

In order to rationalize revolution Locke (1823, p. 169) states that:

Though in a constituted commonwealth standing upon its own basis and acting according to its own nature—that is, acting for the preservation of the community, there can be but one supreme power, which is the legislative, to which all the rest are and must be subordinate, yet the legislative being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them. For all power given with trust for the attaining an end being limited by that end, whenever that end is manifestly neglected or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security.

Accordingly, the intention of Locke is that a government is formed with trusted power from the people purposefully; that is, to overcome the difficulties of state of nature and protect the life,

liberty, and possessions of individuals. As such the government will stay in power if and only if it acts in accordance with its trust, and the people (the majority) can remove or change the government whenever the government acts against its trust. Therefore, the government has only delegated power and the ultimate political power is in the hands of the people.

A legitimate government (a group of individuals having political power rightfully) has to fulfill two requirements. The first one is that they must be fitting individuals to seize the political power in question in accordance with the constitution of that political society. The second one is that the political community perpetuates to put their trust in that constitutional form. Devoid of that trust the constitutional form has no more legitimate for that political community. Accordingly, when the greater part of that political community removed their trust, departing the constitution and individuals who are in power under it without legitimacy, the room for revolution is open; that is, if individuals who possess political power refuse to leave their power under such condition but rather insist to stay in power forcefully. In this condition, Locke asserts that it is not the people who revolt against the government, since individuals who previously possessed authority are no more the people's government; instead it is the previous governors who revolt against the people, since they want to stay in power forcefully without the trust of the community (Thomas, 1995, pp. 60-61).

There are many conditions in Locke that pave the way for justifiable rebellion. First, when the government is unsuccessful to execute the law of nature: this may occur in two ways; either the government may efficiently execute strategies exactly opposing to the law of nature (may be genocide) or unusually, repeated ineffectiveness in executing the law of nature, but not from perverted objective. Second, when the government is unsuccessful to promote the public good, for Locke believes that political power is to be exercised only to enhance the common

good. Third, when the government loses trust, for the government has power only from the trust of the majority, and if it misses this trust it also misses its legitimacy. Fourth, when the government fails to function within the limits of positive law. Locke demands the government to operate in accordance with the well-known positive law and the existing constitutional practice accepted by that political society (Thomas, 1995, pp. 62-65). In other words, the government that functions contrary to what is accepted by the people can be rightfully rebelled and replaced with another that they think better.

Chapter Three: Hobbes versus Locke and their Influence on Modern Political System

3.1 Hobbes versus Locke on State of Nature and Social Contract

Hobbes considers human beings as solitary and selfish, who do not concern for others (individuals think of their own interest over others), while for Locke human beings are social beings with some sort of obligation one another. Hobbes understood state of nature as war of all against all, that is, he identified state of nature to be the same with state of war, since he defines war as the absence of assurance for peace; there is no common power to be feared, perpetual fear, no difference between mine and yours, no morality, no justice and injustice, no propriety, life is nasty, brutish, poor, and short. Whereas for Locke, state of nature is a state of equality and freedom with the bound of law of nature, not the same with state of war, for he identifies state of war as the situation where one openly attacks another to make under his control, there is property since it is related to the exercise of labor, no government with authority, there are moral limits to the people.

Though both admit the presence of law of nature, Hobbes regarded it as *rational* while Locke understands it to be *moral* in character. For Hobbes, an individual can do whatever he thinks fit to preserve his life; an individual cannot give up the right of resisting things that attack him forcefully to take away his life; human beings are equal. Whereas for Locke the basic law of nature states that mankind in general should be preserved as far as possible; human beings are free, equal, independent; law of nature can be discovered by using reason; for him natural law is the will of God. When they talk about equality of human beings, Hobbes is referring to equality to destroy each other, while Locke is referring to all human beings belong to the same species and created by the same God with the same advantage of nature.

In the case of the right of nature, Hobbes says that it is the right to life, the right to equality, and the right of an individual to do everything necessary to self preservation even at the expense of others. On the other hand, Locke regards it as the right to life, liberty, and property with respect to the life, liberty and property of others, all human beings have natural rights or these are rights that human beings are allowed.

