
Two Liberalisms: The Contrasting Visions of Hobbes and Locke

Van A. Mobley

University of Wisconsin—Madison

Becker and Curti saw Hobbes's and Locke's ideas as antithetical.

Thomas Hobbes's *Leviathan* and John Locke's *Two Treatises of Government* are sometimes seen as the two greatest works of political philosophy in the English language.¹ At the beginning of this century the relationship between these two authors and their two books seemed clear. Scholars believed that by championing powerful ideas in favor of limited, constitutional government Locke had decisively refuted Hobbes's absolutist notions. Carl Becker and Merle Curti pointed out that the ideas of the two men were antithetical.² They assured their readers that Locke's ideas, not Hobbes's ideas, had held sway during the preceding two hundred years, and that Locke's ideas, not Hobbes's ideas, had powerfully molded Anglo-American liberalism. Becker argued that Locke was the most influential apologist of the Glorious Revolution, and noted that sharp echoes of Locke's thunder could be heard in the Declaration of Independence. Hobbes was dismissed as wrongheaded, even if it was admitted that he was clever. No one dreamed that it was "possible to read Hobbes as a surprisingly liberal author."³

After World War II, scholars began to explore the relationship between Hobbes and Locke from new angles. Whereas Becker and Curti

¹ I would like to thank Laurence Dickey, J. P. Sommerville, David McDonald, and Forrest McDonald for reading and commenting on earlier drafts of this essay.

² See Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York, 1922), 70; Merle Curti, "The Great Mr. Locke: America's Philosopher 1783-1861," *Huntingdon Library Bulletin*, 11 (1937), 107-51.

³ Richard Tuck describes Hobbes as such in the editor's introduction to Thomas Hobbes, *Leviathan* (Cambridge, 1991), xviii.

argued that the two men's ideas were antithetical, it became fashionable to argue that they were similar. Leo Strauss suggested that Locke was a duplicitous disciple of Hobbes. Both men worked, Strauss claimed, to wreck Europe's long natural-law tradition.⁴ C. B. Macpherson believed that Hobbes and Locke, together with a host of other seventeenth-century thinkers, had encouraged the creation of greedy, acquisitive, self-serving bourgeois man, or had at least heralded his arrival.⁵ To be sure, both Macpherson and Strauss argued, like Curti and Becker, that Locke had been very influential in shaping Anglo-American liberalism. But Strauss and Macpherson had a rather jaundiced view of Anglo-American liberalism, and both believed that Hobbes had also been influential in shaping it.

Macpherson, Strauss stressed two thinkers' contributions to economic individualism.

Many scholars resisted these attempts to yoke Hobbes and Locke together as partners in crime. But the resistance often took unusual forms. Instead of reminding Strauss, Macpherson, and their adherents of the myriad differences that separated the political theories of Hobbes and Locke, authors like Peter Laslett and John Dunn, who were interested in placing philosophical works in their appropriate historical contexts, argued that attempts to compare and contrast the two masterpieces were misguided.⁶ They suggested that Locke wrote his *Second Treatise* as a refutation of Filmer, not Hobbes, and that in the *Two Treatises* Locke was interested neither in refuting Hobbes nor in addressing the philosophical issues that exercised the author of *Leviathan*. Indeed, Dunn hinted that there was a "historically supported argument" that "lining Locke up against Hobbes and comparing the various dimensions was not *the* way to approach the study of Locke."⁷ Unfortunately, even though a hasty reading of the highly influential *The Political Thought of John Locke* led many to imagine otherwise, Dunn failed to provide the "historically supported argument" that he seemed to promise.

Instead, Dunn's bold claim rested on a philosophical assumption of dubious validity. Dunn wrote,

⁴ Leo Strauss, *Natural Right and History* (Chicago, 1953).

⁵ C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford, 1962).

⁶ Peter Laslett's famous edition of John Locke's *Two Treatises of Government* first appeared in 1960. Since then it has been reprinted many times. All quotations from Locke in this paper will be taken from the student edition (Cambridge, 1988).

⁷ John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the Two Treatises of Government* (Cambridge, 1969), 77.

The claim is that the disputed 'influence,' negative or positive, of Hobbes upon the *Two Treatises* is irrelevant to the historical comprehension of the work. This is not because Locke did not care about Hobbes's arguments in *Leviathan*. Nor is it just because the book was addressed to Filmer's position. It is rather because the problem which he needed to discuss in order to refute Filmer is not at all the same as Hobbes's problem. Hobbes's problem is the construction of political society from an ethical vacuum. Locke never faced this problem in the *Two Treatises* because his central premise is precisely the absence of any such vacuum.⁸

In other words, according to Dunn, Locke's *Two Treatises* and Hobbes's *Leviathan* discuss two different philosophical problems. Hobbes tried to build a political society from an "ethical vacuum." Locke, on the other hand, saw no need to devise such a system, because he did not believe men had ever lived in an "ethical vacuum." As a result, Dunn actually argued that comparing the two works, or "lining them up" against one another, was erroneous on philosophical, not historical, grounds.

*Contrasting
roles for
"natural
justice."*

Dunn erred in his philosophical assumption. In fact, neither Hobbes nor Locke believed that there was ever any need to construct political society from an "ethical vacuum." The central premise of both books is precisely the absence of any such ethical vacuum. Both Hobbes and Locke believed that man was naturally endowed with some sort of a faculty which helped him ascertain and do "justice." "Justice" is, after all, the cornerstone of ethics and the supreme virtue with which man is endowed. Its presence in the state of nature insures that the state of nature is not an ethical vacuum. Because both Hobbes and Locke believed man to possess such a faculty, the ideas of both men are in some ways quite similar, just as Strauss and Macpherson suggested. However, the conclusions which Hobbes and Locke drew from this shared assumption were poles apart. Hobbes wanted to stamp out "natural justice" when constructing political society, whereas Locke wanted to institutionalize it. In this article I will show the role of "natural justice" in Hobbes's *Leviathan* and Locke's *Two Treatises*. In the process, the merits of the arguments propounded by Becker and Curti will once again come into focus.

Cicero on Justice

Justice has been, and is, perhaps the most important concept in Western political thought. Since antiquity, men have debated whether

⁸ *Ibid.*, 79.

justice is “natural” to man, or simply an artificial construct based on want or need. Cicero is one of the most powerful voices in favor of the former position. In all his works he argued that justice was natural. Indeed, the concept of “natural justice” lies at the center of his *De Officiis*. As Peter Miller has recently reminded us, *De Officiis* has been “after the Bible one of the most widely and continuously read works in the history of Europe.”⁹ In general, Cicero’s influence upon Western political thought cannot be overestimated. In particular, an adequate understanding of his ideas about “justice” is crucial when seeking to understand the nature of the disagreement between Hobbes and Locke.

While Hobbes generally denigrated Cicero, we should not exaggerate the significance of that fact. After all, Hobbes had a low opinion of the ideas of everyone other than himself. Nonetheless, Hobbes was well aware of the power and influence of Cicero’s writing and was intimately acquainted with it. In *Leviathan* he admitted that “in these Western parts of the world, we are made to receive our opinions concerning the Institution, and rights of Common Wealths, from Aristotle, Cicero”¹⁰ And, as Quentin Skinner has recently argued, despite what Hobbes may have said, it seems likely that he learned a great deal from reading Cicero.¹¹

On the other hand, Locke praised Cicero and thought highly of his work. The great Roman orator and statesman was one of Locke’s favorite authors.¹² Indeed, Locke had something of a Cicero fetish. He owned seven separate editions of *De Officiis*. And the copies were not for show. Locke read them often and encouraged others to do so as well. In his *Thoughts Concerning Education*, Locke suggested that everyone should read *De Officiis*, particularly young men who wanted to grow up and be good men. Locke wrote,

The knowledge of *Vertue*, all along from the beginning, in all the instances he is capable of, being taught him, more by Practice than Rules; and the love of Reputation instead of satysfying his Appetite, being made habitual in him, I know not whether he should read any other Discourses of Morality, but what he finds in the Bible; or have any system of Ethicks put into his hand, till he can read *Tully’s Offices*,

⁹ Peter Miller, *Defining the Common Good* (Cambridge, 1994), 6.

