

THE WILL OF THE SOVEREIGN
AND
CONTRACT IN THOMAS HOBBS AND JOHN LOCKE

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ABSTRACT

WILL OF THE SOVEREIGN AND CONTRACT IN THOMAS HOBBS AND JOHN LOCKE

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This study mainly investigates the reason of living in civil society, the motives of people to live under the government and necessity of commonwealth by design to live in peace based on modern social contract theories of Hobbes and Locke. Hobbes has a decisive role for developing a western political thought and Locke goes a step further to put superiority of the community and latitude of thought in his theory. In order to examine these topics, similarities of both philosophers in terms of their effort on setting free political thoughts from medieval world view, and their differentiations regarding considerations on human nature, desires and rights of men, formation of the society and the role of government are focused on.

Keywords: John Locke, Thomas Hobbes, social contract, civil society, state of nature

ÖZ

THOMAS HOBBS VE JOHN LOCKE'DA EGEMENİN İSTENCİ VE TOPLUMSAL SÖZLEŞME

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Yüksek Lisans, Felsefe Bölümü

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Bu çalışma Hobbes ve Locke'un modern toplumsal sözleşme kuramları çerçevesinde, siyasal örgütlü toplumda yaşamının nedenlerini, insanları devletin altında yaşamaya iten sebepleri ve barış içinde yaşamak için devlet oluşturulmasının gerekliliğini incelemektedir. Hobbes Batı siyasi düşüncesinin gelişmesinde belirleyici bir rol oynar ve Locke da bu kurama, düşünce özgürlüğü ve toplumun üstünlüğünü ekleyerek bir adım öne götürür. Bu amaca yönelik olarak, ortaçağ dünya görüşünden bağımsız bir siyaset felsefesi oluşturmaları açısından bu iki filozofun benzerlikleri ve insan doğası, tutkular ve insanın toplumsal yaşamdaki hakları, toplumun oluşması ve devletin rolü yönlerinden farklılıkları üzerinde durulacaktır.

Anahtar Kelimeler: John Locke, Thomas Hobbes, toplumsal sözleşme, siyasal örgütlü toplum, doğa durumu

To brotherhood and the diversity

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CHAPTER 1

INTRODUCTION

This study is mainly focused on modern social contract theories of Locke and Hobbes. Although both these philosophers developed a different social contract theory, they are similar in terms of their effort on setting free political thoughts from ‘medieval world view’ since each of them has different considerations on human nature, desires and rights of human beings, structure of society and the role of government.¹ Therefore, in the light of these philosophers’ approaches, I will attempt to find out answers to these questions to achieve the main problem of this thesis; what is the purpose of government? What are the preferred types of government? What is the nature and what are the rights of people? What are the origins of social contract? Is there a necessary link between social contract theory and natural law theory? Main problems are the reason of living in civil society and the motives of people to live under the government. Is the commonwealth by design definitely needed?

The main factor which directs me to choose these philosophers’ political theories for studying is that both of them develop modern social contract theories and we can see incidence of these theories in our century. I believe that thanks to these philosophers, I give more meaning to the conjuncture of our country. To remain living under the power of the sovereign as a unique society can be identified by views of Hobbes and Locke. I amplify this in the last chapter.

¹ Rapaczynski, Andrej. *Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau* (Ithaca: Cornell University Press, 1987), p.6.

To begin with, Locke states that citizens are free and they are equal individuals in the context of natural rights. Humans can be free only by owing to their bodies and properties.² In such a context, everybody wants to have goods, so people conflict inevitably. For that reason, natural law governs them before they enter into the society. Although people want goods, they at the same time want to feel trust and want to preserve themselves and their properties. As a result of this, they relinquish some of their natural rights to enter into civil society and come into commonwealth by making compact. Afterwards, government protects people. People transfer their executive power to enforce laws and to punish offenders in this wise. Unlike Hobbes, Locke says that without government people are free and live in a happy place with equality. "...according to Locke, self government exists prior to and independent of the formation of states."³As a result of this, for Locke, state which is constructed by social contract should preserve previous rights of the people.⁴ Civil society must aim to preserve citizens' freedom especially in terms of property including humans' bodies.⁵ People only give up right to execution and federation. This point is different from Hobbes's account in that people give up everything for the betterment of the state. Locke is against absolutism and unjust governments. Mismanagement runs the sovereign's head against a brick wall, thus he loses his total power. Consent is reciprocally trust based according to Locke. If this confidence gets out of hand, public has the right to decide what needs to be done. Only then can the civilian population choose civil disobedience. Consequently, it can be said that Locke has a slogan: 'No absolute power!' Nobody can guarantee truth of his knowledge so one cannot impose his

² Bouillon, Hardy. *John Locke*, çev. Ali İbrahim Savaş, (Ankara: Liberte Yayınları, 1998), p.22.

³ Tully, James. *An Approach to Political Philosophy: Locke in Contexts* (New York: Cambridge University Press, 1993), p.22.

⁴ Rapaczynski, Andrzej. *Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau*, p.118.

⁵ Bouillon, Hardy. *John Locke*, p.24.

thought by force, and to act according to somebody's will arising from ones desires⁶ is contrary to natural law because humankind has a capacity of using his own will.⁷

In the second place, Hobbes's theory is based on desire of power and fear of death. The social contract refers to that multitude of humans who give up their rights to sovereign authority to act on their behalf. The state of nature is critical in understanding Hobbes. He believes that there is constant war among humans. In the state of nature everyone has a natural right to do everything and people have the right on others' bodies. According to Hobbes, the purpose of the state is to protect civil society from chaos. The state gives guidance through whole life. For him, the monarch can decree and his power is absolute to overcome fear of death. Citizenship and monarchy are reciprocal. Monarch preserves citizens and citizens serve rulers, since it is necessary to preserve good government which rests on the affluent society. Hobbes asserts that social contract is made between people of state for going ahead with order. He claims that people should give up their liberties and then the state can protect them. Civil society rises while 'natural rights of citizens end'⁸. Justice is supplied by the sovereign that makes law and people follow him. Without government, man is in a consistent state of war. To keep the state at peace and to maintain order, social contract makes a virtue of necessity.

I prefer to use the philosophers' own books as the main sources in this research. These are Hobbes's *Leviathan* and *De Cive*, Locke's *Second Treatise of Government*. From hence, after introduction is presented, alternately, in the second chapter Hobbes's and Locke's times are explained

⁶ Tully, James. *An Approach to Political Philosophy: Locke in Context*, p.296.

⁷ See Bouillon, Hardy. *John Locke*, p.2.

⁸ Rapaczynski, Andrej. *Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau*, p.75.

shortly to enlighten their theories. In the third chapter Hobbes's and Locke's theories will be overviewed about state of nature. Besides this, in this chapter law of nature is studied as the foundation of civil society. The fourth chapter discusses steps rising civil society by outdistancing the state of nature in Locke and Hobbes. The fifth chapter intends to observe political society's structure in terms of how the sovereign uses powers, types of government and the reason of dissolution. The last chapter includes a summary of this study and claims to conclude the thesis' argument on the necessity of the commonwealth by design in the light of both philosophers' theories.

CHAPTER 2

AN OVERVIEW ON TIMES OF HOBBS AND LOCKE

Thomas Hobbes (1588-1679) was an English philosopher of the 17th century. When Hobbes was born, Elizabeth-I was queen and Spanish Armada was on the way in order to attack to England. Hobbes asserts that “my mother gave birth to twins: myself and fear”⁹ because of the conditions when he came into world.¹⁰ Thanks to his uncle who paid for Hobbes, he went to Magdalen College, Oxford. After college, he started to work as a tutor of Cavendish family which was one of the known English families. In this way, he got a chance to travel in European countries between 1610-1637 and to utilize Cavendish family’s library. William Cavendish and Hobbes went to France and Italy first. In Venice they learned Italian and Wiliam Cavendish tried to translate Bacon’s *Essays* to Italian. During this time, Hobbes translated Thucydides's *History of the Peloponnesian Wars* which Hobbes accepted as the satire of democracy. When they came back to England; Hobbes had opportunity to meet Francis Bacon. During journeys in Europe he met also Pierre Gassendi, Galilei and Mersenne who was a friend of Descartes.

Hobbes’s acquaintanceship with politics started with Cavendish. Cavendish was not an eminent politician; however he took part in parliament in 1614 and 1621. After the return of Cavendish and Hobbes from Italy, Cavendish continued communication with Fulgenzio Micanzio who was a Venetian friar and friend of Paolo Sarpi who was a church reformer. Hobbes translated

⁹ *Thomas Hobbes Biography*, (2007), Retrieved July, 2008 from <http://www.notablebiographies.com/He-Ho/Hobbes-Thomas.html>

¹⁰ Ağaoğulları, Ali Mehmet, Akal, Cemal Bali, Köker, Levent, *Kral Devlet ya da Ölümlü Tanrı*, (Ankara: İmge Kitabevi Yayınları, 1994), p.162.

Micanzio's letters to spread Sarpi's thoughts so Hobbes's interest on Sarpi's works started to give off sparks.¹¹

1630s were crucial in Hobbes's thought life. When he came back to England in 1637, there were discordance between the parliament and the king. The problem was who should have sovereignty. Hobbes also wrote about this topic like other intellectuals. He began to write *Elements of Law, Natural and Politic* and finished it in 1640. This work was not published at this time but parts that supported royalists changed hands many times as manuscripts. However, political activities accelerated and the first English Civil War that resulted in putting to death of king by parliament broke out. Hobbes was afraid of these circumstances and escaped from England to France in 1640. In the course of Civil War, Hobbes was not in England. This compulsory immigration was important in his life because he indited his masterpieces at that time. In 1642 *De Cive* was published and when he was in Paris, he wrote *Leviathan or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil* by enlarging *De Cive* but this book was published in 1651 both in France and England after two years Civil War ended and the king, Charles-I, was executed.¹² In Hobbes theory, sovereignty could be based either on the king or an assembly to escape from civil war, but he showed special pleadings for monarchy.¹³ Besides this, Hobbes did not handle the divine right of the king. As a result of these, royalists and Catholic Church were not pleased with Hobbes' thoughts. Hobbes did not feel himself in security in France so he returned to England in the beginning of 1652 and established himself in earl of Devonshire's house. Actually, civil war in England had come to end 3 years ago. Oliver Cromwell who was an English

¹¹ Malcolm, Noel. "A Summary Biography of Hobbes", *The Cambridge Companion to Hobbes*, ed. Tom Sorell (Cambridge: Cambridge University Press, 1996), p.19.

¹² Ađaođulları, Ali Mehmet, Akal, Cemal Bali, Köker, Levent, *Kral Devlet ya da Ölümlü Tanrı*, p.170; Copleston, Felsefe tarihi, Hobbes, Locke, p.12

¹³ Malcolm, Noel. "A summary Biography of Hobbes", *The Cambridge Companion to Hobbes*, ed. Tom Sorell, p.32.

military man took sides with parliament during the civil war. After the civil war, he declared himself as a lord protector of the republican and he became a chairman of Commonwealth of England as a dictator when Hobbes came into homeland.¹⁴ Thereafter Hobbes promised not to study on politics. In 1655 *De Corpore*, in 1658 *De Homine* were published. After the death of Oliver Cromwell, Richard Cromwell, Oliver Cromwell's son, succeeded him but he could not be successful and the kingdom was settled again with restoration in 1660 and with the accession to the throne of Charles-II. He was a former student of Hobbes so Hobbes was in the ascendant and Charles-II put Hobbes on a salary. Until he breathed his last, he continued his studies. Between 1673 and 1676, he translated all works of Homer into English.¹⁵ He died at the age of 91 in 1679 with the words of "I am about to take my last voyage, a great leap in the dark"¹⁶.

John Locke (1632-1704) was also an English philosopher. John Locke was born on August 29, 1632, in Wrington, in Somerset. His father was the province's lawyer who was on parliament's side during the English civil war.¹⁷ Locke was tutored at home until 1646, and then he went Westminster School. In 1652 he went to Christ Church, Oxford. Locke was selected as senior student after finished necessary lessons of B.A. and M.A degree. Then he started to teach Greek and moral philosophy.¹⁸ When Locke was at university, in England there were political changes with the civil war. Therefore, Locke's political thought was shaped in these years. After

¹⁴ Ağaoğulları, Ali Mehmet, Akal, Cemal Bali, Köker, Levent, *Kral Devlet ya da Ölümlü Tanrı*, p.170.

¹⁵ *Ibid.*, p.171; Copleston, *Felsefe Tarihi, Cilt 5 bölüm a, Hobbes, Locke*, çev. Aziz Yardımlı, (İstanbul: İdea Yayınevi, 1998), p.12.

¹⁶ *Writers' Last Words*, Retrieved July, 2008 from <http://www.sleepycreek.org/poetry/lastwords.htm>

¹⁷ Milton, J., R. "Locke's Life and Times", *The Cambridge Companion to Locke*, ed. Vere Chappell, (Cambridge: Cambridge University Press, 1994), p.5.

