

# Social contract theory of John Locke and Thomas Hobbes

**Submitted By:**  
**Anuja Barooah**

BA LLB – First year

## Table of contents

<u>SL. No</u>	<u>Topic</u>	<u>Page No.</u>
1.	Introduction	3
2.	Research Objective	4
3.	Research Questions	4
4.	Research Methodology	4
5.	Review of literature	4-5
6.	State of nature	5-6
7.	Social Contract theory	6-8
8.	Difference in ideologies	9
9.	Conclusion	10
10.	References/Bibliography	10

## **Abstract**

**This paper mainly focuses on the Social Contract theory. Social Contract theory is a theory that takes about a hypothetical state of nature and how the existence of state came into being. There are three philosophers who have been credited for this theory namely Thomas Hobbes, John Locke and Rosseau but this paper aims to study the theories of only John Lock and Thomas Hobbes. In the beginning the paper talks about the individual understanding of their theories and at the end it brings out the difference in both their theories. Finally giving a critical apprehension of their theories.**

**Key words – Social contract theory, state of nature, Thomas Hobbes, John Locke and hypothetical**

## **Introduction**

Social contract theory came from the believe that man lived in the nature and there was no laws or government to regulate them, therefore there was a state of anarchy. Sections of society were subjected to difficulties and tyranny. To get through these difficulties, they made two agreements: *Pactum Unionis* and *Pactum Subjectionis*. The concept of *Pactum Unionis* states that people wanted to protect their land and lives. As a result, a community emerged in which people wanted to live with peace and harmony. The second concept of *Pactum Subjectionis* believes that people joined together and promised to obey an authority and committed the whole or part of their freedom and rights to an authority. This they did to protect them and extend a kind of liberty (Lashkar). They must agree to build society by collectively and reciprocally relinquishing the rights they held against one another in the State of Nature, and they must invest some one person or group of people with the authority and capacity to carry out the original contract.

Social contract theory says that people live together in society in accordance with agreement the establishes moral and Political rules of behaviour. It is because if we live by a social contract we can live by our own choice and not on the believe of a divine being. According to Professor Stuart Mill, Morality is simply the set of rules governing behaviour that rational people accept, on that condition that others accept them too. The state, Evers says, is an artificial device or instrument developed by men for their mutual benefit; it is designed to serve the interests of all persons or all sections of society, according to the social contract theory (Evers). Social contracts can be explicit like laws, or even implicit like raising a hand in class to speak. The U.S constitution can also be often cited as an example of explicit contract. It sets out the Do's and Don'ts for the government of America and people of America agree to be governed by the political obligations outlined in the constitution's social contract. Thereby the main aim of

social contracts being to maintain framework of peace and harmony in the society. Thomas Hobbes, John Locke, and Jean-Jacques Rousseau are the most well-known proponents of the social contract theory. However, other theorists such as Immanuel Kant, Herbert Spencer, John Rawls, Robert Nozick, and Ayn Rand used the notion to develop their own philosophical theories (Rauscher).

### Research Objectives

The main objective of this research paper is to study the social contract theory proposed by John Locke and Thomas Hobbes and finding out the disagreements of Locke with that of Hobbes's theory. Another objective of this paper is to find out the difference in the ideas of social contract theories of John Locke and Thomas Hobbes.

### Research Question

Q1. What is the Social Contract theory of Thomas Hobbes and Jean Locke?

Q2. What was the difference in the ideas of Thomas Hobbes and John Locke where the establishment of state was concerned in the Social Contract Theory?

### Research Methodology

The researcher has used secondary method of data collection. Whereby she has used various websites, Journal Articles, Books and Reports to carry out this study. The main books that the researcher has referred to are *Leviathan* and the second treatise of Government. The papers referred were titled *A comparison of Hobbes and Locke on Social contract and social contract theories of Hobbes, Locke and Rosseau*.

