

HOBBS AND LOCKE ON THE STATE OF NATURE AND WHAT THREATENS PEACE IN SOCIETY

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Abstract. In my paper, I will argue that, although it is common knowledge that Hobbes and Locke strongly and openly disagree about the desirable form of government, and equally have different description of the state of nature, the careful reader might notice that after all the needed qualifications are added and the colours of persuasion removed (i.e. the violence of *homo homini lupus* for Hobbes and the idyllic peace and abundance of resources for Locke), the state of nature à la Hobbes is not significantly different from the state of nature à la Locke. Which makes room for the subsequent question that I plan to address here: if the starting point is in both cases (almost) the same, how could the desired (and somehow resulting) forms of government be so different?

Keywords: Hobbes, Locke, state of nature, human nature, natural laws, government, society, freedom.

1. THE PROBLEM

One thing clear to any reader of Thomas Hobbes and John Locke is that they strongly and openly disagree about the desirable form of government. Equally famous is their different description of the state of nature. However, the careful reader might notice that after all the needed qualifications are added and the colors of persuasion removed (i.e. the violence of *homo homini lupus* for Hobbes and the idyllic peace and abundance of resources for Locke), the state of nature à la Hobbes is not significantly different from the state of nature à la Locke. Which makes room for a question: if the starting point is in both cases (almost) the same, how could the desired (and somehow resulting) forms of government be so different?

The worry is not necessarily that it is something wrong with starting from the same point and arriving at opposite results, but that an explanation deeper than the mere likes or dislikes of the authors might lie beneath the surface of the obvious difference in their political positions. The problem, it seems to me,

imposes itself especially because the somehow obvious (and maybe naive) attitude of the contemporary reader is divided between Hobbes's starting point (i.e. the state of nature) and his conclusion, namely absolute monarchy. Specifically, one could accept that we are suspicious, and we fear violence from our fellow humans; one may accept that a state of nature roughly conceived as a state without political institutions might be a nasty one; we might even accept a vague thesis like "human nature is violent". But we are not immediately therefore drawn to the conclusion that absolute monarchy is the perfect shield against these worries regarding human nature or our fellow humans. Consequently, the *prima facie* question regards the linkage between Hobbes's state of nature and the absolute monarchy advocated as a solution. A second question is why absolute monarchy is regarded as the only solution. And this is where the contrast offered by Locke's theory comes into play: could it not be the case that a more "moderate" solution exists to the inconveniences presented by the state of nature, a solution more along Locke's lines? An obvious answer would be that Hobbes presents the state of nature to be so horrible and human beings as so violent, that it seems plausible that only a ruler with absolute power could keep things in check. But if we agree that the state of nature is only rhetorically horrible, and actually quite close to Locke's description, then the whole picture becomes a puzzle: if the state of nature is not very different, being presented as merely inconvenient for both Hobbes and Locke, what are the grounds for Hobbes to adopt his solution rather than one closer to Locke or, for that matter (ignoring our preferences), the other way around? Are there any philosophical reasons that might be brought in order to connect a horrible state of nature with absolute monarchy or a milder state of nature with a more liberal regime? And if not, then where does the difference in reasoning a result come from? To put it in other terms, should we assume that Hobbes depiction of the state of nature as *homo homini lupus* is a mere rhetorical device in order to incline the sympathy of the reader towards a certain thesis? Are there philosophically more serious reasons that can be given for his choice?

The purpose of this essay is to show that it is at least in principle possible to answer that Hobbes had good reasons, other than the mere rhetorical ones to adopt the solution he adopted given the premises he has. Of course, the purpose here is not to discuss the value of these presupposed premises, but just to show that once Hobbes adopts them, then his conclusion follows naturally, even though it remains for us today unacceptable. In short, my theses are:

a) There is a significant structural difference between the ways in which Hobbes and Locke conceive the state of nature, a difference consisting mainly of structured relations among individuals.

b) This difference is not just a rhetorical device, and it cannot be reduced to a general psychological conjecture of the kind "people are nasty" or "people are violent" versus "people are nice". The difference may account for at least two things, namely the "horror" induced by the state of nature in Hobbes's frame of thinking, and the resulting absolute monarchy.

The fact that such a difference can be found does not contradict the statement that Hobbes's and Locke's descriptions of the state of nature resemble each other. I will try to defend the view that the two states of nature do resemble in their *de facto* aspect, as both authors realistically describe an almost anthropological picture of humans outside political institutions (the difference is in respect to what it could be, the resemblance in respect to what it is). But they differ in their *de jure* aspect of the state of nature.

