

Hobbes and Locke on Sovereignty

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1 Introduction

In what follows, I will argue largely in favor of the statement that “Locke sacrifices the stability and clarity of a Hobbesian account of sovereignty to an indeterminate, open-ended ‘appeal to heaven’ that obscures the nature of political freedom and authority.”¹ In particular, this paper will argue that Locke’s account of sovereignty lacks some of the stability and much of the clarity of Hobbes’. It will furthermore be shown that Locke’s appeal to heaven renders political authority more incalculable. Finally, this paper will argue that Locke would not consider these differences to be ‘sacrifices’.

2 Stability and Clarity of Hobbesian Sovereignty

Given that Hobbes began writing the *Leviathan* shortly after a civil war in England broke out and was concluded,² account for the stability of political authority was arguably one of the primary directives of his theory of sovereignty. In fact, a want of stability serves as one of the primary motivations for men to agree to enter into a commonwealth.

This want of stability arises from Hobbes’ account of the natural state of mankind, which he depicts as a condition of “a war as is of every man against everyman.”³ Though men are naturally equal, Hobbes believes that self-preservation can only be had by constant acquisition of property, thus creating the aforementioned state of war and a life of man famously depicted as “solitary, poor, nasty, brutish, and short.”⁴ In such a condition, there is no room for industry, commodious living, or private property beyond what can be secured via one’s own force. The fear of death, coupled with the desire for commodious living are “the passions that incline men to peace.”⁵

This inclination to peace will cause men to generate a commonwealth. As Hobbes writes at the beginning of Part II of *Leviathan*, entitled “Of Commonwealth”⁶: men willingly restrain themselves with foresight to

¹The notion of “sacrifice” will be discussed later. For the present purposes, this term can be taken to mean something akin to “lacks”.

²Thomas Hobbes. *Leviathan*. Ed. by Edwin Curley. Indianapolis: Hackett, 1994. ISBN: 978-0-87220-177-4, p. li.

³*Ibid.*, p. 76. Hobbes, by war, refers to the constant disposition to enter into battle and not necessarily fighting itself.

⁴*Ibid.*, p. 76.

⁵*Ibid.*, p. 78.

⁶Part I was called “Of Man”.

getting themselves out from that miserable condition of war, which is necessarily consequent... to the natural passions of men, *when there is no visible power to keep them in awe*, and tie them by fear of punishment to the performance of their covenants and observation of those laws of nature...^{7,8}

Men in the state of nature voluntarily make a “covenant of every man with every man”⁹ in order to establish a commonwealth to preserve their peace. The sovereign will serve as the common power to hold men in awe by the creation and enforcement of civil laws. Such a common power is necessary because men on their own have no external judge in conflicts and, being inherently biased to their individual cause, will not hold to agreements made. By making this covenant, men “confer all their power and strength upon one man, or upon one assembly of men [the sovereign],¹⁰ that may reduce all their wills, by plurality of voices, unto one will. . . .”¹¹ This bestowal of wills not only grants the sovereign supreme authority, but also makes every subject (i.e. every man who entered the covenant) the author of every action of the sovereign.

This last condition, which falls out of Hobbes’ somewhat formal definition of a covenant,¹² serves as the source of stability and clarity of the sovereign’s power. Because every subject confers their will unto the sovereign’s and agrees to abide by his actions and rulings, the sovereign cannot be overthrown,¹³ cannot forfeit his power, cannot be accused of acting unjustly by his subjects, cannot be punished by his subjects, acts as judge of what is necessary for peace and defense, determines when to wage war, and so on.¹⁴ Similarly, subjects have no right to private property that excludes the sovereign.¹⁵ Because man without a common judge exists in a constant state of war, only a sovereign as powerful as this can actually ensure peace.

3 Sovereignty and the Appeal to Heaven in Locke

Unlike Hobbes, Locke considers the state of nature and the state of war “are as far distant as a state of peace, good-will, mutual assistance and preservation, and a state of enmity, malice, violence, and mutual destruction, are one from another.”¹⁶ Another point of departure lies in Locke’s notion that man ought to preserve the rest of mankind and not just himself.¹⁷ For Locke, self-preservation

⁷Hobbes, *Leviathan*, p. 106, emphasis added.

⁸While many laws of nature are discussed by Hobbes, the first two are the most fundamental: to seek peace and to willingly give up personal liberty to the degree that other men will in order to secure peace.

⁹Hobbes, *Leviathan*, p. 109.

¹⁰Hobbes will later prefer an absolute monarch, but does not mandate any particular form of government in his account of the generation of the commonwealth.

