

A Thesis Presented to
The Faculty of Alfred University

Locke, Hobbes, and The State Of Nature

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In Partial Fulfillment of
the Requirements for
The Alfred University Honors Program
05/2009

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Locke, Hobbes, and the State of Nature

This paper looks at the political theories of Locke and Hobbes and compares them. It then tries to draw some conclusions from their theories and apply those conclusions to our current lives. Social contract theory is a theory which receives much criticism; however, I believe that a closer look at the theory can provide much insight into the role which government should play in our lives.

Social contract theory proposes that governments are instituted to escape the state of nature. This is the state where there is no government to control our actions and we are free to dispose of ourselves and our property as we see fit. Hobbes feels that in the absence of a government people will enter into a war where everyman must fight every other person. Life will become a living hell where people's only concern is their own survival. Industry disappears and life becomes nothing but an amoral landscape. For these reasons, people will try to remove themselves from the state of nature whenever they can.

Hobbes discusses why the state of nature is as brutal as it is. He gives three main reasons why people fight in the state of nature. First he claims that since people will not have everything they desire, they will attack others for personal gain. It is often easier to obtain someone else's possessions than to create your own from scratch. For this reason people will get into fights. The second reason Hobbes gives is that people will attack others out of fear. Since people will fear attack from other people they will want to strike first to protect themselves. This falls right in line with the thinking that the best defense is a good offense. The final reason people fight is for glory. People will seek to gain reputations that they are excellent fighters and not someone to be messed with. This kind of reputation will protect them from the aggression of others and allow them to live in less fear. For that reason they will be quick to attack anyone they think they can beat in order to enhance their reputation. A strong government will keep people from fighting by protecting them from each other and securing their property for them so that they will not constantly be fighting to keep what they have. This will allow

people to be creative and grow as a society.

The natural fix for the state of nature is the social contract. In the social contract, people give up their rights in the state of nature and submit to the authority of a government. Since the state of nature is so awful, in Hobbes' view, an incredibly powerful monarch or similarly unaccountable ruler is needed to maintain the stability of the government. Since the sovereign is completely unaccountable, there can be no breach of the contract by the sovereign, and hence, no rebellion is ever justified. This view of the social contract is not widely accepted today due to the fact that most philosophers find it difficult to justify the idea of a supreme ruler. Hobbes may, however, have been highly influenced by the English Civil War. Though he spent the entirety of the war abroad in self imposed exile, the war still had a traumatic effect on him. In Hobbes's opinion there is no acceptable reason to return anywhere near the state of nature, even should the government become oppressive.

Hobbes also believed that the history of a government is irrelevant. While he freely grants that few if any governments were actually created by the social contract, he feels that this is irrelevant. To him, even a government founded by usurper or one founded on conquest requires obedience since the other option, the state of nature, is not acceptable. Further, since the sovereign cannot be held accountable for his actions, it is irrelevant how he got power since the mere fact he has it makes him unaccountable to his subjects.

Locke has a different view of the state of nature. According to Locke, if left to their own devices people will not start killing each other. To him, the state of nature is simply life without a government; the people in it do not lose all morality. Therefore his state of nature is not nearly as horrific as Hobbes'. He does, however, see several problems with the state of nature. First there is a lack of arbitration. Therefore arguments, once started, will tend to continue without end. Secondly, there is no protection for people's private property. This means that property is insecure and people will not labor in order to obtain wealth that will simply be taken from them. This means that industry will not exist

and people will return to subsistence living. Because of the fighting which results from a lack of arbitration and the lack of private property, people will try to escape from the state of nature.

Like Hobbes, Locke feels that the only way to escape the state of nature is by means of a social contract. However, since his views of the state of nature are not as harsh as Hobbes', he does not feel that the central government must be as powerful or that rebellion is unwarranted. Instead, he claims that the people have the right to demand that their government look out for their best interests. When a government fails in its duty to serve its people they have the right to over throw that government. Unlike Hobbes, who was sympathetic to monarchies, Locke pushes strongly for a democratic government. He feels that only property, which is for the benefit of the owner, can be inherited. Since the government is for the benefit of the governed and not the governors, to him the idea of inheriting governmental authority is wrong.

Locke feels that one of the most important functions of government is the protection of property. He claims that one of the best reasons for having a rebellion is a government which systematically abuses its power to take private property from its citizens to either destroy or use for its own purposes. Locke also sees property as being the way in which new people join the contract. When people inherit property or buy property, they must accept that property in the state it was in, in other words, under the contract. Therefore, while living in harmony with other people does not force you into the social contract, the minute someone obtains property controlled by a government, they become bound by the social contract of that government.

There are a few similarities between Locke and Hobbes. First, they both use the same idea of a social contract. Secondly, they both agree that life without a government is not an ideal place to live. In the state of nature there can be no property and therefore, no industry. In addition, they both say, the state of nature tends to be a more violent place than life under the contract. In times of warfare, they both agree that any action taken to defend oneself is just since there is no arbitrary judge.

Their social contracts are similar as well. Both see the government as needing to serve the people before people are required to obey the government. To Locke, this entails the protection of our property. To Hobbes this service is keeping us out of the state of nature. They also both feel that the stability of the government is important. Locke claims that the government which does a better job of serving its citizens will be more stable and therefore rebellions are justified if they will establish a better government. To Hobbes stability is the most important part of a government. Any action which might lead to the government dissolving is unjustifiable. Therefore he proposes a sovereign which is above not only the law but all question.

Both also concur that when we agree to live under a government we give up some of our rights. And they also both claim that there are some rights which cannot be given up. An example they both give is the right to live. They both claim that no matter what contract we are living under, we always have the right to defend ourselves.

There are criticisms which can be made to both philosophers. Hobbes tends to become excessively fearful of the state of nature and becomes convinced that anything is better. An absolute monarchy is not an acceptable system of government because no person is perfect, and from time to time even an excellent leader will need to be told he is wrong. However Hobbes does do a good job of describing the state of nature. He also realizes that the government needs to protect its citizens from other people. Since one of the main problems in the state of nature is people fighting with each other continually, the government has a duty to protect the people who gave up their freedom.

Locke has a rather unrealistic view of the state of nature. He seems to feel that people will live in peace with each other if given the chance. However this is not a realistic expectation. This view causes him to over emphasize property in his social contract theory. The government needs to protect us from each other as well as our property. Sometimes it may even become necessary to infringe on people's right to own property when it threatens other people. This is a fact which Locke misses.

Still both theories are important because they are two of the first modern attempts to explain government without recourse to a religious explanation. Even though both of them include religion in their theories, it does not play a central role. To these two philosophers, governments are instituted by men for the advantage of the people who institute them. This makes these theories thoroughly secular which is an important step forward in the science of studying government.

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I Introduction

Why does a thing exist? This is one of the most fundamental questions that can be asked about any object. So it should come as no surprise that this question has been asked of the most important institution in our lives, the government. More generally, it is often wondered why we submit to the authority of others so readily and, of even greater importance, why is it thought unjust to not submit to such an organization and what gives them the right to tell their subjects what to do? A popular answer to these questions in early European thought was that the monarchical governments of the time derived their authority directly from the divine authority of God. However this answer is difficult to justify, even if the Bible is accepted without question. Therefore, several English philosophers developed other theories to justify the Government's authority. One way to determine the function of a thing is to look into how and why the thing was created in the first place. Ergo the question was asked “why was government created?” This question led quite naturally to a question which both Locke and Hobbes looked at intensely and to which they came up with two very different answers to. This question is, “what would life be like if there were no governments?” or, “what was life like before there were governments?” This state, where government does not exist, is called the state of nature.

