

**THOMAS HOBBS' AND JOHN LOCKE'S ACCOUNTS
ON NATURAL RIGHTS**

[Thomas Hobbes ve John Locke'un Doğal Hak Anlayışları]

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ABSTRACT

The problems like what kind of rights people have over what, and when and how these rights can be defined as natural rights and should be protected have always been a discussion topic in the history of philosophy, and they are likely to remain so in the future. This paper presents the views of two philosophers who are seeking answers to these questions. According to Hobbes people have natural rights, but because they are not secured, there is always a state of war. In order to protect the rights and achieve sustainability of life, people need to abandon the state of nature and agree on a social contract.

One of the other important philosopher is Locke who believes that people certainly have natural rights. However, according to him, the state of nature does not necessarily mean a state of war. The state of war refers a situation before the social contract. After the contract is agreed to, natural rights are ensured to a certain extent. In the view of both philosophers, natural rights are guaranteed through reason.

Key words: natural rights, state of nature, state of war, human nature, reason, social contract.

THOMAS HOBBS VE JOHN LOCKE'UN DOĞAL HAK ANLAYIŞLARI

ÖZET

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İnsanların neler üzerinde ne tür hakları olduğu, bu hakların nasıl ve ne zaman doğal hak olarak nitelenebileceği, nasıl ve neden korunmaları gerektiği konuları felsefe tarihinin tartışılacağı, öyle görünüyor ki, tartışılmaya devam edilecek konularındandır. Bu çalışmada bu sorulara yanıt önerisinde bulunan iki filozofun görüşlerine yer verilmiştir. Hobbes'a göre insanların doğal hakları vardır, ancak bunlar güvence altında olmadıklarından, her zaman bir savaş durumu (doğa durumu) vardır. Hakların korunması ve yaşamın devamlılığı için doğa durumundan çıkıp insanların birbirleriyle toplum sözleşmesi yapması gerekir.

Locke'a göre de insanların doğal hakları vardır. Ancak doğa durumu her zaman bir savaş durumuna karşılık gelmez. Savaş durumu, toplum sözleşmesi yapılmadan önceki durumu imler. Sözleşme yapıldıktan sonra, doğal haklar bir ölçüye kadar güvence altına alınmış olur. Her iki filozof için de doğal haklara sahip olmanın teminatı akıldır.

Anahtar sözcükler: doğal hak, doğa durumu, savaş durumu, insan doğası, akıl, toplum sözleşmesi.

HOBBS' ACCOUNT ON NATURAL RIGHTS

Views on natural rights have a significant place in the history of philosophy. One of the prominent 18th century philosophers dealt with the concept of natural rights is Thomas Hobbes. This study aims to expose the interrelations between his concepts of 'state of nature', 'natural right', 'laws of nature', 'social contract', and 'human nature'.

According to Hobbes, "people are equal by birth". (Hobbes, 1993, p. 92) This is both a physical and mental equality. People are physically equal because someone who is physically less endowed can kill another person who is much stronger, resorting to a simple trick or collaborating with others. They are mentally equal, too. Human nature is such that although they concede that many others are more intelligent, or wittier, or more knowledgeable, they hardly believe that there are many who are as clever as themselves because they know their own intelligence very well, while they have a faint idea about other people's intelligence. Nevertheless, this situation does not indicate that people are unequal; on the contrary, this indeed shows that people are equal. The most significant evidence to equal share of something is that everyone is content about his or her own share. (Hobbes, 2007, p. 26) However, this equality makes these people to become hostile to each other. As a matter of fact, equality in skills brings about equality in opportunities to reach life goals, and since people desire to possess the same things at the same time, they feel bitter hostility toward each other for the sake of their goals of preserving their own existence or just deriving pleasure. What results from this is a state wherein people try to rule each other by using violence and trickery. (Hobbes, 1993, p. 93) Actually, such an unsafe situation for humans creates 'the state of nature', which at the same time refers to a 'state of war'.

For Hobbes man has a "two-sided nature". One side of this duality appears as the desire to survive; Hobbes calls this as the 'instinctual nature'. This side gives man the liberty to use his own power as he wishes and do anything he wants to preserve his own life. (Hobbes, 1993, p. 96) This state in which the human being acts according to this side is 'the state of nature'. We see in this situation that certain feelings drive people to conflicts: competition, insecurity, glory, honor, etc. (Hobbes, 2007, p. 24) Hobbes maintains that unless there is a power that suppresses all these feelings, a war is likely to break out among people. This is a war of all against all. Hobbes describes the state in

which there is no government as a situation of war of all against all (*bellum omnium contra omnes*). This threat of war is perpetual, yet this does not necessarily mean that people should fight all the time. War is not only made up of fight or struggle; war indicates a state of full awareness of the will to a perpetual fight. (Hobbes, 2005, p. 88-89) Under these circumstances, human life becomes a lonely, deprived, bad and brutal one. During this war nothing can be regarded as unjust, because 'right-wrong', 'fair-unfair' can not be applied to actions done in the state of nature; they can be criterion only for the actions of people living in a society. So the human beings in the state of nature are creatures who live with a constant fear of death who always struggle to exist and who are selfish, acting on instincts.

