

## Hobbes and Locke on the Rights of Man

The English philosophers Thomas Hobbes (1588-1679) and John Locke (1632-1704) promulgated divergent views of human rights that reflected both the influence of their respective times and fundamentally different attitudes towards human nature. Their views take root in how the two philosophers define rights; Hobbes in terms of terms of action and Locke with an emphasis on liberty. They agree, however, that rights are derived from the human impulsion towards self-preservation. Both philosophers couch their views of human rights in terms of rights in the state of nature (the hypothetical condition of humanity before a state's foundation). An analysis of their two accounts of rights reveals Hobbes' cynicism of human nature is the basis for his belief in the unlimited rights of everybody within the state of nature, whereas Locke's argument for limited rights is the product of a much more optimistic view of humanity. Locke's account is ultimately more appealing, especially in light of the troubling implications of Hobbes' formulation. It should be no surprise that successive generations of Enlightenment thinkers found inspiration in Locke, and not Hobbes, and that the former's views on rights are not only more persuasive, but also remain as compelling today as they did in the 18<sup>th</sup> century.

Hobbes defines rights purely in terms of action. A right, according to Hobbes, is "the liberty to do or to forbear (Leviathan XIV 2)." Liberty, in turn, he defines as "the absence of external impediments (Leviathan XIV 1)." In essence, then, a right is a freedom, the potential to act or not to act in a particular manner, as the case may be. Hobbes stresses that a right is not a capability; it does not furnish the ability to exercise the freedom. Having a right to travel, for example, does not entitle you to the means to travel. Even when there are impediments, i.e. one does not have a particular right to something, they "cannot hinder [one] from using the power left him (ibid.)." A person can act in any manner he chooses to the extent his power allows him, but only when he has a right can he expect to act unimpeded.

Locke does not provide an explicit definition of rights in the manner of Hobbes, but clearly conceives of rights as inherent components of humanity and not necessarily defined by human actions. In 87 of the Second treatise, he states that “man ... hath by nature a power to preserve his property—that is, his life, liberty and estate.” These qualities are the most essential and fundamental things to which we have rights. It follows that a right is something we are born with and hence compelled to protect and preserve. Hobbes’ concept of a right as a liberty to act is contained in Locke’s definition, since in protecting and preserving a right we maintain our freedom to exercise it. A distinction emerges, however, in that Locke asserts we have a right to liberty, while for Hobbes liberty is the essence of a right.

For both Hobbes and Locke, all rights stem from the fundamental human motivation to preserve their own lives. Hobbes states this as his first right of nature, “the liberty each man hath to use his own power, as he will himself, for the preservation of his own nature, that is to say, his own life (Leviathan XIV 1).” Similarly, Locke posits that everyone “is bound to preserve himself and not to quit his station willfully (2<sup>nd</sup> Treatise 6).” Consequently, “men, being once born, have a right to their preservation (2<sup>nd</sup> Treatise 25).” If humans’ most basic purpose is to live, “natural reason” dictates that they must have the freedom to do whatever is absolutely necessary to preserve their lives. It follows that people have a right to these means, the “meat and drink and other such things as nature affords for their subsistence (ibid.)”—even if it involved stealing. The basic right to life implies necessarily a right to defend oneself against enemies or otherwise hostile forces. Locke epitomizes this sentiment by arguing that one has the right to kill even a petty thief in self-defense, since it is impossible to know his full intentions at the time. Both authors proceed to extend rights beyond those strictly necessary for our preservation. This seems reasonable, on the grounds that such ancillary rights enhance our ability not only to live, but live well. Yet as more rights are granted, there is greater opportunity for individuals’ rights to come into

conflict. On this point, the full extent of rights in the state of nature, the two philosophers ultimately diverge.

Hobbes places no limit on rights in the state of nature. According to his first law of nature, “every man has a right to every thing (Leviathan XIV 3).” He takes this view to the extreme: “every thing” includes “even the right to one another’s bodies (ibid.).” Hobbes view is grounded in his rather cynical understanding of human behavior in the absence of an overarching power. From man’s desire for “the same thing[s], which nevertheless they [all] cannot enjoy (Leviathan, XIII, 3)” follows competition, which degenerates quickly into a “war of every man against every man (XIII, 12).” People come prepared not only to strip a man of the fruits of his labor, but also “of his life, or liberty (XIII, 3).” They endeavor to subdue and destroy each other in pursuit of their own selfish ends. Since man has a natural right to his own self-preservation, any means necessary in “preserving his life against his enemies (XIV, 4)” is therefore also a right. Hobbes interprets these rights to include the entire sphere of human actions—literally “every thing.” For Hobbes, then, we have a right to deny another’s rights, if that is what is necessary to preserve our own rights – a point of view that could justify absolutism.