¹⁰ Hobbes, *Leviathan*, 149.

¹¹ Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996).

¹² John Marshall discusses the relationship between Cicero and Locke in his *John Locke: Resistance, Religion, and Responsibility* (Cambridge, 1994).

not as a School-Boy to learn *Latin*, but as one that would be informed in the Principles and Precepts of Vertue, for the Conduct of his Life.¹³

Of course, Locke's pairing of Cicero and the Bible, his reverence for Tully's wisdom, and his belief that Cicero offered a great deal of sound advice on the subject of virtue, as well as the institution of states, was widespread among sober and intelligent seventeenth-century thinkers. "Ciceronianism" had already had a long history in Europe before Locke put *De Officiis* at the center of his educational proposals.

Cicero heavily influenced development of Western thought.

Richard Tuck has recently drawn our attention to this long tradition of what he calls "Ciceronian Humanism."¹⁴ Tuck dates the onset of "Ciceronian Humanism" to Petrarch's time, although it is clear that Cicero had been read and appreciated in the West long before the early Renaissance. For example, Cicero was one of the "chief sources on which the scholastics drew for their knowledge of natural law."¹⁵ Nonetheless, Petrarch is a very important figure. He labored to provide Europe with Cicero's unadulterated works, which were eagerly received. Due to Petrarch's efforts, "Ciceronianism" became even more widespread than it had been earlier. There were even some excesses. By the beginning of the sixteenth century men like Bembo and Sadeleto refused to use anything but Ciceronian Latin in their own writings and had become somewhat slavish in their imitation of the master.

As is usually the case, such excesses did not last forever. Erasmus deflated the intemperate and anachronistic imitators of Ciceronian diction in his *Ciceronianus*.¹⁶ But, while Erasmus attacked this type of "Ciceronian," he was careful not to attack Tully himself. Instead, Erasmus wanted to save Cicero from the clutches of such men, who he worried might be somewhat pagan. He pointed out that Cicero's paganism was solely a result of his time and place, and argued that if Cicero were alive in Erasmus's time he would be one of the most vociferous of Christians. Thus Erasmus was confident that Cicero could "remain as the key exemplar whose ideas were to be followed accurately and fully."¹⁷

In fact, it was the ease with which Cicero's ideas could be assimi-

¹³ John Locke, *Some Thoughts Concerning Education*, in James L. Axtell, ed., *The Educational Writings of John Locke* (Cambridge, 1968), 294.

¹⁴ Richard Tuck, *Philosophy and Government 1572-1651* (Cambridge, 1993), 12-20.

¹⁵ D. E. Luscombe, "Natural Morality and Natural Law," in Norman Kretzman and others, eds., *The Cambridge History of Later Medieval Philosophy* (Cambridge, 1982), 705.

¹⁶ See Izora Scott, *Controversies Over the Imitation of Cicero* (New York, 1910).

¹⁷ Tuck, *Philosophy and Government*, 21.

lated to Christianity that made him such a popular author in the sixteenth century. Both Catholics and Protestants claimed him as their own. The Jesuits placed Cicero's works at the core of their educational curricula; "it was a combination of Cicero and Aristotle upon which they founded their intellectual machine."¹⁸ The Protestants did so as well. Just as Locke was to do later, Melancthon heaped enormous praise on Tully. He identified *De Officiis* as a book which contained the "definitions of virtue." And, whereas Melancthon feared that Aristotle might lead the uneducated astray, and should therefore only be read by those who were mature enough to sift the wheat to be found there from the chaff, he believed Cicero's works were pure gold. As such they were safe reading for everyone. Melancthon hoped that by reading Cicero the average layman would be persuaded to engage in a virtuous life. For Melancthon, "Ciceronian morality was authentically one of active and engaged citizens, masters of their own lives, constructing a social order which would permit the Gospel to be taught and the principles of morality enforced."¹⁹

Catholics and Protestants both claimed Cicero as their own.

"Ciceronian Humanism" was by no means confined to the continent during the sixteenth and seventeenth centuries. In England, the traditional blend of Cicero and Aristotle continued to dominate intellectual life and pedagogic activities. In this blend, natural-law arguments derived from medieval scholasticism existed harmoniously side by side with references to the citizens of ancient Rome and their classical ideas.²⁰ Richard Hooker, as Tuck notes, is a quintessential representative of this brand of "Ciceronian Humanism."²¹ He practiced it with grace, flair, precision, and style.

As Tuck has also noted, however, the style, and more particularly the content, of this brand of "Ciceronian Humanism" came under attack from a second type of humanism during the latter half of the sixteenth century. This "new humanism," as Tuck terms it, was hardly humanistic, associated as it was with the likes of Machiavelli, Montaigne, Lipsius, and later, Thomas Hobbes. These men wanted to supplant the ideas of the "Ciceronian Humanists" with their own

¹⁸ *Ibid.*, 18.

¹⁹ *Ibid.*, 19.

²⁰ Johann Sommerville, *Politics and Ideology in England 1603-1640* (Longman, 1986), 59. Sommerville points out that this potent mix of natural law and classical republicanism was "by the later sixteenth-century the leading mode of anti-absolutist argument current in Europe."

²¹ Tuck, *Philosophy and Government*, 146-53.

ideas—ideas which many of their contemporaries decried as pernicious. Whereas Cicero was lauded by the “Ciceronian Humanists,” the “new humanists” extolled the merits of Tacitus. Whereas the “Ciceronian Humanists” wrote of *honestas*, the “new humanists” harped on *utilitas*. And, whereas the “Ciceronian Humanists” emphasized justice, the adherents of the “new humanism” had a “strong reluctance to talk much about justice.”²²

Nonetheless, according to Tuck, Machiavelli, who was the source of many of the most striking ideas of the “new humanists,” shared several ideas, and at least one core belief, with Cicero. Tuck writes,

Machiavelli was deeply committed to exploring the Roman ideas on politics, and it can be said that he saw more clearly than any other Renaissance writer the real implications of Cicero’s central belief: that the survival and advancement of one’s republic had to take precedence over all things, and that the conventional virtues might not in fact always be adequately instrumental to that end.²³

Richard Tuck is a fine scholar, and I have learned much from reading his books. But it seems to me that he has gone seriously astray in this suggestion. While Machiavelli may have *said* that he was exploring Roman ideas on politics, and may even have *believed* that he was doing so (although I doubt it), if he believed that Cicero regarded the survival and advancement of one’s republic as the highest end of politics, he was mistaken. Actually, Cicero believed exactly the opposite of this. In *De Officiis*, and in very explicit terms, he asserted,

There are some acts either so repulsive or so wicked, that a wise man will not commit them, even to save his country. Posidonius has made a large collection of them; but some of them are so shocking, so indecent, that it seems immoral even to mention them. The wise man, therefore, will not think of doing any such thing for the sake of his country; no more will his country consent to have it done for her. But the problem is the more easily disposed of because the occasion cannot arise when it could be to the state’s interest to have the wise man do any of those things.²⁴

As we can see, Cicero expressly argued that the survival and advancement of one’s republic did *not* take precedence over all things. He went to great lengths to point to actions “that are so shocking, so indecent” that citizens and states should not do them even for the sake of their country. For example, states should not go to war for the sake of

²² *Ibid.*, 56.

²³ *Ibid.*, 20.

²⁴ Cicero, *De Officiis*, Walter Miller, trans. (Harvard, 1913), 1.159.

conquest, loot, or glory; “the only excuse . . . for going to war is that we may live unharmed.”²⁵ If war became inevitable, Cicero added, there were certain rules which must be obeyed: “no war is just, unless it is entered upon after an official demand for satisfaction has been submitted or warning has been given and a formal declaration made.”²⁶ Thus, Cicero ruled out sneak attacks, something which Machiavelli encouraged.