While there is much dissension over the exact details of the state of nature, a few aspects are agreed upon by most philosophers who study this state. First, in absence of government, people are generally left to their own devices for determining right and wrong and governing interactions between each other. Thus the state of nature can be seen as a state of freedom where people are free to dispose of themselves and their possessions as they see fit. This aspect of the state of nature creates dissatisfaction with the state of nature and the degree of this dissatisfaction depends primarily on how the philosopher views human nature. Locke, who sees humans as essentially congenial and logical by nature, sees the problem as a lack of arbitration for conflicts and a dearth of protection for the private property of people. Without a government, when people have a disagreement there is no place to turn to

resolve this disagreement except violence, and there is no simple way to stop the violence because of the lack of an independent authority to judge the conflict. In addition, without protection of people's rights to property there can be no industry since people will not to put forth effort when the rewards for the effort are unlikely or uncertain. Hobbes has a darker view of human nature. He discusses three sources of conflict, "First competition; secondly, diffidence; thirdly, glory."¹ This leads to a far more volatile state of nature than Locke presents. In either case, in the state of nature conflict and warfare is inevitable and "the life of man, solitary, poor, nasty, brutish, and short."²

Since the state of nature is not an acceptable place to live for significant lengths of time, people will wish to escape from or avoid entering such a state. In order to do this they form a contract with each other to give up some of their freedoms to a central authority. This contract is the basis of government and the path to removing oneself from the state of nature. The exact details of what is agreed upon in the contract and exactly how binding the contract is varies depend on the philosopher's view of the state of nature. However, the basic idea is that people agree to let a government dictate what its citizens may and may not do, to arbitrate conflicts between its citizens, and to protect the property of its citizens. One prominent realization of this view of government is that the government exists in order to provide service for its citizens. When Kennedy said "ask not what your country can do for you—ask what you can do for your country." he had the roles of the government and the citizen reversed. Even Hobbes, who claims people must unconditionally accept their government, would say that the most important aspect of government is its ability to keep people out of the state of nature, and therefore the government does serve the people by keeping them out of the state of nature. The responsibility which people have to unconditionally obey their government derives directly from this fact. No matter the contents of the contract however, its most important aspect is that it removes people

1 Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott. (New York:, Touchstone, 1997), 99

2 Hobbes, *Leviathan*, 100

from the state of nature and allows them to form society.

Born in 1588, Hobbes received a formal education from Oxford. His political philosophy was largely shaped by the events of his life. Foremost in these events was the English Civil War which was especially bloody and violent and perhaps even more traumatic for Hobbes who supported the losing side. It is from this experience that Hobbes draws his views of human nature and concludes that the state of nature must, perforce, be a very violent and nasty place. Hobbes became tied in with politics when he secured a job tutoring the son of the Cavendishes, an important noble family. Although he never wielded much political power personally, he became tied in with the monarchy and the ruling class of England. In 1640 he was forced to flee England for his personal safety and remained in exile until the end of the English civil war. Despite the disrupting effect that political events of the time had on his life, he was still able to talk with (and argue with) several notable figures, including Descartes and Bacon. Hobbes seminal work on political philosophy was *Leviathan* published in 1651. Hobbes drew many of his ideas for political philosophy from his work in the scientific fields. He focuses on rationality and logic in his work and makes sure he is precise in the definitions of the words which he uses. Parts of *Leviathan* actually appear similar to a dictionary in that he will spend pages at a time just defining large lists of words in order to be as precise as possible. Hobbes was a stringent supporter of monarchies, arguing that due to the horrific character of the state of nature there are few things the government does which will make life worse than that. Therefore, since the collapse of the government is the worst possible outcome, any kind of subversion of the government is morally untenable and the government must be as stable as possible. To Hobbes, the state of nature is a state which must be avoided at all costs and he bases obedience to the government in fear of the state of nature.

Locke, however, takes a different view of the role of government. Locke was born in 1632 and received his BA from Oxford in 1656. While he was much more involved in revolutionary activities than Hobbes, he missed the English Civil War, which had ended by 1651. Locke's views on political

theory are most notably expressed in his *Two Treatises of Government* published in 1688 but probably written earlier in his life.³ In this work Locke expresses a view of human nature as far less aggressive and amoral, choosing instead to believe that human beings, if left to their own devices would not be inclined to run around killing each other from fear or for glory or gain. To him people are rational beings who will, generally, respect the wishes of their fellow men, even without a government mandating it. The problem he sees is that, without government, any conflict which does arise, and it is indisputable that conflicts will arise, will have no means of coming to a conclusion since there is no authority to turn to. This will lead to violence and things will quickly get out of control. Further, he believes it necessary that the government exist to protect the property of its citizens. Without the government, people's ability to secure their property is uncertain at best, and this will lead to a decrease in the willingness of people to labor. He therefore sees the role of government in more limited terms. Since his state of nature is not an immediate everyman for himself battle, regression into it for a short period of time becomes preferable to obedience to an oppressive government. Therefore, in his mind a revolution can be justifiable given the right circumstances. What should not be inferred from this view, however, is that any revolution is just or that people have the right to overthrow the government for personal grievances. Since the stability of the government is vitally important, Locke spends a significant amount of time discussing what is and is not a morally justifiable reason to rebel against the government. To Locke, the government exists to improve the lives of its citizens.

These two philosophers seem to vastly differ in their respective views of the state of nature and in the conclusions they draw from these ideas. They differ greatly on many incredibly important points such as the rights of the citizens and the role of government in its citizens lives. However, despite their differences in their views of mankind and the state of nature they also agree on some important points. The dichotomy between these two great theorists is not absolute. A closer look at their respective

³ William Uzgalis *Stanford Encyclopedia of Philosophy: John Locke*. (<http://plato.stanford.edu/> 2007)

theories will give some insight into conclusions that can be legitimately drawn from social contract theory.

II. The State of Nature

Since the concept of the state of nature is essential to social contract theory, it makes sense to begin with a closer look at what the state of nature is and the views which Hobbes and Locke hold in regards to this state. Whether the state of nature is a historical actuality or merely a logical construct is a question which has often been asked. Both authors offer the Native Americans as examples of people living in the state of nature, however, from our lofty perch in modernity, we know that this is far from the truth. At the time, however, due to the limited and largely inaccurate data about these people, this was a fairly common misconception. I do not intend to enter a lengthy discussion of this subject so, for the present, let us consider the state of nature simply as a philosophical construct, that is we will ignore any questions about whether such a state did or even could exist apart from a brief look into the opinions of each philosopher.

The state of nature marks a change in the way in which the government was viewed. It actually shares many attributes with Darwin's theory of evolution which was widely attacked when it was first advanced and still is for "stealing" the act of creation from God. Both social contract theory and the theory of evolution are theories about why something exists as it does which look to the object's origin to answer the question. And both see that origin as being worldly in nature. This connection is sometimes missed because both Locke and Hobbes took great pains to not divorce their theories from religion totally thus preventing much of the backlash Darwin experienced. In fact Locke spends the entire First Treatise in a theological refutation of the divine right of kings as presented by Robert Filmer. But unlike the divine right of kings, which requires an active God to create and shape government, social contract theory can easily be divorced from a deity since the burden of creation falls

in the hands of man and is fully explainable without any interference from an outside source. This makes Social Contract theory one of the earliest secular theories of government in modern Europe.