Hobbes’ account of a right to everything leads to some troubling consequences. By “every thing” he necessarily includes all possible actions, yet he prescribes these rights on the basis of defense and self-preservation. It remains to be seen whether every action can in fact be pursuant to self-preservation. Even in a total state of war, certain actions are still a result of whim or fancy, entirely unrelated to the fundamental perpetuation of life. It is unclear whether comfort, for example, is directly tied to preservation, if it is meant as simply continuing life. By exercising unlimited rights and stealing a reclining chair, for example, I enhance my comfort, but it would be difficult to argue that my life is endangered or threatened without it. There are countless similar cases where the premise of self-defense is insufficient. The right to everyone’s bodies is a natural consequence of the right to everything, but in Hobbes’ formulation this right is entirely indiscriminate. While it is justified in the

name of self-defense, it simultaneously sanctions torturing, raping and otherwise harming others for any reason whatsoever. Granted, this is a pure state of war, but endowing rights to the most inhumane of actions when they have no bearing on self-preservation is difficult to accept. A right to everything in the name of preservation is justified, but an unconditional right to everything is absurd. Yet Hobbes makes no distinction between the two, proceeding directly from one to the other<sup>1</sup>.

At its root, Hobbes' position on rights in the state of nature arises from his belief that we have no inherent moral compass, or at least his skepticism that any tendency towards altruism is of much value in the face of the powerful forces of self-preservation. By negating the role of ethics in the state of nature, Hobbes asserts that "nothing can be unjust (Leviathan, XIII, 14)." When every man is against every man, "the notions of right and wrong, justice and injustice have no place (ibid.)." To impose a moral critique on the consequences of a right to everything therefore does not confront Hobbes on his own grounds. It is impossible to hold him accountable for monstrous actions in the state of nature when he denies the presence of any ethical metric. Even if we did, Hobbes maintains it would be irrelevant in the state of war, where "force and fraud" are the "cardinal virtues (XIII, 14)." Law, and hence justice, can only exist by dictate of a higher power.

While technically unassailable, Hobbes' account is unappealing. His account of human behavior in the state of war is incompatible with every form of altruism and unselfishness, examples of which abound both in modern and historical society. Even amongst parties at war there are occasional demonstrations of kindness and compassion. Although ruthlessness is certainly evident in humanity, it is by no means a hard and fast rule. His cutthroat "state of war of every man against every man," also

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<sup>1</sup> Here I use "right" according to Hobbes' definition of a freedom to do or forbear. He does not attach any moral significance to the term. Hobbes argues that since we have the freedom to act in any imaginable way, we often act monstrously and harm others. Despite the fact that Hobbes uses "right" simply for descriptive purposes, I deliberately make a moral critique. I recognize the failings of this approach in the following paragraphs, eventually arguing that Hobbes account is simply unappealing. People in Hobbes' state of nature may still act altruistically, but those actions will not have much significance where everyone is aiming to exploit even the smallest advantage over others. At its root, then, my argument is that people act altruistically *and* do not take advantage of others' kindness. In the theme of my military example below, armies regularly recognize ceasefires when they could seize the opportunity to further harm the enemy.

leaves little room for familial relations. Those who sacrifice their lives for their children are the very antithesis of his argument. Such difficulties cast doubt upon Hobbes' characterization of human nature, further weakening the basis for his right to everything.

In contrast to Hobbes' unconstrained rights of man, Locke's view of rights in the state of nature rests on the existence of what he calls the law of nature. On the surface, his account of the state of nature is functionally similar to Hobbes' when he makes comparable statements about human equality and "the perfect freedom to order [one's] actions and dispose of [his] possessions as he thinks fit (2<sup>nd</sup> Treatise, 4)." Yet he arrives at much different conclusions. Key to this distinction is Locke's firm belief in a "law of nature" – reason – which governs men's actions regardless of their state or situation. The law of nature places a critical limit on human behavior: his state of nature "is a state of liberty, yet it is not a state of license (2<sup>nd</sup> Treatise, 6)." People may act as they think fit, but only "within the bounds of the law of nature (2<sup>nd</sup> Treatise, 4)." Among other consequences, the law of nature prescribes a certain moral code: it "teaches all mankind who will but consult it...that no one ought to harm another in his life, health, liberty or possessions (2<sup>nd</sup> Treatise, 6)." Locke argues such a code of actions is a natural consequence of reason and further justifies it on divine grounds—we are God's property and are therefore "made to last during His, not one another's pleasure (ibid.)." By arguing that one endeavor "as much as he can to preserve the rest of mankind (ibid.)," the law of nature even provides for a basic altruism.

