

Contractual Theories of Government: Hobbes and Locke

A. Hobbes (1588-1679)

- a. Hobbes did not believe in the same natural law as did Stoics and Christians.
- b. For Hobbes, there is no higher authority that passes judgment on the morality of human actions. For Hobbes, you obey the laws of nature when you act rationally and if you do not, you do not live long.
- c. Hobbes' laws of nature:
 - i. To seek peace as far as you have any hope of obtaining it and when you cannot obtain it to use any means you can to defend yourself. This "law" is simply a prescription of rational self-interest.
 - ii. To be content, for the sake of peace and self-preservation, provided others are also content, with only so much liberty "against other men" as you would allow other men against yourself.
 - iii. That men keep their promises and honor their contracts.
- d. If you want people to live by covenants, you have to make certain that they will suffer if they try to break them. Thus, you have to have the power to enforce the covenant.
- e. Humans are selfish, unsocial creatures driven by two needs: survival and personal pleasure. Life is characterized by constant struggle - strife and war - in which individual is pitted against individual in a battle for self-preservation.
- f. Although Hobbes believed that the instinct for self-preservation was the basic drive behind human behavior, he also believed that humans had the capacity for reason. Reason can regulate human actions.
- g. Thus, Hobbes saw humans as self-centered but rational. This rationality enabled them to evaluate the long-term results of behavior originally motivated by self-interest.
- h. Rational concern for their own survival and best long-term interests impels humans to enter into a contract with one another that brings society into being.
- i. Because they recognize that their lives are destined to be "solitary, poor, nasty, brutish, and short," humans agree to accept an authority outside themselves that has the power to force all to act in the best interests of the majority.
- j. This authority is irrevocable and exercises complete control over its subjects and remains in power as long as it is able to control them to do what they otherwise would not do.
- k. So, although individuals contract for society, once society is formed, it is superior to the individuals, who owe complete allegiance to it.
- l. The state cannot tolerate any resistance to its rule. If such resistance becomes effective, the state has proven itself unable to govern, in which case the established rulers no longer rule and the people are no longer their subjects.
- m. At this point, the people revert back to their natural state of struggle for self-preservation, where they remain until they form another contract.
- n. Hobbes is a modern echo of Plato. For Plato, the basic purpose of the state is to produce order and the basics of its order is the eternal values that exist apart from personal preference or practical need and that reason can discover.
- o. When human nature is not informed with this reason, humans are animals, Hobbes states. So, for Hobbes, as for Plato, there must be an elite ruling class who can reason about the eternal truths. To these rulers, the citizens owe absolute allegiance and retain no right to question, reject, or rebel against their rule.
- p. Hobbes is the first philosopher to systematically state the concept that the state is created through an agreement (contract) among the people who comprise the state.
- q. Hobbes rejected the principle of natural law as representing God's will and its corollary that the laws of the state derive their legitimacy from their harmony with this divine natural law.

- r. According to Hobbes, the legitimacy of the state and its laws derives from an initial consent of those governed (though keep in mind that this consent is "required" by those principles of reason which Hobbes refers to as natural laws).
- s. With Hobbes begins an important tradition in Western philosophy – the contractualist theory of justice and the state.

B. Locke (1632-1704)

- a. Unlike Hobbes, Locke believed there is a natural law that is more than a set of practical principles for survival. According to Locke, we are all made by God and are his "property." Thus, we are obliged to preserve ourselves and, as far as possible, the rest of humankind.
 - i. Therefore, except for the sake of just punishment, no person may take away or impair another's "life, liberty, health, limits, or goods," ... "or anything on which these various items may depend."
 - ii. Each person has inalienable natural rights. They are inalienable and natural in that their existence is entailed by the fact that we are God's creations.
- b. Locke said that with Hobbes' theory, you trade the chance of being ravaged by a thousand new men acting independently for the chance of suffering the same fate at the hands of one person who has a thousand men at his command.
- c. But Locke also saw the need for a contract. Although Locke maintained that humans are by nature free, rational and social creatures, he said that they establish governments because three things are missing in the state of nature:
 - i. A firm, clearly understood interpretation of natural law;
 - ii. Unbiased judges to resolve disputes;
 - iii. Personal recourse to solving problems is unjust.
- d. In order to maintain their natural rights, individuals enter into a social contract whereby they create a political entity capable of preserving the inherent rights of "life, liberty, and estate."
 - i. It is advantageous for individuals to contract among themselves to establish a state to govern them, because the state, chiefly through its laws, offers the means to protect the right of property and to ensure "the peace, safety, and public good of the people."
- e. Locke considered it evident that people have a natural right to property. Because all people are created by God and thus have a right to their body (their "limbs"), it follows, Locke reasoned, that they have a right to their body's labor. They have a right to these things provided that they do not already belong to or are needed to sustain someone else.
- f. Locke's theory of property implies that, though all people equally have a right to property, they do not all have a right to equal property.
 - i. The property a person lawfully has will depend on her ingenuity and industriousness. So two people have a right to have equal property, but it does not follow that they have a right to equal property.
- g. In contrast to Hobbes and Plato, Locke saw humans as essentially moral beings who ought to obey natural moral laws. Where as Hobbes saw man's natural state as one of warfare, Locke saw it as a system of natural moral laws. For Locke, humans are by nature free and equal regardless of the existence of any government.
- h. When people agree to unite themselves in a state, they consent to entrust to it the power to make/enforce laws and punish transgressors, and they consent to submit to the will of the majority.
- i. Lawmaking is the central function of government for it is only through law that people can be assured of equal, fair, and impartial treatment and are protected from the arbitrary exercise of power by the government.

- i. For Hobbes, political power is surrendered to an executive authority; for Locke, political power is delegated to a legislature.
- j. This contract is based on the consent of the majority and all willingly agree to obey the decisions of the majority. The state's authority is limited by the terms of the contract which is continually reviewed by the citizens.
- k. The power of the government is entrusted to it by the people; thus, the government is the servant of the people. If the government acts contrarily to that trust, the people can rebel.
- l. So, unlike Hobbes' absolutistic state, Locke's is specific and limited. Most important, one of the fundamental moral rights that humans retain in Locke's political state is the right to resist and to challenge authority. The right to rebel is an inherent human right.
- m. Although the contrast between Hobbes and Locke is sharp, they agree that humans are rational and that this rationality enables them to perceive the necessity for forming a social contract. Both also agree that:
 - i. the state is created and acquires its legitimacy by an agreement or social contract on the part of its citizens;
 - ii. the state is created and acquires its legitimacy by an agreement or social contract on the part of its citizens;
 - iii. the purpose of the social contract is to ensure the "public good;" but Locke also believes the purpose is to protect natural rights.
- n. Locke is the basis for several basic concepts of our democratic government:
 - i. people have natural rights that the government cannot infringe on;
 - ii. the government is the servant of the people and its power is entrusted to it by the people;
 - iii. law rather than force is the basis of government;
 - iv. the will of the people is determined by majority vote; and
 - v. the government should be divided into separate branches.