The other side of the human nature is named by Hobbes as "rational nature". It is this side that will help him to break away from the state of war. Hobbes asserts that the fear of death, the wish to achieve commodious living and the hope to accomplish all these by working have inclined men to peace; the "reason" has showed the conditions for the peace; these conditions are the 'laws of nature'. (Hobbes, 1993, p. 96) To continue their existence, reason should rule over the instinctive nature of the man; only then the rights can be securely determined and lived.

Natural right can be determined as the freedom of man to use his power to protect his own nature as he wishes and to do everything that his reason shows him as the appropriate means for reaching his goals. (Hobbes, 2007, p. 28-9) Hobbes derived this definition of 'right' from the 'human nature'. Indeed, this definition is related with the natural (instinctual) side of the human nature; the role of the rational side is to determine the ways to preserve this right.

In the state of nature everyone has right to do everything, but as long as this right endures no one can attain the security of surviving during the time that nature has allowed him to live, how strong or wise or so ever he is. (Hobbes, 1993, p. 97) Consequently, it is obligatory to seek peace and use reason to preserve and continue their existence. If people want to live in peace, they need to obey the conditions reason has suggested them. As it noted above, these are the laws of nature. Laws of nature exist also in the state of nature, but their determination on men is different that they have in

social life. Although they always determine people's behaviours morally, it is only after the establishment of the government that they determine them actually. (Hobbes, 2007, p. 79-80)

About the question of how a law can be defined as a natural law, Hobbes suggests that if a law applies unexceptionally to all subjects, and if it is not written or publicly declared at a place where all can see, then it is a law of nature. As a matter of fact, what people suggest as a law with regard to their own reason and logic should also be adequate for all others' reason and logic, and this is possible only for the law of nature. (Hobbes, 1993, p. 93) As an example, he points out the principle that says "Do nothing that you would not want to be done to yourself." Other laws of nature listed by Hobbes are as follows: grant away his all rights on everything to protect the peace and himself and to be content with having as much liberty as he would grant to others (Hobbes, 2007, p. 31); act as the contracts dictates (Hobbes, 2007, p. 38); feel grateful (Hobbes, 1993, p. 110); show mutual courtesy and politeness, take into account the forthcoming benefits rather than the evils in the past while taking the revenge; don't underestimate others, accept everyone as your equal; act adequate to justice and equity; obey the decision of the third party referee. (Hobbes, 1993, p. 113-114) According to Hobbes these are eternal and permanent rights, because the reverse situation (injustice, ingratitude, arrogance, vanity, unfairness, favoritism etc) cannot be justified. For him it cannot be proposed that the wars could save the life and peace is something destructive for human life. Besides, the real science of the natural laws is the actual moral philosophy. (Hobbes as cited in Gert, 2001, p. 250) Because moral philosophy is the science of what is good and what is evil. Laws of nature are good because they are moral virtues, while lack of virtue is bad. (Hobbes, 2007, p. 61-63) Hobbes thinks that all laws of nature can in fact be summarized by the axiomatic principle of 'do nothing that you would not want to be done to yourself'. (Hobbes, 1993, p. 115)

The fact that in the state of nature it cannot be assured that all individuals would preserve their own existence renders the reason for the existence of the government. As it is noted earlier, people who likes the freedom of the state of nature and who has a desire to rule other people can not maintain a social life. The condition of living together is to alienate this freedom to a State. For him, contracts without the Sword are just Words, and of no strength to secure a man at all. (Hobbes, 1993, p. 127; Hobbes, 2007, p. 79) For him governments have to be established according to a contract. Hobbes regards social contract/legitimacy necessary only at the stage of the establishment of the government. (Çetin, 2002, p. 5) Here the government is established by a contract in which subjects make a covenant among themselves and say to each other that they will all alienate all their rights to

