

REVISITING THE STATE OF NATURE: HOBBS IN CONTEMPORARY PERSPECTIVE

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HOBBS' ACCOUNT OF LIFE IN THE STATE OF NATURE AND ITS IMPLICATIONS**

Abstract

In an infamous paragraph in his *magnum opus*, *Leviathan*, Thomas Hobbes describes what he perceives to be the miserable condition of humankind in the state of nature, concluding that human life in this state is “solitary, poor, nasty, brutish, and short” (Hobbes 1996, 84). To properly understand the relevance and implications of this claim, we shall first examine how the concept of a state of nature came to be. Then, we shall look at the specificities of Hobbes' own account, pointing out certain generally neglected details. Afterward, we will analyze what some of Hobbes' critics had to say on the issue, and how he either preemptively defended his claims or could have responded to them, based on his theory. Finally, we shall examine what might be the most complex

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and intriguing topic related to this subject: namely, how a defense of natural rights as inalienable could be constructed upon a foundation of a chaotic state of nature driven by scarcity and conflict.

Keywords: state of nature, state of war, natural rights, Hobbes, *Leviathan*

INTRODUCTION

In his own time, Hobbes must have seemed implacable as a political philosopher: unlike the earlier Renaissance republican theorists, such as Machiavelli and Guicciardini or the later Enlightenment proponents of democracy, such as Voltaire or Montesquieu, both of whom could trace the origin of their ideas to the Classical period, the social contract theory that was originated by Hobbes was uniquely a product of the various circumstances of 17th century England. The implicit issues of illegitimacy of feudalism and social estates aside, its unique foundation marks it as a theoretical concept that could only have emerged after the European discovery of America. This is because, despite the astounding theoretical contributions of the Classical period, its authors, such as Plato (Plato 2004) and Aristotle (Aristotle 1998) simply had no basis to formulate a social contract theory upon: with the societies of the ‘barbarian’ peoples that surrounded ancient Rome and Greece having been far too similar to the ‘civilized’ ones for a fundamental, systemic difference to be recognized, Greek and Roman theorists simply assumed the institutions of the neighboring peoples to be essentially similar to their own. This is largely because the kingships of the Greeks and Romans that preceded their republics had kingship-based constitutions, very similar to, say, those of the Gauls, or the Germanians.

The position they took was understandably intuitive at the time but became untenable with the European discovery of the New World: the Spanish chronicles that described native societies made it absolutely clear that their institutions were on a fundamentally different plane from those of early modern European states (Locke 2003, 144). Precisely what these institutions were and how they functioned was, at the time, still beyond even the boundaries of imagination; however, the fact that there was, indeed, a fundamental difference could no longer be denied. Locke even went so far as to say that “In the beginning, all the world was America” (Canessa and Picq 2024, 65). Thus, with the assumption that a

sequence of social development had to be similar in some fundamental respects for all peoples of the human family, the social contract theorists hypothesized that the state as we know it did not exist since the inception of humankind in any part of the world but rather came into being at some point (Przybylinski 2023, 18). What primarily distinguished the societies of the New World was a kinship-based organization, as opposed to a territorial one, as well as a lack of permanent functions of civil government (Locke 2003, 144).

Although this point might seem trivial nowadays, it was, at the time, nothing short of revolutionary in the social sciences: before this time, the doctrine of the divine right of kings, derived from the Old Testament, held that the state was as old as humankind itself, having been founded upon Adam and Eve's exile from Heaven (Locke 2003, 16). Though this position is contradicted by countless discoveries made in a number of social sciences since that time, it could hardly be questioned before the European discovery of America.¹ This was because the origin of the state in most cases coincided with the introduction of written records, which meant that previous ages fell into myths and legends that could be interpreted in several different ways, which brought about the assumption of a state-like character of ancient systems.