To put it briefly, I believe that this structural difference may be a good explanation for the fact that both Hobbes and Locke seem to start from the same state of nature and they end up recommending very different forms of government.

2. THE SETTING OF THE PROBLEM

In the famous chapter 13 of the *Leviathan*, the state of nature is described as a state of war with its well-known pungency:

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength, and their own invention shall furnish them withal. In such condition, there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.¹

The causes, the origin of this state, the exact meaning of the expression “state of nature” are all controversial topics. Hobbes simply states that because people from nature are roughly equal (for the purpose of survival) in their endowments (bodily or intellectual) and they desire the same things “diffidence” becomes the rule of their relation. From distrust one easily reaches preemptive strikes against possible enemies and therefore violence arises. He gives three causes for the state of war: diffidence, competition, and glory. However, by reading the text, one may also enumerate equality, self-preservation, and egoism (as noted in A.P. Martinich's book *Thomas Hobbes*). I will leave aside the problems regarding the role of equality, the role of scarcity of resources (that seems to be presupposed) and the problems raised by the interpretation of the expression “state of nature” (for example one may ask what exactly lacks to a state of nature when compared with a “political society” and find that several answers may be given, all in accordance

¹ Thomas Hobbes, *Leviathan: Parts I and II*, A.P. Martinich (ed.), Broadview, 2005.

with Hobbes's text²). Instead I will focus on several characteristics that are not highly controversial and take them into consideration for my future arguments and the comparison with Locke.

First, as Hobbes himself explains, the state of war does not presuppose a continuous actual fight, but the mere threat of violence is enough (i.e., its rational possibility).

Secondly, in the state of nature, in order to preserve his life, the individual has the "right to everything":

And because the condition of man, (...) is a condition of war of every one against every one; in which case every one is governed by his own reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; It followeth, that in such a condition, every man has a right to every thing; even to one another's body. And therefore, as long as this natural right of every man to every thing endureth, there can be no security to any man, (how strong or wise soever he be,) of living out the time, which nature ordinarily alloweth men to live.³

A.P. Martinich notes that a more plausible version of the right of nature⁴ – saying that each individual has the freedom to decide and to act in accordance with his own judgment for the preservation of his own life – suffers a modification from Hobbes to the effect that it extends the domain of right. Instead of the right to anything that contributes to the preservation of life, Hobbes endorses the "right to everything, even to another's body". The philosophical argument given by A.P. Martinich to justify Hobbes' move is that since in the state of nature there is no authority and no judge, then there can be no justified restrictions on someone's right to action. Not only that I agree with this argument, but it is going to be important for my own exposition, as I believe that, indeed, the lack of limits, due to the lack of power to establish limits, plays an important role in Hobbes's image of the natural state.

Thirdly, it is also important to note that in the state of nature there is no "right" or "wrong", no "just" or "unjust" because, as Hobbes explains, there is no law:

To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice

² François Tricaud in his article "Hobbes's Conception of the State of Nature from 1640 to 1651: Evolution and Ambiguities" finds several plausible candidates for the role of state of nature: it might mean lack of institutions, lack of contracts and political powers or even lack of affective tie or community feeling. See Fr. Tricaud, "Hobbes's Conception of the State of Nature from 1640 to 1651: Evolution and Ambiguities", in *Perspectives on Thomas Hobbes*, G.A.J. Rogers, Alan Ryan (eds.), Oxford, Clarendon Press, 1988, pp. 107–125.

³ Th. Hobbes, *Leviathan: Parts I and II*, 14.4.

⁴ A.P. Martinich, *Thomas Hobbes*, London, Macmillan, 1997, pp. 36–37.

have there no place. Where there is no common power, there is no law: where no law, no injustice. Force and fraud are in war the two cardinal virtues.⁵

To notice, the main puzzle here is about the state of nature being equated with a state of war. Other Hobbesian description of it does not appear so violent and unbearable, but merely inconvenient. First, Hobbes admits that tribes and families in the state of nature fighting each other are in a state of war. But then the complaint about the state of nature is not about the chance of survival but the lack of “commodities of civilized living” like art and navigation etc. Moreover, Hobbes himself goes on to admit “natural laws” that (seemingly) bind people even in the state of nature. Of course, we may say, as I am inclined to, that laws of nature do not bind, but are mere “advices” from reason that can be listened to or not. That, however, does not change the fact that men can live, live a relatively calm life and for a long time in tribal communities, i.e. in a state of war according to Hobbes. There is no literature or science in this state, of course, but the frantic, horrible fighting for survival does not appear either.