Moreover, Cicero exhorted the Romans to “show consideration for those we have conquered by force of arms” and “ensure protection for those who lay down their arms and throw themselves upon the mercy of our generals.” He glowingly recounted how the Romans, after conquering the Tusculans, Aequians, Volscians, Sabines, and Hernicians, allowed the citizens of these cities to become Roman citizens. To be sure, Cicero knew full well that the Romans had, at times, treated the conquered rather poorly. For example, he knew that after subjugating Corinth the Romans had razed the city and slaughtered the inhabitants. He even admitted that “I believe they had some special reason for what they did—its convenient situation probably—and feared that its very location might someday furnish a temptation to renew the war.” But this irrational fear, Cicero pointed out, was not a sufficient reason for devastating the conquered. He censured his countrymen by exclaiming, “I wish they had not destroyed Corinth.”²⁷

Tuck is simply mistaken concerning the relationship between Machiavelli and Cicero. While Machiavelli was adept at making excuses for all sorts of wicked behavior, Cicero asserted that “no occasion arises that can excuse a man for being guilty of injustice.”²⁸ Tuck’s error, however, may be fortuitous; it affords us an opportunity to speculate on the reasons for his confusion. It seems to me that Tuck does not realize that Cicero’s ideas about any particular political society are founded upon Cicero’s ideas about human society in general. What Tuck seems to have missed is that Cicero is primarily a social thinker and only secondarily a political thinker. That is to say, Cicero’s political ideas derive from his social ideas, which are bound up with a particular conception of law that extends to all men as men, irrespective of their political affiliations.²⁹

*Cicero’s
political ideas
founded on
universal law.*

²⁵ Cicero, *De Officiis*, 1.35.

²⁶ *Ibid.*, 1.36.

²⁷ *Ibid.*, 1.35.

²⁸ *Ibid.*, 1.64.

²⁹ See Charles Howard McIlwain, *Constitutionalism Ancient and Modern* (Ithaca, 1940), 38-41.

This assertion should come as no surprise to anyone who has read *De Officiis* or *De Re Publica*, wherein Cicero spelled out his position even more emphatically.

True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. . . . It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it. . . . We cannot be freed from its obligations by senate or people.³⁰

Far from asserting, as Machiavelli did, that the virtuous prince or citizen should do anything to further the interest of his republic, Cicero rejected this notion entirely. According to him, all men, be they princes, senators, citizens, or savages, are bound by a law higher than the mandates of any political state, one which cannot be justly overturned, abridged, or violated by need, necessity, or statute.

For Cicero, justice is a pre-political, or social, virtue.

In *De Officiis* Cicero repeatedly states that justice “is the principle by which society and what we may call its ‘common bonds’ is maintained,” and that “justice . . . is the crowning glory of the virtues . . . on the basis of which men are called good men.”³¹ What is more, justice is, for Cicero, a pre-political or “social” virtue, founded on a law antecedent to the founding of any political organization. In fact, the republic was itself nothing other than “an association or partnership in justice” which existed to draw closer, and make more precise, the rules of justice that were spelled out by the law of right reason, or nature, and which were applicable to all men as men.³² Accordingly, on Cicero’s view, the occasion will never arise when a good state asks a good man to do certain horrible or unjust things. It is the business of “an association or partnership in justice” to enforce and seek justice, not to prompt and encourage injustice.

While Cicero’s conception of justice is fairly complex, for the purposes of this article we need only focus on what Cicero called “the first office of justice”: “to keep one man from doing harm to another, unless provoked by wrong.”³³ Thus, the “first office of justice” requires that good men *act* to protect other men from unjust attack. This duty arose among men due to the fact that they were men, and not because they were fellow members of a particular republic. For example, Cicero did

³⁰ Cicero, *De Re Publica*, Clinton Walker Keyes, trans. (Harvard, 1928), 3.33.

³¹ Cicero, *De Officiis*, 1.20.

³² Cicero, *De Re Publica*, 1.49.

³³ Cicero, *De Officiis*, 1.20.

not say that “the first office of justice is to keep foreigners from harming Roman citizens.” Nor did he say that “the first office of justice is to keep one Roman citizen from doing harm to another Roman citizen.” Instead, the term describes the duties all men owe their fellows due to their being men. And while Cicero did provide a list of motivations that might prompt a man either unjustly to attack another man or to neglect to assist another man who was under attack, he did not provide a list of motivations that would prompt a good man to shield one of his fellows. Acting justly, according to Cicero, is the natural response of a just man when he notices another man being unjustly attacked.

If an aggressor was unwilling to listen to friendly admonitions, the just man might have to give him a hearty rap on the head. And if the aggressor was particularly determined, the just man might even have to seriously injure him, or even kill him, to make him stop his untoward behavior. Generally, however, Cicero asserted that “it is sufficient that the aggressor should be brought to repent of his wrongdoing, in order that he might not repeat the offense and that others may be deterred from doing wrong.”³⁴ In short, the just man attacks and punishes those men who unjustly attack their fellows, even if he is not the direct object of unjust aggression. Cicero did not argue that only magistrates had the authority to shield other individuals who were the subject of unjust attack. Instead, he stated that “no one is a mere private citizen when the liberty of his fellows needs protection.”³⁵ According to Cicero, anyone who saw an injustice in process was duty-bound to step in and shield the innocent. Thus, Cicero asserted that man-as-man had the ability to discern when an injustice was taking place in front of his eyes, and the right, and duty, to thwart injustice by restraining or punishing evildoers. Men who display such behavior dispense “justice.”

*For Cicero,
right to
punish
injustice not
limited to
sovereign.*

Thomas Hobbes and the Redescription of Justice

Cicero’s ideas about who was qualified to “do justice” were not shared by most sixteenth- and seventeenth-century thinkers. Only a few thinkers, like Grotius, Hobbes, and Locke, suggested that men had the natural right to punish evildoers. But Grotius never published *De Jure Praedae*, the work wherein he presented this doctrine. Thus, it is no surprise that Locke described his notion that men in the state of nature had the authority to execute laws as a “strange doctrine.” Most think-

³⁴ *Ibid.*, 1.33.

³⁵ Cicero, *De Re Publica*, 2.46.

Most sixteenth- and seventeenth-century thinkers believed only sovereign should punish lawbreakers.

ers, be they absolutists or non-absolutists, asserted that individual men were *not* naturally endowed with the authority to punish lawbreakers. On the other hand, everyone agreed that the sovereign in political societies had the authority to punish evildoers. Everyone also agreed that this was a necessary power, since men were fallen creatures. Occasionally, they violated the law of nature and preyed upon their fellows; when they did so, it was necessary to restrain and/or punish them. If these evil tendencies which manifested themselves in particular men at particular times were not checked, then human society would dissolve into chaos. But thinkers were divided regarding the source of the power to punish malefactors. In general, they can be lumped into two groups, each of which advanced two different opinions concerning the source of this power.³⁶

But non-absolutists also believed in right to resist government that does evil.

Many non-absolutist thinkers, whether Catholic or Protestant, asserted that men naturally gravitated toward society and that the power to enforce those laws necessary to the preservation of society arose when they gathered into groups. This executive power adhered to the group as a whole, and it was this authority that was transferred by the members of society to a monarch or select group of men who wielded it thereafter. Non-absolutist thinkers often pointed out that—if those who wielded this authority used it in order to inflict evil, instead of punish evildoers—then executive power reverted to the people. When it did so, the people had the right to resist the authority or authorities who were engaged in unjust behavior.