Social contract theory was not new when Hobbes first started writing about it; in fact references to the idea that we since agree to live under the laws, we must obey them go back even as far as Plato. In the *Crito* Socrates explains that since he has lived his life in Athens and profited from the rules of the city he has implicitly agreed to follow the rules. It would therefore be unjust for him to try and escape the wrath of the law⁴. What Hobbes and Locke brought to the idea was scope. They were among the first people to fully explain social contract theory and claim that it as the origin of all government. *Leviathan* and *Two Treatises* are the first books to offer a full defense of Social Contract Theory and take a deep look into the consequences of these views.

What the state of nature is depends on who is asked. But, the basic idea is that it is a description of what life is like without a government. From there it comes down to a question of human nature. Hobbes says that humans will naturally degrade into a war of everyman against everyman. He is often criticized for having an overly pessimistic view of human nature; however it can be argued that his view of the state of nature can be reached without the necessity of assuming all men are violent or contentious. Even if a relatively small portion of the population becomes unruly in the absence of government, the rest of the people will naturally become violent and suspicious out of self defense. Due to this view of human nature, his view of the state of nature is horrific. Locke has a much more optimistic view of human nature. He feels that, left to their own devices, people will generally get along quite well. But he feels that in the state of nature quarrels will grow without end given the lack of arbitration. He also feels that in the state of nature, the uncertainty of property will lead to a lack of innovation and labor. His view of the state of nature is a suboptimal society which will never progress

⁴ Celeste Friend *The Internet Encyclopedia of Philosophy: Social Contract Theory*, (<http://www.iep.utm.edu/> 2006), 2

past simple clan warfare, however, this is far from the nightmarish moral wasteland which Hobbes theorizes.

III Hobbes and the State of Nature

Hobbes starts his argument for the state of nature thus: “*Men by nature equal*”⁵. He goes on to explain that when he says that men are equal, he means not that everyone is the same but that “... the weakest has strength enough to kill the strongest ...”⁶ and that “they [men] will hardly believe there be many so wise as themselves, for they see their own wit at hand, and other men's at a distance.”⁷ Essentially saying that people are equal since they have the ability to kill each other, and since few people will admit to being stupider than the rest the gaps in intelligence cant be overwhelming. He continues from here to say that this state of equality, far from being liberating or helpful, gives rise to conflict. Because in the state of nature no man is secure in his property and life, everyman must fear for invasion by his neighbor. For when all men are equal, all men have equal hope of achieving their ends. He concludes, therefore, that when two people want the same thing there will be no way to determine who has right to it and they must therefore become enemies. And from this insecurity arises war. So that

... there is no way for any man to secure himself, so reasonable, as anticipation: that is , by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: and this is no more than his own conservation requireth, and is generally allowed.⁸

5 Hobbes, *Leviathan* 98

6 Hobbes, *Leviathan* 98

7 Hobbes, *Leviathan* 98

8 Hobbes, *Leviathan* 99

That is, in order to be safe, a man must master the people around him lest they master him.

Furthermore, since men take arms against each other in order to secure their own safety, it is a perfectly morally acceptable action. Therefore from this equality arises a state of constant conflict with the rest of the people in the state of nature.

To expand on conflict, Hobbes describes three sources of conflict: competition, diffidence, and glory. First, he says, people enter conflict with others for personal gain. Certainly, in a historical context, this is a common reason for violence. Even in a civilized society with a government which specifically prohibits stealing, larceny exists. It is no stretch to imagine that theft would be a legitimate worry for the man who is living without a government. Further that violence could arise from attempted thefts follows naturally. The second source of conflict Hobbes sees is diffidence. Diffidence literally means shyness; however Hobbes uses it to mean despair. Hobbes defines despair as appetite without the hope of attaining what is desired. He defines diffidence as “constant despair.”⁹ Specifically, when he says violence comes from diffidence, he is discussing the use of preemptive violence. Much as the United States invaded Iraq out of fear that they would hurt us if we left them to their own devices (among other reasons), in a Hobbesian state of nature men will invade each other out of fear that if they do not strike first they will be struck against. As with the first reason, this idea that diffidence can lead to violence is hard to dispute. The only caveat is mutually assured destruction. This is the idea that the universal capacity for violence will actually act to decrease the amount of violence since people will be hesitant to invade each other when they know that the people they are attacking are able to defend themselves. However it would be unwise to suspect that people will always abide by logic and avoid violence in which they stand a decent chance of being killed.

The third reason Hobbes gives that a person might invade another is glory. By this he means that people will sometimes fight since if they get a reputation for not fighting or avoiding conflict they will

9 Hobbes, *Leviathan* 50

fear becoming the targets of more aggressive persons. So people will invade others simply to gain a reputation as someone who should not be attacked. This kind of mentality can also be found in certain parts of modern society where violence is prevalent so it is once again none too large a stretch to imagine it happening in a state of nature. From these three reasons Hobbes draws the conclusion that the state of nature will soon become a state of constant conflict for those trapped in it.

Hobbes then goes on to say that as bad as this situation seems, things are even worse. He points out that “*In such a war nothing is unjust.*” He claims that the ideas of justice and fairness are products of society and therefore without a common power to judge people there is nothing to enforce any fairness or morality in the struggle. He even claims “Force, and fraud, are in war the two cardinal virtues.”¹⁰ Therefore the struggle for life in the state of nature is not only continual but brutal and vicious. Society ceases to exist and thus the world of man becomes a moral wasteland and “the life of man, solitary, poor, nasty, brutish, and short.”¹¹

Given these criteria it is no surprise that life in the state of nature is not a pleasant experience. Since there is continual conflict no one can be secure in his private property. Because of this insecurity there can be little or no industry since no one can be secure enough in the keeping the products of their labor that they would be willing to put forth the effort to acquire more than they can use before their work is stolen from them. The economy and all of the benefits which it brings disappear. This concept of the conflict between the state of nature and private property is a subject which Locke also discusses in depth.

Hobbes also discusses what he calls the natural laws and natural rights. He says of rights “*Naturally every man has right to everything*”¹² and describes “the sum of the right of nature;” as “*by*

10 Hobbes, *Leviathan* 100

11 Hobbes, *Leviathan* 100

12 Hobbes, *Leviathan*, 103

all means we can, to defend ourselves.”¹³ Of laws he says “the first and fundamental law of nature: which is, *to seek peace, and follow it.*”¹⁴ And identifies the second law as:

*... that a man be willing, when others are so too, as far-forth, as for peace, and defense(sic) 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.*¹⁵

It is these laws and rights which he will use to lay a foundation for the second part of his theory: the social contract.

IV Locke and The State of Nature

Locke has a very different view of the state of nature. The differences start in the terminology they use. In his book, *The Political Theory of Possessive Individualism; Hobbes to Locke*, C. B. Macpherson notes that “In both [Elements and Leviathan], where he avoids 'state of nature', and especially in *Leviathan*, it is possible to distinguish between the natural condition of man ..., and the state of war...” and that “Hobbes himself rarely used 'state of nature'.”¹⁶ In most of his works Hobbes refers to the state of nature as the natural condition of mankind and not as a state of existence. This reflects his views that the state of nature is a psychological construct. Locke however uses the term freely. His title to chapter two of the second part of *Two Treatise* is “Of the State of Nature.”

Locke sees the state of nature as a state where people are free to dispose of themselves and their property in any way they see fit within the bounds of natural law. Property and the right to property are important subjects to Locke. In Locke's mind men come by property through labor: “What soever then

13 Hobbes, *Leviathan*, 104

14 Hobbes, *Leviathan*, 104

15 Hobbes, *Leviathan*, 104

16 C.B. MacPherson, *The Political Theory of Possessive Individualism, Hobbes to Locke*. (Oxford: Oxford University Press, 1962), 25

he removes out of the State that nature has provided, and left in, he hath mixed his labor with, and joined to it something that is his own, and thereby makes it his property.”¹⁷ Therefore in a state of nature a person may say that he owns the products of his labor and may justly defend his right to utilize this product. While the invention of money complicates matters, Locke feels that the underlying principle of property deriving from labor of oneself or one's ancestor remains the same. He strongly believes that one of the government's functions is to protect people's property.