2.2. Locke’s state of nature

In Locke’s view, the state of nature and the state of war come apart. For him, the state of nature is a state diagnosed by the “want of a common Judge” while the state of war is any situation of “Enmity and Destruction”⁶ where someone on purpose exercises “Force without Right”⁷. The state of war may occur both in a state of nature or inside a political society.

On a first sight it would appear that Locke’s state of nature is very different from Hobbes’: there is no scarcity of resources, there is no generalized conflict (even though armed conflicts are possible) and most importantly there is a natural notion of “right” and “wrong” for human actions, i.e. there is a moral law applying to human actions even outside a political structure (which leads to a sustainable notion of ‘property’ outside a political frame):

But though this be a state of liberty, yet it is not a state of licence: though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions:(...) Every one, as he is bound to

⁵ Th. Hobbes, *Leviathan: Parts I and II*, 13.13.

⁶ J. Locke, *Two Treatises of Government*, (ed.) Peter Laslett, Cambridge, 1988, II.16.

⁷ *Ibidem*, II.19.

preserve himself, and not to quit his station wilfully, 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 may 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 another.⁸

This is a very different starting point from Hobbes, and it would seem reasonable to express this opposition as a difference in emphasis on certain human traits: Hobbes chooses to focus on the anti-social, nasty ones while Locke has a more benign view and chooses to focus on morality and rationality.

Richard Ashcraft in “Locke’s Political Philosophy” attempts to explain Locke’s choice by the fact that humans were seen by Locke as creations of God:

What Locke emphasizes in the *Second Treatise* are the positive moral features of the natural state of man. He does so not because he is ignorant of the empirical data relating to the diverse and disruptive behavior of individuals (...) but because his notion of the state of nature is structured in terms of certain fundamental religious beliefs he held regarding the relationship between God and man. In other words, whereas man are wholly responsible for whatever they make of themselves in political society, what individuals are in their natural state primarily depends upon what one assumes God made them to be.⁹

However, if we apply the same argument to Hobbes (i.e. that if the author believes in God, then he will place emphasis on the positive moral feature of human beings) then the result would be that Hobbes must have been an atheist, which is a claim at all obvious and needs to have a lot more support to be accepted. Of course, humans are, for Locke, God’s creation, but I think this is not a sufficient ground for focusing on the positive moral features, ignoring the malign ones, and making them the basis of ulterior deductions in a treatise about forms of government.

Even if he starts with a luminous image of humans outside political society, in a movement inverse to Hobbes’s, Locke admits in his turn the inconveniences of the state of nature and, therefore, the needed refuge under political rules:

If man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? Why will he give up this empire, and subject himself to the dominion and controul of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others: for all being kings as much as he, every man his equal, and the greater

⁸ *Ibidem*, II.16.

⁹ Richard Ashcraft, “Locke’s Political Philosophy”, in *Cambridge Companion to Locke*, Vere Chappell (ed.), Cambridge, 1994, pp. 226–251, p. 238.

part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties and estates, which I call by the general name, property.¹⁰

The passage might be interpreted as saying, in the same way as Hobbes, that danger and inconvenience arises from passions ruling instead of reason because people are “no strict observers of equity and justice”. But if we interpret self-interest and subjectivity as instrumental reason, then it is not passions against reason anymore. However we choose to interpret this, it is clear that the most of the people are seen as unreliable when they are supposed to judge objectively.

The comparison of the two positions is important for the point I am trying to make and therefore it will be treated point by point in the next section.

3. THE COMPARISON

If Hobbes’s initial (or primary) state of nature, i.e. the one in which no laws of nature are constraining behavior, is compared with Locke’s, then the contrast easily arises: on the one side no moral rules, no judges, no property, competition for scarce resources, natural right to everything and conflict is the rule; on the other side, there are moral rules, everyone is a judge, there is natural right to property, plenty of resources, rights restricted by natural laws and conflict is the exception. Noticeably, both authors endorse, even in this contrast, the view that human beings are equal in the state of nature.