### Review of Literature

- I. Leviathan – This is a book written by Hobbes where he talks about the formation of commonwealth and his idea of it. The construction of a commonwealth through social contract is the best way to attain civil peace and social togetherness, according to the author. In Hobbes' ideal commonwealth, a sovereign power is in charge of maintaining the commonwealth's security and is given absolute authority to ensure the common defence. Hobbes depicts in his introduction that this commonwealth is a "artificial person" and a political body that resembles the human body. Hobbes refers to this figure as the "Leviathan," a word derived from the Hebrew for "sea monster" and the biblical name for a gigantic sea creature; the image serves as the final metaphor for Hobbes' ideal government.
- II. The second treatise of Government – This is a book written by John Locke which was published in 1689. This book places sovereignty in the hand of the people. He wrote this book in response to the Political situation in England at that time. It was the revolution of 1688 where King James II was overthrown by parliamentarians and this book explains the reason for it. Locke defines 'legitimate role of civil government'. Locke's central thesis is that in a natural condition when people are free from outside domination, they are all equal and have natural rights. The government exists for the people's benefit and can be replaced or overthrown if it ceases to function toward that primary end, according to Locke's model.
- III. A comparison on Hobbes and Locke on Social Contract – This is a research paper written by Dean Allen Steele who is a faculty of the University of Texas at Austin. The goal of this study was to go deeper into Hobbes and Locke's writings on the pre-political or pre-social condition known as the State of Nature, as well as the transition from the State of Nature to society, known as the social contract. The paper discusses The state of Nature describes by both the philosopher and goes on to discussing the similarities and difference among the two, such as types of government in consistent with the theory.

### State of Nature

The State of Nature refers to the conditions in which humanity lived before to the establishment of societies, and it might be either historical or hypothetical. It makes little difference whether or not this precontractual position ever existed, whether or not men still live in it today, or whether or not societies will revert to this pre social state after the contract expires. What's crucial is that presuming a State of Nature exists allows you to study society in such a way that you can recommend what the state's aims should be in order to solve the difficulties depicted in the State of Nature (Hobbes).

Thomas Hobbes talks about two types of state of nature. The primary and the secondary states of nature. The Primary State of Nature is a State of War. Men are naturally formed to be so equal in their physical and mental powers that one cannot consider his stronger strength or quicker intelligence alone to make him superior to others. Since men here are equal in their ability their end of their desires is also the same. Now the same desires make them fight against one another. There is no common power to keep men in check because they are all basically equal. That is why they are at conflict (Laskar). Hobbes also wrote that mistrust is another foundation for his concept on state of nature. He wrote that men usually lock their doors at night or keep their valuables a chest and even accuse their servants or family members of some mishappening. Hobbes is attempting to demonstrate that because a man does not know whom to trust, he must fear all men. This fear perpetuates a state of war and this state does not allow people to enjoy their life. The state of war as Hobbes wrote in *Leviathan*:

*"... every man against every man, ..., Where there is no common Power, there is no Law: where no Law, no Injustice. Force, and Fraud, are in warre the two Cardinall vertues, ..., It is consequent also to the same condition, that there be no Propriety, no Dominion, no Mine and Thine distinct; but onely that to be every mans that he can get; and for so long, as he can keep it."*

Liberty Men, on the other hand, are pushed to peace by a fear of death, a desire for what is necessary for decent life, and the hope of achieving their goals through perseverance. The second state of nature talks about the Law of Nature. A law is made up of substance and a directive from a higher authority. The content of the law is contained in the Rules of Nature, whereas God is the authority who enforces the laws (Hobbes).

According to Locke, it is unlikely to find documents of the State of Nature because, in general, record-keeping begins with civil societies, i.e., political bodies (Ramon). Locke, on the other hand, attempted to convey his perspective on what was most likely the beginning of civil society. Locke's concept of the State of Nature was influenced by his own social circumstances and problems at the time (Locke). To arrive at a potential origin of the civil state, he coupled his observations with conventional Christian teachings on natural law and God.

People, he claims, live under the law of nature, which they enforce themselves in the absence of government. Property rights, especially property rights, exist in the natural world, which was crucial to the formation of later ideas of rights. When conflict arises in the natural world, people understand the need for impartial authority and migrate out of the natural world in two steps, first forming a community, then forming a government. People are justified in rising in revolt when the government breaks the agreement upon which it was founded.