¹¹Hobbes, *Leviathan*, p. 109.

¹²Hobbes proceeds much more systematically than Locke. He considers himself the first man to undertake a scientific study of politics and so proceeds in a “bottom-up” fashion, defining basic terms and ideas and then deriving more complex ones from them. In this sense, clarity is built directly into Hobbes’ methodology.

¹³More on this particular consequence later.

¹⁴Hobbes, *Leviathan*, p. 110-115.

¹⁵*Ibid.*, p. 213.

¹⁶John Locke. *Two Treatises of Government and A Letter Concerning Toleration*. Ed. by Ian Shapiro. New Haven: Yale University Press, 2003. ISBN: 978-0-300-10018-1, p. 108.

¹⁷*Ibid.*, p. 102.

gives one the right to punish transgressors of one's natural rights (life, liberty, health). Such punishment both repairs the damaged party and serves as an example to restrain further such encroachments.

While it may first appear that Locke and Hobbes have diametrically opposed views, their accounts of the origin of civil society are surprisingly similar. Similarly as for Hobbes, "it is unreasonable for men to be judges in their own cases" because of self-interest and so "civil government is the proper remedy for the inconveniencies of the state of nature."¹⁸ Thus every man will enter into a compact "of agreeing together mutually to enter into one community and make one body politic"¹⁹ "for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties."²⁰ Even though Locke's account of the state of nature appears a bit rosier than Hobbes', he still acknowledges some need for protection against other men; out of this need arises political society. The aforementioned compact for Locke is a special one because it creates civil society; unlike Hobbes, he believes that other agreements can be made in the state of nature, even going so far as to advocate for the existence of private property²¹ and the ability to create money.

Though the reasons for entering into civil society are similar for Hobbes and Locke, the nature of sovereignty in the two accounts is quite different. Whether or not this renders Locke's account more or less stable and clear than Hobbes will be determined as the two are compared. While in Hobbes' covenant men give up their wills to obey a single one, the body politic created by Locke's compact, while still having "the power to act as one body" can do so "only by the will and determination of the majority."²² In this account, the agreement to form political society acts as a minimal agreement²³ and not a complete transference of wills. Furthermore, Locke breaks up political authority into legislative, executive and federative powers;²⁴ for Hobbes, the sovereign's rights listed before are not divisible in any way.²⁵ While Locke's executive power is "visibly subordinate and accountable to"²⁶ the legislative, Hobbes' sovereign, being both creator and executor of the law, should not be subjected to the law.²⁷

3.1 Prerogative

The separation of legislative and executive power leads Locke into murky territory that does not exist in Hobbes' account, namely what to do in cases where predetermined laws do not exist. In such cases, the executive has the "power to

¹⁸Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 105.

¹⁹Ibid., p. 106.

²⁰Ibid., p. 142.

²¹Originally, land secured by the labor of cultivation. His full account of property is more complex and falls outside the scope of the present paper.

²²Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 142. Locke considers the only alternative to majority (or another predefined number) rule to be unanimous consent.

²³"This is done by barely agreeing to unite into one political society, which is all the compact that is. . . ." *ibid.*, p. 143.

²⁴Though the distinction between the latter two is not as strong as between legislative and executive.

²⁵Hobbes, *Leviathan*, p. 115-116.

²⁶Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 167.

²⁷Hobbes, *Leviathan*, p. 213.

act according to discretion for the public good.”^{28,29} The murkiness arises from the need to control this prerogative and determine when it is properly used. Locke writes that in such cases, there is no judge on earth, and so the people have no recourse but “to appeal to heaven.”³⁰ While I bring up this appeal in the context of prerogative, Locke argues early on that in any case “where there is no judge on earth, the appeal lies to God in heaven.”³¹

Because Hobbes does not conceive of divided sovereignty, no such situations ever arise. While men lack a common judge in the state of nature, once they have entered a commonwealth, the sovereign has the right “of hearing and deciding all controversies which may arise concerning law (*either civil or natural*).”³² Locke would explicitly deny that any political power can settle controversies over natural law. Moreover, when discussing why subjects cannot overthrow the sovereign, Hobbes explicitly denies any appeal to God as potential justification,³³ arguing that “there is no covenant with God but by mediation of somebody that representeth God’s person, which none doth but God’s lieutenant, who hath the sovereignty under God.”³⁴ Curley argues in a footnote that Hobbes here means that only the sovereign can mediate covenants with God.³⁵ This reading is reasonable if “the sovereignty under God” means the rule of civil law, but the referent of this clause is not clear. Nevertheless, Curley’s reading is consistent with the sovereign’s capacity to judge conflicts over natural law, and so will be assumed accurate. Thus the subjects only appeal in any case of conflict is to the sovereign and so, once the covenant be made, his rule is inescapable.