When we consider social contract, Hobbes contends that individuals collectively agree to lay down their natural right to do everything to a sovereign, and thereby their natural freedom and power is given up to a sovereign. However, when an individual is to give up his natural right to do everything, he must also make sure that others also do the same, for giving up his natural freedom and power when others do not will put him in danger from others who did not give up their rights and power. By giving up their natural rights and power, the absolute sovereign is formed that can impose law and order to avoid state of war. The social contract is an alienation contract for once individuals enter in to contract and gave up their natural rights they cannot reclaim it, though Hobbes put exceptional conditions under which individuals can reclaim and stand against the sovereign, that is, when it fails to protect their peace and security. Hobbes focuses on obedience than revolution; Hobbes advocates absolute government, and can be considered as political absolutist. But for Locke, government comes in to being by the consent of the people to protect their natural rights and promote the common good; majority rule is exercised to pass decisions; people can revolt against government at any time when they think it acts contrary to the established purpose; the main purpose of the government is to protect individuals property (life, liberty, and estate). Unlike Hobbes, Locke focuses on legitimizing revolution at the expense of obedience- for government has but delegated power. Locke advocates limited government. The social contract in Locke is an authorization contract, not

alienation contract like that of in Hobbes, for the society can withdraw their contract and depose government when they find necessary; morality and private property exists prior to the establishment of government.

Despite their differences, Hobbes and Locke have similar positions in some aspects. For instance, they both agree that state of nature is an ill condition; both consider the case of state of nature to justify the necessity of government; for both the government is the proper solution for inconveniencies of state of nature; natural law can discovered using reason; they have similarity in self preservation, though Hobbes's is more individualistic; in that in Hobbes state of nature an individual can use any thing that he thinks best for his own preservation even at the expense of others; whereas in Locke, though he supports self preservation, he advocates this together with the preservation of others; for both state is an artificial entity.

3.2 The influence of Hobbes

Thomas Hobbes, though Machiavelli was the first, breaks the medieval tradition where there was no separation of state and religion and most importantly church had dominant power. During the medieval period, for the government to be legitimate, it has to get acceptance in the face of church (Olafson, 1966, pp. 15-20). In other words, the rules and regulations of the government, if government is to be legitimate, must conform to the natural law, which is considered to be the will of God. Breaking this tradition, Hobbes envisioned the absolute government regardless of the blessing of the church for its legitimacy. Unlike the medieval, his absolute sovereign does not demand the approval of the church or the pope. Thereby Hobbes provides at least a clue for the separation of state and religion that is to be accomplished by the later thinkers.

Hobbes is also considered as the forerunner of modern liberalism both on his accounts of individualism and of his approval of individual intellectual and moral autonomy. Hobbes focuses on individuality and recognizes the equal natural rights of individuals (at least of liberty), and he understood an individual to be preceding the state. That is, for him, state is an artificial individual is natural. As such, Hobbes breaks the Aristotelian tradition, according to which the state is natural, and by giving primary focus on individuals, he led the foundation for modern liberalism (Apperley, 1999, pp. 165-166). Hobbes did not admit that individuals are capable of self-governing by claiming that individuals are in need of some authority to govern themselves or human beings need some power to tell them what to do.

The influence of Hobbes is primarily due to his conception of power, 'the available means by which the future apparent good can be attained'. His idea of power is all encompassing and influences utmost the foreign policy of so many countries in the world, and at least the domestic political arena, especially that of developing nations. Because in developing countries, those who own political power do many things they want regardless of individual freedom of the citizens of the country more than what is being done in developed countries. The violations of individual rights may be everywhere in the world, but the degree differs, the greatest of which is in developing nations.

Though Hobbes focuses on the rights of the absolute sovereign and the duties of citizens, which is against individual freedom, his demand of strong and steady government is good at least for national defence (Lloyd, 2009, p. 35). That is, if a government of one country is very powerful in every aspect, that country will not be subject to foreign attacks that may be posed in different ways. On the other hand, if a government of a country is weak, that government will be

neither influential on international affairs, nor can preserve the peace and security of citizens of that country, so long as it cannot challenge and defeat attacks.