On the other hand, those with more absolutist inclinations rejected this notion. They argued that the power to punish evildoers did not naturally arise among men once they had gathered together into society. Instead, they argued that the power to punish malefactors descended from God directly to the sovereign. This was the most important power that the sovereign possessed. The sovereign did not get the power to punish criminals from the people. Since the people had never possessed this power or transferred it to their rulers, they were not able to revoke it under any circumstances, and were not entitled to resist their rulers.³⁷

³⁶ A third group of thinkers, the Patriarchalists, argued that the sovereign's power was identical to the power wielded by a father. Just as a father could legitimately destroy his children, so too a sovereign could destroy his subjects in order to enforce laws. Robert Filmer is the most famous Patriarchalist author.

³⁷ The preceding two paragraphs borrow heavily from the work of Johann Sommerville. For a concise comparison between the political ideas of non-absolutists like Suarez, and absolutists like de Dominis, see Sommerville's "From Suarez to Filmer: A Reappraisal," *The Historical Journal*, 25, 3 (1982), 525-40.

While there were important disagreements between absolutist and non-absolutist thinkers, disagreements which the preceding discussion only cursorily illuminates, they were in agreement on at least one issue.³⁸ All agreed that individual men in the state of nature did not have the authority to punish evildoers. Thus, while almost all agreed that individuals could defend themselves against unjust attack in the state of nature, few published works which argued that any single individual was authorized to defend *someone else* against unjust attack in the state of nature. Which is to say, under the prevailing modes of thought from medieval times until the middle and late seventeenth century, it was generally argued that men in the state of nature were not authorized to be what Cicero called “just” or “good men.”

Absolutists believed resistance to rulers wrong regardless of circumstances.

Admittedly, the preceding statement does not tell us much about the issues which occupied the thoughts of early-seventeenth-century thinkers. To be fair, I doubt whether they thought they were denying “natural” men the opportunity to be what Cicero called “just” or “good men.” Nonetheless, the general thrust of their thought did imply that individual men were *not* naturally endowed with the authority to defend their fellows. Thomas Hobbes noticed that this implication was a byproduct of contemporary modes of thought. In fact, Hobbes’s insight into some of the implications of Ciceronian justice, and the relationship of Ciceronian justice to early-seventeenth-century thought, contributed to his most striking and original ideas. But before we consider the relationship between Cicero’s notion of “justice” and Hobbes’s use of that notion, we need to take a small detour and briefly discuss another aspect of Cicero’s writings which Hobbes claimed to dislike. For Cicero was not only a heavyweight thinker, he was also one of the greatest of classical rhetoricians.

Quentin Skinner has recently written an important article which argues that “Hobbes’s concern to establish a science of virtue needs to be understood . . . against [a] rhetorical background.”³⁹ In particular, Skinner notes that Hobbes was concerned with a “figura known to rhetori-

³⁸ I follow Anthony Lake and J. Sommerville’s suggestion that the term “absolutist” should be used to refer to “‘accounts of political power which derive the ruler’s authority either from a direct divine gift or an irreversible grant,’ and which license the ruler to override all human laws in what he believes to be cases of necessity.” See Anthony Lake, *Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker* (London, 1988), 7, and J. Sommerville, *Thomas Hobbes: Political Ideas in Historical Context* (New York, 1992), vii.

³⁹ Quentin Skinner, “Thomas Hobbes: Rhetoric and the Construction of Morality,” *The Proceedings of the British Academy*, 76 (1990), 1-61 at 3.

cians as a *paradiastole*, the precise purpose of which was to show that any given action can always be redescribed in such a way as to suggest that its moral character may be open to some measure of doubt.”⁴⁰ Many classical writers, including Cicero and Tacitus, were aware of this device. Seventeenth-century thinkers, including Hobbes, were steeped in the classics. Like the men of antiquity, they knew that there was a “perpetual possibility of ‘exalting’ or ‘disparaging’ particular actions by way of redescribing them.”⁴¹ For example, Sallust has Cato complain that “the squandering of other people’s goods is nowadays called liberality, while audacity in wrong doing is called courage.” Likewise, Tacitus wryly remarked that the Emperor Galba’s “vices were duly reinterpreted as virtues.”⁴² In short, classical and early modern writers were conscious of the fact that language is a slippery thing. The most despicable types of behavior can be described in a positive light, and good behavior can be made to appear wicked. A clever wordsmith can put a negative or a positive “spin” on any particular action.

Now, since clever men can redescribe any particular action as either virtuous or vicious, it is difficult to found a science of morality. The linguistic foundations of this science are not very firm. For example, shielding someone else against the attack of a thug may be described as “justice” and the “crown of the virtues” by the man who is being shielded and the man who is doing the shielding. On the other hand, this same action might be described as “unjust” by the thug who is seeking to inflict the injury in the first place, and who does not wish to be restrained. We can never be sure about what is actually going on in any particular situation if we only listen to the words that roll off either the tongue or the pen of men. Hobbes was well aware of the problems created by this difficulty. What did he intend to do about them? How did he attempt to resolve them?

Skinner argues that Hobbes sought “to demonstrate that [paradiastole] can be overcome.”⁴³ He suggests that Hobbes was somewhat averse to using the figura of the paradiastole and notes that Hobbes often complained about slippery rhetoricians.⁴⁴ On the

⁴⁰ Skinner, “Rhetoric,” 9.

⁴¹ *Ibid.*, 9.

⁴² *Ibid.*, 8-9.

⁴³ *Ibid.*, 3.

⁴⁴ In his latest work on the topic, which came into my hands just as this article was going to press, Skinner argues that, while Hobbes was a little skeptical of rhetorical

other hand, Victoria Kahn and David Johnston have argued that Hobbes was a slippery rhetorician himself, that he wrote in a rhetorical style and often made use of rhetorical strategies.⁴⁵ Without a doubt, many of Hobbes's contemporaries believed that Hobbes was playing rhetorical tricks in his *Leviathan*. As Skinner notes, Dr. Robert South, Canon of Christ Church and Prebend of Westminster, was convinced that the "infamous author of *Leviathan*" was guilty of using the paradiastole. He warned his audience not to be "enchanted" by the "verbal magic" of "lewd and scandalous" authors.⁴⁶

Clarendon also thought that Hobbes employed the paradiastole. He was extremely distraught by Hobbes's use of the device, particularly as it appeared in Chapter 13 of *Leviathan*. Clarendon complained that, "by a mist of words, under the notion of explaining common terms (the meaning whereof is understood by all Men, and which his explanation leaves less intelligible than they were before) he dazles Mens eyes from discerning those Fallacies upon which he raises his structure."⁴⁷ Clarendon encouraged his readers to "peruse and examine some parts of it [*Leviathan*]," particularly parts in Chapter 13, and asserted that if they did so, "they would not sooner be read, than detected."⁴⁸ Throughout his critique of *Leviathan*, Clarendon assumed the tone of a man who has been annoyed by a rather sick joke. And Hobbes, his tone suggests, was the prankster. The insights of men like Clarendon and South should not be summarily dismissed. Hobbes did use the figura of the paradiastole in Chapter 13 of *Leviathan*. We can detect it if we take Clarendon's advice and scrutinize this chapter closely.

Chapter 13 is, of course, Hobbes's famous, or infamous, chapter on the state of nature. It is well written, and contains some of Hobbes's

strategies in early works like *The Elements of Law* and *De Cive*, by the time he came to write *Leviathan* he had changed his mind and was eager to employ various and sundry rhetorical strategies. I find Skinner's argument compelling. In fact, I focus heavily on *Leviathan* here, at the expense of Hobbes's earlier works, precisely because rhetorical strategies play such a crucial role in the latter work. See Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996).

⁴⁵ Victoria Kahn, *Rhetoric, Prudence and Skepticism in the Renaissance* (Ithaca, New York, 1985), 158-61; David Johnston, *The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation* (Princeton, 1986).

⁴⁶ Skinner, "Rhetoric," 39.

⁴⁷ Edward Hyde, Earl of Clarendon, *A Brief View and Survey of the Dangerous and Pericious Errors to Church and State in Mr Hobbes Book, Entituled Leviathan* (Oxford, 1676), 26.