The discovery of stateless societies, however, shook this doctrine to its core: John Locke's critique of Sir Robert Filmer's *Patriarcha* in his first treatise of government was, perhaps, one of the earliest examples of the gradual replacement of the divine right of kings by the social contract theory (Zorzi 2019, 183). That the process was indeed gradual is well illustrated by Christopher Betts' observation that in 1762, most Europeans still believed that kings had a divine right to rule, and further, that of those who embraced the social contract theory, the majority still preferred monarchy as a form of government (Betts 1994, xii). Nevertheless, the discovery of stateless societies made it clear that the state had to have originated at some point in time, with the clear implication being that a significant portion of human existence was spent under fundamentally different circumstances. For lack of knowledge of the actual social conditions among the peoples of the New World, the nature of these circumstances was, at the time,

¹ Notwithstanding the immense authority that the church at the time still enjoyed in civil matters, arguments against this position could hardly be made on a factual basis due to a lack of knowledge in crucial aspects of the gradual development of social institutions.

a subject of pure speculation that varied with the opinions of theorists who expressed them. However, a common denominator connected them – the state of nature.

HOBBS' STATE OF NATURE

Unlike Locke, who dedicates the first of his *Two Treatises of Government* to overthrowing the “false principles and foundations” of Sir Robert Filmer and his followers (Locke 2003, 1), Hobbes – curiously – deals with the subject of epistemology in the first part of his *magnum opus*, *Leviathan*, examining how knowledge and beliefs are formed, as well as how to categorize their different aspects. He then proceeds to the subject of politics, claiming, first, that nature has made men relatively equal, and second, that from this equality of ability proceeds the hope of obtaining equal ends (Hobbes 1996, 82) inevitably leads to diffidence and then war (83). “Hereby it is manifest,” Hobbes concludes, “that during the time they live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man” (84).

Hobbes specifies that, due to this constant enmity, there is no industry, culture, or knowledge in the state of nature (Hobbes 1996, 84); and since there is no common power to distinguish between right and wrong, or determine propriety or dominion, everything is his who can take and keep it (85). The result is well summed up by his (in)famous quote: human life in the state of nature is “solitary, poor, nasty, brutish, and short” (84). The Latin phrase *homo homini lupus est*, commonly associated with this description, actually never makes an appearance in *Leviathan*: Hobbes, in fact, uses it in another work, *De Cive*, where he quotes Plautus’ *Asinaria* in order to describe the relationship between different political communities and, more specifically, their leaders (Hobbes 1998, 3). Hobbes, however, also points out that the state of war, as he describes it, has never existed; instead, the clearest glimpse into this is given to us by the societies of Native Americans,² civil wars, and the relationship between kings (Hobbes 1996, 85).

² The assumption that Native Americans lived, in Hobbes’ words, “without a common power to keep them all in owe” illustrates the immense ignorance that pervaded the social sciences at the time. The absence of a state in the modern sense was obvious, but the actual system in place was beyond the pale of imagination. A gradual increase in knowledge on this subject is well illustrated by contrasting Hobbes

To better understand Hobbes' bleak account of the state of nature, we must carefully examine his understanding of human nature: in this regard, it's interesting to begin by pointing out that he was highly critical of Aristotle's famous description of man as *zoon politikon*³ (Aristotle 1998, 5). Hobbes argues that, though this axiom is very widely accepted, it is nevertheless false: "the error proceeds from a superficial view of human nature" (Hobbes 1998, 22). He later claims that the famous deeds and works of Greek and Roman authors (4) became such not by reason, but by grandeur, and that a major cause of the dissolution of commonwealths is the misguided attempt to imitate Greeks and Romans (Hobbes 1996, 217).

Although he rejects Aristotle's premise that men are social by nature, a proposition also shared by Kant, despite the latter's commitment to the categorical imperative as the foundational principle of morality (Kant 2006, 165), Hobbes also points out that humans aren't evil by nature, but, as they are born animals, their nature sometimes makes them act against their duty (Hobbes 1998, 11).⁴ In this context, Hobbes notes that all men are born unfit for society since, as infants, they get angry if they don't get everything they want (11), and further, that many people remain so later in life due to lack of training or mental illness (25). "Therefore", he concludes, "man is made fit for Society not by nature, but by training" (25).