Hobbes, along with Niccolo Machiavelli, in his account of politics is mentioned as supplying the groundwork for realist comprehension of international relations. Hobbes identifies the situation of an individual in the state of nature to be similar with that of the situation of a state after the end state of nature. In other words, the situation of individuals one another in the state of nature is the same with the condition of different states one another after the end of state of nature. Indeed, it is this similarity between an individual and the state, between state of nature and international relations that comprised the foundation for realist interpretation of Hobbes. So long as there is no common power among individuals in the state of nature, one's own power is the means of his survival. Likewise, so long as there is no common power among states, a state's power is the only means for its survival. According to John Vincent, international politics is the struggle for power; war is unavoidable in global lawlessness, there is no notion of right and wrong, but competing notion of right, there is no society other than the state, international law is an empty expression. The Hobbesian international relation is manifested as absence of authority and collaboration, chaos is the rule and order is an exception, the actors constantly attempt to take advantage regardless of others, and peace is impermanent and can come if and only if where there is a common authority, or if balance of power is preserved (Yurdusev, 2006, pp. 305-307).

According to Hobbes, as has been said in the first chapter of this thesis, even in these days different nations are in the state of nature one another, for they fix their eyes with their neighbor and conduct spying activities one another, so long as a nation has no assurance that its neighboring nation will not attack at any time. This will be avoided, as individuals in the state of nature escape that troublesome condition by transferring their individually held power to one

sovereign, by entering in to agreement and transfer their individual national power by forming a common power that keep the peace and security of all its constituent nations. Accordingly, the influence of Hobbes is tremendous in the establishment of many and different international organizations: United Nations (UN), European Union (EU), Northern Atlantic Treaty Organization (NATO), African Union (AU) and the like. For Hobbes, nations have to agree to transfer their national armed power to protect their interest (except police force necessary for internal purpose) to an international authority, and acknowledge the latter as their only source of global rule and morality (A.R.M.Murray, 2010, pp. 70-71). As such Hobbes influenced global politics.

His concept of power has significant influence in international relations. In these days, where world is becoming a 'village', the decisions and activities of one country is more likely to affect another; during this and the like situation even at the international level, the global decisions are being decided by the most *powerful* nations, and the so called *powerless* nations have no choice but to be abide by the agreements, decisions, and the like that favors the powerful nations. This is closely related to Machiavelli's concept of power. According to Machiavelli (1998), *power is equal to politics*. For instance, if we consider the issue of nuclear bomb, climate change, and the like, critical issues demanding attention; the actors are the *powerful* nations.

Hobbes acknowledges that, at least in the establishment of commonwealth by institution, the consent of the people is important. Furthermore, in his social contract, though he made most of the time as irreversible, he recognized exceptional conditions under which the people can resist the sovereign (when the sovereign fails to protect their peace and security). At least in this case, he provides important element that modern political system should be based up on (the government can stay in power if and only if it protects and upholds the interests of the people).

3.3 The Influence of Locke

Locke influenced the modern political system in many ways. Locke is the first to argue against monarchical government, and advocates government based on popular consent. In the first part of the *Two Treatises of Government*, Locke (1823) refuted the position of those who support the absolute rights of kings particularly Robert Filmer. According to Robert Filmer, some human beings are naturally born as subjects or slaves and continue in the same situation; on the other hand, some are naturally born to rule. He argued that kings have divine rights that cannot be questioned by any human being. As such the monarchs are considered to have absolute right over their subjects. Thereby, Robert Filmer rejected the equality of human beings. However, Locke rebutted this type of argument by claiming that all human beings are free, equal, and independent, and as such no earthly power can make an individual his subject regardless of the consent of an individual. In other words, no one has an arbitrary power over another. For Locke, kings are nothing but human beings and cannot have absolute right over others who are also human beings. It is the same God who creates kings and other human beings, providing the world and everything in it for all human beings in general, not for kings only. Therefore, Locke is the first to come up with consented government.

In his social contract, Locke advocates limited government claiming that government must come to power if and only if it attains the support of the people (the majority) and must withdraw its power when it loses this support. Locke believes that there must be some sort of limitations to the power and authority of the government. Hobbes advocates absolute government with the main purpose of providing security for the people, but Locke advocates limited government for which the protection of property is its primary purpose. According to Locke, the government can stay in power in so far as it gets the trust of the people. As he said,

the ultimate political power is in the hands of the people; that is, the people can withdraw their trust from the government at any time if it fails to accomplish its purpose effectively and replace with a new one that they think will do better. As such, the government is limited to promote the common good of the people.