⁴⁸ Clarendon, *Brief Survey*, Epistle Dedicatory.

wittiest phrases. But Hobbes is, after all, only using words to describe a scene, that scene being the state of nature. As Noel Malcolm tells us, "in essence the state of nature is a product of a thought experiment in which Hobbes considers what rights of action and reasons for action men would have if there were no common authority to which they could turn to settle their disputes."⁴⁹ The scene is as if men suddenly sprang into existence, like "mushrooms." They all look at one another. What can and will they do?

According to Hobbes, as we all know, men in such a state can pretty much do whatever they like. Therefore, the really interesting question is not what *can* men do in the state of nature, but instead, what *will* men do in the state of nature. Conventional wisdom tells us that, according to Hobbes, men in the state of nature immediately begin to launch preemptive first strikes against one another in order to preserve themselves. Men in this state are not concerned with the well-being of others and are completely occupied with protecting and aggrandizing themselves. Thereupon follows the war of all against all which makes life in the state of nature "solitary, poor, nasty, brutish, and short." It is to escape this miserable condition, so the story goes, that men erect a *Leviathan*.

This is a reasonable reading of Chapter 13 of *Leviathan*. It has a lot to recommend it, not least of all the assent of several recent generations of careful scholars. But I think the common reading contains one serious flaw. When this flaw is corrected, we will have a better understanding of what Hobbes was "doing" when he wrote Chapter 13 of *Leviathan*. To isolate this flaw, we should recall Noel Malcolm's observation that in Chapter 13 Hobbes discusses the reasons for action which men harbor in the state of nature. In other words, in Chapter 13 Hobbes discusses the motivations that prompt various types of action in the state of nature. In particular, Hobbes is very clear about the "causes" which prompt men to "quarrell" in the state of nature: "First, Competition; Secondly, Diffidence; Thirdly, Glory."⁵⁰

Competition, Diffidence, and Glory are all nice words, but they are only words. And wise men, as Hobbes points out, do not get overly exercised about mere words. For words are only "wise mens counters, they do but reckon by them."⁵¹ When we reckon, we all have our own

⁴⁹ Noel Malcolm, "Hobbes and Spinoza," in J. H. Burns, ed., *The Cambridge History of Political Thought* (Cambridge, 1991), 538.

⁵⁰ Hobbes, *Leviathan*, 88.

⁵¹ *Ibid.*, 29.

notions about what those portions of human nature represented by the words “competition,” “diffidence,” and “glory” may or may not prompt men to do, and how each of these “causes” may lead to “quarrells.” And each of us could run our own thought experiment, with each of us deciding what men will do as a result of the impetus provided by each of these “causes.” But *Leviathan* is not our thought experiment; it is Hobbes’s. As a result, we should refrain from reading our own thoughts into the text, and let Hobbes tell us what each of these “causes” prompts men to do in the state of nature. By doing so we can match up cause with effect.

Hobbes is crystal clear about what sort of *action* each of these three *causes* produces in his thought experiment. Directly below his list of three “causes,” Hobbes gives a list of three *actions* which are produced by these three “causes.” But before we look at this passage, a word of warning is in order. We need to be careful about this passage, and read it closely.

The first [Competition], maketh men invade for Gain; the second [Diffidence], for Safety; and the third [Glory], for Reputation. The first use Violence, to make themselves Masters of other mens persons, wives, children, and cattell; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other signe of undervalue.⁵²

Currently, conventional wisdom glosses this passage in the following manner. First, “competition” causes any given man to attack another man so he can tell this other man what to do, and take possession of this other man’s wives, children, and “cattell.” Second, “diffidence” causes any given man to attack other men in order to protect his own life, his own wife and children, and his own “cattell,” or property. Third, “glory” causes any given man to attack another man so that still other men will look upon him with favor.

This reading is partially correct, but not entirely so. To correct it we must fly in the face of current wisdom, to which, ordinarily, we should defer. But to do so on this occasion would cause us to distort Hobbes’s text, as well as to abandon all hope of rendering an accurate account of Hobbes’s intentions in writing it. This should not be done. Hobbes was a very careful author. Careful authors, as Leo Strauss has taught us, do not often make mistakes when arranging their sentences or choosing their pronouns.⁵³ Therefore, we need to reexamine this passage. But

*Hobbes
employs a
paradiastole.*

⁵² *Ibid.*, 88.

⁵³ Leo Strauss, *Persecution and the Art of Writing* (Glencoe, Ill., 1952).

this time we should examine it more closely and be on our guard, always remembering that Hobbes is describing a scene. It could be, as Clarendon suspected, that Hobbes is using a paradiastole.

The first [Competition], maketh men invade for Gain; the second [Diffidence], for Safety; and the third [Glory], for Reputation. The first use Violence, to make themselves Masters of other mens persons, wives, children, and cattell; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other signe of undervalue.⁵⁴

As we can see, Hobbes tells us that “Competition” causes particular men to attack other men so that they can tell these other men what to do and take away these other men’s wives, children, and “cattell.” The conventional wisdom is correct on this portion of its interpretation. But the next step in the conventional interpretation is where we go astray. Hobbes tells us that “diffidence” causes some particular men to use violence “to defend them.” If we read this in a grammatically correct fashion, which is obviously how it should be read, then “them” can only refer to “other mens persons, wives, children, and cattell.” Certainly, this does not jibe with the conventional interpretation. We would not expect a self-absorbed Hobbesian man to defend *someone else’s* life, wives, children, or “cattell” in the state of nature. Yet here we have Hobbes running a thought experiment wherein “diffidence” causes natural men to use violence “to defend,” not themselves and their own wives, children, and “cattell,” but instead *someone else’s* life, wives, children, and “cattell.” This is something quite odd and unexpected in the text.⁵⁵ We need to explain why it is there.

Hobbes’s state of nature not ethical wasteland.

First of all, the placement of the pronoun “them” in this passage suggests that Hobbes’s state of nature is not the ethical wasteland that we expected to find. Hobbes believed that under the impetus of “diffidence” men naturally draw distinctions between those who are being attacked unjustly, and those who are unjustly attacking their fellow

⁵⁴ Hobbes, *Leviathan*, 88.

⁵⁵ It is also odd that men in Hobbes’s hypothetical state of nature, where it is supposedly a “war of all against all,” are willing to attack other men so third parties will give them “trifles, as a word, a smile, a different opinion.” This phrase, like the one I focus on in the body of this paper, casts doubt upon the notion that Hobbesian natural man is an asocial creature engaged in a “war of all against all.” Much of Hobbes’s vivid language on this score was crafted for rhetorical effect. The situation he actually describes resembles a war of “some against some” rather than a war of “all against all.” I cannot here explore adequately the implications of Hobbes’s suggestion that in the state of nature men are compelled to attack other men so that their friends will smile at them.

men. In the split second it takes them to make the decision, there is probably some doubt. But, in any event, after having made their choice, “diffident men” act. In Hobbes’s thought experiment, “diffidence” causes natural men to shield, or “to defend,” those who are being unjustly attacked. Thus, a Hobbesian man acting under the impetus of “diffidence” looks remarkably similar to what Cicero described as a “just man.” Both types of men are defined, recognized, and known by the same type of action. But, whereas Cicero argued that the “just men,” who, if need be, used violence to shield, or “to defend,” the innocent, were the preservers of human society and the building blocks of the state, Hobbes argued that “diffident men,” who used violence to shield, or “to defend,” the lives and property of others, caused war in the state of nature. Why the disagreement between Cicero and Hobbes?

For Hobbes, the Ciceronian “just man” is source of political disorder.