Locke says, “But though this be a *State of Liberty*, yet it is *not a State of License*(Sic), ...”¹⁸ People have the liberty to dispose of their property without the interference of a government, yet they are still bound by any moral or natural rules which might apply to their situation. An example which Locke gives is that since God created man, a man does not have the right to destroy himself. Since he sees this as independent of government, people are still bound by this natural law even in the state of nature. Also, even though there are no governments, certain regulations can still be enforced. In the state of nature each man is his neighbors judge, jury, and executioner. Locke claims that this lack of a common judge is a major problem with the state of nature:

... the inconveniences of the State of Nature, which must certainly be Great, ... , since 'tis easy to be imagined, that he who was so unjust as to do his Brother an Injury, will scarce be so just as to condemn himself for it

...¹⁹

Like Hobbes, Locke sees the state of nature as being a state of equality. He claims that barring a commandment of God,

Creatures of the same species and rank promiscuously born to all the same species and the use of the same faculties, should also be equal one

17 John Locke, *The Two Treatise of Government*. ed. Peter Laslett (New York: Cambridge University Press, 2005), 288

18 Locke, *Two Treatise*, 270

19 Locke, *Two Treatise*, 276

amongst another without Subordination or Subjection.²⁰

Locke further agrees with Hobbes that this equality leads to conflict. He follows a different route to reach this conclusion though. Recall that Locke feels that, even in the state of nature, there are natural laws and that each person has the responsibility to act according to the laws which his reason discovers. Given that every person correctly comes up with the same laws, which Locke assumes, there will still be arguments over whether a law has been broken. Because everyone is equal in authority, these arguments will inevitably lead to conflict and violence. Therefore the equality of people will lead to violence in absence of an arbitrary authority.

To Locke, a distinction must be drawn between the state of nature and the state of war. The state of nature is the state in which people live without government or authority. The state of war is the state which people enter once one person tries to forcefully remove the rights of another, and bring him under his power. This state can be seen as similar to Hobbes state of nature. A state of war is entered when force without right is used upon a man's property or person. The state of war becomes a problem when people are in the state of nature since

“When the actual force is over, the *State of War ceases* between those that are in society, and are equally on both sides Subjected to the fair determination of the Law; because then there lies open the remedy of appeal for past injury, and to prevent future harm: but where no such appeal is, as in the State of Nature, for want of positive Laws, and Judges with Authority to appeal to, *the State of War once begun, continues...*²¹

Within a society there is a natural end to the state of war when the violence ceases and the government can be appealed to, however in absence of that government, the state of war will continue until both

20 Locke, *Two Treatise*, 269

21 Locke, *Two Treatise*, 281

sides are satisfied, which could be a very long time.

Locke's state of nature is not nearly so heinous as Hobbes'. People are still generally amiable to each other and the natural reciprocity which exists helps people retain a sense of morality. It is still not a pleasant place to live since there are constant conflicts over whether or not people have violated each other's rights, and arguments tend to quickly get out of control. People will often find themselves in a state of war, and while in the state of nature there is no quick way to leave the state of war. And in the state of war force is justifiable and everyone's life is implicitly in danger since it is justifiable to kill your attacker. So it is no surprise that people will try to look for a way to escape the state of nature. It is here that Locke starts his social contract.

When compared, Locke's and Hobbes' states of nature stand in sharp contrast. Hobbes views the state of nature as a moral waste land where almost any action is justifiable while Locke pictures a place governed by the natural rules which people discover through logical reflection. However there are some noticeable similarities. First is the idea that, in a state of nature, all people are equal. Both also cite this equality as a major source of conflict in the state of nature. They claim that since no men are naturally superior in status or abilities when conflicts occur there is no way to resolve it and so people naturally turn to violence. Since people are equal in ability, every person must fear attack from other people. This often leads people to become violent out of fear of attack. They also both discuss the state of nature's effect on property. Both feel that in the state of nature people's ability to own property is infringed upon because there is no security. Hobbes claims "In such condition [the state of nature], there is no place for industry; because the fruit thereof is uncertain:"²² such that without the security of private property people will not labor since there is no reward for the labor. Locke agrees that "though in the State(sic) of Nature he hath such a right [to be absolute ruler of his person and property], yet the

²² Hobbes, *Leviathan*, 100

Enjoyment of it is very uncertain, and consequently exposed to the invasion of others.”²³ Locke claims that people will, therefore, submit to the government in order to secure their property. Both authors see private property as being very uncertain in the state of nature and people’s ability to reap the benefits of their labor as being in jeopardy without a government to protect their property.

Both also claim that in a state of war any action taken to preserve your life is just. Even though Locke draws a distinct line between the state of nature and the state of war, he claims that when people are in the state of nature they tend to enter the state of war more frequently and remain in it much longer than when they are governed by the social contract. Hobbes sees the state of nature as a state of constant warfare between people. He claims that in such a state any action is just because there is no social system by which to judge the action. Locke agrees that in the state of war “... one may destroy a man who makes war upon him.”²⁴ In addition, when in a state of war there is no authority to which to appeal. It, therefore, becomes impossible to determine which side is just and which is not until the state of war has ceased. He ties into this idea that no one has the right to contract away their own lives. Locke bases this conclusion on the fact that, since God made man, only he has the right to take away their lives. Therefore, since people do not have the right to take away their own life, they cannot contract that right to someone else. Hobbes takes a different approach. To Hobbes, people are rational creatures and they always act in their best interest. Therefore, to him it makes no sense to assume that anyone would contract away their life. Since people must be alive to receive benefit from any action*, it makes no sense to assume that people would contract away their right to live since there can be no gain from such an action. Despite their different arguments, the end result is the same. Neither Locke, who sees the government as being dependent on the will of the people, nor Hobbes, who feels that

²³ Locke, *Two Treatise*, 350

²⁴ Locke, *Two Treatise*, 279

* This is not necessarily true; however it is something Hobbes believes. For a further discussion of this idea see the section on Criticism and Comparisons

governments should have nearly unlimited power, feels that the social contract is a death pact.

V The Social Contract

From the idea of the state of nature comes the idea of the social contract. The key element of the state of nature is that it is not an optimal place to live. People living in the state of nature lack security and are unable to function anywhere near their highest levels. To escape the state of nature people enact a social contract and create a government. One of the most famous examples of this theory being espoused can be found in the Declaration of Independence. It begins:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed

This passage is an excellent example of social contract theory. It is well known that Jefferson had read Locke and that he used his writings as a basis for this document. In this passage he puts forth several concepts which are fundamental to both Locke and Hobbes. First is that all men are equal. Remember that this equality was a major source of conflict in the state of nature for both Locke and Hobbes. Secondly, that there are certain rights which are “unalienable” that is they cannot be given up. This is similar to both Locke and Hobbes, especially in that the right to life is unalienable. The next part is the statement of the social contract: governments are created, by men, and not some other force, to protect the rights of the people: that is, to preserve their life, their freedom, and their happiness. Finally it claims that the powers of the government are based on the fact that people consent to let them have power. These are all views fundamental to Social Contract Theory.

The social contract has a few important features. The first concerns what powers it transfers to the government. That is, exactly what can the government can justly do and stay within the bounds of the contract? The second concerns how the contract propagates and exactly who the contract affects. The final aspect deals with the conditions under which the contract can be justly dissolved. The first aspect is fairly self explanatory: it simply looks at the boundaries of governmental power. Does the government have the right to imprison you? Does it have the right to kill you? It also looks into the conditions under which people are obliged to obey their government.