¹⁸ Copleston, *Felsefe Tarihi, Cilt 5 bölüm a, Hobbes, Locke*, p.75.

Charles-I was executed, Cromwell set dictatorship. Locke could not tolerate any oppressive state.

Locke did not study philosophy only. He met with Robert Boyle and naturally was interested in physics, chemistry and also medicine which he got degree of. However, he did not think it as a profession. Instead, he paid attention to politics.¹⁹ However, thanks to medicine, Locke met Baron Anthony Ashley Cooper in 1666 as lord's private doctor. Ashley became first Earl of Shaftesbury in 1672, and Lord Chancellor of England. From that day on, Locke was private secretary and advisor of Lord. Shaftesbury was one of the founders of Whig movement and the objector of arbitrary absolutism. This relation was important in Locke's political studies. At that time, political activities were very intense. Lord supplied Locke's appointment to Lords Proprietors of Carolina and Council of Trade, so Locke could be firsthand witness of economical and political changes. Locke completed *Two Treatises of Government*, which would be published in 1689, when he was in Shafsterbury's service. This study was radical in those times because it refused absolute monarchy and divine power of the king. In the meantime, between royalists and antagonists there was conflict again and Tories (conservatives) got hold of government, therefore Shaftesbury was exiled to Holland. Locke also accompanied Lord.

Locke's most important writings could not be published while he was in Holland. In 1688 absolute monarchy was ended forever by the escape to France of James-II, who was supported neither by the parliament nor the church nor the army. As a result of this, Locke returned England and wrote most important three works: *An Essay Concerning of Human Understanding*,

¹⁹ Milton, J., R. "Locke's Life and Times", *The Cambridge Companion to Locke*, ed. Vere Chappell, p.6; Copleston, *Felsefe Tarihi, Cilt 5 bölüm a, Hobbes, Locke*, p.76.

Two Treatises of Government and *A letter Concerning Toleration* were published. Locke dealt with intellectual occupations until he died in 1704.²⁰

As seen above, both Hobbes and Locke's political theory were shaped in the very tempestuous times of England. In such an atmosphere, not to be sensitive to political changes was impossible for intellectuals. After this brief account of the two philosophers' lives and times, their theories will be thoroughly examined in the next chapters.

²⁰ Toku, Neşet. *John Locke ve Siyaset Felsefesi* (Ankara : Liberte, 2003), pp.27-29.

CHAPTER 3

STATE of NATURE

3.1. Locke's View on State Of Nature

salus populi suprema lex esto²¹

State of nature refers to a period of pre-organization, that is, to one during which there is no government in an actual sense. Whenever people do not agree to establish a common political authority, they remain in the state of nature. People have executive power equally in the bound of law of nature (the execution of the law of Nature is in that state put into every man's hands)²² and there is no slave in the state of nature in which there is not a state of war all against all at first.²³

To understand political power aright, and derive it from its original, we must consider what estate all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will of any other Man.²⁴

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing

²¹ Hancey, James O. "John Locke and the Law of Nature", *Political Theory*, 4/4 (1976), (Leo Straus, "Locke's Doctrine of natural law" *American Political Science Review* III, 2(1958), 500. See Second Treatise, sec. 158. translated as; "the good of public is the supreme law", originally appears in Cicero's *De Legibus*, III,iiii), p.450.

²² Locke, John. *Two Treatises of Government*, ed. P. Laslett (Cambridge University Press, 2002), p.271, §7.

²³ Aarsleff, Hans. "The State of Nature and The Nature of Man", *John Locke: Problems and Perspectives, A collection of New Essays*, ed. John W. Yolton (New York: Cambridge University Press, 1969), p.102.

²⁴ Locke, John. *Two Treatises of Government*, p.269, §4.

more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature.²⁵

The state of nature also entails social contract. Social contract is a way to escape from the state of nature because as Locke says there are problems with life in the state of nature. Locke refers to Richard Hooker in *the Second Treatise of Government*. To love others is a duty for Hooker. If a person harms another, this person is punished naturally. From this point, even according to the state of nature, freedom does not mean doing what a person wants. People have no right to harm themselves and others “in his life, health, liberty or possessions”²⁶. There must be a nobler use -preservation of his own- to excuse him of doing somebody harm. Everybody is responsible for preservation of themselves and others. It can be said that man is a social animal by birth for Locke.

Every one as he is bound to preserve himself, and not to quit his station willfully, so by the like reason, when his own preservation comes not in competition, ought he as much as he can to preserve the rest of mankind, and not unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another²⁷.

If we consider the state of nature before government, it is a state of equality where there is no natural superior or inferior. Everybody can execute law of nature as said above. However, this does not imply absolute freedom. There is always a balance coming from law of nature between punishment and evil. Nobody has power to give a capital punishment arbitrarily. The basis of justice is that punishment should be proportionate to the crime in the state of nature. There is one problem here; judgment depends on victim. Judging

²⁵ Locke, John. *Two Treatises of Government*, p.269, §4.

²⁶ *Ibid.*, p.271, §6.

²⁷ *Ibid.*

might be false. At this point, law of reason, conscience, judges.²⁸ The law of nature is in us, it is in our reason and our conscience.²⁹ The law of nature is revealed by reason. Unless there is orientation of reason, men behave violently and unfriendly, and cannot live in a society. The law dictates what is best for us and guides us to live together by being bounded by ‘common interest’.³⁰ If common good comes to harm, then everybody has a right to punish someone else in the bound of law of nature.³¹ Besides this, when one man threatens another man or another man’s property, then that man has the right to self defense and may “seek reparation from him that has done it... so much as may make satisfaction for the harm he has suffered”.³²

The state of war only comes about when someone violates someone else's rights. Thus, on Locke's theory of war, there are always an innocent man and an unjust aggressor. The state of war is basically a state that is between two people. When a man threatens someone else’s life verbally or by action, then that a man finds himself in a state of war with the other. The state of war is a “settled design”.³³

The state of war is a state of enmity and destruction; and therefore declaring by word or action, not a passionate and hasty, but sedate, settled design upon another man’s life puts him in a state of war with him against whom he has declared such an intention...³⁴

²⁸ Locke, John. *Two Treatises of Government*. p.272.

²⁹ *Ibid.*, pp.273-274.

³⁰ Aarsleff, Hans. “The State of Nature and The Nature of Man”, *John Locke: Problems and Perspectives, A collection of New Essays*, ed. John W. Yolton, p.108.

³¹ Foundations of Law of nature can be seen in the Second Treatise, p.271, §7.

³² Locke, John. *Two Treatises of Government*. p.273, §10.

³³ *Ibid.*, p.278, §16.

³⁴ *Ibid.*

According to the law of nature man should be preserved. Generally, preservation of man means that a man has the right to preserve what man takes advantage of. One of the basic rules is preservation of the innocent. If there is no “common law of reason”³⁵, then a man may kill the assailer like a wild animal. When there is no positive law, a man may also kill a burglar. Here, “burglar” also refers to a person who wants to enthrall others by taking their life power. In such a situation, there is no difference between a thief and a prince, and that means that a burglar is one who declares war on others. Therefore, according to the law of nature, others have the right to kill him.³⁶

[...] as he that in the state of society would take away the freedom belonging to those of that society or commonwealth must be supposed to design to take away from them everything else, and so be looked on as in a state of war.³⁷

According to Locke, the state of war and the state of nature are not completely different from each other. In the state of nature, people live according to common reason. If this situation disappears, state of war occurs. Locke thinks that both of them are related to each other, because there is always a possibility of war and there is no common authority to preserve property in the state of nature. Still, in the state of nature men are good and try to live in peace but always they feel themselves insecure. Civil society is inevitable and must keep human’s freedom. The main cause of consent by transferring some rights and men’s actions is achievement of happiness.³⁸

Men living together according to reason without a common superior on earth, with authority to judge between them, is properly

³⁵ Locke, John. *Two Treatises of Government*, p278, §16.

³⁶ Still the subject is state of nature.

³⁷ Locke, John. *Two Treatises of Government*, p.279, §17.

³⁸ Aarsleff, Hans. “The State of Nature and The Nature of Man”, *John Locke: Problems and Perspectives, A collection of New Essays*, ed. John W. Yolton, p.112.

the state of Nature. But force, or a declared design of force upon the person of another, where there is no common superior on earth to appeal to for relief, is the state of war.³⁹

In this part, slavery must be examined to explain what natural freedom is not for Locke. In Locke's social contract theory, contract does not mean that people do not react against injustice and they transfer their rights absolutely. If there is trespass, people have the right to combat. This can be seen in a revolution. In Chapter 3 of the *Second Treatise of Government*, Locke starts to found social contract. The basic reason of creation of political structure by social contract is "to avoid ...State of War" and "quitting the State of Nature".⁴⁰

Slavery is absolute or arbitrary power of another. Locke defines a legitimate slave that can be after war. After war, the just victor has an option either to kill the aggressor or to enslave him. Locke tells us that the state of slavery is the continuation of the State of War "between a lawful conqueror and a captive"⁴¹. This is a continued war because "if once compact enter between them, and make an agreement for a limited power on the one side, and obedience on the other"⁴². The state of slavery ceases with compact. The reason is that "no man, can, by agreement pass over to another that which he hath not in himself, a power over his own life"⁴³. Illegitimate slavery is that state in which someone possesses absolute or despotic power over someone else without a just cause such as in the case of absolute monarchy.

³⁹ Locke, *Two Treatises of Government*, p.280, §19.

⁴⁰ *Ibid.*, p.282, §21.

⁴¹ *Ibid.*, p.284, §24.

⁴² *Ibid.*, pp.284-85, §24.

⁴³ *Ibid.*, p.285, §24.

3.2. The Idea of State of Nature On Hobbes's Account

Do not do to another what you would not have done to you.⁴⁴

In Hobbes's account like Locke's, state of nature means the state that comes before civil society. However, Hobbes believes that in the state of nature every man is an opportunist and "had to always be the last to make his"⁴⁵ existence. Men supply their own individual self-preservation, and there is no justice or injustice. Self-preservation comes "by nature"⁴⁶. There is no government, no civilization, 'no community'⁴⁷, no laws, no authority and no common power to preserve man. People are equal—this equality causes mistrust and as a result, war⁴⁸—and they want to injure one another so they have "mutual fear"⁴⁹. The state of nature is like a constant war among all men. Peace is untouchable in this case⁵⁰. "In the state of nature there is in all men a will to do harm"⁵¹ since one desires to protect "his property and liberty"⁵². Everybody has a right over everything.

⁴⁴ Hobbes, Thomas. *De Cive*, ed., trans. Richard Tuck, Michael Silverthorne, (Cambridge: Cambridge University Press, 1998), p.53.

⁴⁵ *Ibid.*, p.23.

⁴⁶ *Ibid.*

⁴⁷ Martinich, A., P., *A Hobbes Dictionary* (Oxford: Blackwell Publisher Inc., 1995), p.85.

⁴⁸ Hobbes, Thomas. *Leviathan*, ed. Richard Tuck, (Cambridge: Cambridge University Press, 1991), pp.87-88.

⁴⁹ Hobbes, Thomas. *De Cive*. p.24 and see also Strauss, Leo. *The political philosophy of Hobbes, Its Basis and Its Genesis*, trans. Elsa M. Sinclair, (Chicago: University of Chicago Press, 1952), p.17.

⁵⁰ Hobbes, *De Cive*, p.29.

⁵¹ *Ibid.*, p.26.

⁵² *Ibid.*, and see also Strauss, Leo, *The political Philosophy of Hobbes, Its Basis and Its Genesis*, p.12.

According to Hobbes man is not a social animal by birth. He says that nature awakes sociality but to be fit for society education and reason are necessary since in order to attend a community, first of all, the meaning of society must be known by education and the advantages that a society has must be considered by true reason.⁵³ Hobbes states that man becomes “fit for society by training, not by nature.”⁵⁴ People are not like animals that can live in the state of nature. They have to make an agreement to live in peace by nature.⁵⁵ Men recognize that *homo homini lupus est*.⁵⁶ All men are equal by nature and civil law shows us inequality between men.⁵⁷

First foundation of natural right is that every man protects himself as possible as he can⁵⁸ since everybody has an equal right on everything.⁵⁹ In the state of nature, the measure “of right is Interest”⁶⁰, because in the state of nature, man does what he wants by nature. Every man wishes for what is “good for him and avoids what is bad for him”⁶¹. Man is an adjudicator by himself and is on equal terms with others. This causes chaos. He believes that there is constant war among humans. “And the life of man is solitary, poor, nasty, brutish, and short.”⁶² In the state of nature men fear each other because every man in the state of nature has a natural right to do everything.

⁵³ Hobbes, *De Cive*, p.22, p.24.

⁵⁴ *Ibid.*, p.25.

⁵⁵ Ryan, Alan. “Hobbes’s Political Philosophy”, *The Cambridge Companion to Hobbes*, ed. Tom Sorell, (Cambridge: Cambridge University Press, 1996), p.216.