Locke, on the other hand, grants that the political authorities can be overthrown and will in fact argue that an appeal to heaven can be used as justification; whence one area where Locke’s account at least potentially lacks the stability of Hobbes’. In his chapter “Of the Dissolution of Government,” Locke lists several ways in which governments may be dissolved: by external conquest, by corruption of the legislature, by abandonment of executive power, and by breaches of the people’s trust by the executive or legislature.³⁶ This last manner will be of primary concern for the present purposes. At the end of this chapter, Locke addresses the question of who shall be judge of such breaches of trust and answers: the people.³⁷ Should the executive (a prince in this particular passage), however, decline this mode of diagnosis, “the appeal lies nowhere but to Heaven.”³⁸ When the legislative or executive has breached the people’s trust

²⁸Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 172. This power is called prerogative.

²⁹ In light of the previous discussion on the executive’s subjugation to the legislative, it should be mentioned that the public good outweighs existing law and so the executive’s prerogative gives the right to act “sometimes too against the direct letter of the law.” *ibid.*, p. 173.

³⁰*Ibid.*, p. 175.

³¹*Ibid.*, p. 21.

³²Hobbes, *Leviathan*, p. 114, emphasis added.

³³This, however, is not the primary reason that the sovereign cannot be overthrown. Hobbes considers it unjust to break the covenant. This covenant also entails that every man would be author of his own punishment for attempting to disobey the sovereign.

³⁴Hobbes, *Leviathan*, p. 111.

³⁵*Ibid.*, p. 85.

³⁶Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 193-197.

³⁷*Ibid.*, p. 208.

³⁸*Ibid.*, p. 208.

and failed to serve their main purpose of preservation of property, “they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience.”³⁹ Whether such trust has been breached shall be determined by the people through an appeal to heaven, at which point they are free to dissolve and reconstitute the government.

3.2 Stability and Clarity

Though the fact that Locke argues that the people can rebel and dissolve the government already takes away some degree of the stability of political authority in Hobbes’ account, Locke does not believe that he “lays a ferment for frequent rebellion.”⁴⁰ The main contributing factor to this perceived stability is a “slowness and aversion in the people to quit their old constitutions.”⁴¹ Locke also argues that the people will not revolt over even many ill-founded laws, but only when “a long train of abuses”⁴² becomes too onerous. In a similar vein, because a small number of people will and can not dissolve the government, it is not “till the mischief be grown general, and the ill designs of the rulers become visible, or their attempts sensible to the greater part” that the people as a body are likely to revolt.^{43,44}

While Locke believes that it is part of the people’s natural right to revolt in such cases, the unidirectional nature of the Hobbesian covenant renders such transgressions by the sovereign impossible. As Hobbes describes the rights of the sovereign: “because every subject is by this institution author of all the actions and judgments of the sovereign instituted, it follows that, whatsoever he doth, it can be no injury to any of his subjects, nor ought he to be by any of them accused of injustice.”⁴⁵ Following this line of thought, it follows that the sovereign cannot be “in any manner by his subjects punished.”⁴⁶ Though Locke does not believe (and I would agree) that his system will lead to frequent rebellions, that his account of sovereignty even allows for rebellion eliminates some of the stability of a Hobbesian system, in which the power of the sovereign is total.

As regards clarity, there are two lines of attack: one stylistic, the other substantive. Stylistically, no one would dispute that Hobbes proceeds more clearly than Locke, thanks to his aforementioned scientific methodology. Nonetheless,

³⁹Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 197.

⁴⁰Ibid., p. 199.

⁴¹Ibid., p. 199.

⁴²Ibid., p. 199.

⁴³Ibid., p. 201.

⁴⁴This can be seen as one way that Locke served as the philosophical foundation of the American revolution. Consider the passage in the Declaration of Independence:

Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a *long train of abuses* and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

⁴⁵Hobbes, *Leviathan*, p. 112. Once again, this assertion depends on a somewhat formal definition of injury and injustice.