The second aspect of the contract looks at a few things. First is how do we enter into the contract. Certainly most of us never remember explicitly agreeing to the social contract. So how can an agreement which our ancestors may have made ages ago bind us? Very important to this aspect is whether or not the philosopher views the state of nature as a historical fact or logical construct. Another facet of this aspect is who the contract affects. An interesting question which arises from this concern is under what authority the government can punish foreigners who break the law? Finally it is important to consider under what circumstances government can be dissolved. This concerns what actions the government can take which are such grievous oversteppings of their authority that the people have the right to dissolve it. Though Locke and Hobbes disagreed on many of these issues, there are some similarities which can be traced back to their views of human nature and the state of nature.

It is important to note that it is impossible to talk about a social contract without implying the concept of the state of nature. Much as the light of the sun creates the shadows of the day the social contract implies a state of nature. In order to talk about why people agree to a government it is necessary to look at the other option. That other option is naturally life in the absence of government. Certainly if it was impossible to exist without government it would not be necessary to discuss a contract since there would be no state of nature to leave.. In this sense it is hard to divorce any

discussion of the two subjects since they are two parts of the whole. Any discussion of the state of nature without a look at how to escape this state is incomplete at best, and any discussion of the social contract without looking at the alternatives is illogical and inaccurate.

The most major consequence of the social contract is that the government must serve the people. Since the government is instituted as a logical escape from the state of nature by the people who must obey the government, if the government fails at its primary function, that is maintaining people in a state above the state of nature, it is no better than no government at all and there is no reason for people to obey it or allow it to continue to exist. Locke takes this idea even further since he has a less severe view of the state of nature. Both, however, feel that the government must protect people's right to private property since they both view this as a major problem in the state of nature. Likewise both feel that the government must be a judge, or arbiter, to rule in matters of conflict between two people and provide a basis and enforcement for morality.

VI Hobbes and the Social Contract

Hobbes builds his social contract out of the laws of nature. Remember that the first two of these are to seek peace whenever possible and to be willing to lay down your rights to achieve peace. From this he theorizes that people will logically lay down their rights and allow a government dominion over them in order to escape the war which is the state of nature. They transfer some of their right to everything to the government and renounce the rest of it. Hobbes states that "For as long as every man holdeth this right, of doing anything he liketh; so long are all men in the condition of war." That is, it is necessary to give up some of our rights in order to avoid conflict. This makes sense since it is obvious that because of the fact that everyone has their own desires and priorities their desires will eventually end up in conflict. It is only by giving up our right to do whatsoever we desire that we can live in

harmony. This principle can be seen in everything from microscopic personal relations to macroscopic societies. When two people are in conflict there are only two outcomes, one or both of them can compromise, or a fight will break out. The government is society's mutual compromise to avoid war. The concern then becomes the enforcement of the compromise. According to Hobbes, since the government is the only thing keeping people out of a state of nature it is vital that it be maintained. Therefore it is necessary that there be a strong central authority which can maintain the contract and keep people in the contract regardless of their personal wishes. For this reason Hobbes argues for the necessity of an unaccountable monarch or similarly unassailable body to rule the commonwealth. In Hobbes view a government which is accountable to its citizens will be unable to keep its citizens out of the state of nature. On this point history has made a fool of him, at least a little. Our 200+ year old democracy and the other widespread, perfectly stable, democratic governments, where the government is highly subject to the censor of its citizens, serve as a testament to the ability of a highly accountable democratic system to survive and flourish. This is however far more obvious to us in hindsight than it would have been to Hobbes who had little experience with democracies, and some negative experience with Parliament. Also, at the time Monarchies were strongly entrenched in England and Europe in general, and, as clearly evidenced by the French Revolution, such drastic changes in governmental style can be incredibly bloody. So in this sense he was right. He himself had lived through the English Civil War so he knew how bloody a revolution can be. Therefore it comes as little surprise that he would support the status quo.

Essentially, to Hobbes, the state of nature is a horrible enough place that we must remain out of it at all costs. For this reason people contract to live under an absolute sovereign. The sovereign must be absolute since the government must remain stable at all costs. This leads to a state wherein all power lies in a single person, who is in all ways *above mortal law*. We all enter the contract almost

immediately at birth and remain there for the rest of our lives. We cannot choose to live outside of the social contract because we would be a danger to people who are living under the social contract. The Hobbesian contract is all or nothing. In order to secure the safety of people, everyone must participate.

Hobbes feels that the contract is implicit. When you are born into a government, you come under its rule, and as long as the government remains viable you are under contract to obey it. That is, when the government was instituted, all citizens gave up their power to the government and this applies to their progeny as well. Since a government must be strong, it needs the obedience of its subjects, and it is therefore necessary to have everyone bound by the contract. Therefore, there is no need for people to actually agree to the contract explicitly since they do not have a choice in the matter. Hobbes also claims that this obligation remains if the government is set up through conquest instead of institution. He says that

“... that men who choose their sovereign, do it for fear of one another, and not of whom they institute ; but in this case they subject themselves to him they are afraid of. In both cases they do it for fear: ...”²⁵

The historical background of your government does not matter. That the king has no “right” to the throne is irrelevant. To Hobbes, that the sovereign has authority and people obey him gives him the right to the throne. He even feels that governments are formed from the same source in either case – fear. Therefore, since governments are formed from fear of the state of nature and fear of each other, they should be preserved for the same reason. This may be one of the most unpopular parts of his theory since it seems to counter all our ideals of liberty and justice. Especially since he espouses the sovereign as above all law except divine law and that may only be enforced by God. He says “there can happen no breach of covenant on the part of the sovereign; and consequently none of his subjects, by

²⁵ Hobbes, *Leviathan*, 151

pretense of forfeiture, can be freed from his subjection.”²⁶ One reason Hobbes gives for this is that if it were possible for the sovereign to breach the contract, since the sovereign is judge in all matters, there would be no one who could fairly judge whether a breach actually occurred. The ensuing dispute would naturally lead to violence. He argues that, as the purpose of government is to prevent the violence which derives from a lack of a judge in the state of nature, it would be a poor government indeed which creates such violence. He also claims that the social contract does not restrain the sovereign in any way. Specifically he claims that people covenant with each other to give power to the sovereign but the sovereign covenants with no one. Further if he did covenant with one or more people before hand, those covenants would become void when he becomes sovereign.

Still, while Hobbes thinks the government should have nearly unlimited power, he feels that there are limits. For instance, a man may justly refuse his sovereign in many situations, however upon doing so he justifies the sovereign’s decision to punish him with any repercussions the sovereign sees fit to apply. In addition Hobbes recognizes that people cannot give up their right to live since to do so would be, in his opinion, illogical. Living under the contract does not allow the subject to retain many rights however. It is never justifiable for a subject to bring suit against a sovereign. This unaccountability means that the sovereign is justified in doing whatever he pleases. This right does not seem to follow from the role of government as laid out by the theory. Since the government is supposed to protect people from the vagaries of the state of nature, it would seem that, should it make life worse than life in the state of nature, then it is failing at its primary function. What good is protection if the one protecting you is just as dangerous as what you are being protected from? However Hobbes does not see fit to impose any such constraints. This part of his philosophy is strongly influenced by fear. Fear of the state of nature causes him to blindly accept any form of government as being better. While

²⁶ Hobbes, *Leviathan*, 135

this may be true for some forms of government it is no excuse to close your eyes and blindly follow a corrupt government. But Hobbes' philosophy still remains viable in other aspects. It goes a long way to explaining why the government should be obeyed and to justifying the authority of governments everywhere without reference to any kind of questionable morality or relying on a supernatural explanation.