Based on this premise, Hobbes argues that men need society to *live* as infants and need it to *live well* as adults; however, he points out that civil societies are not mere gatherings, since they require good faith and agreements for their making (Hobbes 1998, 24). This point implies that 'mere gatherings' are the pinnacle of human association in the state of nature, and, further, that, being coincidental and temporary, they lack the necessary conditions to establish lasting rights upon. Hobbes' argument here reveals an ignorance of tribal systems based upon the bonds of

with Locke, who specifically refers to the Spanish chronicler Jose de Acosta in briefly describing the social conditions of several Native American peoples (Locke 2003, 144). In order to prove that the state hadn't existed since the inception of humankind, he notes that these peoples lived in "troops" and elected their "captains" as they pleased, and further, that these leaders had absolute authority in war, but very little in peace (147).

³ *Zoon politikon* stands for *political animal* in ancient Greek.

⁴ The fact that Charles Darwin's *On the Origin of Species* was published in 1859 makes Hobbes' observation far ahead of its time, and particularly bold, considering the church's immense influence at the time.

consanguinity, which have reigned in human societies worldwide for thousands of years before the establishment of states (Morgan 1877, 388). However, on its own merit, and in the context of Hobbes' theory, the claim that there could have been no social basis for rights before the creation of states meant that the right and law of nature operated in the anterior condition.

In Hobbes' own definition, the right of nature, *ius naturale*, "is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life", whereas the law of nature, *lex naturalis*, "is a percept, or general rule, found out by reason, by which a man is forbidden to do, that, which is destructive of his own life, or taketh away the means of preserving the same" (Hobbes 1996, 86). As we can see, the principles that function as necessary natural substitutes for state-enacted rights and laws are based on reason and self-preservation, which gives them a fundamentally rational, existential character. Neither entirely political nor entirely moral, they tread the fine line between the two, their only purpose being the perpetuation of human life. We shall later see precisely how these principles figure into Hobbes' theory of rights.

As for the state of nature itself, its exact character and circumstances remain somewhat vague: on the one hand, Hobbes claims in *Leviathan* that it is a state of war of every man against every man; on the other, he implies in *De Cive* that temporary 'gatherings' of people can occur in it. In yet another instance, he establishes that it has never truly existed and that certain instances of disunity and strife merely offer glimpses into it. What, then, is the state of nature? A good answer to this question is provided by John Simmons in reference to Locke's theory: Simmons regards Locke's state of nature as a *normative* condition as opposed to an *empirical* one (Simmons 1989, 451). Since Locke offers specific examples of the state of nature (Locke 2003, 144), this isn't precisely an inarguable interpretation; however, it is entirely serviceable in this context, since the puzzle of Hobbes' state of nature can only be resolved by specifying it as a normative condition. The reason we may specify Hobbes' state of nature as a normative condition, as opposed to an empirical one, is because its essence isn't in perpetual war, but rather in perpetual inclination thereto, for lack of an assurance to the contrary, due to the non-existence of a commonly-recognized power that would regulate interpersonal relations.

This is further supported by a rather obscure paragraph in the *Leviathan* that preemptively addresses some of the critiques that were laid against Hobbes' theory: in it, he specifies that, rather than referring to constant interpersonal fighting, the state of war that he describes ought to be understood as a condition of permanent insecurity. "For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto of many days together", Hobbes writes, "so the nature of war, consisted not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary" (Hobbes 1996, 84). The problem with the state of nature, therefore, isn't in the fact that people are actively fighting one another in it, but that, due to the fact that they have no higher authority to appeal to, they can never obtain the kind of stability that only permanent security under an established state could enable.

NASTY, BRUTISH, AND SHORT

Upon its very inception, Hobbes' theory was subjected to extreme scrutiny and harsh criticism, which has continued, with some intermissions, throughout the centuries that followed. Charles Tarlton observes that there have been attempts to "liberalize" Hobbes' "despotical" doctrine, and reminds us that Hobbes' entire theory was centered around justifying the arbitrary power of the absolute sovereign (Tarlton 2001, 589–590). In the final part of this paper, we shall look at certain key features of Hobbes' theory that run contrary to this observation. For now, though, let us review the reactions of his immediate philosophical successors and how Hobbes addressed the issues they took with his doctrine in advance.