this person or a selected few to govern them. (Hobbes, 1993, p. 130) Therefore it is clear that the contract is possible only with a covenant which assures reciprocal right alienation. The subjects limit their rights voluntarily to act in accordance with the natural laws. (Tuck, 1979, p. 119-25) However the subjects can't alienate all his rights. Hobbes asserts that the aim of all voluntary action is benefit; alienation of a right is also a voluntary action. On this subject he says that the individuals could not alienate their right to protect themselves against the invaders, because they have no benefit in this. This also applies to injury, imprisonment, being shot. (Hobbes, 2007, p. 42) By conceding social contract people abandon their rights to do anything that they want, but they retained the rights to possess their own bodies and use all the imperative things such as air, water, act, travel, without which they cannot survive. (Hobbes, 1993, p. 113) Natural rights such as "life", "freedom" and "equality" are restricted by social laws. (Hobbes, 1993, p. 191) The real aim of making law is the restriction of natural laws. For example, in the case of society, freedom refers to 'freedom of body', i.e. freedom from chains and prison. (Hobbes, 1993, p. 156) He states that freedom of man that lives in a society is restricted with the acts that sovereign has not forbidden. Property is a right, but it becomes actual after the constitution of a government as all the other rights become. (Hobbes, 1993, p. 106) The citizens can benefit from this right to the extent to which the sovereign allows. Although absolute sovereignty of government brings out some problems, the lack of such sovereignty can bring about even more grave consequences, so the latter situation should be preferred at all times. (Hobbes, 1993, p. 154; Hobbes, 2007, p. 116-117) The sovereign unconditionally holds the right to govern. (Hobbes, 1993, p. 151) This sovereignty has resemblance to the master-slave relationship. (Hobbes, 2007, p. 122-123)

J. LOCKE' S ACCOUNT ON NATURAL LAWS

A similar account on natural rights is belongs to Locke. Locke questions whether man is bound by any law by comparing him with other creatures. Locke states that all living things which submitted to God's will have laws related to their own nature and these laws serves for the preservation of their existence. He also asserts that things has nothing in their nature that could hinder the operation of these absolute and unchangeable laws. (Locke, 1954, p. 109) To explain the situation and content of natural laws, God is a crucial subject for Locke. Divine rewarding and punishment marks the supernatural and infinite characteristics of the natural laws. (Esperanza, 2006, p. 69) At this point the question can be raised that why should men give up his liberty and want to live under the rule of another power while they are the masters of their own property and equal to all other men in the state of nature? Locke's answer to this question is as follows: People have the right to everything in the state of nature; nevertheless, he is not secure in terms of using these rights. In other words, he is prone to external attacks because everyone is a king, free and equal to others in this state. This makes people want to escape the insecure environment and live in a society. (Locke, 1954, p. 233)

According to Locke, God has always been a useful base for constituting the absolute duties and rights on itself. (Bix, 2004, p. 299) Laws of nature which could be defined as the sentence of a supernatural power, i.e. God's will, can be realized through the light of nature and shows us what is and what is not consistent with rational nature; for Locke reason can't constitute these laws, but only discover them. In other words, reason neither interprets nor constitute the natural laws. (Locke, 1954, p. 111) At this point, Locke differentiates 'right' from 'law': *Right* refers to our liberty to use something; *law* commands us to do something or prohibits us from doing something. Then natural laws inherently entails within themselves all that a law should have entail.

Locke derives the law of nature from the assumption that God cannot have created the nature without an aim. Because it cannot be thought that God did something aimlessly; it is evident that God, when creating the humankind, wanted them to continue their existence. Therefore, God, who wanted the human beings to continue their existence, granted them the necessary tools which would help them to do so. The earth and all the things on it are the things that God has granted to human beings in order to continue their own existence. Therefore it is human beings' natural right to have

the possession of all these things. (Locke, 2004, p. 25-26) As being the creator of all the things, God is the sole owner of the world and the animals. As the possession of the God, human beings have, and should have, the right to use all this property of God. The humankind holds the right and liberty to use God's property within the extent to which He allows them to. By the same token that he is a property of God, man has to maintain his existence and protect himself from. Thus the human beings are under the obligation to preserve their nature, and to this end, they should have the necessary means for this end. Hence, when we suggest the right for appropriation of human beings, we suggest the right to use whatever they own in the way God allows them to. Similarly, man's life is God's property, and the only property man has is the right to use this life. Humans cannot exterminate this life, which belongs to God, by committing a suicide. From the main natural laws the all other natural laws can be derived, and from these the natural rights originate. (Tully, 1980, p. 62)

The absoluteness of laws (and the laws of nature) is due to their being the sentence of the supreme will. The function of law (and the law of nature) is to tell us what to do and not to do. In this aspect, the laws are valid to everyone. However, the law of nature is not discernible by the same means as positive laws are, but only by the light of nature. (Locke, 1954, p. 113) So the question could arise that if the laws of nature can be perceived by reason, why not everybody is aware of it? Locke maintains that some people never use the light of reason and the sun can't reveal the way to whom that doesn't open his eyes and prepared for the journey.