But then, if laws of nature are added to Hobbes’ state of nature, the contrast fades: the violence and the competition and the diffidence are curved under the constraint of rational rules, and even though the method was different, the result is the same: the state of nature is a merely inconvenient state and both authors agree that it is a state to be renounced in favor of a form of political organization. And this is where their choices will differ wildly.

Therefore, one reasonable supposition for explaining the first contrast is that the state of nature is pictured as terrifying or mere inconvenient in accordance with the author’s interest: if the return to the state of nature must be seen as highly undesirable, then a horrifying one will be pictured; if the return to a state of nature is to be imagined as cumbersome but not the worst possible scenario, than a milder version of the state of nature comes into play. I believe it is a reasonable explanation in the given conditions, of wildly different results from the same starting point. However, I think a better case can be made for both authors.

¹⁰ J. Locke, *Two Treatises of Government*, II. 123.

4. THE POSSIBLE SOLUTION

There is a remarkable difference between Hobbes and Locke regarding the relation between liberty and life. For Hobbes the most efficient way to preserve your life is to give up your freedom (provided that the others do the same)¹¹. For Locke, the most probable way to lose your life is to give up your freedom entirely¹², in the way Hobbes recommends, mainly because freedom is “the foundation of all the rest”:

And hence it is, that he who attempts to get another man into his absolute power, does thereby put himself into a state of war with him; it being to be understood as a declaration of a design upon his life: for I have reason to conclude, that he who would get me into his power without my consent, would use me as he pleased when he had got me there, and destroy me too when he had a fancy to it; for no body can desire to have me in his absolute power, unless it be to compel me by force to that which is against the right of my freedom, i.e. make me a slave. To be free from such force is the only security of my preservation; and reason bids me look on him, as an enemy to my preservation, who would *take away that freedom which is the fence to it*¹³; so that he who makes an attempt to enslave me, thereby puts himself into a state of war with me. He that, in the state of nature, would take away the freedom that belongs to any one in that state, must necessarily be supposed to have a design to take away every thing else, that freedom being the foundation of all the rest.¹⁴

In the above passage Locke speaks about freedom as a fence defending life. An attempt to step over this fence would therefore mean an attack on rights, property, maybe life. My proposal is to expand and use further this metaphor of the fence. If each individual is born free (as both Locke and Hobbes accept), then we might see each individual as surrounded by a metaphorical fence. A fence is a limit not only for the outsiders (preventing them from trespassing) but is also a limit for the insider, delimiting the area each individual has a legitimate claim over. Conflict arises, therefore, wherever the limits of any two such “fenced domains” overlap. Helped by this visual metaphor it is easy to actually “see” the difference between Hobbes’s state of nature and Locke’s. In Hobbes, due to his “right to all things”, all fenced domains overlap, each one with each one, as each individual has the right to everything even to the body of another individual. The conflict, therefore,

¹¹ It seems that Hobbes is asking us to choose between our freedom and security. Locke, on the other hand, resonates closer to the saying that “whoever chooses to give up freedom for the sake of safety deserves neither of them”.

¹² Of course, for Locke, partially giving up your freedom is necessary for the establishment of a commonwealth.

¹³ My emphasis.

¹⁴ J. Locke, *Two Treatises of Government*, II.17.

comes naturally, and is general. In Locke, due to his laws of nature and submission to reason, each individual is supposed to have a fairly equal “fenced domain”, calculated such it does not overlap with any other one:

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection (...).¹⁵

If conflicts occur, and they do, it is because people tend to be subjective in judging their own causes and from here comes the desirability of a political society capable of providing an impartial judge. But in this case “fenced domains” *do not have to overlap*. It is very probable that they will, given the frailty of human judgment, but it is not a necessary result of the premises from the state of nature: conflict is merely accidental.

It is remarkable that pictured in this way, in each of the two frames appears clearly that *the domain of each kind of sovereign has a close resemblance with the domain of the subjects*: the maximum domain of an absolute monarch resembles to the maximum domain each of his subjects had in the state of nature and has given up. I believe Alan Ryan was making the same point:

Each of us comes into the world with a right to all things. This is a useless right because we lack the power to do anything with it; we therefore renounce it and leave the sovereign alone in the possession of this initial right, and through our submission with the power to make use of it. If any of us had sufficient power to rely on his own resources and thus to have no incentive to renounce his natural right to all things, he could become sovereign.¹⁶

In the same way, the limited domain of Locke’s ruling authority resembles the “limited by reason” domain of each individual in the state of nature. Locke himself seems to agree that in the state of nature each resembles the sovereign in rights when he is saying: “*for all being kings as much as he*”¹⁷, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure”¹⁸.