The primary critique directed against Hobbes' conception of the state of nature from within the social contract theory was formulated by Locke. However, in order to understand the foundations of this critique, we must first look at some of the implications that Hobbes draws from his conception. Namely, because he equivocates the state of nature with that of war, he views its transcendence as an absolute necessity, thus imposing only the bare minimum of conditions upon the social contract and the creation of the state. Famously, unlike Locke (Locke 2003, 142) and Rousseau (Rousseau 1994, 54), who view a unanimous vote as a necessary condition of the future legitimacy of all public decisions, Hobbes merely insists on a majority vote when forming the social contract (Hobbes 1996, 115).

This, of course, directly relates to his view of the state of nature, and his understanding of human nature: scarcity is a key component of the former and a reluctance to cooperate – of the latter. The combination of the two factors – while not resulting in actual constant warfare – nevertheless creates a condition in which there can never be any stability, development or progress, a condition in which the most favorable possibility is that of a temporary stalemate – or, to paraphrase Hobbes’ above-mentioned metaphor, an interlude between two showers of rain (Hobbes 1996, 84). With this in mind, then, it becomes clear why Locke and Rousseau were so vehemently opposed to Hobbes’ conception – but their critiques may have led them to a harsher judgement of Hobbes than may have been justified.

In his famous rebuttal of Hobbes’ view of the state of nature and the lax standards for forming the social contract that it necessitates, Locke writes: “To ask how you may be guarded from harm, or injury, on the side where the strongest hand is to do it, is presently the voice of faction and rebellion: as if when men quitting the state of nature entered into society, they agreed that all of them but one should be under the restraint of laws, but that he should still retain all the liberty of the state of nature, increased with power, and made licentious by impunity. This is to think that all men are so foolish, that they take care to avoid what mischiefs may be done them by pole-cats, or foxes; but are content, nay think it safety, to be devoured by lions” (Locke 2003, 140).

To give proper context here, it is necessary to point out that Locke actually prefers the state of nature to absolutism (Locke 2003, 105).⁵ Since he views it as a state of relative plenty and (limited) cooperation, despite the same essential insecurity that proceeds from a lack of common power, there is a philosophical rift on this issue between Locke and Hobbes that cannot be abridged. Nonetheless, Hobbes was apparently aware that critics would take issue with his views when he wrote the following: “Let him [that has not well weighed these things] therefore consider with himself ... what opinion he has of his fellow-subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children, and servants, when he locks his chests. Does he not

⁵ Hobbes is widely viewed as a proponent of absolutism (Tarlton 2001), and while there is a strong case to be made in favor of this thesis, there are also issues to be taken with it, and we will delve deeper into these toward the end of this, and in the next chapter.

there as much accuse humankind by his actions as I do by my words?" (Hobbes 1996, 84).

"But", he proceeds to explain, "neither of us accuse man's nature in it" (Hobbes 1996, 85): this is because, neither our passions or inclinations, or the vices that proceed therefrom, are in and of themselves a sin, until a law is enacted that prohibits them which, in turn, requires that there be a sovereign that would enact it. And the creation of that sovereign is, in Hobbes' view, man's only salvation from the "nasty, brutish, and short" life in the state of nature. This brings us neatly along to Rousseau's critique of Hobbes.

Namely, Rousseau puts Hobbes in the same proverbial basket as Hugo Grotius, claiming that, between the opinions that any one man belongs to the human race, and that the human race belongs to one man, the two would lean toward the latter (Rousseau 1994, 47). This 'blame' can be pinned on Hobbes' comment toward the end of the *Leviathan*, that the primary cause of the dissolution of commonwealths is their imperfect foundation, which is primarily reducible to a lack of absolute and arbitrary legislative power (Hobbes 1996, 470). As we'll see in the final chapter, this statement is problematic based on the foundations of his own theory.

For now, though, with regard to Rousseau's critique, it is imperative to distinguish between Hobbes' *favoring of absolutism* and his *definition of sovereignty as absolute*. On that point, we will see that he and Rousseau are actually in complete agreement and that both theorists – one favoring monarchy and the other democracy – simultaneously oppose *feudalism*. Namely, Hobbes points out that, in order for the social state to be maintainable in the long term, sovereignty must be absolute and indivisible (Hobbes 1996, 116, 120). This is regardless of the state's constitution and is equally applicable to monarchy, aristocracy, and democracy, even though, as Hobbes points out, a popular assembly may seem absurd as a sovereign (121).