Hobbes thought the will of the sovereign should be law. Cicero thought the sovereign’s will should be law only if it was in accord with “natural justice” and the law of nature. Hobbes feared that if he openly admitted that man had *something* inside him which caused him to distinguish between right and wrong, and “to defend” other men from unjust attack, then his project to build a powerful state unrestrained by law would fail. By doing so, he would be openly conceding that a standard of justice existed that was independent of the will of the sovereign. Those who wished to take action and get rid of pernicious or unjust sovereigns could appeal to this standard when justifying their behavior.

When Hobbes wrote *Leviathan* he was living through the uncertainties of the English Revolution. Above all else, he detested civil disturbances. He was not prepared to forward any argument which provided a legitimate, practical, and useful loophole upon which resistance to any sovereign, be he wicked or upright, could be founded. Therefore, he carefully crafted a description of the state of nature, and, by using a paradiastole, he redescribed the action of the “just man” as the action that led to war in the state of nature. The gloss on the section we have been discussing reads “*From Diffidence Warre.*” Thus, Hobbes was claiming that whatever it was in the nature of man that prompted him to choose between the guilty and the innocent, and then prompted him to defend the innocent against the guilty, was the cause of war in the state of nature.

To leave this state, Hobbes suggested that men should suppress the portion of their nature that helps them reach conclusions concerning

the justness of other men's actions, or at least promise that they will no longer act as a result of the promptings of this portion of their nature. In other words, all men had to do in order to abandon the state of nature was promise one another that they would no longer let "diffidence" cause them to take action. He knew that, if men surrendered the right to defend other men, his goal would be achieved. Therefore, he insisted that "In the making of a commonwealth, every man giveth away the right of defending another, but not of defending himself."⁵⁶

Right to defend self but not others against unjust government is ineffective.

If men give away the right to defend someone else, Hobbes believed that they could keep the right to defend themselves. For having given away the right to defend someone else, the right of each individual subject to defend himself against attack poses no threat to the power and authority of a Hobbesian sovereign. To be sure, a manifestly stupid and incompetent Hobbesian sovereign can attack all his subjects at once. In such an instance the sovereign might be legitimately overthrown under Hobbes's system. But this, Hobbes was sure, would only be a rare case indeed. Surely only a few sovereigns, even wicked ones, would be complete and total morons. Instead of preying on their subjects all at once, they would pick them off one by one, or in small groups. These individuals or small groups could be expected to resist their sovereign, and Hobbes admitted that such resistance would be legitimate. But the legitimate resistance of individuals or small groups of individuals who are being directly attacked by their sovereign can be suppressed easily. Thus, under Hobbes's system the danger of legitimate resistance which could not be effectively squashed would be very remote.

Undoubtedly, however, Hobbes hoped that sovereigns would be "just" or, as he termed it, "diffident" men. They would heed the motivation in their breast that prompted them "to defend," not to prey upon, their subjects. After all, Hobbesian sovereigns are not a party to the contract by which a Hobbesian commonwealth is formed. They retain the rights of natural men.⁵⁷ They are free to take actions which will defend their subjects, and Hobbes undoubtedly hoped that they would do so. If Hobbesian sovereigns heed the better angels that live in their breasts, that is to say, if they are "diffident" men as opposed to "competitive" or "glorious" men, then the commonwealths over which they rule will be mannerly and just. Hobbesian commonwealths which are lucky enough to have a "diffident" man as sovereign are in accord with

⁵⁶ Hobbes, *Leviathan*, 214.

⁵⁷ *Ibid.*, 92, 122.

“natural justice.” But if this is not the case, the subjects of such an unlucky commonwealth will have to watch silently, and in inaction, as their sovereign mauls their fellow subjects, and eventually themselves, one at a time. Hobbes grimly described the duty of such unhappy subjects.

To resist the sword of the Common-wealth in defence of another man, guilty, or innocent, no man hath Liberty; because such Liberty, takes away from the sovereign, the means of Protecting us; and is therefore destructive of the very essence of government.⁵⁸

Locke's Return to Ciceronian Justice

Hobbes's break with the “Ciceronian Humanists” was clear and decisive. He rejected “natural justice” as the basis upon which political societies should be ordered. Instead, he suggested that the will of the sovereign should order the commonwealth, a will which might or might not accord with the dictates of “natural justice.” But, as we have seen, Hobbes did not deny the existence of “natural justice” nor did he deny that men are endowed with some sort of faculty which prompts them to do “natural justice.” Likewise, he admitted that men have a right to “do justice” in the state of nature. He simply suggested that this faculty in general, and the right to act upon its promptings in particular, is a hindrance, rather than an aid, in constructing political societies. As a result, he argued that the right to “do justice” should be abandoned forever by everyone but the sovereign. When Hobbesian men form a commonwealth, they abandon their right to “do justice,” and fervently hope that their sovereign is a “diffident man.”

Hobbes recognized “natural justice” but not as basis of political society.

Therefore, Leo Strauss is entirely correct when he suggests that Hobbes worked to jettison the European tradition of natural law, which relied heavily on ideas of “natural justice.” Thinkers who wrote in this tradition generally argued that political institutions, and those who wielded political authority, were constrained by the dictates of natural law. Hobbes rejected this idea. But Strauss is only partially correct when he goes on to argue that Locke followed in Hobbes's footsteps. For insofar as Locke did so, he did so only by asserting, as Cicero and Hobbes had done, that men are naturally endowed with both a right to “do justice” and a faculty which helps them understand what this entails. As Locke put it, the “State of Nature has a Law of Nature to govern it, which obliges every one: and Reason, which is that Law, teaches

⁵⁸ *Ibid.*, 152.

all Mankind, who will but consult it, that all being equal, no one ought to harm another in his Life, Health, Liberty, or Possessions."⁵⁹ When some particular men in the state of nature neglect to consult their reason and start preying on other people, Locke went on to add, any man who cares to can "Execute the Law of Nature" on the offender.

But we have raced ahead of ourselves. Before we look at the *Second Treatise*, where Locke reasserted the right to "do justice," we need once again to focus on some of the implications of Hobbes's treatment of the actions of a "just man" in relation to contemporary modes of thought. As noted in the preceding section, Hobbes's contemporaries did not believe that individual men in the state of nature have the authority to execute the law of nature on someone else's behalf. Because they did not, those who were astute enough to catch Hobbes's "move" found themselves in a tight spot. While they could complain about Hobbes's rhetorical strategies, they were unable to refute him decisively.

Clarendon was one of those who recognized Hobbes's "move," yet at the same time found it hard to respond. In his refutation of *Leviathan*, Clarendon pointed out that men do have some faculty which helps them discern right from wrong. But whereas Hobbes called it "diffidence," Clarendon called it an "instinct for justice." Clarendon was also aware that Hobbes had identified what Clarendon called man's "instinct for justice" as the cause of war in the state of nature. The Earl was not appreciative of Hobbes's efforts to suppress this instinct, or of his attempt to describe it in a poor light. Clarendon noted that God had placed this instinct in man on purpose. As a result, he did not think it was the business of political philosophers to suppress it and, by so doing,

uncreate him [Man] to such a baseness and villany in his nature, as to make Man such a Rascal, and more a Beast in his frame and constitution than those he is appointed to govern, [this] is a power that God never gave to the Devil; nor hath any body assum'd it, till Mr. Hobbes took it upon him.⁶⁰

Unfortunately for Clarendon, since he believed that individual men do not naturally have the authority to execute laws, or to restrain those who violate precepts drawn from man's "instinct for justice," actions in the state of nature that were prompted by man's "instinct for justice" were, in his eyes, illegitimate. The authority to execute laws, and thus to protect the innocent, descended from God to the sovereign. He alone

⁵⁹ Locke, *Two Treatises* (Cambridge, 1988), 271.

⁶⁰ Clarendon, *Brief Survey*, 27.

had the power to enact and execute laws. Justice could be done only upon the sovereign's authority, even if everyone knew what it entailed.