Locke also provides the foundation for modern liberalism so long as he defends individual liberty and individual moral and natural rights, together with rights to private property. Locke's approach on executive power relied on the conception of constitutional government outlining many fundamental principles of modern liberal constitutionalism. His civil executive neither possesses inexorable primeval power nor a passive submissive to the all powerful legislature. Locke's claim for executive power provides significant liberal constitutionalist aspects in his consideration including the conception of basic principles establishing the legislature and the concept of non legislative role players with a constitutionally protected function in the government. When we consider prerogative, he recognizes a significant extralegal power, but it is one plainly regulated in accordance with the basic constitutional arrangements and laws. Though Locke does not expressly devise substantive constitutional restrictions on government action, his claim does not say the opposite to the likelihood of written constitutions, charters of basic rights, or the formation of constitutionally authorized executive and judicial power. As such his idea of entrusted power and constituent authority is the conceptual prerequisite for the enactment of these distinguishing rudiments of liberal constitutionalism (Ward, 2010, p. 130).

Locke's ideas on government and natural rights to life, liberty, and property are revolutionary. The thought of Locke helped Americans by being a spiritual force beginning from declaration of independence from European monarchical colonizers and perpetuates to the

principles of United States constitution. Locke considered property as the foundation of good government. His approach to property makes him unique from his contemporaries more particularly Hobbes and Rousseau, who also start with state of nature like him. According to Locke, economics, private property, money and all consequential ramifications are at the center of the foundation of politics. Locke associated economy and politics since economic achievement is attached to social contract. As such Locke is regarded as the originator of modern political economy. For him, private property is the key to stabilize human survival, because persons who had private means of affluence were able to take care of themselves. As he said, for any system to function effectively, it has to make available individuals with a technique to defend private attainment of property and hence some level of affluence (Griffith, 1997, p. 231).

In the state of nature, Locke considered every individual to be his own judge; however, individual judgment cannot function for private property issues or for business contracts so long as these cannot be carried out without impartial judge. According to Locke, for individuals to gain and defend private property, government has to establish settled laws, which are the conventional rules formed by the society. There should be consistency of the law to establish private property. Then independent judges are required for fair decision on disputed issues, since land disagreement will make the conduct of individuals violent. So long as it is the labor of an individual that brings something out the state of nature, labor and private property are closely connected. However, the work of human beings is individually and important only when they have title to their land, and only when the government makes available the method to make titles lawful and enduring (Griffith, 1997, p. 232). Thereby Locke also contributed for the modern capitalism.

Locke also influenced the modern public administration system. His influence on public administration is mainly associated with his comprehensive and far-reaching influence on the originators of United States of America and the principles based on which the country was established. It is the American public administration system that influenced that of many countries' all over the world, though there are some influences from German and French. Locke advocates constitutionalism that identifies the connection between political system and bureaucracy, and he is regarded as one of the forerunners who came up with the concept of separation of powers (between legislative and executive branches) (Griffith, 1997, p. 234).

During Locke's time there was no separation of state and religion, rather they were inseparably connected. That is, to pose questions against the politics was the same as to question religious dogma. As such individuals were expected to passively obey and submit to the state and religious authorities. But Locke developed political thought that may help human beings to transform from sorrowful obedience to the bishops and kings to respecting life, liberty, and property as the value to be admired and protected. Even if Locke did not separate state and religion, he presented the groundwork for the task to be accomplished later (Cline, 2001, pp. 28-29). Accordingly, Locke can be taken as contributed his own best for separation of state and religion, which is considered as one of the manifestations good governance these days.

In addition, Locke is regarded to have contributed for free thinking in that he holds that 'human beings can find their own way according to their own lights. Force may not compel an individual to be more or less devoted to his beliefs' (Cline, 2001, p. 31). That is, no external power can make any individual pious or impious; rather it is up to an individual to choose and follow the type of belief that he wants. Accordingly, Locke provides the way for freedom of religion.

Conclusion

Generally, Hobbes, based on his experience of his time, characterizes human beings as selfish, asocial, egoistic, who do not care for the interests of others rather prioritize their own interest even at the expense of others; which is hard to be taken for granted because there are human beings in the world, though very few, who prioritize the common good even at the expense of their own interest. His understanding of state of nature is based on his understanding of human nature. As such Hobbes identifies state of nature, where there is no common power, as a state of war of everyone against everyone. This is so because an individual has no guarantee that he will not be attacked at any time by another, and hence every individual is under perpetual threat from one another. However, Hobbes generalizes the behavior of human beings from his own specific experience; he observed the behavior of human beings during civil war where the brute behavior prevails over sociability and brotherhood. Had it been the case that Hobbes observed human beings in a situation where there is peace, he would not have such an extreme position about the brute character of human beings.