Locke's inherent limitation on rights marks a critical departure from Hobbes' right to everything. Just as Hobbes' cynicism about human nature is the basis for his account of unlimited rights, Locke's argument for limited rights is the product of a much more optimistic view of humanity. People in his state of nature are expected to "preserve the innocent and restrain offenders (2<sup>nd</sup> Treatise, 7)," a far cry from the ruthless competition Hobbes expects. It is telling that Locke considers mankind's failings to live according to the law of nature mere "inconveniences (13)," rather than abject human failings. Like

Hobbes, he acknowledges it is “unreasonable for men to be judges in their own cases (ibid.),” and prescribes civil society to remedy the “partiality and violence of men (ibid).” Yet Locke arrives at this conclusion from a much rosier viewpoint. It is the difference between a state where the laws of nature provide for a basic moral framework but are occasionally impaired by the vagaries of human emotion and one where justice simply does not exist. Ultimately, Locke’s understanding of human nature accords much more with our own actual experience of human behavior. Even if it is optimistic, it certainly allows for the full spectrum of actions, while Hobbes’ account all but denies that mankind has any capacity for selflessness. Limited rights are also far easier to justify on the basis of self-preservation; a right to what is essential to our protection follows, the civil equivalent of *carte blanche* does not.

For Locke, people within a commonwealth accept certain limitations on rights but ultimately preserve their fundamental rights. The commonwealth exists for the very reason of preserving these rights against “the injuries and attempts of other men (2<sup>nd</sup> Treatise, 87).” If somehow a government fails to protect these rights it becomes illegitimate and the people have the duty to overthrow that government. When transitioning from the state of nature to a commonwealth, therefore, men do not cede or relinquish their fundamental rights, only the right to arbitrate in their own cases. The commonwealth assumes the individual power of men to “punish the offenses of all those of that society (ibid.),” and arbitrate what constitutes an offense. Its primary role is that of an “umpire (ibid.),” in “deciding the differences which may arise between members of the state (ibid.)” according to laws “authorized by the community.” Although these particular rights formerly belonged to individuals, they are held in trust by the commonwealth in order to preserve their most fundamental rights, namely those of life, liberty and estate.

Believing that unconstrained rights to everything in the state of nature would lead to anarchy, Hobbes mandates that an individual relinquish all his rights when entering into the commonwealth. The unfettered condition of perfect freedom possessed by man within the state of nature, ironically results,

in Hobbes' opinion, with "the life of man, solitary, poor, nasty, brutish, and short" (Leviathan XIII, 9). To avoid this pitiful condition, it is necessary that one "give up [one's] right of governing himself to [the sovereign] ...and authorize all his actions (Leviathan XVII, 13)." In essence, once in the commonwealth, an individual has no rights. He has only the faith and trust that whoever holds his rights will act in his best interest. Hobbes never insists that the sovereign rule with a view towards individual rights or really to any standard whatsoever. Since people necessarily "authorize" the sovereign's every action, they can conceivably find themselves in a position where they are sanctioning the abuses of themselves. This situation leads to a troubling contradiction: a "man cannot lay down his right of resisting them, that assault him by force (XIV 8)," yet he authorizes unconditionally the sovereign's every action. In the case of his own execution, it is difficult to see how a man might simultaneously resist and authorize the action of his sovereign. Here, individuals' inalienable rights conflict with the unlimited rights and powers of the government. Hobbes fails to address how the two can be reconciled. Locke's view of a sovereign with limited powers, by contrast, is fully compatible with inalienable rights. In his account, the government exists not to hold the people "in awe," but to preserve their fundamental rights.

Locke's account of rights is ultimately more complete. He provides a full and detailed justification of the right to property, while Hobbes provides none. Hobbes maintains that property, like justice, only exists by declaration of an absolute sovereign power. Yet a right to property, at least in the sense of possessions, is something seemingly inherent to humanity. Hobbes' view of property places the entirety of one's possessions at the whim of an arbitrary ruler. Even the status of children, unequivocally a possession of their parents, is uncertain in Hobbes' formulation. In Locke's philosophy, ownership as derived from one's labor on the things one creates or improves accords much better with our own. He argues "the fruit or venison which nourishes the wild Indian, who...is still a tenant in common, must be his (2<sup>nd</sup> Treatise, 26)." It is reasonable that someone in the state of nature should have a right to certain possessions, especially those that are so closely associated with his preservation.

By implying that a right is something inherent to us, something that we are compelled to protect, he directly obligates others in the task of preserving a right. Hobbes' account of a right simply as a liberty to do or forbear is narrower; it does not directly compel others to preserve this liberty on our behalf. Furthermore, there is no sense of inherent rights in Hobbes, since they are defined neutrally as liberties.

Hobbes' and Locke's divergent accounts of rights reflect different understandings of human nature. While our actions are not always admirable, Hobbes' understanding of humans as entirely selfish beings fails to account for a wide range of human behavior. If Hobbes has so little faith in men's behavior in the state of nature, how can he expect a ruler, who is necessarily human, to act any differently in a position of absolute power? By contrast, Locke offers a reasonably optimistic view of humanity, one that endows people regardless of which state they are in with the capacity to act both in their self-interest and for the good of others, that sees such objectives as not being mutually exclusive. Locke retains some basic notion of right and wrong, arguing that we can arrive at such conclusions purely through reason. Situated within an ethical framework and predicated on the concept that fundamental rights are never relinquished, Locke's concept of the rights of man is ultimately more persuasive than that of Hobbes.

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