To be sure, Clarendon argued that those laws which the sovereign enacted and enforced should be in accord with the dictates of natural law, and should therefore be in harmony with the promptings of man's "instinct for justice." When the sovereign's will and the people's instinct were in harmony, things worked smoothly. But if a wicked sovereign acted unjustly, there was little to be done, since he alone had the power to execute any laws, whether they were just or unjust. Resistance against a legitimate sovereign, be he wicked or just, was not allowed by Clarendon.⁶¹ But, unlike Hobbes, who obscured what Clarendon called man's "instinct for justice," and redescribed it as the cause of the action which created war in the state of nature, Clarendon boldly proclaimed that men do have an "instinct for justice." According to Clarendon, this instinct helps men discern the law of nature. It also helps men appraise the moral worth of their sovereign's actions. Clarendon simply pointed out that, if men judge their sovereign to be wicked, there is little they can legitimately do about it. Thus, while the practical conclusions that were drawn by Clarendon and Hobbes might be viewed as similar, the spirit of their works is very different.

Hobbes put not only Clarendon, but all the "Ciceronian Humanists," in a rather awkward and embarrassing fix. While the "Ciceronian Humanists" might believe that the actions of a just man in the state of nature were meritorious, they were not accustomed to arguing that they were authorized. And since they were not prepared to argue that individual men naturally had a right to execute laws in the state of nature, they could not really attack Hobbes at the crucial point in his theory.

Locke, as we have seen, relied heavily on Cicero for his own definitions of just behavior. Therefore, it was natural for him to wish to respond to Hobbes. Besides that, when he was writing the *Two Treatises*, Locke believed the Stuarts were violating the law of nature and wanted to produce an argument that would prompt his readers to resist them. During the Exclusion Crisis, while Locke was writing the *Two Treatises*, *Leviathan* was republished at about the same time as *Patriarcha* made it into print. Exclusionist Whigs were not behind the publication of either work. Rather, their publication was the work of absolutists who argued

Locke's goal was to encourage resistance to Stuarts.

⁶¹ However, Clarendon did argue that a wicked sovereign's lieutenants could be prosecuted for unjust behavior, even if this wicked behavior was ordered by the sovereign.

that resistance against the Stuarts was illegitimate. Thus, if we place Locke in his historical context, it is obvious that he had a reason to refute Hobbes as well as Filmer.

Of course, Locke did not rush out and buy a copy of the new edition of *Leviathan*. He had already purchased a copy years before and still had access to it.⁶² But, in December of 1681, he did buy a copy of Clarendon's critique of *Leviathan*. Since Clarendon's *Brief Survey* is not a critique of Filmer, we can rest assured that Locke did not buy it in the hope that it would help him refute *Patriarcha* but that it would help him refute Hobbes. Clarendon's critique undoubtedly helped Locke understand the issues at stake and might even have alerted him, as it did the author of this article, to Hobbes's rhetorical maneuvers.

Locke realized that the way to refute Hobbes on Hobbes's own ground was to argue that the actions of the men in the hypothetical state of nature who defended other men against unjust attack were legitimate actions, and then to base his political theory upon the legitimacy of such actions. This was simple for Locke to do, since it was easily combined with his notions about just behavior, which he had gleaned from Cicero. As John Dunn has pointed out, for Locke, "justice or injustice are seen primarily as the attributes of the actions of human beings toward other human beings."⁶³ Locke simply argued that individual men had the authority to punish and restrain those who attacked someone else in the state of nature, and that actions taken in defense of someone else were just actions; that is, he offered his "strange doctrine" that men in the state of nature have the authority to "execute the law of nature." But first, he spelled out what the law of nature decreed:

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.⁶⁴

⁶² In his introduction to the *Two Treatises*, Laslett notes that Locke lent his copy of *Leviathan* to James Tyrrell in 1674 and did not get it back until 1691. This leads Laslett to suggest that "it cannot be shown that when he wrote [the *Two Treatises*] Locke had had any contact with *Leviathan* or with any other work of Hobbes at first hand." What Laslett fails to emphasize is that during the time when Locke was working on the *Two Treatises* he was in close proximity to James Tyrrell; indeed, he often stayed at Tyrrell's house. He could have looked at his own copy of *Leviathan* while staying there. See Laslett, ed., *Two Treatises* (New York, 1960), 71.

⁶³ John Dunn, "Justice and the Interpretation of Locke's Political Theory," *Political Studies*, 16, 1 (1968), 68-87 at 75.

⁶⁴ Locke, *Two Treatises*, 271.

Next, Locke asserted that anyone who noticed that this law was being violated in the state of nature could step in and enforce the law by punishing the aggressor.

And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth the Peace and *Preservation of all Mankind*, the Execution of the Law of Nature is in that State, put into every Mans hands, whereby every one has a right to punish the transgressors of that Law to such a Degree, as may hinder its Violation.⁶⁵

Moreover, Locke, like Cicero, and in language reminiscent of his, pointed out that the punishment should fit the crime, and that men who were “doing justice” should not be overzealous.

Each Transgression may be punished to that *degree*, and with so much *Severity* as will suffice to make it an ill bargain to the Offender, give him cause to repent, and terrifie others from doing the like.⁶⁶

Strangely enough, Locke, like both Cicero and Hobbes, did not identify any particular motive which might prompt a man to defend “other mens persons, wives, children, and cattell.” Locke simply asserted that men *could* do it, and like both Cicero and Hobbes, he was confident that some of them, at least, *would* do it. Acting justly to defend someone else against unjust attack, all three men believed, was simply one of those things that “just men” did. As Esmond de Beer has noted, Locke was “the most unspeculative of philosophers.”⁶⁷ He was not inclined to explore the reasons why any particular man would defend “other mens persons, wives, children, and cattell,” particularly since his adversary Thomas Hobbes had already conceded the point. If anything, Locke, the practiced polemicist, probably grinned over Hobbes’s admission; by making it, Hobbes had delivered himself into Locke’s hands. But whereas Hobbes wanted to smother a spark, Locke wanted to fan it into a flame. And while Hobbes believed that the unnamed faculty within men that caused them to act justly should be suppressed, and the right to act on the urgings of this unnamed faculty should be abandoned, Locke gave the manifestations of this unnamed faculty, which he called “Reason,” a different role in his own theory.

When Lockean natural men join together to form a political society,

⁶⁵ *Ibid.*

⁶⁶ Locke, *Two Treatises*, 275.

⁶⁷ Esmond S. de Beer, “Locke and English Liberalism: the *Second Treatise of Government* in Its Contemporary Setting,” in John W. Yolton, ed., *John Locke: Problems and Perspectives* (Cambridge, 1969), 34-44 at 36.

they institutionalize their natural authority, and willingness, to execute the law of nature. That is, they cease judging the interactions between other men, and no longer step in to defend those who they believe are in the right. Instead, they “give up” the authority to adjudicate disputes, and to enforce laws, to the institutions of the political society that they erect.

And thus all private judgement of every particular Member being excluded, the Community comes to be the Umpire, by settled standing rules, indifferent, and the same to all Parties; and by Men having authority from the Community, for the execution of those rules.⁶⁸

In some ways, this theory is similar to that proposed by Hobbes. Like Hobbes, Locke believed that, if every citizen continually acted on his right to be “umpire” between the disputes of members of a political society,, then “Confusion and Disorder” might result.⁶⁹ He thus argued that individuals should forego exercising this natural right, and allow established institutions, and the men selected to staff them, to do so instead. But unlike Hobbes, Locke was unwilling to rely solely on the “better angels” in human nature. So he hedged in the lawmakers and executors of political society, and declared that they could not enact or enforce laws in violation of the law of nature or the dictates of “natural justice.” Like Cicero, he argued that political society did not exist to overturn the laws of nature, or to suppress man’s natural affinity for justice, but rather to ensure that such laws “are drawn closer,” and enforced more rigorously and regularly. They are not to be overturned.⁷⁰

Thus the Law of Nature stands as an Eternal rule to all men, Legisla-

⁶⁸ Locke, *Two Treatises*, 324.