⁵⁶ Man is a wolf of a man

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, p.27

⁵⁹ Hobbes, *Leviathan*, p.91.

⁶⁰ Hobbes, *De Cive*, p.28.

⁶¹ *Ibid.*, p.27.

⁶² Hobbes, *Leviathan*, p.89.

[...] because of their natural equality of strength and of the other human faculties, men in the state of nature, i.e. men who live in a state of war, cannot expect long preservation. Therefore, to seek peace when some hope of having peace exists, and to seek aid for war when peace cannot be had, is a dictate of right reason, i.e. a law of nature...⁶³

Law of nature is required for humankind to live together. It is a general rule that can be discovered by reason and gives one the right of self-preservation. For Hobbes, reason already orientates men to live in peace by “Articles of Peace”⁶⁴. These are called laws of nature. The basic law of nature orders that peace is to be followed if it is possible; if peace is not supported, it is pursued in a war. Here from, according to Hobbes there are twenty derived laws of nature which are orders realized by reason. The first natural law derived from basic law is that some of the rights must be transferred or abandoned, because if this is not done, self-defence is necessary and as it has been mentioned earlier, everybody has equal rights by nature so state of war lasts. Transfer means giving up enjoying these rights, not adding rights to someone else. At this point, will takes the stage. Will can be defined in accordance with desire. “[...]it often follows deliberation, which is simply a succession of alternating appetites and aversions”.⁶⁵ If there is no commutual will, transfer cannot be possible. “Transfer of right...depends on declaration of will”.⁶⁶ Larry May states that transferring must be mutual for a unique society or else society separates in two parts.⁶⁷ Will is a crucial term since it

⁶³ Hobbes, *De Cive*, p.31.

⁶⁴ Hobbes, *Leviathan*, p.90.

⁶⁵ Martinich, *A Hobbes Dictionary*, p.310; and see Chappell, Vere. “Selections from Other Works of Hobbes, The Elements of Law”, *Hobbes and Bramhall on Liberty and Necessity*, ed. Vere Chappell, (Cambridge: Cambridge University Press, 1999), pp.91-97.

⁶⁶ Hobbes, *De Cive*, p.35.

⁶⁷ May, Larry. “Hobbes’s Contract Theory”, *Journal of the History of Philosophy*, 18/2, (1980), p.199, p.206.

determines an act as just or unjust, that is, one act can be called as just if there is an agreement on it as right. In other words “no wrong is done to a consenting party”⁶⁸.

“The action of two or more persons reciprocally transferring their rights is called contract”.⁶⁹ This means that unlimited liberty of preserving is constricted for an agreement. “A rational man has the capacity to see that covenants are necessary for the establishment of peace” and the “need for a single all-powerful political authority”.⁷⁰ Compulsory actions result if liberty is restricted, but this restriction is meaningless unless it is made by civil law. In the state of nature contracts based on “mutual trust”⁷¹ become null if fear for trust appears in parts. “The sign of acceptance”⁷² must be signposted to escape this fear. Hobbes says that because of this, people “cannot make agreement with animals”⁷³ as animals cannot speak and think like the humankind.

The second derivative law is that one must keep the agreement since the person makes this agreement to take an advantage of something when it is made. However, Hobbes states that people can be free from agreements in two situations; “by performance and by condonation”⁷⁴. The third one is that goodwill must not be defiled i.e. law of nature denies thanklessness. The fourth rule is that everybody should be respectful to each other to live

⁶⁸ Hobbes, Thomas. *De Cive*, p.47.

⁶⁹ *Ibid.*, p. 36.

⁷⁰ Beackon, Steve & Reeve, Andrew. “The Benefits of Reasonable Conduct: The Leviathan Theory of Obligation”, *Political Theory*, 4/4 (1976), p.435; and see Watkins, J. W. N. *Hobbes's System of Ideas: A Study in The Political Significance of Philosophical Theories*, (London: Hutchinson, 1973), p.48.

⁷¹ Hobbes, Thomas. *De Cive*, p.37.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*, p.38.

together in peace. The fifth one is that a person must commiserate with another person who is regretful for doing something. The sixth one says that punishment is not in vain if it is done for learning from man's own mistakes. The seventh law of nature is that affront is a breach of natural law. The eighth one orders that equality of men is accepted in order to avoid pride. The ninth one prescribes moderation. In other words given rights must be equal among people who are equal. The tenth law of nature is fairness, which is, not doing discrimination. The eleventh is that if things are sufficient, they can be shared but if sharing them is not possible, they must be used in common. The twelfth rule decrees that "if the thing cannot be divided or held in common, (...) it should either be used in turn or be allotted to one person alone"⁷⁵. The thirteenth rule states that unless the thing can be used in common, the 'first occupier'⁷⁶ has the right to use it. That providers of peace should have immunity is the fourteenth rule. The fifteenth precept is that an adjudicator is necessary when parties cannot get along with each other while using a right. They must submit themselves to this adjudicator in such a case. The sixteenth derived law of nature is that nobody can be a self-arbitrator in the event of disagreement. The seventeenth one says that an arbitrator cannot get a return for one's victory. That a fair testifier is needed in case of a lack of conclusive evidence in order to solve a disagreement is the eighteenth rule. The nineteenth orders that arbitrators must be independent so that they can be impartial when they judge. The twentieth derived law of nature does not approve drunkenness since this situation touches the use of reason.⁷⁷

All these laws coming from reason's command for human's protection and safety. Actually, laws of nature are on the ground of the following sentence:

⁷⁵ Hobbes, Thomas. *De Cive*, p.51.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, pp.43-53(natural laws).

“do not do that to another, which thou wouldest not have done to thy selfe.”⁷⁸
Natural law identical to moral law and both of them are divine for Hobbes because law of nature instructs to live in a good manner, virtuously, and both of them are mentioned in the scripture. If so, how can we name an act as right or wrong? We name an act as right because this is not against right reason and we name an act as wrong since it is opposed to right reason⁷⁹. Also weakness of will may cause wrong. Natural law is “the Dictate of right Reason about what should be done, or not done for the longest possible preservation of life and limb”⁸⁰. False reasoning causes violation of natural law.

For laws are made about actions that follow our will, not about beliefs nor about faith, which being beyond our power, do not follow our will⁸¹

Reason teaches that peace is good; it follows by the same reason that all necessary means to peace are good, and hence that modesty, fairness, good faith, kindness and mercy... are good manner or habits, i.e. virtues.⁸²

For an agreement, law of nature is necessary; however the agreement must be guaranteed by civil law, that is, for a guarantee, society is necessary⁸³. In the state of nature, man’s life is in danger and he lives within a cruel lifetime.⁸⁴ The reason of agreement in the state of nature is fear, but in

⁷⁸ Hobbes, Thomas. *Leviathan*, p.109.

⁷⁹ Faculty, act of reasoning for his advantage or loss of others, see p.33.
wrong=unjust=failure to act, see p.44.

⁸⁰ Hobbes, Thomas. *Leviathan*, p.33.

⁸¹ *Ibid.*, p.65.

⁸² *Ibid.*, p.55.

⁸³ Hobbes, *De Cive*, p.37.

⁸⁴ Watkins, Hobbes’s System of Ideas, A Study in the Political Significance of Philosophical Theories, p.48.

commonwealth all punishment is made by government and the reason of agreement is to protect people. Therefore, in commonwealth, will operates better than state of nature⁸⁵. Hence, contract is necessary for peace. Therefore, the function of society is to provide security for its citizens to keep us out of the state of nature. People want to cooperate by nature not for friendship but primarily for esteem.

[...] every voluntary encounter is a product either of mutual need or of the pursuit of glory...all society, therefore, exists for the sake either of advantage or of glory, i.e. it is a product of love of self, not of love of friends.⁸⁶

Hobbes divides law into two: divine and human law; He describes natural (moral) and positive law as divine: “natural law is the law which God has revealed to all men through his eternal word which is innate in them, namely by natural reason (...) positive law is that the law which God has revealed to us through the prophetic word”⁸⁷. What is wrong and what is punished are indicated by human law, i.e., civil law. People choose the sovereign as a legislator so he cannot be dependent on these laws.

The primary purpose of societies is self-preservation and private utility; from this he concludes that all men have the will, the strength, and the power to injure one another, and that the state of nature is a state of war of all against all; to kings he grants an authority without limits, not only in affairs of state, but also in matters of religion.⁸⁸

The reason why a commonwealth comes into existence is that natural law cannot secure peace in the state of nature alone, for private good is in conflict with public good there. There are several wills and they may be in conflict.

⁸⁵ Hobbes, Thomas. *De Cive*, p.38.

⁸⁶ *Ibid.*, p.23.

⁸⁷ *Ibid.*, p.156.

⁸⁸ D’Argis, Boucher. “Law of nature, or Natural law”, trans. Susan Rosa, *Encyclopedia of Diderot & d’Alembert*, 5/131 (2008). Retrieved from <http://name.umdl.umich.edu/did2222.0000.021>

Hobbes states that a commonwealth is a multitude of people who consent to a sovereign authority having absolute power over all of them and the purpose of this constitution is to provide peace and supply common defense. In this way, lots of people unite as a unique body.

A commonwealth...is one person, whose will, by the agreement of several men, is to be taken as the will of them all; to make se of their strength and resources for the common peace and defense.⁸⁹

⁸⁹ Hobbes, Thomas. *De Cive*, p.73.

CHAPTER 4

CIVIL SOCIETY

4.1. Property and Paternal Power as Origins of Government in Locke

Transformation from state of nature to civil society occurs in two ways for Locke: “this is done wherever any number of men, in the state of Nature, enter into society to make one people one body politic, under one supreme government: or else when any one joins himself to, and incorporates with any government already made”⁹⁰. State of nature is not a good state, because there is no anchor for man’s security. Civil society supplies a better life. To live in a civil society, as in Hobbes, contract about transferring some rights and the sovereign’s scope of authority are needed by means of will.

4.1.1. Property

Locke describes evolution from the state of nature to civil government in terms of private property. Locke says that benefactions of world are “common”⁹¹. It can be said that the world belongs to everyone. Everyone has the right to use it. God gave the world to man and he also gave man reason to make the best use of it. “The earth, and all that is therein, is given to men for the support and comfort of their being”.⁹² Everyone can use worldly goods such as trees, water, fruits. So, how is private property explained “without Express compact”⁹³? How does man acquire property?⁹⁴

⁹⁰ Locke, John. *Two Treatises of Government*, p.325, §89.

⁹¹ *Ibid.*, p.286, §25.

⁹² *Ibid.*, p.286, §26.

⁹³ *Ibid.*, p.286, §25.

⁹⁴ For this part also see Ashcraft, Richard. “Locke’s Political Philosophy”, *The Cambridge Companion to Locke*, ed Vere Chappell, (Cambridge: Cambridge University Press, 1994), pp.238-247.

Labour is decisive in property. Labour is property in itself and also leads to creation of private property. A property is something that someone owns and it can be said that property refers usage rights. Locke says that “every man has a property in his own person (...) The labour of his body, and the work of his hands, we may say, are properly his”⁹⁵.

Property begins with gathering and hunting. Common things belong to everyone, so use of common things cannot be robbery. If it were robbery, as Locke says people would die of starvation. When someone gives labour by hunting or gathering, then this good is his or hers. As a result of this, property begins.

We see in commons, which remain so by compact, that it is the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the property, without which the common is of no use. And the taking of this or that part does not depend on the express consent of all the commoners.⁹⁶

Hence, the question “What amount of private property can a person have?” arises. One cannot acquire as much as one wants. Waste and labour determine this acquisition. “As much as anyone can make use of to any advantage of life before it spoils, so much by his labour he may fix a property in; whatever is beyond this, is more than his share, and belongs to others”⁹⁷. Waste is an offence and a sin.

In the *Second Treatise*, foundations of society can be seen one by one. At the beginning Locke talks about gathering and hunting, and then he comes from commoners to farming and having a land. However, again the important

⁹⁵ Locke, John. *Two Treatises of Government*, pp.287-288, §27.

⁹⁶ *Ibid.*, pp.288-299, §28.

⁹⁷ *Ibid.*, p.290, §31.

issue is labour. Labour determines limitations of enclosing. Moreover, one should think of others' good. This enclosing should be just.

Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the as yet unprovided could use. So that, in effect, there was never the less for others because of his inclosure for himself: for he that leaves as much as another can make use of, does as good as take nothing at all. No body could consider himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left to quench his thirst: and the case of land and water, where there is enough, is perfectly the same.⁹⁸

[...] subduing or cultivating the earth and having dominion, we see, are joined together. The one gave title to the other. So that God, by commanding to subdue, gave authority so far to appropriate. And the condition of human life, which requires labour and materials to work on, necessarily introduce private possessions.⁹⁹

As it is seen above, Locke turns from gathering to producing, that is, he turns from state of nature to civil society. There was a large amount of land in those times, but Locke says that labour gives value to land¹⁰⁰. "The property of labour should be able to overbalance the community of land, for it is labour indeed that puts the difference of value on everything."¹⁰¹ Private property extends by "invention of Money"¹⁰². Possibility of stock arises thanks to Money.