As a philosopher of power, Hobbes considered an individual's own power as the only means by which he can preserve his life in the state of nature, taking force and fraud as important virtues. According to him, human beings have strong and perpetual desire of power after power during their whole life and stops only in death; this is so because an individual does not feel secured with what he already had. For him, in the state of nature everything is for everyone, no difference between mine and yours, no propriety, no morality, no justice or injustice, and the like; all of which come in to being after the social contract. As Hobbes says, the law and right of nature allow an individual to use everything that he thinks fit to preserve his life without concern for others, for he put self preservation to be the ultimate goal in that situation. The law of nature

is not binding in state of nature, though pretends it to be, because Hobbes himself says that an individual is not bound if there is no sovereign to punish. In this case, Hobbes's understanding of human beings seems mechanical in that human beings obey the law of nature by fearing punishment. But unlike other mechanical creatures, human beings have some sort of conscience and will. It is true that human beings do many things by fearing external punishments; but it is not the only, in that they do many things from their own internal motivation.

According to Hobbes, similar passions that led an individual to the state of nature, fear of violent death and yearning for comfortable life, help him to escape state of nature. Human being's experience of state of nature teaches him to use his reasoning capacity to devise Articles of Peace (natural laws discovered using reason), according to which they are to get in to agreement. Accordingly, individuals give up their right to everything and form an absolute sovereign that acts on behalf of them. Once they surrendered their right they cannot easily reclaim (alienation contract), but Hobbes put exception, that is, when the sovereign fails to preserve their peace and security, individuals can withdraw their contract. However, Hobbes focuses on the obligations of citizens and rights of the sovereign, which is against individual freedom, for everything that an individual says or acts is judged according to the interest of the sovereign.

But in the case of Locke many things are different and better. Unlike Hobbes, Locke regards human beings to be social beings who care for others. State of nature for Locke is a state of equality and freedom. Individuals in the state of nature can do whatever they like putting in to consideration the interests and rights of others, but with the bound of law of nature. Unlike the case of Hobbes, morality and private property exist in Locke's state of nature. For Locke, state of nature has law of nature to govern it, and the fundamental law of nature states that all human

beings should be preserved as much as possible. However, Locke considered law of nature to be binding yet without telling individuals what to do specifically. As such, it is difficult to judge what acts can be considered as moral or immoral. For him, every individual is the judge and executioner of law of nature in their natural condition, as such there can be no fair, independent judgment about who violates the law of nature, the amount of punishment, and the like.

Like Hobbes, Locke recognizes state of nature as painful for human beings to continue in such condition. But unlike Hobbes, Locke does not consider state of nature to be the same with state of war; in that for Hobbes, state of war is the situation where there is no assurance for peace; while for Locke, state of war is a situation when an individual attempts to put another under his own control forcefully. For Locke, to avoid difficulties of state of nature civil government based on the consent of the people is necessary. In the social contract of Locke, individuals agree to give up their individually held power to enforce law of nature. Unlike Hobbes, who provides the sovereign absolute power and put individuals under obligation, Locke put limitations on government power and provides the people the authority to withdraw the government when they think better; as such the government has nothing but delegated power. The power of the government must be exercised only for common good, and there are areas that the government must not interfere with an individual, for instance possession. For Locke, the primary purpose of government is to protect the life, liberty, and estate of individuals. Yet, Locke favors majority rule where number matters, and the individual freedom may be violated at least sometimes.

Notwithstanding their differences and shortcomings, Hobbes and Locke influenced the modern political system in different ways. The influence of Hobbes is primarily related to his advocacy of strong government, conception of power, and the formation of different

international organizations. Whereas the influence of Locke is associated with his advocacy of consented government by rejecting monarchical government; and most importantly, his influence to the modern political system is related to his great influence on the founding fathers of America and principles upon which it is established. Because Locke's ideas used as a spiritual force for Americans to fight against British colonial monarchy and thereby led to declaration of independence. In modern times, the American political system is taken as the model by many countries of the world. As such Locke's influence on American political system also influenced the political system of many countries around the world.

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