### Social Contract theory

#### Thomas Hobbes

The thesis of Thomas Hobbes' Social Contract originally appeared in his book *Leviathan*, which was published in 1651 during the English Civil War. The legal philosophy of Thomas Hobbes is founded on the Social Contract. According to him, man lived in the State of Nature prior to the Social Contract. In the State of NATURE, man's life was marked by fear and selfishness. Man lived in a state of perpetual terror and chaos. In the State of Nature, life was solitary, impoverished, nasty, brutish, and short. Man has a desire for security and for this they voluntarily surrender all their rights and freedoms by a contract (Hobbes). In order for humanity to be secure and escape the State of War that exists in nature, Hobbes said that they must "confrere all their power and strength upon one Man," and that this man will "bear their Person." As a result of this agreement, the most powerful authority is responsible for protecting and preserving their lives and property. The institution of the ruler or king, who shall be the absolute ruler, arose. Subjects had no rights against the sovereign's total authority, and he must be followed in all circumstances, no matter how evil or unfit he may be. Here it can be analysed that Hobbes was the supporter of Absolutism. He upheld the principle of "Might is right" (Hobbes).

Hobbes therefore came to the conclusion that human beings are very self-interested and self-centred, they only pursue their own desires. However, humans are rational they possess the rational capacity to pursue their interests in the most efficient and maximal manner feasible. For the sake of the subjects' peace, life, and prosperity, Hobbes compel them to relinquish all of their rights and bestow all of their liberty in the sovereign Natural law thus became a moral guide or instruction to the sovereign for the preservation of the subjects' natural rights (Martinich). All law, according to Hobbes, is subject to the sovereign's approval. Individualism, materialism, utilitarianism and absolutions are inter-woven in the theory of Hobbes.

#### John Locke

Locke's perspective on the condition of nature is not as pessimistic as Hobbes'. It was adequate and enjoyable, but the location was not secure. State of Nature was a "Golden Age" for him. It was a state of "peace, goodwill, cooperation, and preservation". Locke said in Chapters 124–126 of the *Second Treatise* that there were three reasons why men could not stay in the State of Nature. Firstly, they are not likely to follow the rules of nature. Secondly, Men are biased judges because they are enticed by self-love and friendships, as well as ill nature, passion, and vengeance (Locke). Lastly, once a decision has been made, the State of Nature lacks a common power to impose punishments. When an individual, such as a criminal, disregards the Laws of Nature and declares war on the rest of humanity, or his victim, a State of War exists. The only way out of the State of War is for everyone to agree to join civic society and they only way is through a contract. There are two types of consent: express and tacit. But which of these does Locke believe in? Both are correct. According to Macpherson, Locke turned the State of Nature into an environment with an unequal class structure. Locke, saw express agreement as a clear assertion of one's social membership. He wrote that "Nobody doubts but an express Consent, of any Man, entering into any Society, makes him a perfect Member of that Society, a Subject of that Government." (Locke).

In Locke's defence of civil government and the contract that establishes it, property is crucial. Private property, according to Locke, is produced when a person combines his labour with natural raw materials. Because of the implications of the Law of Nature, there are limits to how much property one can own: one is not allowed to take more from nature than oneself can utilise, leaving others without enough for themselves, because nature is given to all of mankind for its common survival. Property in the State of Nature, according to Locke, is insecure due to three factors: 1. the absence of established law; 2. the absence of an impartial judge; and 3. the absence of natural authority to carry out natural laws (Laskar). As a result, man in the state of nature felt compelled to safeguard his property, and in order to do so, he entered into the Social Contract. Man did not sell all of his rights to a single individual under the contract; rather, he ceded just the right to safeguard / maintain order and execute natural law. The objective of government and law, according to Locke, is to maintain and safeguard men's natural rights. The laws passed by the government are legal and binding as long as the government fulfils this objective; however, if it fails to do so, the laws become invalid and the government can be removed from power. Unlimited sovereignty, according to Locke, is incompatible with natural law (Evers). He upheld the principle of "*a state of liberty; not of license*". He made Life, Liberty and Property three cardinal rights which later influenced the American Declaration of Independence, 1776.