[...] before the desire of having more than one needed had altered the intrinsic value of things, which depends only on their usefulness to the life of man; or had agreed, that a little piece of yellow metal, which would keep without wasting or decay, should

⁹⁸ Locke, John. *Two Treatises of Government*, p291, §33.

⁹⁹ *Ibid.*, p.292, §35.

¹⁰⁰ *Ibid.*, p.293, §36.

¹⁰¹ *Ibid.*, p.296, §40.

¹⁰² *Ibid.*, p.293, §36.

be worth a great piece of flesh, or a whole heap of corn; though men had a right to appropriate by their labor, each one of himself, as much of the things of nature, as he could use; yet this could not be much, nor to the prejudice of others, where the same plenty was left to those who would use the same industry.¹⁰³

With the invention of money, over production is not a sin anymore. When one produces beyond necessity, it means that one helps others who are after money. The key point is to “increase the common stock of mankind”¹⁰⁴. Money is durable and does not perish.

[...] if he would give his nuts for a piece of metal, pleased with its color, or exchange his sheep for shells, or wool for a sparkling pebble or diamond, and keep those by him all his life, he invaded not the right of others, he might heap up as much of these durable things as he pleased; the exceeding of the bounds of his property not lying in the largeness of his possessions, but the perishing of anything uselessly in it.¹⁰⁵

With invention of Money, a kind of social compact is needed on value of Money and economic inequality arises from Money. Social compact organizes property which is connected with people’s right and civil society¹⁰⁶. For preservation of property, social contract is necessary in any case, but absolute monarchy is not considerate in the face of property.

4.1.2. Paternal Power

Paternal Power is a useful term to found Monarchy. Locke separates paternal power and political power. Paternal Power refers only to the father.

¹⁰³ Locke, John. *Two Treatises of Government*, p.294, §37.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, p.300, §46.

¹⁰⁶ Ashcraft, Richard. “Locke’s Political Philosophy”, *The Cambridge Companion to Locke*, ed Vere Chappell, p.236.

However, both father and mother educate and bring up their children.¹⁰⁷

Locke says that Paternal Power can be called Parental Power.

Paternal power is limited because men have the right of freedom naturally and controlling somebody is not reasonable if one has normal capacity of thinking. It lasts only through the childhood. It is temporal. So, this power cannot be given to a monarch.¹⁰⁸ Children are not born with the ability to use reason. Law of reason orders people to educate and raise their children. These are the duties of parents.¹⁰⁹

All parents were, by the law of Nature, under an obligation to preserve, nourish and educate the children they had begotten, not as their own workmanship, but the workmanship of their own Maker, the Almighty, to whom they were to be accountable for them.¹¹⁰

Parental power is unavoidable until infants become adults.¹¹¹ Children must be educated. “Nobody can be under a law that is not promulgated to him”¹¹². Reason can find a law, but children cannot find it without reason. Reason leads to a personal freedom, because the person is ready to take responsibility when one is an adult. Children are governed by their parents since they have no reason. As a result of this, they cannot know law and actually if one does not know law, one is not free. No law means no freedom.

¹⁰⁷ Schochet, Gordon J. “The Family and the Origins of the State in Locke’s Political Philosophy”, *John Locke: Problems and Perspectives, A collection of New Essays*, ed. John W. Yolton, (New York: Cambridge University Press, 1969), pp.84-85.

¹⁰⁸ Locke, John. *Two Treatises of Government*, p.304, §55.

¹⁰⁹ *Ibid.*, pp.304-305, §56-57.

¹¹⁰ *Ibid.*, p.305, §56.

¹¹¹ Schochet, Gordon J. “The Family and the Origins of the State in Locke’s Political Philosophy”, *John Locke: Problems and Perspectives, A collection of New Essays*, ed. John W. Yolton, p.85.

¹¹² Locke, John. *Two Treatises of Government*, p.305, §57.

Law “preserves and enlarges freedom”¹¹³. Law is not limiting but rather it is orienting:

For liberty is to be free from restraint and violence from others, which cannot be where there is no law; and is not, as we are told, a liberty for every man to do what he lists.¹¹⁴

A child has the same right as his father and is liable on the same law when he becomes an adult. Paternal power is not a natural right but a natural duty. A child’s duty is honoring his parents. Giving birth to a child does not lead to paternal power. Again the key term is labour. Honoring parents lasts throughout one’s life. However, it does not mean blind obedience to parents during one’s whole life. A father’s power is limited. A father cannot dispose a mother’s right. Both mother and father have no right to make law and to punish, this is true especially in the case of capital punishment:

All the duty of honour, the other part, remains nevertheless entire to them; nothing can cancel that. It is so inseparable from them both, that the father’s authority cannot dispossess the mother of this right, nor can any man discharge his son from honoring her that bore him. But both these are very far from a power to make laws, and enforcing them with penalties that may reach estate, liberty, limbs, and life.¹¹⁵

Paternal and political powers are not the same. People are free from Paternal Power when they are adult, this is temporal, but Political Power is built on different foundations. The aim of political power is to preserve property. However, as Gordon J. Schochet states, for Locke paternal power is basis for monarchy and it is “the first form of government in the world because of its

¹¹³ Locke, John. *Two Treatises of Government*, p.306, §57.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*, p.313, §69.

compatibility with the unitary rule of the family by the father.”¹¹⁶ Locke does not accept that paternal power descend from father to son, i.e, he denies ‘natural origins of’¹¹⁷ hereditary succession as in constitutional monarchy.

The right over property implies power. Children accept paternal power because paternal jurisdiction becomes custom for children and father distributes heritage in the way he wants to. Bringing up children is parents’ duty. This duty “gives the father no power of governing”¹¹⁸.

4.2. Hobbesian Transition of Civil Society from the State of Nature

For Hobbes, in the state of nature people cannot live in security since they have “a right to all things”¹¹⁹ so laws of nature do not inhibit their combat on wills of them related to gain an individualistic “greater good”.¹²⁰ Hobbes says men in the state of nature do not always act barbarously, not because of the limitation of natural law, but because of living with fame with humanity in a community. The reasons of continuous war in the state of nature are competition, pride and insecurity. For this reason, natural law cannot be sufficient to supply man’s security. Freedom from danger is a crucial point in putting law of nature into practice in Hobbesian account. Security implies punishment which ensures the common will, not an individualistic one.

In *De Cive* Hobbes states that man is different from animals called political like ants and bees by Aristotle.¹²¹ They act in the context of different will,

¹¹⁶ Schochet, Gordon J. “The Family and the Origins of the State in Locke’s Political Philosophy”, *John Locke: Problems and Perspectives, A collection of New Essays*, ed. John W. Yolton, pp.90-91.

¹¹⁷ *Ibid*, p.97.

¹¹⁸ Locke, John. *Two Treatises of Government*, p.316, §74.

¹¹⁹ Hobbes, Thomas. *De Cive* , p.69.

¹²⁰ *Ibid*.

¹²¹ *Ibid.*, p.71.

not in the context of “(as a commonwealth needs) one will”¹²². Man may be a jingo and rebel in terms of his passions like “resentment and envy”¹²³. However, animals are not. In the second place, for man good means utility. Common good and private good are not the same for man. Thirdly, human being interrogates his own’s life and all humans are not the similar to each other. This can cause a civil war. Fourthly, man has the art of public speaking. Fifthly, animals do not have any ambition for position in society. Lastly, reconciliation among men is factitious, i.e. it is just based on an agreement and therefore, exercise of “natural justice”¹²⁴, living in peace requires “common power”¹²⁵ infused with “fear of punishment”¹²⁶. David Gauthier states that although in the state of nature men are in conflict, they do not tend to live in peace by consent unless they form a commonwealth in which an agreement is maintained by the laws, since they “are naturally violent because of irrational passions” and they “remain violent because agreement would be subverted by their irrational passions”.¹²⁷ In this case, men must exit from the state of nature. Hobbes says that union of wills cannot be sufficient for a peaceful society. Will must be transferred to one person or to an assembly. Furthermore, power over citizens is necessary.

Hobbes’s procedure for instituting a sovereign has two parts. The first is a covenant of every person with every other person. The

¹²² Hobbes, Thomas. *De Cive*, p.71.

¹²³ *Ibid.*

¹²⁴ *Ibid.*, p.72.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ Gauthier, David. “Hobbes’s Social Contract”, *Perspectives on Thomas Hobbes*, ed. G.A.J. Rogers, Alan Ryan, (Oxford: Clarendon Press, 1988), pp.129-130 and see also Ryan, Alan. “Hobbes’s Political Philosophy”, *The Cambridge Companion to Hobbes*, ed. Tom Sorell, (Cambridge: Cambridge University Press, 1996), pp.216-217.

second is the authorization, by every person, of some one person (or group).¹²⁸

To live in a union, transferring one's will on somebody or an assembly should be based on an agreement that ensures not to oppose "the will of the man or Assembly"¹²⁹. By transferring one's will, the usage of strength and the usage of property is also transferred. Yet, by way of exception, when the men or assembly having a right to use of other's strength and property slaps on iron lid on a city, withstanding may occur in the union. Hobbes calls this union the commonwealth or civil society. The man or assembly dominating subjects who transfer their will put "sovereign power" in his hands. By way of addition, Hobbes distinguishes between crowd and commonwealth consisting one body because crowd refers to multitude of people, i.e., there are many men within a crowd. In a commonwealth, the public revolves around a single will and that they live in a union, but a crowd in the state of nature. "Nature of a commonwealth consists in that union or subjection."¹³⁰

A commonwealth, then, is one person, whose will, by the agreement of several man, is to be taken as the will of them all; to make use of their strength and resources for common peace and defence.¹³¹

Each person in a crowd must make a contract to live in concord. Fear of death leads to the same rational reaction for everybody as in a panicky situation.¹³² Everyone is willing to reach a joint resolution. Surely, some men

¹²⁸ Gauthier, David. "Hobbes's Social Contract", *Perspectives on Thomas Hobbes*, ed. G.A.J. Rogers, Alan Ryan, p.134.

¹²⁹ Hobbes, Thomas. *De Cive*, p.72.

¹³⁰ *Ibid.*, p.77.

¹³¹ *Ibid.*, p.73.

¹³² Ağaoğulları, Ali Mehmet, Akal, Cemal Bali, Köker, Levent, *Kral Devlet ya da Ölümlü Tanrı*, p. 208.

disagree with others. Hence, people constitute the commonwealth and use their “right against dissenter, i.e. the right of war, as against an enemy”.¹³³

If a commonwealth is formed, this means that an agreement takes place among the majority.¹³⁴ “Each of the citizens makes an agreement to submit his will to the will of the majority, on condition that the others also do likewise”.¹³⁵ For Hobbes, will refers to considering good and evil. Consequently, the decision is will.¹³⁶ Without consent, this decision is nonsense according to Hobbes, because in order to live in peace, what is good or evil is defined necessarily by consent. However, agreement is not sufficient for security, penalties are also necessary for future good. According to Hobbes, sovereign power has power of judgement on war, peace and legislation. Thanks to this, security of common peace can be preserved.¹³⁷

Security is an important step for beginning commonwealth as man keeps his self-defense right unless his security is ensured. Here, fear of punishment takes a more active part in security than an agreement. Furthermore, man should be aware of the fact that performing destructive acts is not good for him either, because people tend to do good thing for themselves. When the public agrees to transfer the right of punishment to sovereign power and not to help the punished one, Hobbes calls this right “the Sword of Justice”¹³⁸ which is necessary for peace and security of men. The sovereign power keeps control of this right and forces someone to do something. This power is the greatest in a commonwealth. Besides the sword of justice, the sword

¹³³ Hobbes, Thomas. *De Cive*, p.77.

¹³⁴ *Ibid.*, p.90.

¹³⁵ *Ibid.*, p.95.

¹³⁶ Hobbes, Thomas *Leviathan*, p.39.

¹³⁷ Hobbes, Thomas. *De Cive*, pp.78-79.

¹³⁸ *Ibid.*, p.78.

of war is also in hand of sovereign power who makes peace or decides war for defending. In other words, individuals transfer their “right of war and peace to one man or assembly.”¹³⁹

[...]the Essence of the Commonwealth;...is One Person, of whose Acts a great Multitude, by mutual Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for Peace and Common defense.¹⁴⁰

According to Hobbes, the sovereign power has both juridical and executive power. If these powers are in different hands, juridical power is null. As stated before, people shall hear about what public have to do or must not to do. Announcement of what is good, what is not, what is just or unjust in social life is sovereign power’s duty. Expression of these implies sovereign power’s orders which are called “civil laws or laws of the commonwealth.”¹⁴¹ Without it, it is impossible to expect from men to act as sovereign power’s indented way. In fact, civil laws refer to the authority’s will.