There are natural laws whether everyone are aware of them or not; because people have conscience. Nobody can clear himself of an inner responsibility after a harmful action because of his conscience. This renders evidence to the existence of the laws of nature.

The laws of nature are not written. This however does not mean that they do not exist. Upon looking around in the nature, we can observe that all creatures abide by the unchangeable laws of their existence that is compatible with their own nature. (Locke, 1954, p. 117)

Another piece of evidence to the existence of the natural laws might be derived from the fact that people live in a society; because if there was no natural law there would be no base to constitute social relations between men or a social contract between people. Last, there would not be good and evil without natural laws because, in this case, neither the reward for the good nor the punishment for the evil would be determined. On this, Hobbes and Locke agreed with each other: there is no guilt or guiltiness where there are no laws. (Locke, 1954, p. 119)

As mentioned earlier, the knowledge of laws is explorable only through the light of the nature. For this aim one should utilize the mental capabilities nature has granted to him. Nature has granted all these capabilities, yet it does not necessarily indicate that everybody utilizes them properly. In Locke's point of view, most people anyway do not act according to their own reasoning, but they act according to others' rules, directions, opinions and suggestions. People living in this way cannot discern natural laws through the light of nature.

Locke states that the people in the state of nature have the liberty to act within the restrictions of the natural laws without having to obtain permission of anybody and without relying on others' will, and they have the right to appropriate the things; however, they do not have the liberty to eradicate his or others' existence unless there is a more noble cause than their protection.

The essence of the human nature is 'reason' that only the human beings possess. By nature, they have the right to a free and healthy life and secure ownership. Man acquires this knowledge in the guidance of his reason. But this is valid for only those who act according to their reason. The prosperity of the laws which will secure these rights is addicted to giving everyone the right to penalize those who defy these rights. In this case, the amount of the punishment is determined in the light of the reason and the conscience.

CONCLUSION

Locke maintains that “the state of nature” corresponds to a state in which men continue to live together relying on their reason wherein there is no supreme authority who is entitled to judge over them. The contracts that are agreed in the state of nature are conjunctive amongst parties. In this state everyone promises to each other and yet keeps their promises; this is their duty. On the other hand, in Hobbes’ point of view, if keeping promises renders a threat to people’s existence, it is not a law to obey all the time.

For Locke the state of war is a situation in which a person wants to put pressure on another person when there is a lack of a supreme authority entitled to give sentence about people. This state, he believes, is different from the state of nature. In spite Locke’s view about the state of nature is not identical to the state of war, but just the opposite: it is a state of peace, solidarity and good will wherein people are all equal to each other and free. Only when a force applied unjustly, state of war arises, but this state should not be assumed as identical with the state of nature. Indeed, the state of war is nothing but the violation of the state of nature. (Copleston, 1991, p. 180) The discrepancy between the two states is so evident that these are as different from each other as peace, good-will, solidarity and protectiveness are different from hostility, betrayal, violence, and mutual destruction. Thus the situation for Locke is the true opposite of Hobbes’ representation. The state of nature is generally the state of peace; nevertheless, there might be times when wars break out in this picture of peace. Still, this does not harm the overall peaceful outlook of the state of nature. When there is no authority for people to turn to in case of need, someone who is attacked by another is bound to be in a state of war, no matter if this is the state of nature or society. (Locke, 2004, p. 19)

For Hobbes, however, the state of war and the state of nature mean the same thing: in the state of nature, people are potentially in a state of war. Yet, for both Hobbes and Locke, neither the state of war nor the state of nature has yet come to an end. In addition, for both philosophers, that a person has the right to eradicate others who threaten to eradicate him is legitimate both by human reason and the system of justice. Again, for both philosophers, reason is what differentiates human kind from other creatures, and reason is the guarantee of having natural rights and being knowledgeable about them.

In *Leviathan*, (Hobbes, I, p. 14-15) Hobbes lays down 19 natural laws. However, when examined carefully, it becomes clear that all other laws of nature are derived from the axiomatic principle “Do nothing that you would not want to be done to yourself.” For example, conceding one’s natural rights and being content with as much liberty as a person grants to others is a necessity in, and derived from, the main law of nature. This is the second law of nature. Justice, the third law of nature, envisages the arise of injustice when people do not obey the contract, which was prepared to maintain peace, or to fulfill what the first law of nature commands. Therefore, tabulation of the laws of nature should not be regarded as a major difference between these two thinkers’ works. Actually Hobbes has derived the other laws from main law of nature. While Locke derives all the laws from reason, Hobbes does this himself by using the main natural law as a base. (Bakırcı, 2008, p. 10)

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