### Differences in the ideologies

- Hobbes state of nature was nature was fearful. It was poor, nasty, brutish and short. There is abundance of freedom and everyone do what pleases them. In state of nature there was 'war of all against all'. Locke's State of nature was golden age. There was peace, mutual assistance and preservation. People were reasonably good and enjoyable but the property was not secure, there was liberty and people had morality.
- Hobbes talked about social contract in his book 'Leviathan'. Locke In his work "second treatise of governance," he discussed this concept.
- Man, desired security and order, therefore he entered into a contract for self-defence and self-preservation, as well as to escape sorrow and pain in Hobbes theory. According to Locke The property was insecure due to the lack of established law, an impartial court, and natural power to carry out natural law. As a result, man engaged into a contract to secure his property.
- By signing this contract, people voluntarily give over all of their rights and liberties to an authority that must force compliance. It resulted in the establishment of the monarchy, or the institution of an absolute ruler in Hobbes theory. Whereas in Locke's theory only the right to preserve/maintain order and execute natural law is relinquished by men. Individuals kept their other rights, such as life and liberty. Through their consent, it established a political society and governance. Three things were attained by men that were not present in nature.
- According to Hobbes, a sovereign bound by natural law has a moral obligation. There is no way for a revolution to happen. He was a firm believer in the notion that "might is always right." On the other hand, Hobbes says that each man relinquishes the power to protect himself and punish transgressors. Government's laws are legal and binding as long as it serves its objective; however, if it fails to do so, the laws lose their validity, and the government can be removed from power.
- Hobbes' thesis weaves together individualism, materialism, and utilitarianism. According to Hobbes, the sovereign and the government are the same thing. Locke pushed for a state that serves the common good. He argued for a government that is constitutionally constrained. Locke does not distinguish between sovereign and government.

### Conclusion

Overall, while the social contract theory has been useful in explaining the nature of government and theorising democratic values in modern state systems, it has been subjected to some criticism. According to Hume the social contract hypothesis is based on no historical evidence. According to him, the belief that men lived in a "state of nature" before deciding to create political institutions based on mutual agreement to produce order and security is false. Rights, according to Gauba, are the result of developed social consciousness and are enforced by institutionalised law; they could not have existed in the beginning when political awareness and established law were completely absent. Even though these criticisms exist these two theories have really helped history to provide the basis for the formation of state. Also, even though there are differences between Locke and Hobbes, Locke has great deal common with Locke but at the same time he is unwilling to accept the pessimistic and egoistic nature as Hobbes does (Gauba). To conclude, Locke and Hobbes did have some similar views despite the different objective each wanted to obtain.

### References and Bibliography

1. Laskar, Manzoor, Summary of Social Contract Theory by Hobbes, Locke and Rousseau (April 4, 2013). Available at SSRN: <https://ssrn.com/abstract=2410525>
2. Gauba, O. P. (2003). An Introduction to Political Theory, Fourth ed. New Delhi: Macmillan Ltd
3. Evers, W. M. (1977). "Social Contract: A Critique", Journal of Libertarian Studies, Vol. 3 (3), Great Britain: Pergamon Press.
4. Hobbes, Thomas. Leviathan. Ed. C.B. Macpherson. New York: Penguin Books, 1985
5. Locke, John. Two Treatises of Government. Ed. Peter Laslett. Student Edition. Cambridge: Cambridge University Press, 1991
6. Martinich, A.P. Two Gods of Leviathan: Thomas Hobbes on Religion and Politics. Cambridge: Cambridge University Press, 1992.
7. Rauscher, F. (2012). Kant's Social and Political Philosophy, In the Stanford Encyclopedia of Philosophy (Spring Edition), Edward N. Zalta (ed), <http://www.plato.stanford.edu/archives/spr2012/entries/kant-social-political>
8. Hobbes and Locke: Power and Consent, Ramon M. Lemos (Athens: University of Georgia Press, 1978), p. 89.