Civil laws are nothing other than commands about citizens’ future actions from the one who is endowed with sovereign authority.¹⁴²

Theft, murder and all wrongs are forbidden by laws of nature, but what is to count as a theft on the part of citizen or as murder or adultery or a wrongful act is to be determined by the civil, not the natural, law.¹⁴³

Hobbes says that property and government arise together. Before the commonwealth, people have property. Hobbes says that family is also a

¹³⁹ Hobbes, Thomas. *De Cive*, p.79.

¹⁴⁰ Hobbes, Thomas. *Leviathan*, p.121.

¹⁴¹ Hobbes, Thomas. *De Cive*, p.79.

¹⁴² *Ibid.*,p.79.

¹⁴³ *Ibid.*, p.86.

miniature government, because it contains authority as paternal power and subjects as child and mother. In this situation being an heir plays a role in having property. However, except families, in common life, everybody has a right to everything in the state of nature. Government assures people private property by civil laws.

Commonwealth by design is based on natural commonwealth. Hobbes calls natural commonwealth “the commonwealth by acquisition”¹⁴⁴ including slavery and paternal power. Someone who has to obey another person’s orders unquestionably has to live as a slave, and in this case, the one who orders is called the master. Hobbes talks about two kinds of slavery in *De Cive*: slaves in chains and slaves in service. Slaves in chains have no bodily liberty and they try to get out of being harassed ghastly. They can kill their master without acting against natural law because of their chains. Slaves in service must act according to natural law and obey their master since the master gives them their lives and bodily liberties. The master has everything that belongs to the slaves involving their wills. Slaves transfer their wills in return for their lives. Therefore, what the master does is not against natural law because the master’s actions are based on reciprocal willingness foundation. Slaves can get rid of this situation in five ways. First, master can emancipate their slaves. Second, like banishment in commonwealth, the master has the right to dismiss his slaves. Third, if one slave is taken as captive, old slavery is abolished naturally. Fourth, when the master dies and does not portion his slaves, they are free. Lastly, when they want to rebel, they have this right naturally.¹⁴⁵ Slavery is like a despotic—tyrannic—dominion. Despotical state is based on fear just like in other types of government but it is on the fear of the ruler, not on the fear of each other.¹⁴⁶

¹⁴⁴ Hobbes, Thomas. *De Cive*, p.102.

¹⁴⁵ *Ibid.*, pp.104-105.

¹⁴⁶ Hobbes, Thomas. *Leviathan*, p.138.

People make consent to escape from dominion's wrath, so this kind of consent can expire at any time and is not acceptable in terms of natural law.

As for paternal power, in the state of nature, everybody has an equal right over everything including their children, so dominion of children can belong to either mother or father, but primarily mother has the right of dominion because of giving birth. Hobbes says that dominion over children is transmitted to another in four ways. Firstly, the mother can give up motherhood and another woman can have this right by supplying life to an infant. This is the same as the master's granting life to his slaves. Secondly, if the mother is enslaved in a war, her children also belong to her master. Thirdly, when the mother is the citizen of one country, it means that she is bounded with this country's sovereign power. Therefore, her infants are bounded too. Lastly, if a woman is married to a man in civil society, she accepts his dominion over her, so the father gains the right of dominion over the children since the father founds a family. Children can loosen a hold like slaves. When a father loses his authority, infants give less honor¹⁴⁷ to him since honor is based on power and fear. "Honoring parents is of the natural law, on grounds not only of gratitude but also of agreement."¹⁴⁸ At this point, Hobbes asks the difference between a citizen and a slave. Freedom does not go beyond others' right and sovereign power's will. Hobbes defines freedom in a mechanistic way as "the absence of obstacles to motion; as water contained in a vessel is not free."¹⁴⁹ In this context, both slaves and citizens are free, but the difference is that a free man works in a more prestigious job and only for government, slaves work both for a single man and a government. If a slave wants to do something his master forbids, he can only do this by venturing a beating. A family is composed of a father, infants and slaves, for Hobbes. When this family grows by passage of time, it is called a

¹⁴⁷ Hobbes, Thomas. *De Cive*, p.110.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*, p.111.

patrimonial kingdom, which is dissimilar to monarchy in terms of its formation. Patrimonial kingdom is natural and starts with force whereas monarchy is founded by design and an agreement. Still, both continue by succession. Hobbes explains the reason of priority of males in gaining the right of succession by strength of men in war. He says that this situation becomes a tradition later on, and males have priority in succession on the basis of their primogeniture.¹⁵⁰

After all, decidedly, civil society is needed for the welfare of society life. Even in family life, a person keeping control of power is definite by nature. Hobbes thinks that in the state of nature men live in a world like hell. People understand at last that they cannot live in peace with a natural body. Therefore, they create “the sovereign as an artificial entity”¹⁵¹, Leviathan absorbing his authors.¹⁵²

Outside the commonwealth is the empire of passions, war, fear, poverty, nastiness, solitude, barbarity, ignorance, savagery; within the commonwealth is the empire of reason, peace, security, wealth, splendour, society, good taste, the sciences and good-will.¹⁵³

¹⁵⁰ Hobbes, Thomas. *De Cive*, p.113.

¹⁵¹ May, Larry. “Hobbes’s Contract Theory”, *Journal of the History of Philosophy*, 18/2, (1980), p.199.

¹⁵² Ağaoğulları, Ali Mehmet, Akal, Cemal Bali, Köker, Levent, *Kral Devlet ya da Ölümlü Tanrı*, p.215.

¹⁵³ May, Larry. “Hobbes’s Contract Theory”, *Journal of the History of Philosophy*, 18/2, (1980), p.116.

CHAPTER 5

POLITICAL SOCIETY: BEGINNING TO THE END

According to both Hobbes and Locke, civil society is based on consent. However, civil societies differ in terms of holding the power, having a reasonable type of commonwealth and dissolution of government. Besides this, for Locke, a human being seeks after happiness by nature. The state refers to the formation which “we all wish to achieve, in terms of pleasure and the absence of pain.”¹⁵⁴ According to Hobbes, the idea behind the commonwealth’s mind is the security of individuals. In this chapter, these topics will be discussed with respect to Locke and Hobbes.

5.1. Usage of Power

Locke begins with legislative power since this power is the supreme power in the government. Legislative and executive powers are both associated with government. When the majority enters into a commonwealth, they choose the form of government:

The majority having, as has been showed, upon men’s first uniting into society, the whole power of the community naturally in them, may employ all that power in making laws for the community from time to time, and executing those laws by officers of their own appointing, and then the form of the government is a perfect democracy.¹⁵⁵

The initial aim of all governments is legislation for public good and the preservation of society. The person selected by public for legislation is “the

¹⁵⁴ Colman, John. “Locke’s Empiricist Theory of the Law of Nature”, *The Philosophy of John Locke, New Perspectives*, ed. Peter R. Anstey, (New York: Routledge, 2003), p.110.

¹⁵⁵ Locke, John. *Two Treatises of Government*, p.354, §132.

supreme power”¹⁵⁶. Actually, consent is crucial. Every member in society should obey this power, but legislative power is limited like all powers. First, it cannot be “arbitrary over the lives and fortunes of the people.”¹⁵⁷ Law of nature commands preservation of man and it is incidental to God.

It is a power that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects.¹⁵⁸

Second, the legislative power must adhere to justice and persons (citizens) must be familiarized with laws. One of the rules of compact is the well-known positive law. Moreover, “established and promulgated laws”¹⁵⁹ must be applied equally to everyone, so there should be a neutral adjudicator. Third, government works for the public good and the origin of government is the preservation of property. Hence, laws must be made for the good of the people and the legislative power cannot have the right to raise taxes without people’s consent, that is, a governor cannot take people’s property arbitrarily. The aim of law is to regulate property. Locke also states that an officer can take a soldiers’ life to protect the common good; however he does not have power over soldiers’ property¹⁶⁰. Here, it can be seen clearly that a soldier’s property is more overplayed than his life. Fourth, legislative power cannot be transferred to another person by the governor without the majority’s decision. In brief, legislative power has limits:

First: They are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favourite at Court, and the countryman at plough. Secondly: These laws also ought to be designed for no other end ultimately but the good of the people. Thirdly: They must not raise taxes on

¹⁵⁶ Locke, John. *Two Treatises of Government*, p.356, §134.

¹⁵⁷ *Ibid.*, p.357, §135.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*, p.360, §137.

¹⁶⁰ *Ibid.*, p.362, §139.

the property of the people without the consent of the people given by themselves or their deputies. And this properly concerns only such governments where the legislative is always in being, or at least where the people have not reserved any part of the legislative to deputies, to be from time to time chosen by themselves. Fourthly: Legislative neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have.¹⁶¹

In Chapter XII of the *Second Treatise*, Locke states that there are three powers; legislative, executive and federative. All work together. Actually, the supreme power is legislative power¹⁶², but this power is not sufficient for governance by itself. Besides, Locke says that despite its importance, it is not necessary to have a constant flow of new laws. Actually, legislature also has the risk of abuse. As a result of this, the legislature should be active only at certain times, not always. The executive and legislative power should be separated. Contrary to legislation, execution is always active, because the laws, even the legislature, may be trespassed by people. If so, executive power must enforce the laws. Federative Power “contains the power of war and peace.”¹⁶³ When persons enter from state of nature into civil society by consent, they automatically transfer their rights of defense. Here, Locke refers to a kind of ministry of defense. Federative power is natural power and it generally is in relation with the executive power that operates within a society.

Locke reminds us that although legislative power is the highest power, “there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them.”¹⁶⁴ People can change legislation if there is destructiveness for public good.

¹⁶¹ Locke, John. *Two Treatises of Government*, p.363, §142.

¹⁶² *Ibid.*, p.366, §149.

¹⁶³ *Ibid.*, p.365, §146.

¹⁶⁴ *Ibid.*, p.367, §149.

“The community” is “always the supreme power.”¹⁶⁵ From the government’s standpoint, the legislature always stands supreme. However, Locke asserts that even in monarchy in which executive and legislative powers are in one man’s hand, this man has only supreme execution, the monarch does not have supreme control over the people and the government.¹⁶⁶ The governor is “to be considered as the image, phantom or representative of the commonwealth, acted by the will of the society declared in its laws, and thus he has no will, no power, but that of the law”¹⁶⁷. The executive's power over the legislature does not imply that it controls the legislature.¹⁶⁸ If the executive power blocks “the meeting and acting of the legislative”¹⁶⁹, then state of war, act of war against the citizens occurs, because they have right to protect themselves in such a situation. Legislative and executive powers must be separated, that is, they must not be in one’s hand, because governors may abuse these powers and this causes dissolution of government according to Locke. However, the governor has some prerogatives. Prerogative is defined as “nothing but a power, in the hands of the prince, to provide for the public good, in such cases, which depending upon unforeseen and uncertain occurrences, certain and unalterable laws could not safely direct.”¹⁷⁰

The governor has a power of execution and this power is given by the consent of majority. The governor’s prerogative does not mean that he can abuse laws. He must preserve citizens and work for their good. He can supplement diminution of law when it is needed and again for public good.

¹⁶⁵ Locke, John. *Two Treatises of Government*, p.367, §149.

¹⁶⁶ *Ibid.*, p.369, §152.

¹⁶⁷ *Ibid.*, p.368, §151.

¹⁶⁸ *Ibid.*, p.371, §156.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*, p.373, §158.

This power to act according to discretion for the public good, without the prescription of the law and sometimes even against it, is that which is called prerogative.¹⁷¹

Locke asks who judges when a governor oversteps his prerogative and when a judge does not preside over a court of civil law. Locke answers that they “appeal to heaven.”¹⁷² People can only invoke “that ultimate determination to themselves which belongs to all mankind whether they have just cause to make their appeal to heaven.”¹⁷³ Hence, the importance of life is seen clearly.

However, with regard to Hobbes, legislative, executive and federative powers are in the same person’s hand; otherwise, powers flow into each other’s hands and a kind of storm occurs rather than harmonization. Hobbes says that in peace or in war, one authority should organize relationships with the other countries, identify citizens’ duties and positions in civil society. This implies executive power of authority. This authority also determines which actions and thoughts are good or bad for the continuation of a healthy civil society. If one acts or thinks incompatibly with the pre-determination of goodness in terms of an agreement made between authority and citizens, authority as an owner of legislative power is the decider on what punishment is to be given to this infractor. Federative power is naturally transformed to life in a civil society since preservation of men is the basic requirement for government. Hobbes states that both absolute right and simple obedience are necessary for government. In the commonwealth men transfer their will to one man or to a council whose will is for society. Absolute power must be on the top of the civil society for Hobbes, because one man cannot both make law and obey them at the same time. This means state of nature comes again.

¹⁷¹ Locke, John. *Two Treatises of Government*, p.375, §160.

¹⁷² *Ibid.*, p.379, §169.

¹⁷³ *Ibid.*, p.380, §169.