In short, this analysis makes the essential difference more visible: for Hobbes, in order to eliminate overlapping (i.e. conflict) only one individual may retain his natural maximal domain, while all others must give up their domain

¹⁵ *Ibidem*, 11.4.

¹⁶ Alan Ryan, “Hobbes and Individualism”, in *Perspectives on Thomas Hobbes*, G.A.J. Rogers and Alan Ryan (eds.), Oxford, Clarendon Press, 1988, pp. 81–106, pp. 94–95.

¹⁷ My emphasis.

¹⁸ J. Locke, *Two Treatises of Government*, II.123.

entirely¹⁹. On the contrary, for Locke, in order to eliminate overlapping, a new larger domain is created by each individual giving up some part of his own domain, but overlapping may still occur either between the domains of the individuals in the society or between the government's newly created domain and members of the society. Presupposing that the area of the domains is limited, each increase of the domain of the government threatens to overlap with the domains of the members of the society. In Hobbes' case, the existence of such domains for the sovereign or subjects is reciprocally exclusive: it is either the sovereign or the subjects that have freedom and they have it in its maximal form. For Locke the authority of the government (i.e. its domain) and the freedom of citizens are not mutually exclusive, but they can be in conflict.

When taking the above differences into account, there are at least three questions to consider:

- a) Why do Hobbes and Locke have different views on the situation of a failed government and return to the state of nature?
- b) Why is the state of nature described as a horrifying state by Hobbes?
- c) Why does Hobbes need an absolute monarch to solve the conflict and cannot settle for a less authoritarian regime?

Regarding the first question, one may notice that when the government fails to fulfill its role (i.e. the establishment of peace), the consequences seem much worse in Hobbes' view than in Locke's view. In Locke's case the gains and losses are more moderate in proportion.

Using the metaphor of domains, then, Hobbes seems to paint a picture of all-or-nothing: either overlapping domains do not exist, and there is peace, or overlapping domains exist, but not erratically here and there – conflict is everywhere in its extreme version. For Hobbes there is no degree or intermediate state. Of course, actual intermediate states exist (Hobbes would probably include here most forms of government), but they are considered to be just tendencies towards the state of war (or maybe towards absolute monarchy?). For Locke, on the other hand, conflict is here and there both in the natural state and in the political society, only the proportion is different. This is why, even though unpleasant, the return to the state of nature is not a catastrophe for Locke: it is just another degree, a higher degree of conflict. But then we may ask why the higher degree of conflict from Locke's state of nature is not just as horrible and scary as Hobbes's conflict in the state of nature. The answer pertains to the above point b). My hypothesis in this respect is that, in order for Hobbes's state of nature to be horrible it does not need to be actual, it is enough to be possible. Hobbes himself underlines that he does not regard the state of war as a state of actual fighting, but as a state where the possibility of fighting is always around the corner. My hypothesis about the permanent possibility of

¹⁹ A possible problem may arise from the fact that for Hobbes the domain cannot comprise the individual himself.

conflict is that it is not a merely statistical probability, but a permanent threat, given the way he schematizes human relations. And Hobbes' frame of conflict makes the conflict not only possible but also very plausible because it is the underlying frame for human relations unconstrained by force.

In other words, it does not have to be the case that everyone *actually* asserts his right to everything against everyone (i.e. the general, complete, multilayered overlapping); maybe some people really do obey the laws of reason, or maybe the majority does, or maybe some passions are in the way of other passions (as Hobbes seems to say about family and sexual instinct, that, as a rule, they override violence) The worrisome terrible fact remains: no matter what they do, people would have *the right* to behave according to *homo homini lupus* and *nobody would be blamable for it* because there is no "right" or "wrong" in the state of nature. I think this is the element that makes the state of nature in Hobbes so threatening: the thought that, no matter what accidents the mankind supports or what conventions adopts, the underlying, the "real", the "natural" relations among humans are actually modeled on this scheme of equally forceful (because men are born equal), and in the same time totalitarian claims of each member against the others. This is the image of every and each person having the right to wish (even if it does not actually wish) to become an absolute monarch, i.e. a tyrant. This is not a reassuring background for human affairs. Hobbes prescribes his well-known medicine against it: instead of many possible tyrants in conflict, it is better to have a single actual one who would keep everyone in check. In this formulation, I believe it is clear that Locke's mocking allegory is unfair to Hobbes. Locke compares the situation of someone thinking it is safer to have an absolute monarch to keep others from harming you, with the situation of someone who is afraid of foxes and therefore think it is safe to be endangered by a lion:

(...) 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 pole-cats, or foxes; but are content, nay, think it safety, to be devoured by lions.²⁰

I think the comparison is unfair because, according to Hobbes, one does not prefer a lion to foxes but prefers a powerful lion to many other lions (or to a many-headed beast). Obviously, for Hobbes and Locke the danger comes from different directions: for Hobbes what endangers the peace of society is the unavoidable conflict between individuals and therefore what needs to be kept in check is the conflict among members of the people. By contrast, for Locke, the danger does not come from his equals, from his fellows in the political society and

²⁰ J. Locke, *Two Treatises of Government*, II.93.

it is reasonable to think this way if one conceives the “fenced domains” of others as generally restricted and not threatening his own restricted domain. For Locke the danger comes from the bearer of the executive power, the most likely candidate for abusive intrusion into the domains of the members of society because it is the most powerful member of society (even if limited in power, its power is greater than each of the members of the political society). This is why in the allegory acquires the most threatening representation. But according to the logic of his own premises, I believe Hobbes has no reason to fear the sovereign more than the people.

I believe that the answer to point c) above (i.e. Why Hobbes needs an absolute monarch to solve the conflict and cannot settle for a less authoritarian regime?) can be best illustrated also by the “fenced domain” metaphor. What the question asks is, therefore, why in Hobbes’s scheme, when people leave the state of nature, they have to give up their *whole* domain? Is it not possible to give up only a part of it, resulting in a distribution of domains *à la* Locke (where the conflict is not excluded but is rare and some of the rights are retained)? The answer, as I see it, goes along Hobbes’ lines of reasoning, and is that people agree to leave the state of nature and give up at least some of their rights *only when they can be assured that the others have done the same*. But if each domain is to be only partially given up, then it becomes very difficult to establish that everyone has given up the exact same amount of liberties? If you cannot comfortably assume this, then there is no agreement and a permanent source of suspicion and conflict. When everyone has nothing left from his former domain except his life, then equality is obvious and undisputable. However, one may object that there may be a way to universally define and apply a decrease in domain that would be judged fair by a majority. I believe the Hobbesian answer to this objection is that people’s subjective judgment cannot be trusted to agree or to be correct. For him, “that every private man is judge of good and evil actions”²¹ is a disease that leads to disunion, disagreement, and dissolution of the commonwealth. Hobbes cannot accept a solution *à la* Locke, because Locke relies on the rationality of the judgment of the people and considers it a reliable source of public verdicts:

Here, it is like, the common question will be made, who shall be judge, whether the prince or legislative act contrary to their trust? This, perhaps, ill-affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply, the people shall be judge (...).²²

The opposite works for Hobbes. If we accept that the capacity for a good judgment (i.e. a capacity for recognizing objectively the moral values) is connected in Locke’s frame of thought with the constraints imposed on each individual domain

²¹ Th. Hobbes, *Leviathan: Parts I and II*, 6.6.

²² J. Locke, *Two Treatises of Government*, II. 240.

(i.e. that the domains are limited by the ability to distinguish “good” from “bad” due to the law of nature) and conversely, that the lack of limits for individual domains is in Hobbes due to the presupposed incapacity of individuals to agree on moral values (i.e. poor judgment), due to the predominance of egoism and passion, then it might seem that the assumptions of unlimited/limited domain is itself based on an assumption about man’s capacity of judgment. However, I think that I cannot establish that the assumption about capacity of judgment is the more fundamental assumption. It could be very well the other way around: that the limited/ unlimited domain is the basic choice and then the assumption about judgment capacities follows. I must confess that I see no constraint for one of the two directions of determination.

5. CONCLUSION AND SUMMARY

My first thesis was that one may find a structural difference between Hobbes’ state of nature and Locke’s state of nature. I believe that the difference consists in the way relations among individuals are schematized and it can be best described with the visual metaphor of domains surrounding an individual, a metaphor standing for the rights and liberties of that individual. When at least one part of one domain is “overlapping” on at least one part of another domain, then this is the representation of a conflict. For Hobbes the conflict appears as generalized and necessary because by hypothesis each individual has the same right to claim maximum domain. For Locke the conflict is accidental and local as the claims of individuals (i.e. their domains) are limited by the laws of nature.