VII Locke and the Social Contract

Locke has a slightly different view of the social contract. Recall that Locke felt that the problem in the state of nature was a lack of authority. He says “I easily grant, that *Civil Government* is the proper remedy for the Inconveniences of the State of Nature ...”²⁷ Locke also stresses the voluntary aspects of the social contract. He says

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*.²⁸

Therefore it must be entirely by a person's consent that he leaves the state of nature and joins society. In Locke's opinion it is entirely logical to give up your freedoms to escape the state of nature, so that no reasonable man would ever refuse to join the society. This view that the social contract is not obligatory means that people cannot be expected to give up all of their rights to the sovereign.

Yet Locke does feel that once formed the political body still has some rights. He claims that in a group where men have given up their political power in order to escape the state of nature, the majority can enforce their will on the whole. If the majority feel a certain course of action is necessary but a few

²⁷ Locke, *Two Treatises*, 276

²⁸ Locke, *Two Treatise*, 330

people disagree, all people must follow that course. This statement strongly reflects Locke's preference for democratic governments. Locke comes out strongly against Monarchies when he says

But Government being for the benefit of the Governed, and not the sole advantage of the Governors ... cannot be inherited by the same Title that children have to the Goods of their Father. (Locke 210)

He clearly feels that the idea of an inherited title is ridiculous, that people have the right to be served by their government and that the giving of authority to someone does not entitle their children to any authority. This concept can find support in common sense. Certainly we feel under no obligation to trust the children of people we trust, nor do we allow our siblings to inherit the paternal power that our parents have over us. According to Locke, the only thing that a child may inherit from his parents is property. To Locke, the entitlement to rule cannot be property since, in his view, we are not slaves to the government. On the contrary, the government has the obligation to serve its citizens and must fulfill this obligation before people are obliged to obey the government. Logically then "If the Agreement and consent of Men first gave a Scepter into any ones hand, or put a Crown on his Head, that must also direct its decent and conveyance."²⁹

Locke puts stress on the obligation of government to serve its people. He says "Government being for the Preservation of every Mans Right and Property, by preserving him from the Violence and Injury of others, is for the good of the governed."³⁰ Locke also feels that people are under no obligation to join the societies they are born in. They are free to give up their advantages in that society and set up new governments else where. According to Locke, "... the Son cannot ordinarily enjoy the Possessions of his Father, but under the same terms his Father did; by becoming a Member of the Society; whereby

²⁹ Locke, *Two Treatise*, 211

³⁰ Locke, *Two Treatise*, 209

he puts himself presently under the Government ...”³¹ That is, when we lay claim to the property of our parents and therefore enjoy the benefits of the society, we explicitly join the society and give up our rights from the state of nature. He emphasizes that we do so entirely by choice, continually stressing that children are born citizens of no government and that it is only when we choose to join a society that we become beholden to that society. To Locke, we cannot implicitly join in to a society. Just living in peace and submitting to the laws of a country does not oblige you to join the society since all men have the right to live in peace and in harmony with their surroundings. It is only when we lay claim to the land of a commonwealth as property that we must take the land under the condition it is in, that is as part of the commonwealth, and therefore must submit to the commonwealth.

Locke also puts strict limits on the power of the government. He feels that the primary reason that people enter into a society is to protect their property. Therefore, if the government fails to protect its people’s property, or even worse intentionally destroys their property, people have the right to overthrow the government. Echoes of this sentiment can be found in the revolutionary slogan “No Taxation without representation.” Locke says “*whenever the legislators endeavor(sic) to take away, and destroy the Property of the People, or reduce them to Slavery under Arbitrary Power, they put themselves into a state of war with the People*”³² and notes that this absolves the citizens from any obligation to their government. This is an incredibly strong statement. In Locke's view once the government threatens your right to property it becomes void and you are no longer obliged to obey it. Worse than that, the government has placed itself into a state of war with you, which is *not* the state of nature. In the state of war, the morality, which can be found in the state of nature, has been removed and life has become a struggle in which any means used to maintain your life are just. Since the government is in a state of war with its people, even violent and highly unpleasant rebellions, such as

³¹ Locke, *Two Treatise*, 346

³² Locke, *Two Treatise*, 412

the French Revolution, can be justified. This is a long way from Hobbes' view that the government cannot be held accountable for any of its actions. Locke defends himself from the obvious criticism that his philosophy would undermine any government and almost immediately throw the people back into the state of nature by claiming that people are generally agreeable and will not take up arms over little issues they have with the government. He says

To this perhaps it will be said, that people being ignorant, and always discontented, to lay the Foundation of Government in the unsteady Opinion, and uncertain Humour of the people, is to expose it to certain ruin (sic) ...³³

and rebuts:

To this, I Answer: Quite the contrary. People are not so easily got out of their old Forms as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledg'd Faults, in the Frame they have been accustom'd to.³⁴

If a long enough string of abuses happen, people will rebel. That is, people will only overlook the small mistakes and incidents to which any government is subjected, should there be an excessive number of violations, or violations of an extreme nature, people will rise up against their government. To Locke, the best way to prevent a rebellion is to remove governments which would ferment them. The best path is to have a single rebellion which then sets up a new government which "fixes" the problems which caused the rebellion in the first place. When considering this idea it is important to remember that Locke was writing to justify the Glorious Revolution of 1688 and was in the difficult

³³ Locke, *Two Treatise*, 414

³⁴ Locke, *Two Treatise*, 414

position of justifying a rebellion while at the same time not justifying future rebellions against the government which was just set up. So it makes sense for him to feel that it is possible to speak of good and bad rebellions and to feel that it is possible to create a better government. To Locke, a good rebellion is one in which a new government is set up which will better protect people's property. An unjust rebellion, however, occurs when people rebel and place the society into a state of war for little or no gain.

The differences between these two accounts of the social contract are huge. Locke sees the social contract as a system adopted to protect property and therefore open to criticism and even to being overthrown. Hobbes sees the social contract as a device to protect life. To him the government is so vital that nothing which might destabilize it can be morally acceptable. You do not unplug a life-support system to try to improve it. To Locke a bad government leaves the people open to abuses of power by the sovereign. To Hobbes the most serious shortcoming of a government is its vulnerability to collapse.

Still, despite these glaring differences, there are some similarities. Both build their social contracts out of a desire to escape the state of nature. Further they base the contract on natural laws discoverable in nature. They both also explicitly cite the right to life as a right which cannot be contracted away under any circumstances. That is both feel that regardless of any contract you might have agreed to you are always fully justified in defending yourself. To Locke any attempt against your life puts you into a state of war when there is no alternative recourse (such as appealing to a government). In such a state you are fully justified in any action you take to survive until access to a government provides a release from the state of war or until it ends for some other reason. Hobbes, who bases his contract on the law “preserve your life whenever possible”, feels that it would be ridiculous to suppose that people would intentionally give up their right to protect themselves in any contract. In addition, they both also feel that the stability of the government is vitally important. Locke spends a

long time arguing that despite the freedom of the people in his contract the government will remain stable since people will not rebel so long as the government is responsive to their needs. In fact, absolute monarchies would be more unstable since the abuse of power, which comes so naturally to such governments, will inevitably lead to rebellion when they can longer be born however Locke never argues this fact. Hobbes claims that the freedom to criticize or even bring suit against the government will destabilize the government. He uses this to justify a government with an unassailable sovereign. Still the goal remains the same – to keep the government stable. Finally, both feel that the end of government is the same: to serve its people. To Locke this entails a protection of people's property and the preservation of the rights of the people. He even cites this as the reason that governmental authority cannot be inherited. Hobbes sees the government as serving people merely by its existence. By providing arbitration to people and keeping them out of the state of nature government is serving people. Therefore to him governments serve their people the best by being stable so that their people need never know the fear of the state of nature. Despite the vastly different conclusion both use the same justification: that the government must serve the people to the best of its ability. In the same vein, while both reference God at several points, neither sees him as being a justification for government. To both of them, governments are instituted among men, by men, for men.