The greatest power that men can transfer to a man we call absolute power. To absolute right on the part of the sovereign ruler corresponds so much obedience on the part of the citizens as is essential to the government of the commonwealth.... We shall call it SIMPLE obedience, because it is the greatest obedience that can be given.¹⁷⁴

Absolute power has its limits, of course. Its limits are determined by how much of their rights the citizens transfer to the authority. Hobbes' "theory of contract shows clearly the problems of limiting sovereignty by reference to contract theory."¹⁷⁵ Whether this authority is an assembly or one person, it is clear that an absolute power is necessary. This is called absolute by Hobbes since over every man, there is necessarily a person or a group who cannot be delimited except by the limits determined by commonwealth. Absolute power is the soul of government, not the head. When men transfer their wills, the sovereign has their souls, that is, their wills. In this way, Leviathan comes to be the sovereign. Government's head can be an adviser of sovereign power for Hobbes.¹⁷⁶ However, this does not mean that the sovereign power is overturned easily without his assent to give this power. The power of government is preserved by an agreement including "an obligation to their fellow citizens and an obligation to the ruler."¹⁷⁷ Leviathan needs nutrition of course after coming into existence. Hobbes says in the *Leviathan* that its nutrition is "commodities"¹⁷⁸, blood is money because of money's circulation in the commonwealth like circulation of blood in a body¹⁷⁹ and its "nerves

¹⁷⁴ Hobbes, Thomas. *De Cive*, p.82.

¹⁷⁵ May, Larry. "Hobbes's Contract Theory", *Journal of the History of Philosophy*, 18/2, (1980), p.207.

¹⁷⁶ Hobbes, Thomas. *De Cive*, p.89.

¹⁷⁷ *Ibid.*, p.90.

¹⁷⁸ Hobbes, Thomas. *Leviathan*, p.170.

¹⁷⁹ *Ibid.*, p.174.

and tendons”¹⁸⁰ are punishment and reward, since these bring liveliness to Leviathan. When Leviathan grows up, he has children called “colonies.”¹⁸¹

Hobbes enumerates consequences of the commonwealth by consent in the *Leviathan*.¹⁸² First, since subjects consent, they cannot alter the governmental system. Second, nobody in the commonwealth can forgo to be a subject, i.e., the sovereign power could not be left. Third, to protest the sovereign power that is chosen by the consent of majority is unjust. Fourth and fifth, the sovereign cannot be blamed for his activities and punished because his actions are based on the subjects’ will. Sixth, taking a decision and deciding what is to be taught for living in peace and for defending is the sovereign’s job. Education is important for civil life. It sets one’s action in terms of doctrines. Seventh, civil laws are set by the sovereign so properties are safe. Eight and ninth, “the Right of Judicature”¹⁸³ and peace-war rally belong to the sovereign. He is free to choose people to work with him in the tenth place. Eleventh, promise of reward and imposing a penalty are his tasks. Lastly, rules in civil society and order of rank must be determined by him. Alan Ryan states that “Hobbes relies heavily on his subjects’ fear of return of the state of nature to motivate to rely on, and he spent much of *Leviathan* in trying to persuade them to keep their eyes on the object of that fear.”¹⁸⁴ Seeing above, for Hobbes, the sovereign is the organizer of the civil society and without commonwealth peaceful life is impossible, without him, common life does not last long either.

¹⁸⁰ Hobbes, Thomas. *Leviathan*, p.220.

¹⁸¹ *Ibid.*, p.175.

¹⁸² *Ibid.*, see chapter 18, pp.121-129.

¹⁸³ *Ibid.*, p.125.

¹⁸⁴ Ryan, Alan. “Hobbes’s Political Philosophy”, *The Cambridge Companion to Hobbes*, ed. Tom Sorell, (Cambridge: Cambridge University Press, 1996), p.225.

5.2. Models of Commonwealth

5.2.1. Comparison of Types of States as to Locke

In monarchy, the legislative power can give capital punishment, that is, the monarch has a right over the life of citizen. Political society exists for the preservation of property. In political society, man gives his legislative and jurisdiction power to the government. Government is responsible for a man's life and his property. Commonwealth -government- can make laws and war for security of the society¹⁸⁵. Citizens can take a legal action against one who violates laws and apply to government. Locke says that legislative and executive power should not be in the control of the same person, because citizens cannot preserve their rights at this conjuncture.

However, absolute monarchy violates the principles of civil society. Absolute monarchy has all the power -legislative and executive. When a problem arises between a citizen and a monarch, the citizen applies to the monarch again, but this is absurd. In such a situation, there is no difference between state of nature and of society. Moreover, this is worse than the state of nature, because in absolute monarchy, one cannot secure his own life. Everything is one sided. This is not a real civil society. Legislative and executive power must be in a collective body. Body politic means to elect a adjudicator for violation. Absolute monarch wants his own good, not the common good. In absolute monarchy, there is a false compact.

As if when men, quitting the state of Nature, entered into society, they agreed that all of them but one should be under the restraint of laws; but that he should still retain all the liberty of the state of Nature, increased with power, and made licentious by impunity. This is to think that men are so foolish that they take care to avoid what mischiefs may be done them by polecats or foxes, but are content, nay, think it safety, to be devoured by lions.¹⁸⁶

¹⁸⁵ Locke, John. *Two Treatises of Government*, p.323, §88.

¹⁸⁶ *Ibid.*, p.328, §93.

When one enters in a civil society, then one agrees on the rules and decisions of the majority by consent. “The majority have a right to act and conclude the rest.”¹⁸⁷ Here, key terms are consent and majority. “The act of the majority passes for the act of the whole, and of course determines as having, by the law of Nature and reason, the power of the whole”¹⁸⁸. Governing in a civil society must be in the hands of the majority for practical reasons. First, “if the consent of the majority shall not in reason be received as the act of the whole, and conclude every individual, nothing but the consent of every individual can make anything to be the act of the whole, which, considering the infirmities of health and avocations of business, which in a number though much less than that of a commonwealth, will necessarily keep many away from the public assembly”¹⁸⁹ and second, “for where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again.”¹⁹⁰

There are two arguments against this model. The first is lack of historical example for governing by majority’s determinations. The second is that men are born in a society, so they are not free to select. Locke’s answer to the first is that even in paternal power, there is always compact and majority. People come together and select one even in family. In family people tends to select the most powerful, protector and tenderhearted person for continuation of the family, so to be lack of historical example cannot be used as antithesis. The second is that even if one is born under the certain government, in fact one can change that government after growing up. Men are born free. “It is plain, then, by the practice of governments themselves, as well as by the law of right

¹⁸⁷ Locke, John. *Two Treatises of Government*, p.331, §95.

¹⁸⁸ *Ibid.*, p.332, §96.

¹⁸⁹ *Ibid.*, p.332, §98.

¹⁹⁰ *Ibid.*, p.333, §98.

reason, that a child is born a subject of no country or government.”¹⁹¹ They can go anywhere. Custom binds children to live under the authority of their father who “was fittest to be trusted; paternal affection secured their property and interest under his care, and the custom of obeying him in their childhood made it easier to submit to him rather than to any other.”¹⁹²

It cannot be said that foundations of governing are such through history and it ought to be as such. As long as public welfare is maintained, inheritance of governing lasts. However, when franchise of one is greater than others, violation may occur. Henceforth, people want to change the government. They choose to limit government’s power, that is, executive and legislative powers are separated from the government. Majority makes a decision and judges. “All peaceful beginnings of government have been laid in the consent of the people”¹⁹³ and “consent...makes any one a Member of any Commonwealth”.¹⁹⁴

Speaking in an oligarchy, people select persons and give legislative power to these persons. In a monarchy, they give power to a single person. Monarchy can be hereditary if it passes from father to his son, or it can be elected, if a ruler is elected by the majority. All in all, the majority has power and can change the type of government. Legislative power is the superior power in the civil society, so governance orientates itself through legislative power, that is, place of this power determines the type of governing. Locke asserts that commonwealth does not mean democracy only. “By ‘commonwealth’ I must be understood all along to mean not a democracy, or any form of government”.¹⁹⁵

¹⁹¹ Locke, *Two Treatises of Government*, p.347, §118.

¹⁹² *Ibid.*, p.337, §105.

¹⁹³ *Ibid.*, p.344, §112.

¹⁹⁴ *Ibid.*, p.349, §122.

¹⁹⁵ *Ibid.*, p.355, §133.

In brief, Locke separates types of government in the context of one who has legislative power. He accepts principle of majority in democracy. Even this principle is not pure democracy, it was a radical thought at that time and actually in 17th century people did not ready for prularist one. According to Locke democracy is the best form of government. He refuses legality of the monarch.

5.2.2. Characteristics of Commonwealths by Design in Hobbes

Hobbes assumes that there are two types of commonwealth deemed natural and political, that is, by design.¹⁹⁶ The first one is caused by fear as reflex action is formed not voluntarily like in paternal and despotic power. However, in the second one, there is a voluntary action and it is because of need for security.¹⁹⁷

Hobbes states that there are three types of commonwealths by agreement. For Hobbes, tyranny, oligarchy and anarchy are not types of governance. These are degenerated forms of monarchy, aristocracy and democracy, respectively.¹⁹⁸ Types of commonwealth come from types of people offering sovereign power. Basic type is democracy for Hobbes because all of them call for a social contract that starts by democratic way.¹⁹⁹ These types are monarchy where power is in one person's hand, aristocracy where power resides in a group of people and democracy where all people have power to vote. All other kinds of government can be reduced to these categories. They gain different names because of type of "exercising power"²⁰⁰. As an example, a man is a king who governs well, and a man is a tyrant when he

¹⁹⁶ Rapaczynski, Andrej. *Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau*, p.106.

¹⁹⁷ Hobbes, *De Cive*, p.74.

¹⁹⁸ İspir, Naci. "Thomas Hobbes ve Demokrasi", *Felsefe Dünyası*, 38/2 (2003), p.145.

¹⁹⁹ *Ibid.*, p.144.

²⁰⁰ Hobbes, Thomas. *De Cive*, p.93.

governs badly. Hobbes asserts that democracy may turn to anarchy unless where and when the meetings are to be held are decided for the next time.

He argues that “monarchy is the best”²⁰¹ type of government for several reasons. First, the monarch’s interests are similar to those of the people, because his political body is the same as his public body. The monarch coalesces with the public’s will by an agreement. Contrastingly, in sovereign groups, the rulers do not share a body with the public. “For the Passions of men, are commonly more potent than their Reason. From whence it follows that where the publique and private interest are most closely united, there is the publique most advanced. Now in Monarchy, the private interest is the same with the publique. The riches, power, and honour of a Monarch arise onely from the riches, strength and reputation of his Subjects.”²⁰² Secondly, a monarch will receive better counsel than aristocratic or democratic governors, because he can select experts and obtain their advice in private. “Consequently may hear the opinion of men versed in the matter about which he deliberates, of what rank or quality so ever, and as long before the time of action, and with as much secrecy, as he will.”²⁰³ Third, a monarch’s policies will be more consistent because he is of one mind. “But in Assemblies, besides that of Nature, there ariseth an Inconstancy from the Number.”²⁰⁴ Fourth, civil war is less possible in a monarchy, because “a Monarch cannot disagree with himself, out of envy, or interest; but an Assembly may; and that to such a height, as may produce a Civil War”²⁰⁵ through faction.²⁰⁶ Therefore, laws in democracies are incoherent and start from persons’

²⁰¹ Hobbes, Thomas. *De Cive*, p.117.

²⁰² Hobbes, Thomas. *Leviathan*, p.131.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*, p.132.

²⁰⁵ *Ibid.*, p.132.

²⁰⁶ Hobbes, Thomas. *De Cive*, p.124.

passions. In popular states for Hobbes, everybody desires sovereignty under the mask of desiring liberty.²⁰⁷ Thanks to democracy they satisfy their passion of dominion by attending governance. Finally, inheritance of sovereign power can be made more safely in a monarchy because the sovereign can choose his heir. Monarchy is not seen as returning of natural state in Hobbes's theory. Leo Strauss expresses that monarchy mentioned as civil society by Hobbes is different from a despotic one gained by conquest and patrimonial monarchy laid on 'paternal authority'.²⁰⁸

Liberty does not mean that one is liable to fewer laws. In monarchies, there is more liberty for Hobbes, however in the state of nature there is no liberty, since fear is leading the chain. Natural law leads one to be free from this fear.²⁰⁹ In monarchies citizens make "Artificiall Chains, called civill lawes"²¹⁰. Therefore, it cannot be said that they are not free when living in the commonwealth created by them with consent.

5.3. On Dissolution of Government

5.3.1. Locke's View of Dissolution

In Chapter XIX of the *Second Treatise*, Locke arrives at the question: When do people want to form a new government? When is the government which works in a bad way as mentioned above, dissolved and replaced? There are two types of dissolution: "the dissolution of the society and the dissolution of the government."²¹¹ Agreement gives birth to civil society. Agreement coalesces. In a foreign conquest agreement dissolves, so "every one returns to the state he was in before, with a liberty to shift for himself and provide

²⁰⁷ Hobbes, Thomas. *De Cive*, p.121.