My second thesis was that the difference between the two states of nature taken into consideration is not a mere rhetorical device, and it cannot be reduced to vague psychological claims about human nature. One may still say that the difference in state of nature still rests or may rest on a psychological assumption about human nature. Namely that, for example, in Hobbes’ case, the “right to everything” appears as a supposition because certain psychological assumptions have been made. It seems to me that if something is more fundamental than the hypothesis of “right to everything”, then this could be the hypothesis of “poor judgment” of the people. But I do not know how one could establish the primacy of one compared to the other.

One other aim was to show that the difference, as I understand it, can account for two things: for the horror induced by Hobbes’ state of nature and for Hobbes’ choice of absolute monarchy as the right form of government. I think that it is not necessary to imagine an ongoing cruel fight to be appalled by the thought of the Hobbesian state of nature. As I have argued, it is enough (for the same effect) to accept the Hobbesian claim of everyone’s right to everything. This would instantly

transform every human being in a tyrant *in potentia* and without any blame for being this way²³. As for Hobbes's choice of absolute monarchy I think I have shown first, that for Hobbes the main threat for peace are the people and their readiness to dissent, and therefore, this powerful threat must have an equally powerful counterbalance to keep it in check. Secondly, once Hobbes adopts the hypothesis of "right to everything" and unreliable judgment of individuals, the domains of each participant cannot be merely truncated instead of erased because there is no judge as to where the limits should be and how the domains could be made equal. The only method to ensure obvious equality is to take the whole domain from each. The obvious result is a political regime of absolute power.

I have also argued that there is both a significant difference and a remarkable similitude between states of nature in Hobbes and Locke. If we interpret Hobbes' laws of nature as mere counsels of reason, man may well ignore them under the power of passions, and he could still claim his "right to everything". Therefore, even if people actually obey laws of nature or if they live in peaceful tribes (where, if this is what it is called state of nature, then it is merely inconvenient), Hobbes could still claim, opposing Locke, that they have an unexercised "right to everything". Therefore, in the *de facto* aspect, Locke's and Hobbes' states of nature may resemble, as states in which the combination of human nature and laws of nature give a similar result. The difference is, I believe, that in Hobbes's case the laws of nature could be ignored and therefore the state of *homo homini lupus* could, in principle, occur anytime.

These considerations amount, I believe, to an image where Locke and Hobbes are shown to stand in a remarkable symmetrical opposition: for Locke, the peaceful, civilized society is threatened (mainly) by the ones in power; therefore, his main recommendation is to put limits to this power to avoid the ruling of the absolute ruler. For Hobbes, on the other hand, the main threat against a peaceful, civilized society (where life is not nasty, poor, brutish and short) is constituted by the members of the society themselves, namely by the unrestricted (in principle, at least) violence of its members; Therefore, it is the people that should have their

²³ I must say that I find Hobbes ambiguous on this position. Sometimes he claims that there is no guilt to be assigned and no "sin" in the state of nature. But then some other times, the solution of an absolute monarch seems to be proposed as the right kind of "punishment" for the recklessness of mankind. For example, in *Leviathan* 28.27 when he blames the pride of human nature and its irrationality for the need of a totalitarian form of government: "Hitherto I have set forth the nature of Man, (whose Pride and other Passions have compelled him to submit himselfe to Government;) together with the great power of his Governour, whom I compared to *Leviathan*, taking that comparison out of the two last verses of the one and fortieth of *Job*; where God having set forth the great power of *Leviathan*, calleth him King of the Proud. *There is nothing, saith he, on earth, to be compared with him. He is made so as not to be afraid. He seeth every high thing below him; and is King of all the children of pride.* But because he is mortal, and subject to decay, as all other Earthly creatures are; and because there is that in heaven, (though not on earth) that he should stand in fear of, and whose Lawes he ought to obey."

freedom constrained, limited and subdued to the higher, efficient force of the absolute monarch. My conclusion is that the question both Locke and Hobbes ask is the same (i.e. what would be the main danger for a desirable society?) even though the answers are different.

I think there are even today echoes of the old Hobbesian recommendation that in order to stop violence in a society, large parts of freedom must be sacrificed. This is why it might be useful to remember which were the initial arguments for such a position.