VIII Criticism and Comparisons

While both philosophers build their theories using a similar method, they reach quite different conclusions. This raises the question of “was either of them right?” The answer is that they were both on the right path, but not going in exactly the right direction. One of the most attractive points of their political philosophies is that they make a sincere effort to avoid fiats and huge jumps without an obvious cause. That is they avoid referencing a supernatural explanation to further their philosophies.

There are certain points where both of them end up referencing God in their explanations however these parts are often minimal or greatly reduced from what had come before. Author Daniel Dennett refers to these leaps in logic as “skyhooks” and proposes the theory of evolution as an example of a theory which avoids skyhooks in its explanations (Dennett 74). An explanation which avoids skyhooks is valuable since it requires no faith and seems more complete. While the reason “God said so” is certainly attractive in its simplicity, it requires a great deal of faith not only that God does exist to say such things, but also that he did say so and that this is a valid reason. All of these beliefs must be accepted without question, given that they are completely unverifiable by any kind of evidence or logic. In addition, such an explanation does little to provide further insight into the nature of an object. The statement is the equivalent to saying “it is because it is” which while it may be true, is not a very helpful answer. Herein lies the most significant advantage which both Locke and Hobbes bring to the discussion of government. Far more important than some historical explanation as to how a government is formed (which Hobbes says is not a historical actuality anyway) they bring forward powerful theories about the limits of power and the ends of government that are thoroughly realistic.

The biggest flaw in Hobbes view of the social contract is his dependence on fear. He bases the social contract on fear and it is therefore almost as awful as the state of nature. His paranoia of the state of nature seems to have blinded him to the fact that there are much better societies to live in than an absolute monarchy and that some of them are far more stable. History is full of dictatorships which have failed after only one or two generations. Missing also from his analysis is the fact that not all changes in government need to be violent. Certainly our government has changed quite a bit since its founding not to mention events like the glorious revolution and Canadian independence which were accomplished without recourse to violence. He also misses the fact that sometimes a little violence is necessary to improve things. At some points the presence of a corrupt government will cause such

distress that it is justifiable to experience the horrors of war in order that you and your progeny can live better lives. Related to this is the fact that his fear of the state of nature causes him to over look the fact that there are fates worse than death. Certainly I can imagine a situation where I would rather die than allow the situation to continue and I highly doubt that I am alone in this. One example might be a cause which someone deeply believes in. They might also sacrifice themselves in order to protect a loved one. This would bring into question his analysis that people have a right to defend themselves since they cannot reasonably be expected to give up that right. The contract of Hobbes is a bit to cynical and blinded by fear. He asks us to accept the second worst option as the only viable alternative to the state of nature, without considering that this will only lead to continued suffering and the search for a better contract in order to escape this new state of enslavement (my words not his).

In contrast, Locke's view of the social contract seems overly optimistic. His view of the state of nature is characterized by some patently false assumptions about his fellow humans. Locke views people as essentially rational creatures who can view the world around them and come up with purely logical motives for their actions. However, it seems impossible that the state of nature would work out so nicely. Certainly much of our morality is culturally relative and of what seems universal it is possible to think of at least one example of someone who holds a different view of what is moral. An example would be that even though almost every society views murder as wrong, there are still serial killers who believe themselves justified in their actions. Even if the few people who seem to be completely amoral are ignored, it can be argued that differences in personal morality would be great enough to cause the kind of strife that would make the state of nature synonymous with the state of war. Certainly we learn most of our views of morality, including the sanctity and necessity of private property, from our society. This overly rosy picture of the state of nature infects the rest of Locke's social contract theory and causes him to put too much emphasis on private property and not enough on the personal protection we

need from our government. He also still draws on the bible for a few important parts of his philosophy. For instance, his view that people cannot bargain away their lives is based on the fact that only God has the right to kill people.

Other parts of their philosophies however are very important. First is the fact that governments should serve their people. This conclusion is inescapable with any explanation of government in which people are expected to obey their government because it is in their best interests. Even ignoring the contract, it could be argued that in cases where obeying the government has better consequences than not obeying it, it is justifiable to obey the government. Therefore, in order to obtain the obedience and loyalty of its subjects a government must create a better place to live than the other alternatives open to people. The social contract obliges the government to serve its people since it is the alternative its citizens have implemented to whatever situation they were in previously. It is logical that if people are to give up their freedoms and join together to form a society, they will agree to whatever system is the most beneficial. There is nothing implicit in the contract that would force them to accept a government which does not do the best possible job in securing their lives and happiness. Therefore, theoretically, the government should do its best to maximize the utility of its citizens. Like Locke believes, people will not revolt over minutia even if it is morally justifiable. Therefore it is possible for the government to be stable even if it falls short of perfection. People will be willing to forgive a small amount of imperfection in their government so that they may enjoy the benefits of living under one and not be forced into a constant state of rebellion. It should also be allowed that simply disagreeing with an action of the government does not give the right to topple the government if there is room for recourse for the wronged. This is the best reason for a highly accountable government since when given some recourse to oppression other than rebellion people will be morally obligated to explore those avenues of reform rather entering into a state of war.

Rebellions are rather rare events in history and are usually marked by a great deal of dissatisfaction with the government. However, in our everyday lives, we are faced with the decision to obey the government or to ignore its rules and do as we like. In these cases people should judge their actions based on the legitimacy of the law. If you believe, as a social contract theorist believes, that the government's job is to protect us from harm from each other, then an action, such as vandalism, is not justifiable. Even if you highly dislike someone, or an organization, you do not have the right to destroy their property. This is one of the freedoms we give up to live in the state of nature. The same goes for most forms of thievery. If we wish to live in a society where we are protected from harm, we need to realize that we cannot obey the government only when it is convenient. Both Locke and Hobbes would agree that one of the key elements to the social contract is that we give up our right to determine what is just and submit to arbitration. Arbitration only works when both sides agree to accept the result regardless of how much we agree to the decision. It is only when the government steps outside of its role as arbiter and violates the contract that it is justifiable to break the law. That said, there will be times when the government fails in its duties to protect its citizens. Our agreement to obey the government is not a death pact. At times the normal channels we can use to try and rectify a problem are not quick enough or prove ineffective. In such a case it is permissible to disobey the laws in the case of civil disobedience. It is also acceptable to defend oneself. I agree completely with Locke when he says "for no body can desire to *have me in his absolute power*, unless it be to compel me by force to that which is against the Right of my Freedom, *i.e.* make me a Slave."³⁵ I fully support an expansion of self defense laws. However, in these cases it is only acceptable to break the law if the normal recourse to governmental arbitration is unavailable. It is only when someone threatens you with violence that it becomes just to defend oneself. However, when the highest priority of government should be to protect its citizens, it seems counterintuitive to start by removing their right to defend themselves.