²⁰⁸ Strauss, Leo. *The Political Philosophy of Hobbes, Its Basis and Its Genesis*, p.61.

²⁰⁹ Hobbes, Thomas. *De Cive*, p.121.

²¹⁰ Hobbes, Thomas. *Leviathan*, p. 147.

²¹¹ Locke, John. *Two Treatises of Government*, p.406, §211.

for his own safety, as he thinks fit, in some other society. Whenever the society is dissolved, it is certain the government of that society cannot remain”.²¹²

Government can be dissolved from inside. This occurs when the legislative power is changed. Legislative power cannot be usurped by a tyrannical executive power, because it is the soul of government. When the legislative or executive power breaches the trust of people and when the executive power ignores laws and majority's good, dissolution of government is unavoidable:

This is the soul that gives form, life, and unity to the commonwealth; from hence the several members have their mutual influence, sympathy, and connection; and therefore when the legislative is broken, or dissolved, dissolution and death follows.²¹³

As a result of usurping the legislative power, people do not have to enter an obligation of government and the debt of honor towards governors dissolves.²¹⁴ Locke emphasizes significance of preserving common good to live in harmony within the scope of civil laws. Selection of the representatives should be done freely and the representatives should be able to solve problems. If a governor is obstructive to this, it means that there is coercion and a breach of trust. This is an evidence of ill management.²¹⁵

Locke notes that his book does not consist of a rebellion theory. Misgovernment does not cause dissolution at once. People have a tendency to preserve the state that they live in. Nobody wants chaos. For dissolution, it is necessary that big faults are made by governors and ill management must be permanent and regular. If citizens see these and ill management is by

²¹² Locke, John. *Two Treatises of Government*, pp.406-407, §211.

²¹³ *Ibid.*, p.407, §212.

²¹⁴ *Ibid.*, p.412, §222.

²¹⁵ *Ibid.*, p.413, §222.

design, citizens rebel.²¹⁶ In fact, major rebels are governors, because they set aside contract. A governor who thinks about his benefit does not act as such.

Every man has a right to preserve himself against a mugger, so one has a right to oppose the governor who has designs against one's property. There is no difference between a mugger and a governor if there is "evidence that designs are carrying on against their liberties, and the general course and tendency of things cannot but give them strong suspicions of the evil intention of their governors".²¹⁷ Below, the reasons of opposition are examined one by one.

5.3.1.1. Rising of Defiance by Breach of Trust

i. Conquest

Political states may be constituted by means of conquest. However, for Locke, in such states there is no political power because of absence of consent. When a state of war occurs, government may fall, but nobody can renew a government by force and without consent. Nobody has a right to this.

Conquest is as far from setting up any government as demolishing a house is from building a new one in the place. Indeed, it often makes way for a new frame of a commonwealth by destroying the former; but, without the consent of the people, can never erect a new one.²¹⁸

Locke distinguishes between an unjust war and a lawful war. A conqueror may get despotic power over others' rights and lives by an unjust war. Conqueror cannot put pressure on someone, but he gets power over government that loses its ground while making war and "who have actually

²¹⁶ Locke, John. *Two Treatises of Government*, pp.414-415, §224-225.

²¹⁷ *Ibid.*, p.418, §230.

²¹⁸ *Ibid.*, p.385, §175.

assisted”²¹⁹ him. Locke asserts that the unjust power puts one person into a state of war with another.²²⁰ “Conquers in an unjust war can thereby have no title to the subjection and obedience of the conquered.”²²¹ There is no difference between an aggressor and a robber with respect to action, but a robber gives harm to one person when an aggressor gives harm to the whole population. Moreover, an aggressor is crowned.

[T]he aggressor...puts himself into the state of war with another, and unjustly invades another man’s right.²²²

The injury and the crime is equal, whether committed by the wearer of a crown or some petty villain. The title of the offender and the number of his followers make no difference in the offence, unless it be to aggravate it. The only difference is, great robbers punish little ones to keep them in their obedience; but the great ones are rewarded with laurels and triumphs, because they are too big for the weak hands of justice in this world, and have the power in their own possession which should punish offenders.²²³

A conqueror “is perfectly despotal”²²⁴ in any context. This man gets power over citizens’ lives, but he does not have a power over their rights, especially over their possessions in a just war, because possessions are owned by the whole family, that is, possessions are inherited.

A conqueror ...has an absolute power over the lives of those who, by putting themselves in a state of war, have forfeited them, but he has not thereby a right and title to their possessions.²²⁵

²¹⁹ Locke, John. *Two Treatises of Government*, p.388, §179.

²²⁰ *Ibid.*, p.389, §181.

²²¹ *Ibid.*, p.386, §176.

²²² *Ibid.*, p.385, §176.

²²³ *Ibid.*, pp.385-386, §176.

²²⁴ *Ibid.*, p.388, §180.

²²⁵ *Ibid.*

He has no right to seize more than the vanquished could forfeit; his life is at the victor's mercy, and his service and goods he may appropriate to make himself reparation; but he cannot take the goods of his wife and children, they too had a title to the goods he enjoyed, and their shares in the estate he possessed.²²⁶

Limitation is the crucial point. When limit is overstepped, a just action can merely turn into an unjust action. In a just war, damages of war should be taken from harvest, not from land and must be taken from resistant, not from his child or his wife.²²⁷ Conqueror has “even in a just war, no right of dominion”.²²⁸ Here, Locke comes to consent in real sense. People can submit to a conqueror or his conditions, but this must be by consent, not by force. He also does not have a right over the people's children. People naturally have “a right of freedom” and “a right...to inherit”.²²⁹ People have a right to fight, rebel against aggressor, conqueror that distrain on their land, country.²³⁰

Locke states that the most superior power is God's and there is no governor over God. God also submits to laws, because He makes the best laws and He also obeys these laws that are named laws of nature.

ii. Usurpation

If power oversteps the limitation of legality and one lays hold on others' possessions, this is usurpation. Usurpation implies a change of governor, not the rules and government. It may be made by foreigners or by one who lives inside a country. Locke says that “as conquest may be called a foreign usurpation, so usurpation is a kind of domestic conquest, with this

²²⁶ Locke, John. *Two Treatises of Government*, p.390, §183.

²²⁷ *Ibid.*, p.391, §184.

²²⁸ *Ibid.*, p.392, §185.

²²⁹ *Ibid.*, pp.393-394, §191.

²³⁰ *Ibid.*, p.394, §192.

difference—that a usurper can never have the right on his side, it being no usurpation but where one has got the possession of what another has right to.”²³¹ Besides, if this person is over laws, tyranny is added to usurpation.²³² Is commonwealth preserved after it is taken hold of illegally? This is not legal in any context and is usurpation.²³³ According to Locke, tyranny and monarchy are not the same. The former usurps government, but the latter is only executive.

iii. Tyranny

Usurpation is a subclass of Tyranny which is a use of power without right and usurpation which is made by the governor for his own good, not for the common good.

The governor, however entitled, makes not the law, but his will, the rule, and his commands and actions are not directed to the preservation of the properties of his people, but the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion.²³⁴

A just governor is bound by the laws of the legislative and works for people’s good, yet a tyrant abuses the laws and acts on his own will. Tyranny is “the exercise of power beyond right”.²³⁵ All kings are not tyrants, “the notions of things, makes the difference betwixt a king and a tyrant to consist only in this: that one makes the laws the bounds of his power and the good of

²³¹ Locke, John. *Two Treatises of Government*, p.397, §197.

²³² *Ibid.*

²³³ *Ibid.*, p.398, §199.

²³⁴ *Ibid.*, p.399, §199.

²³⁵ *Ibid.*, p.400.

the public the end of his government; the other makes all give way to his own will and appetite.”²³⁶

Persons can rebel against a tyrant on the scope of law of nature, since tyranny does not preserve property and man. Whoever messes around and whatever is an illicit work are undeserving of being submitted, because this is a crime. “Wherever law ends, tyranny begins”²³⁷ and tyranny “may be opposed,”²³⁸ that is, if the government does not work well, it is doomed to fail and citizens have a right to overturn it in such a situation. Richard Ashcraft says that for Locke “illegitimate authority of the king”²³⁹ can be pulled down by nature. Actually, nobody wants anarchy, whereas illicit work is always punished by persons and God. Here, there is a message to governors; do not act as such! When a governor is just, there is no reason to be anxious for them. A just governor is bound by the laws as said before. This person’s power holds one’s own legally so long as he does not abuse laws or overstep legislative power, he reimburses the citizens for their damages, works for common good and preserves man. In fact, if there is not sufficient support for rebellion, persons cannot oppose to government.²⁴⁰

That force is to be opposed to nothing but to unjust and unlawful force. Whoever makes any opposition in any other case draws on himself a just condemnation, both from God and man; and so no such danger or confusion will follow, as is often suggested.²⁴¹

²³⁶ Locke, John. *Two Treatises of Government*, p.400, §200.

²³⁷ *Ibid.*, p.400, §202.

²³⁸ *Ibid.*, p.401, §202.

²³⁹ Ashcraft, Richard. “Locke’s Political Philosophy”, *The Cambridge Companion to Locke*, ed Vere Chappell, (Cambridge: Cambridge University Press, 1994), p.228.

²⁴⁰ Locke, John. *Two Treatises of Government*. pp.402-403-404, §205, §206, §207, §208.

²⁴¹ *Ibid.*, p.402, §204.

If so, when do persons, who are malcontent, rebel? “The most dangerous state they can possibly put themselves in; wherein they are the less to be pitied, because it is so easy to be avoided.”²⁴² When wrongful acts that are made by governors threaten the majority’s liberty of conscience, persons can rebel against leadership and governors find himself in a state of war. Abuse of laws should be seen clearly by the majority for right of rebellion. Degree is crucial even in rebellion.

5.3.2. Death of Authority for Hobbes

According to Hobbes, to understand rebellion of citizens three things should be examined: provocative doctrines against living in peace, the person who takes the lead in rebellion and methods to rise in rebellion “or faction itself.”²⁴³ Firstly, these doctrines are based on the followings:

1- understanding of good and evil differs from individual to individual, obeying the sovereign power is sin because this is inappropriate to right reason, 2- killing the tyrant is permissible, 3- sovereign power also depends on civil laws, 3- “sovereign power can be divided”²⁴⁴ and 4- belief and divinity is acquired by inspiration, i.e., knowledge of good and evil is individualistic, 5- individuals are the raja of their properties, 6- people and crowd are similar to each other. To put these in a nutshell, all these doctrines are the cancer of government. In a civil society, knowledge of distinguishing between good and evil does not change from person to person because individuals transfer their wills. Therefore, sovereign power puts some rules by civil laws to determine what is good or not. Obeying the sovereign power is not a sin; on the contrary, it is an obligation in civil society since individual consciences of citizens turn into sovereign power’s individual conscience, that is, it can be called civil laws for Hobbes. If the tyrant does

²⁴² Locke, John. *Two Treatises of Government*, p.405, §209.

²⁴³ Hobbes, Thomas. *De Cive*, p.131; and see also Martinich, *A Hobbes Dictionary*, pp.74-81.

²⁴⁴ *Ibid.*, p.135.

not secure people's lives, citizens naturally refuse to obey him but this causes danger in a monarchy as well. Hence, Hobbes states in *De Cive* that this case should be called as killing of enemy not tyrant. Another doctrine is, as mentioned earlier, sovereign power also depends on civil laws. This is not true for Hobbes because government's will includes citizens will and deciding what is just or unjust depends on the sovereign power, that is, on civil law. Hobbes adds that division of sovereign power provokes the end of government since everybody begins to speak against his political power and citizens get into a muddle. Like the division of sovereign power, the thought that individual people hold the dominion of their property is also false. Absolute dominion of properties in a civil society is the monarch's prerogative for Hobbes since citizens have nothing in the state of nature. Property results from civil society, the commonwealth. Hobbes separates crowd and people from each other. People's will is unique. Actually, here crowd does not mean a hollow body crammed with people. It means that people constitute the Monarch and that crowd is the citizens. In brief, in *Leviathan* Hobbes asserts that doctrines explained above are "metaphors, and senseless and ambiguous words, are like ignes fatui²⁴⁵; and reasoning upon them, is wandering amongst innumerable absurdities; and their end, contention, and sedition, or contempt."²⁴⁶

Another subject is taxes and position of nobility. While citizens who are not wealthy think that giving of taxes is unnecessary and cause poverty, but tax provides a source for continuation of government and for government's employees' payment. Besides this, people who do very nicely financially may not be pleased with their position in the civil society and they may want more nobility ravening. This gives rise to intrigue. Some people have "hope of

²⁴⁵ Fire of foolish causing an illusion

²⁴⁶ Hobbes, Thomas. *Leviathan*, p.36.

winning”²⁴⁷. By this hope, they start to spread their doctrines for the dissolution of government.