⁴⁶Ibid., p. 112.

there are many ways where Locke is very explicit: in §142, he delineates the exact powers of the legislative and subsequently provides a detailed analysis of the subordination relations between legislative, executive and federative powers.⁴⁷

Substantively, however, aside from the preceding discussions, the relationship between Locke's appeal to heaven and an individual's conscience obscures the nature of political freedom and authority in a way not possible in Hobbes' account. While we have already seen that Locke believes it will take very egregious actions to cause a people to revolt, when discussing when an individual can decide when another has declared himself in a state of war, he writes that "I myself can only be judge in my own conscience."⁴⁸ This bears on rebellion, however, because when the legislative or executive breaches the trust of the people, those actions are considered a declaration of war. When Hobbes rejects man's ability to appeal to heaven, he writes that the "pretense of covenant with God is so evident a lie, even in the pretenders' own consciences" that such an invocation is unjust and vile.⁴⁹ For Locke, the conscience determines when to appeal to heaven; for Hobbes, the conscience does not even believe in such an ability. Furthermore, Locke considers this ability to determine when to appeal to heaven as secured by "a law antecedent and paramount to all positive laws of men."⁵⁰ Though Hobbes believes in natural laws, because the sovereign is the judge in controversies concerning natural as well as civil laws, there can be no appeal to a natural law to justify an appeal to heaven.

While the role of conscience may not obscure the nature of an individual's freedom, it certainly does so for the sovereign's political authority. The Hobbesian individual completely subjugates himself to the will of the sovereign. In Locke's account, he retains far more freedom, including the ability to dissent. That his conscience may decide when dissent is appropriate does not obscure the nature of this freedom because such appeals only arise in cases where there exists no civil law. Locke does not obscure the nature of freedom by allowing individuals to dissent in such cases. The appeal to heaven, guided by individuals' consciences, does, however, obscure the nature of political authority. Of course, virtually every account of authority will be more obscure than Hobbes' strict adherence to the will of the sovereign. One source of this obfuscation comes from the fact that the Lockean individual deposits his *trust* in the government, whereas the Hobbesian individual relinquishes his will to that of the sovereign. Seen thusly, the contract between the people and the sovereign for Locke runs both ways: the executive must constantly maintain the trust of the people by not consistently acting against their best interest. The lack of a singular moment of subjugation in Locke's account renders political authority more speculative than for Hobbes' sovereign.

One may object to the preceding discussion that although Locke's account does not obscure the extent of an individual's freedom, the linking of exercising one's appeal to heaven with one's conscience does still obscure when the freedom to dissent may be exercised. To this brand of objection, one can offer something of a practical response: so long as the government fulfills the duties for which it was originally instituted, namely to protect the citizens, their property and

⁴⁷Unclear only on the inconsistency pointed to earlier regarding the executive's ability to act contrary to written law.

⁴⁸Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 109.

⁴⁹Hobbes, *Leviathan*, p. 111.

⁵⁰Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 175.

their freedoms, then no individuals will feel compelled to dissent. In this light, Locke's argument for the stability of his civil society can be seen as a guide to rulers in the same way that Machiavelli advised princes that they should hope to be loved by their subjects. Furthermore, because this appeal can be made only when the rulers break the trust of the citizens by improperly overstepping the bounds of civil law, the freedom to dissent will only be exercised rarely at best. For as long as a civil law exists, established by the legislative power established by the original social pact and subsequent meetings, to settle a controversy, one need not recourse to an appeal to heaven.

4 Conclusion

In summary, I have argued that Locke's account of sovereignty does in fact lose some of the stability and clarity of Hobbes'. Though the ability to rebel renders Locke's account less stable by definition, he does not believe that it will lead to constant or even frequent instability. Moreover, while the nature of an individual's freedom in both accounts is quite different, Locke's appeal to heaven and the role conscience plays do not necessarily render this nature more obscure in his account. Such an appeal does, however, obscure the nature of the authority of the sovereign for Locke. When the individuals place their trust in, instead of relinquishing their wills to, the sovereign, the dependence of the sovereign on the people necessarily obscures the nature of its power.

By referring to stability and clarity as things sacrificed, the quotation being responded to in this paper implies that these two qualities are desirable in an account of political authority. While I have argued that Locke's account of sovereignty does in fact lack the stability (and some of the clarity) of Hobbes', I do not believe that Locke would consider this a sacrifice. Though he argues that the people's ability to overthrow the government will not create perpetual disorder, Locke does not value stability nearly as much as Hobbes, who had as a mission the prevention of civil war. Locke does not share this aversion, comparing engaging in civil war (when justified by invasions of civil liberty) to opposing robbers or pirates.⁵¹ While Locke does obscure the nature of political authority when compared to Hobbes, I do not believe that he would consider any of the differences to be sacrifices. Rather, Locke would see himself as being a truer champion of individual freedom than Hobbes, who believed more had to be given up for security.

⁵¹Locke, *Two Treatises of Government and A Letter Concerning Toleration*, p. 201.