Things get interesting as we look further into Rousseau's theory, where sovereignty is not only defined as absolute and indivisible, but also untransferable (Rousseau 1994, 63–65). Referring to his concept of the General will, Rousseau stipulates that it is only expressed in laws, and that all lesser governmental acts are merely their application (64). We see, then, that, though Hobbes and Rousseau are polar opposites when it comes to the kind of government they favor, their understanding of sovereignty is practically identical: this is a uniquely modern political idea

that arose in response to the comparatively chaotic social circumstances of feudalism, in which the diffusion of power between monarchs and various estates of landed nobility caused significant internal strife.

WHENCE NATURAL RIGHTS?

With Hobbes' understanding of the state of nature being what it is, the question of natural rights and their inalienable character inevitably arises. In this chapter, we shall take a look at whether fundamental rights can be reconciled with a pessimistic understanding of the state of nature and the favoring of absolutism that proceeds therefrom. On the surface, it would appear that absolutism runs contrary to inalienable rights, and, further, that a state of nature which is characterized by scarcity and a tendency toward conflict cannot act as their foundation. This is where the beautiful complexity of Hobbes' political theory emerges.

Namely, recall how Hobbes wrote that *ius naturale* "is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life" (Hobbes 1996, 86). This contrasts the normative condition of the state of nature, in which, due to a lack of common power that would establish laws, "every man has a right to every thing; even to one another's body" (87). Now, if every man has the right to every thing, *even to another's body*, how can each man also have the right to his own preservation? Both of these rights are natural inasmuch as they originate from the normative conditions of the state of nature (, a lack of common power that would enact laws), but they appear to be mutually exclusive. The question plainly is: how can I exercise my right to protect my life, if it has the same normative value as your right to kill me?

To resolve this dilemma, we must look to the crucial distinction between *natural* rights, and *fundamental* or *inalienable* rights. In order to get a better understanding of the latter, we shall reproduce Hobbes' paragraph on the issue: "Whensoever a man transferreth his right, or renounceth it; it is either in consideration of some right reciprocally transferred to himself; or some other good he hopeth for thereby ... the motive, and end for which this renouncing, and transferring of right is introduced, is nothing else but the security of a man's person, in his life, and in the means of so preserving life, as not to be weary of it. And therefore if a man by words, or other signs, seem to despoil himself of the end, for which those signs were intended; he is not to be understood

as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted” (Hobbes 1996, 88–89).

Let us proceed to unpack this paragraph carefully: firstly, it is evident that Hobbes directly ties inalienable rights to a person’s fundamental interests – hence, their inalienable character is derived from the fact that the ‘goods’ they refer to are, in one way or another, necessary for a person’s self-preservation. This is well illustrated by the exact words that Hobbes uses: “life, and the means of so preserving life, as not to be weary of it” (Hobbes 1996, 88) – this simultaneously represents the first-ever formulation of inalienable rights, since it not only refers to the right to life, but also to rights to liberty and property, however rudimentary the wording may be.

Namely, we know this because Hobbes later clarifies that no covenant can be made which obliges us *not to* defend ourselves from force, be it death, injury, or imprisonment, since men necessarily choose the lesser evil, which is *danger* of death in resisting, rather than the greater, which is *certainty* of death in not resisting (Hobbes 1996, 93). Since a covenant that effectively obliges one to abandon or transfer the rights to life and liberty is null and void by default, this makes it clear that these rights are inalienable in Hobbes; this leaves us with the interesting question of the right to property, which is quite prominent in Locke (Shanks 2019, 311). Although Hobbes barely touches upon it, his definition of fundamental rights also implies that it is inalienable, albeit in a narrow, minimalistic context.