Subjects can reject obeying the sovereign. When sovereign no longer protects the security of the commonwealth, the subjects are no longer obliged to obey him. Sovereign power is founded by natural law and therefore, the sovereign has to supply peace for safety. “The safety of people is the supreme law.”²⁴⁸ Sovereign power should ensure freedom from danger and living happily. The concept of safety contains both security and happiness coming from prosperity for Hobbes.²⁴⁹ People make an agreement to form a commonwealth by design to escape from state of nature and to live in pleasure. Hobbes says in *De Cive*, four things supply citizens’ enjoyment of life, preservation against enemies who are outside the country, preservation ‘of internal peace’²⁵⁰ in civil society, wealth and reasonable usage of freedom. To be guarded against enemies, sovereign power should employ intelligencers getting information from other governments to secretly warn before any danger of an armament program. For internal peace, citizens must be kept from separatists by means of education. Hobbes stressed that ‘true element of civil doctrine’²⁵¹ should be taught in educational institutions. About wealth, poverty is caused by unfair taxation and one’s self-interest i.e., ambition of statute. These are other reasons of deterioration of internal peace. The sovereign power should make a fair tax system for the first case and for the second, while he honors obedient, he should decry factionists. For wealth, the sovereign is responsible for continuity of production in economy, canalizing the citizens to work hard and imposing a ban on some consumptions of the citizens. Innocent liberty of the citizens is also necessary

²⁴⁷ Hobbes, Thomas. *De Cive*, p 138.

²⁴⁸ *Ibid.*, p.143.

²⁴⁹ *Ibid.*, p.144.

²⁵⁰ *Ibid.*, p.145.

²⁵¹ *Ibid.*, p.147.

for continuation of the state. Definitely, the citizens must be bounded by civil laws but these laws should not be superfluous, they must be clear so that adjudicators commissioned by the sovereign can apply civil laws to decide correctly. It can be said that the sovereign as the holder of jurisdiction power should ensure the application of civil laws and he should control adjudicators as well.

Unless these come true, citizens have no the right of rebellion since as Hobbes highlights in *De Cive*, “good man are those who respect the decisions of the senate and respect laws and rights”.²⁵² The commonwealth can dissolve if the sovereign power’s will and citizens’ wills are not unique anymore. However, this does not mean that they should rebel. It refers to going back to the state of nature. In fact, when the sovereign power provides the safety of its citizens, this means he can protect himself since a commonwealth arises from citizens’ power. The aim of the foundation of governments is the benefit of its citizens, not for government’s own advantages. If the sovereign power gives up the right of sovereignty, enemy countries usurp the commonwealth or if there is no heir to the throne after the death of a monarch, commonwealth by design dissolves and people go back to their bestial freedom, that is, to the state of nature.²⁵³

In a healthy commonwealth, the sovereign has an absolute power. Citizens must be educated about the rights of sovereignty, that is, “the right of making laws” and “what the law itself says.”²⁵⁴ This education includes loving one’s own government, not protesting against the sovereign power, being obedient to parents, having sense of justice by means of conscience first. When this is not the case, imperativeness occurs, so obedience is artificial.

²⁵² Hobbes, Thomas. *De Cive*, p.148.

²⁵³ *Ibid.*, p.101.

²⁵⁴ *Ibid.*, p.159.

To sum up, when a governmental structure is born with ill organs, then dissolution of authority impends. Hobbes likens this to “ a natural body, which proceeds from a Defectuous Procreation.”²⁵⁵ Defectuous part of a body leads to lameness within a body. Just like in a body, Leviathan’s being born with ill parts causes dissolution by civil war.

²⁵⁵ Hobbes, Thomas. *Leviathan*, p.222.

CHAPTER 6

CONCLUSION

To live like a tree single and at liberty
and brotherly like the trees of a forest,
this yearning is ours.²⁵⁶

In this thesis, Hobbes' and Locke's political philosophies were examined by studying philosophers' own works—*De Cive*, *Leviathan* and *Two Treatise of Government*. These texts were used mainly to explain the necessity of the commonwealth for a good life. The explanation of the importance of formation of the commonwealth by design requires concentrating on the state of nature, the laws of nature, types of government and the preferred type of government for people's life in security and in peace, the sovereign's functions and powers, the rights of citizens and reasons for the dissolution of government according to both philosophers. Although John Locke and Thomas Hobbes' theories are built on the idea of contract, they have differences in terms of state of nature, human rights, liberty and the best form of government.

The Second Treatise starts with extraordinary claims for 17th century. Unlike Hobbes, Locke states that without government, people are free and they live happily and in equality. However, they cannot preserve their properties including their life. People do not prefer to live alone, so the first society is a conjugal one. Locke states that citizens are free and they are equal individuals in the context of natural rights. Everybody wants to have goods, so people conflict inevitably. Natural law governs them before they enter into society. People want to feel trust and to preserve themselves and their

²⁵⁶ Ran, Nazım Hikmet. *Invitation*, trans. Fuat Engin, Retrieved July, 2008 from http://www.nazimhikmetran.com/english/frm_index/siirlerinden_secmeler.html

properties. As a result of this, they relinquish some of their natural rights to enter into a civil society by making compact. Afterwards, the government protects them. People transfer their executive power to enforce laws and to punish offenders in this wise. In Locke's account of society, property plays the first fiddle. In some parts of *the Second Treatise*, it can clearly be seen that possession is over life. As an example, one can take one's life in war, but one cannot take another's property.

When governors abuse and overstep laws or change executives without permission of the majority. This means usurpation. People therefore can rebel against governors and they have a right to replace the government as a result of breach of trust.

The main aim of Locke in *the Second Treatise* is to be against absolutism and unjust governments. Locke's *Second Treatise* is a guidebook for people to form societies and governments. Actually, Locke paves the way to the French Revolution almost a century before. In whole book, there are slogans against absolute power. Mismanagement runs governor's head against a brick wall. This governor loses his total power. Consequently, the slogan of the whole book can be said to be 'No absolute power!'.

The purpose of government is preservation for both philosophers; however, for Locke this is for preservation of property. For Hobbes, it is to be free from fear of death. As a result of this, for Locke, state which is constructed by social contract should preserve previous rights of the people. The basic reason of creation of political structure by social contract is to quit the state of nature.

For Locke, people only give up their rights to legislation and federation. They do not transfer their rights absolutely. This point is different from Hobbes's account in which people give up everything for the betterment of the state. Locke is against absolutism and unjust governments. Where is the place of freedom in the commonwealth? Liberty does not mean chaos.

According to James Tully, civil liberty and natural liberty differs from each other.²⁵⁷ When the former means not doing everything one wants under civil laws by consent, the latter refers to living by not being bounded to any authority. According to Locke, Liberty means “not being subject to the inconstant, uncertain, unknown, arbitrary will of another man, as freedom of nature is to be under no other restraint but the law of Nature.”²⁵⁸ People should be free from arbitrary power in Locke’s theory. The law of nature orders preservation of man. Therefore, absolute transfer of right is impossible. According to Locke’s theory, liberty refers to having a right over executive power. Everybody is equal in front of jurisdiction and dominion. Nobody in a society has the right to have control over others.²⁵⁹ Everybody has his own right of freedom.

Locke discusses the differences between paternal, political, and despotic power to explain breach of trust.²⁶⁰ Paternal power means that parents have power over their children until they can use their reason. Law of nature gives parents paternal power. Political power requires that citizens submit to commonwealth by consent for protection of their property in a civil society. Despotic power is the absolute, arbitrary power of one person. This person can take the life and property of another. The foundation of political power is compact between parts. In contrast to these, despotic power is not given to someone willingly.²⁶¹ Tyranny is a good example for despotic power. In contrast to Hobbes, according to Locke, everybody including the sovereign is subject to laws.²⁶²

²⁵⁷ Tully, James. *An Approach to Political Philosophy: Locke in Contexts*, p.284.

²⁵⁸ Locke, John. *Two Treatises of Government*, p.284, §22.

²⁵⁹ *Ibid.*, p.304, §54.

²⁶⁰ See Chapters 3, 6 and 7 of *The Second Treatise of Government*.

²⁶¹ Locke, John. *Two Treatises of Government*, pp.383-384, §173.

²⁶² Tully, James. *An Approach to Political Philosophy: Locke in Contexts*, p.37.

Paternal or parental power is nothing but that which parents have over their children to govern them, for the children's good, till they come to the use of reason, or a state of knowledge.²⁶³

Political power is that power which every man having in the state of Nature has given up into the hands of the society, and therein to the governors whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good and the preservation of their property.²⁶⁴

Despotic power is an absolute, arbitrary power one man has over another, to take away his life whenever he pleases; and this is a power which neither Nature gives, for it has made no such distinction between one man and another, nor compact can convey.²⁶⁵

Locke claims that democracy is possible and it is the best form of government since selection of representatives should be done freely and they should be able to solve problems. This is possible in democracy. Other types of government are not in accord with the law of nature. Locke's theory is especially based on preservation of freedom and property. These can be supplied only with democracy. Locke is important in this sense since by rejecting absolute power, he gives citizens the power of direction. Hence, if the sovereign violates laws of nature and citizens' trust, they can rebel and decide which type of commonwealth is best for them. This is both their right and their assignment because of its inconvenience to natural law.

Hobbes's theory is based on fear of death and desire of men. Here this fear is not fear of the sovereign but people's fear of each other in the state of nature. In contrast to Locke, for Hobbes, man is like a wild animal in the state of nature. All men combat with each other constantly and as a result, all fear death. Physical power is crucial in such a state, that is, people are not equal in this state for Hobbes. While Locke gives place to self-government in the

²⁶³ Locke, John. *Two Treatises of Government*, p.381, §170.

²⁶⁴ *Ibid.*, p.381, §171.

²⁶⁵ *Ibid.*, p.382, §172.

state of nature, Hobbes recognizes the right of government in the sovereign because men cannot block some of their brutal desires. For him, state of nature easily turns into state of war, but Locke asserts that state of nature and state of war are very different from each other.

First of all, the law of nature orders the preservation of men. Hence, men have to make a social contract with an authority to escape from danger of the state of nature by transferring their wills to an absolute power. Hobbes outdistances citizens' liberty. Man should give up using all his rights, because if there is overpopulation in the sovereign power, nothing can be done properly. For Hobbes, the best form of government is monarchy. Democracy may turn into anarchy and chaos. In monarchy, the rulers share a body with the public. The monarch's decisions are more coherent than in democracy and aristocracy. Besides, one man selects experts and his heir, so this is more effective for the betterment of society. "In Hobbesian views, cooperation for mutual advantage involves no irreducible moral elements. Hobbesian views aim to show that morality is a subordinate notion, grounded in individuals' antecedent desires and interests."²⁶⁶ Locke is against this view that absolute monarch acts in harmony with individuals' will without violating the natural law. According to him, when one possesses absolute power, it shows that arbitrary acts of one gain legality. Locke's view on this issue is clear:

The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth, nor under the dominion of any will, or restraint of any law, but what that legislative shall enact according to the trust put in it.²⁶⁷

According to Hobbes, when the sovereign cannot guarantee the citizens' protection anymore, the commonwealth is dissolved, authority dies and

²⁶⁶ Freeman, Samuel. "Reason and Agreement in Social Contract Views", *Philosophy and Public Affairs*, 19/2 (1990), p.123.

²⁶⁷ Locke, John. *Two Treatises of Government*, p.283, §22.

obedience to contract naturally ends since this situation means Leviathan is terminally ill so this illness, results in the death of Leviathan's soul. As a result of this, although men have no right of rebellion, they find themselves in the state of nature again and should make another contract in order to live humanly without fear. Hence, living in an anarchist state is impossible. Although men are equal in the state of nature and free, as Locke states, people have desires over others and therefore property must be organized in order to live together. If people in the state of nature lived well, they would not tend to form a commonwealth by consent.²⁶⁸ Men cannot live alone and cannot live with constant fear. On every account, regardless of the type of the commonwealth, the constitution of it is necessary for the continuation of a human race as man have reason unlike animals.

As last words of this study, it is come down to political survey in our country in the context of Hobbes's and Locke's theories. In our culture, the government is exalted and thought like parents who feed and bring up their childs, so they do not want to live in the state of nature like people all over the world. However, they respect the government too much and to revolt is like high treason. They herd together, so in fact individual liberties which people have in the state of nature do not preserved. Individual differences are ignored because the citizens promise to obey what the council decides by social contract. At this point, even if the word of the council sounds democratic, this council sails under false color, i.e., it takes up seriously 'principle of majority' and does not to take into consideration 'pluralistic democracy'. In practice, we live under the sovereign power—the power of one group. The governings and the governeds are separated by certain line. When the governings sit on throne of the government organs, they scenarize the events which are planned already. The subjects are only audience, but sometimes the scriptwriters throw the subjects in the play when social agenda is wanted to change. The reason of this maladministration is that the

²⁶⁸ Toku, Neşet. *John Locke ve Siyaset Felsefesi*, p.133.

separation of powers is not ensured and the constitution which is formed by an agreement arises from the group, not from the all subjects in my opinion. For a healthy commonwealth, social contract is needed primarily. However, in our country there is no contract in real sense, since it is force start by military coup.

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