³⁵ Locke, *Two Treatise*, 279

Both philosophers note that it is the social contract which allows for all kinds of industry. Even in Locke's somewhat whitewashed view of the state of nature there can be no industry since no one will work when there is no guarantee that their labor will yield any results. While it can be argued that this is not necessarily true, it is certainly true that without the security of government there will only be the most basic innovations and technology as we know it would be impossible. It is therefore the role of the government to allow people a safe environment in which to labor and to allow them to benefit from their labor. Here can be found an argument against a completely communist state. Since such a state would yield no direct rewards for labor^{*}, the government would not be fixing the problems of the state of nature and therefore would not be fulfilling its role. Likewise laws such as copywrite laws and patent laws are fully justifiable since they reward people for the labor they perform. It should be noted that this does not exclude taxation. Although a tax system merely lessens the rewards people reap from their labor it is still justifiable – especially when the money is used to better the lives of the citizens of the country. It should also be noted that this implies that governments are created to govern the interactions between its citizens. It should not interfere with our personal freedoms which do not affect other people. For this reason, laws which control drugs or try to legislate personal morality can be difficult to justify. For example, laws which outlaw gay marriage are ridiculous since they seem to improve the lives no one in the society and simply hurt a specific subgroup of the population. In addition, laws which cover suicide and drug use can be difficult to justify. While I fully support providing assistance to people who are suffering from depression or drug use, it seems ludicrous to simply say that such an action is illegal. One set of laws which are definitely untenable are religious laws. While these laws do not pose a serious problem in our country where freedom of religion is guaranteed there are numerous countries, such as many of those in the middle-east, where there are stringent rules imposed on the

* This is not necessarily true, it could be argued that such a government does in fact reward labor – it simply spreads the benefit evenly amongst all the people so the benefit can be hard to notice. However such arguments are beyond the scope of this paper.

religious practices of the citizens. Unless a religious belief directly threatens other people, such as a belief that all people whose name starts with an “h” should die, it is unjustifiable to outlaw the religion. This discussion is by no means black and white, however, since every action has a wide range of effects which can affect many people and be hard to predict. Even in some of the examples I have given, there can be arguments made that these actions do harm other people. Therefore where the line is drawn, and it must be drawn somewhere, is a topic which there has been much debate over.

One of Hobbes' strengths is his view of the state of nature. Without societies to control people's actions the number of atrocities committed would be extremely high. Freedom combined with equality breeds fear, and fear breeds hate. What people do to things they hate can be seen clearly in the atrocities of wars throughout history. This is something which Hobbes fully grasped. However this fact frightened him greatly. Hobbes takes this idea too far and becomes scared into accepting any government as being better than the horrors of war. He therefore adopts a policy of accepting whatever government comes along, the more controlling the better. It should also be remembered that Hobbes had no concept of the kind of government which is found in Orwell's *1984*. The amount of control which that government had was not realistic in Hobbes' time, and therefore he felt that there was a natural limit on how many freedoms the government could actually take from people. It would seem that governments of the kind which Hobbes supports, that is, absolute monarchies, are more unstable than democracies which are responsive to their people. In a democracy there is a natural outlet for the frustrations of the people through protests, voting, and governmental reform. In addition the government is not reliant on the leadership of a single individual. All it takes is a few highly incompetent kings and a monarchy can find its self foundering. History is full of huge Empires conquered by strong leaders which fell apart soon after their leaders' deaths. A few examples would be the Empires of Alexander the Great and Genghis Khan. It is definitely possible to have stable

democratic governments with relatively happy people who are willing to work with the government to improve their lives. Hobbes also builds his social contract on a strong foundation. His view of natural laws such as “whenever possible seek peace” provide a strong foundation for his theories. It would be nice, though, if the contract which he proposes to escape fear was not itself so corrupted by fear as to be scarier than the state he was trying to escape.

Locke's strengths lie in his social contract. He recognizes that it is possible to create a government which will do an excellent job in protecting its citizens' rights while still having a strong government which will keep people out of the state of nature. He saw it as important that the government be changed when it loses its focus on protecting its citizens and starts taking advantage of them. To Locke, it is possible to allow people the right to criticize and to try to improve their governments without losing the stability of the government. This is a very important realization and has found its way into many of the parts of our constitution. He spends a great deal of effort to explain why this will not destabilize the government mostly focusing on the fact that even if people have the right to overthrow the government they will not rush out and do so over minor issues. To begin with, it would be a great deal of effort and entail a lot of change. Though he never says it, there is the underlying assumption that most people are afraid of change and this fear will keep them from undertaking such a drastic change as changing their governments for any cause which is not a serious problem that needs to be solved. In addition, if the government serves its people and is responsive to their desires, people will have a way to work within the system to fix the problem. Much as the first response to window breaking is not to get a new house, unless the structure is too rotted to fix, people will try to work with the government to enact the changes they want. To this I would add that if we view the state of nature in the manner in which Hobbes puts forth with all of its inconveniences it will actually strengthen such a government. Not only will you have to overcome the inertia of the people in order to get them to rebel

but you will also have to overcome their fear of the state of nature. Since they will be risking a trip into the state of nature in order to rebel, they will only rebel when conditions are bad enough to warrant the risk. In this manner the state of nature can be used to strengthen the stability of government by arguing that it is a necessary institution and that trying drastic (rebellious) action to fix it could throw the entire society into the horrors of the state of nature without recourse to arguing that the government must be completely unaccountable and have absolute power. This accountability of government is the most important concept which Locke espouses. It has laid the foundation for our current government and has created a government which can be powerful without being overly domineering.

Another very important concept for Locke is private property. To him governments are instituted to protect people's labor from the interference of other people. To Locke, labor is what creates property. And therefore the government is instituted to protect people's property. This is an important role of government. In the state of nature, property is at best an ephemeral thing. However Locke takes this concept a little too far and loses sight of the fact that the government must protect people as well as their property. This comes mainly from his optimistic view of the state of nature which leads him to believe that people can be trusted to not start killing each other once the government is gone. His focus on private property also ignores such concepts as Communism, and comes dangerously close to preventing the government from taxing its citizens. Due to the large inequalities of wealth which accumulate in a modern society it is important for a government to be able to protect the people who do not have as much from the people who do. It is incorrect to assume, as Locke does, that a person's right to property subsumes all other concerns. There are many situations where it might be morally acceptable to steal. For instance is it morally acceptable to allow large drug companies to charge huge amounts of money for medication which could save people's lives? For insurance companies to deny coverage for possibly life saving treatment? These are all issues which deal with

private property and the protection of people's labors. Locke was far too quick to assume that the protection of private property was the most important function of government.

IX Conclusion

Both Locke and Hobbes offer important ideas about the nature of government. By combining their two philosophies it is possible to create an accurate aggregate view of government and its functions. The government exists in order to protect people from each other and thus elevate them above the state of nature. The state of nature is a horrific place where there is a constant struggle for survival. In the state of nature there can be no industry since people are concerned only with their own survival, and even if they were to labor to improve their lives, other people would quickly disabuse them of the idea by ruining or taking what they have labored on. It is a place of eternal warfare where no one knows where their next meal is coming from, or whether they will be alive to eat it. To escape this hell people form a government, which *must* protect their lives and their labor from other people. By living under the government and benefiting from the laws which protect us, we gain the responsibility to obey the laws so that the people around us can also live outside of the state of nature. Thus the contract is implicitly accepted by everyone who enjoys the advantages which society provides. We have the obligation to obey the government, especially when it is performing its function of protecting people from each other. While escaping and avoiding the state of nature is a goal which we all should strive to achieve, we must not let our fear of that state force us to follow a corrupt or domineering government which is not serving its people to its full capacity. While the stability of the government is important, it is even more important that the government provide for the well being of its citizens and therefore allow them the freedom to live their lives to their fullest and not have to spend their lives living in fear.

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