To understand precisely what Hobbes comprehends by this minimalistically-defined right to property, let’s go back to that interesting formulation, “life, and the means of so preserving life, as not to be weary of it” (Hobbes 1996, 88): the means of preserving life here implicitly refer to food, drink, medicine and lodging – the basic material necessities of life. This interpretation is further supported by Hobbes’ view that stealing during famine is legitimate (Hobbes 1996, 200).⁶ Obviously, his conception of fundamental rights isn’t quite as sophisticated as Locke’s, and the two significantly part ways both on the source and the extent of

⁶ Keith Thomas notes that, at the time, this wasn’t a purely academic issue, since the tailors of Hobbes’ home town were reduced to pilfering (petty theft) in the early seventeenth century (Thomas 1963, 225). Charity is a significant counterbalance to property in Locke (Udi 2015), while Hobbes believes that people should not be left to its uncertainty (Hobbes 1996, 230).

the property right;⁷ nevertheless, we see that Hobbes has expressed an earlier, more rudimentary, but essentially no less comprehensive view of fundamental rights.

This ultimately brings us back to the distinction between natural and inalienable rights that we opened this chapter with, and the question we posed: how can I exercise my right to protect my life if it has the same normative value as your right to kill me? By now, the answer should be clear. Hobbes defines a contract as a mutual transferring of rights (Hobbes 1996, 89). At the same time, though, he specifies that certain rights, such as the rights to life, liberty, and property, cannot be transferred under any circumstances (93). The implication is that any other rights outside of those can be transferred, and foremost among these is the right to the arbitrary use of force, which Hobbes describes as the “right to every thing; even to another’s body” (87).

Since the goal of the social contract is to create a common power among men, which would enact laws and solve disputes, therefore standing supreme in relation to the power of any single man, the abandonment of the right to the arbitrary use of force (which is natural in the sense that it stems from the normative circumstances of the state of nature), and the transfer of the right to the use of force to the sovereign (except in self-defense and other niche cases) is absolutely essential. So much so, in fact, that the social contract could not even be conceived of without the abandonment and transfer of this right. However, the enactment of the social contract in Hobbes comes with its own set of problems, which, finally, brings us to one of the most complex issues in Hobbes’ political thought – the seeming rift between inalienable rights and the power of the absolute sovereign.

Namely, the question that we tackle here, in the last, is: how can fundamental rights coexist with absolute sovereignty? To begin, we first need to remember that Hobbes holds a corporatist view of the state, in the sense that he perceives it as an artificial man, with the sovereignty being the soul, the magistrates – the joints, etc. (Hobbes 1996, 7). Following on

⁷ This is because Locke derives the right to property from the right to liberty, and places as its only limit that there be *enough and as good* resources left for other people to claim by their labor (Locke 2003, 112) – the so-called *Lockean proviso* (Waldron 2005, 89). Hobbes, on the other hand, derives it from the right to life, limits it by the means necessary to one’s preservation, and distinguishes it from the *right to ownership*, the extent of which he ultimately leaves in the hands of the state (Thomas 1963, 164).

from that, he sees peace and stability as good health, unrest and revolt as disease, and civil war as death. Toward the conclusion of the *Leviathan's* discussion of civil government, Hobbes states that the usual cause of the collapse of states is their imperfect foundation, which is mainly reducible to a lack of absolute and arbitrary legislative power (470).

In fact, some authors (e.g., Ward) go so far as to claim that, since the sovereign has made no covenant with the subjects, he can do no injustice (Ward 2020, 826). Now, despite keeping Hobbes' corporatist interpretation of the state in mind, the issue we are dealing with is laid bare here: on the one hand, the rights to life, liberty, and property are inalienable; on the other, absolute and arbitrary legislative power is, in most cases, necessary for the state's preservation. One is inalienable, the other is necessary, but their coexistence is contradictory. Hobbes was apparently aware of this, since he pointed out that the sovereign's right to the life and death of his subjects is consistent with their rights and liberties (Hobbes 1996, 141). While this acknowledges the contradiction, it does not solve it.