⁶⁹ *Ibid.*, 275.

⁷⁰ We should note that this law cannot justly be overturned by plebiscite either. Thus, on a philosophical level, Richard Ashcraft’s attempt to render Locke a radical majoritarian democrat, while richly documented and deftly argued, fails to convince. Ashcraft’s argument fails on the historical level as well. As Mark Goldie has recently pointed out, many of Locke’s radical Whig friends, who are identified by Ashcraft as “tradesmen” and “artisans,” were quite wealthy, and would probably grouse at being identified as “artisans.” What is more, they were not democrats. During the latter part of James II’s brief reign many of Locke’s radical Whig friends, like Edward Clarke and Walter Yonge, made their peace with James II. Indeed, they stood for election to James’s parliament. To help make sure these “radical Whigs” won, James drastically reduced the electorate in the corporations for which they stood. Locke was displeased by radical Whig attempts to procure him a pardon from James II (it seems he did not want a pardon from that particular monarch), and, in the *Second Treatise*, he specifically decried princes who arbitrarily tampered with “ways of election.” Since Locke’s “radical Whig” friends had been aiding James II in such endeavors, they were tarred by

tors as well as others. The *Rules* that they make for other Mens Actions, must, as well as their own and other Mens Actions, be conformable to the Law of Nature.⁷¹

Like Cicero, and unlike Machiavelli and Hobbes, Locke had no desire to found a state that was not itself constrained by law. Neither did Locke have any desire to wreck man's social nature and suppress his "Reason." Instead, like Cicero, Locke's theory of the state is based upon, and grows out of, man's social nature. This social nature manifests itself in the sort of civic sociability displayed by men who periodically gird on the sword in order to protect the persons and property of their fellows. Upon such men Locke builds his brand of limited government.

For Locke, the state is based upon man's social nature.

If the legislators or executors of a state staffed by such men rebel against the law of nature, then they will be removed. After all, the people only "give up" the authority to enforce and enact laws in accord with the law of nature. Their "Trustees" and "Deputies" cannot violate this law. When the "Trustees" or "Deputies" do so, they not only break the trust that was placed in them by the people; they also rebel against Laws that were decreed by God and ascertained through the use of "Reason." Thus, the citizens must once again resume their responsibilities and discipline the malefactors. Locke undoubtedly had the Stuarts in mind.

Conclusion

Lining up Locke's *Second Treatise* against Hobbes's *Leviathan* and "comparing their various dimensions" is historically plausible and philosophically rewarding. Locke was intimately familiar with Hobbes's *Leviathan*. Since that book was republished in 1680, around the time Locke was writing his own work on political theory, he had cause to refute it. Also, since both men used a similar philosophical method, it is easy to make comparisons between the two works. Both authors developed their political theories after analyzing "man" in an abstract "state of nature." If we leaf through the pages of *Leviathan* or the *Second Treatise* we will find precious little discussion of the ways in

Locke's wide brush. Thus, Locke's "radical Whig" friends were neither democrats nor artisans, and, often enough, Locke did not condone the activities of his "radical Whig" friends. Cf. Richard Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton, 1986), and Mark Goldie, "John Locke's Circle and James II," in *The Historical Journal*, 35, 3 (1992), 557-86.

⁷¹ Locke, *Two Treatises*, 358.

which human nature has been shaped by particular climates, social and political institutions, or means of production. Were these two authors naively ahistorical? Maybe. But perhaps one might suggest, as Johnson did for Shakespeare, that the works of these two authors are masterpieces precisely because in them their authors identify and discuss the impulses “of common humanity, such as the world will always supply, and observation will always find.” What is more, Locke “always makes nature predominate over accident; and if he preserves the essential character, is not very careful of distinctions super-induced and adventitious.”⁷²

In any event, neither Hobbes nor Locke said much about the transmutations of human nature in the past, because they were more concerned about how it might be transformed in the future. Both men believed that human nature was paradoxical, and they knew that sometimes humans prey on their fellows. But both men also believed that there was some faculty within every human that prompted him or her to avoid this type of behavior, and which also prompted a human to defend his or her fellows against unjust attack. Hobbes feared that manifestations of this faculty might contribute to civil instability. Since this faculty had the potential to disturb the “peace” of a commonwealth, Hobbes was unwilling to ignore it when providing a blueprint for constructing a Leviathan. He suggested that, in the future, this faculty should be repressed. He thought it would be easier to govern completely greedy, malicious, and self-absorbed humans than it would be to govern partially just ones. Shorn of their paradoxical nature, humans would at least be more predictable.

Like Hobbes, Locke believed that humans were naturally endowed with some sort of faculty which helped them discern right from wrong and prompted them to defend their fellows against unjust attack. While Locke believed this faculty and its manifestations were too important and useful to be suppressed, he feared that they were both too dangerous and too useful to be left unchanneled. Thus, Locke hoped to persuade his readers to institutionalize the better angels that dwelled in their breasts. By doing so, they would erect political institutions which existed to ensure that the law of nature was enforced. As Becker and Curti noted, Locke championed ideas of a limited, constitutional government. Locke argued that, if the persons who manned these insti-

⁷² Samuel Johnson, “Preface to Shakespeare,” in Patrick Cruttwell, ed., *Selected Writings* (New York, 1968), 266.

tutions violated the law of nature, then the citizens could resist and remove them. Locke knew that his stance might lead to episodic bouts of civil unease. He knew that at times malcontented or wicked citizens would use their right of resistance as an excuse for bad behavior. And he knew that sometimes it would be hard to tell the difference between unjustified and justified resistance. But, given the paradoxical nature of man, and the need to guard against wicked or malcontented rulers as well as wicked or malcontented citizens, Locke saw no way to escape periodic bouts of uncertainty.

Both Hobbes and Locke recognized duality of human nature.

On the surface, it might appear that Hobbes was a more pessimistic author than Locke. In this article I have argued otherwise. Hobbes was immensely ambitious. As Eric Voegelin taught us nearly fifty years ago, the erection of a Leviathan requires the “psychological transformation of the combining persons,”⁷³ a transformation that involves the “repression of the authoritative source of order in the soul.”⁷⁴ Hobbes knew that a commonwealth constituted by such transformed persons had never existed in the past. And he knew that altering humans in such a fashion, assuming it could be done, would undoubtedly take time. But he hoped that “this writing of mine, may fall into the hands of a Sovereign” who would, “by the exercise of entire Sovereignty, in protecting the Publique teaching of it, convert this Truth of Speculation, into the Utility of Practice.”⁷⁵ Thus, the accident of education would overcome the essence of nature. After the citizens had been suitably denatured, a new sort of “peace” would settle over the commonwealth.

Hobbes sought to transform human nature.

Locke did not think schemes designed to alter the nature of man along Hobbesian lines were particularly well-digested. He worried that the type of “peace” provided by a Hobbesian commonwealth might prove unsettling, and should be avoided, not sought. Perhaps we could even say, as John Dunn has suggested, that Hobbes was “Locke’s own evil angel with whom he wrestled throughout a lifetime.”⁷⁶ Locke wrestled to save and develop what he thought to be a good essence in human nature from what he imagined would be a bad accident of education. In the *Second Treatise*, as in all Locke’s works, the struggle is joined. But in this battle, Locke did not need to refute Hobbes’s arguments or assumptions concerning human nature. He

Locke opposed Hobbes’s proposed transformation.

⁷³ Eric Voegelin, *The New Science of Politics* (Chicago, 1952), 182.

⁷⁴ *Ibid.*, 164.

⁷⁵ Hobbes, *Leviathan*, 254.

⁷⁶ Dunn, *Political Thought of John Locke*, 83.

simply had to convince his readers to ignore Hobbes's recipe for a *Leviathan*, and persuade them to develop their better angels. Insofar as we continue to study their works while searching for insights into the political dilemmas of our own day, the wrestling match continues.