However, in discussing the *true* freedoms of subjects, Hobbes states that a man, even if *justly* condemned, cannot be expected to submit to execution, torture, or admission of guilt without the assurance of pardon, or perform any kind of dangerous or dishonorable duty, *unless his refusal frustrates the end for which sovereignty was ordained* (Hobbes 1996, 144–145). This ought to be emphasized as Hobbes' definitive statement on inalienable rights, since it, at least partially, resolves the aforementioned contradiction: fundamental rights can coexist with the absolute (though not necessarily arbitrary) power of the sovereign because regardless of said power, his subjects retain the right to disobey and even resist him in a wide variety of cases, except those where their disobedience or resistance would call into question the survival of the state. In ordinary cases, the subject would have the right to do what the sovereign hasn't prohibited, or abstain from what he hasn't commanded (Sorell 2021).

In addition, Hobbes points out that a man has no right to resist the 'sword of the state' in defense of another; however, those who oppose the sovereign can unite against the state for their own preservation; this right, however, doesn't apply to those who were pardoned for their crimes (Hobbes 1996, 145). This is consistent with the crucial characteristic of individuality of natural rights – that is, the fact that they apply to individuals and not groups of people, and, hence, while states

can constitutionally recognize them for all people, each individual is empowered only to defend from the encroachment upon his rights alone (Matić 2024, 103). However, Hobbes' complex position on the issue of collective defense of rights has engendered debates that pertain even to the topic of the right to secession (Ward 2017).

Hobbes' 'solution' of the contradiction of coexistence between inalienable rights and the absolute power of the sovereign, however, opens up another problem: namely, while we may well have the right to resist execution, imprisonment, torture, etc. *alone*, the question plainly is – what good does the right to resist the 'sword of the state' alone actually do one? Sure enough, we can struggle while being taken to the gallows, or thrown in prison, but we will be hung/imprisoned all the same. In fact, Hobbes was well aware of this, since, when he said that men choose the danger of death in resisting instead of certainty in not resisting, he also pointed out that this is why prisoners are escorted by armed guards (Hobbes 1996, 93).

This, then, opens up a topic that would merit its own separate examination: namely, might there be an ontological distinction between individual rights as seen in Hobbes and those in, for example, Locke? Could it be that, while Locke sees rights as binding legal provisions (after the formation of the social contract), Hobbes sees them as perhaps no more than psychological principles? A kind of survival instinct given a slightly more sophisticated form? Or could it be that, despite these contradictions and their solutions that produce yet more contradictions, there is, indeed, an interpretation of Hobbes that elevates his views above Tarleton's condemnation of "despotical doctrine"?

CONCLUSION

As the progenitor of the social contract theory, we owe to Hobbes the pre-scientific, philosophical discovery that the state hadn't existed forever. At the same time, however, his theory came with the inevitable problems and contradictions that usually plague the first attempts to address any serious philosophical or scientific issue. However, the apparent contradiction between his view of inalienable rights and absolute sovereignty notwithstanding, his distinctly pessimistic, negative view of the state of nature remains one of the concepts he is most famous for. For that reason, we could go so far as to say that one of the main points of Hobbes' theory isn't that the state hadn't existed since the

inception of humankind, but that its creation was essential wherever and whenever it did not exist, to supplant the horrific alternative – a state in which there is no progress, culture, or industry, a state in which human life is “solitary, poor, nasty, brutish, and short” (Hobbes 1996, 84).

The creation of the state, however, inevitably brought along its own set of problems, not the least of which is the fact that the effectively boundless freedom of the state of nature, flawed though it may be, came to be replaced by absolute sovereignty, which inherently carried with it the danger of fundamental rights being abridged. Seeing as one of the goals of the social contract theory was to find the balance between replacing the chaotic conditions of the state of nature with the stability of society, while also ensuring that essential natural rights don't fall by the wayside as a result of that transition, Hobbes strove to demonstrate the compatibility of absolute sovereignty with the rights and freedoms of subjects. He presented an intriguing argument that nonetheless leaves some confusion about whether inalienable rights in his view function as legal principles that guarantee certain freedoms, or rather as psychological precepts that merely drive us toward specific actions and behaviors.

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ХОБСОВО СХВАТАЊЕ ЖИВОТА У ПРИРОДНОМ СТАЊУ И ЊЕГОВЕ ИМПЛИКАЦИЈЕ**

Резиме

У озлоглашеном параграфу у свом *magnum opus*-у, *Левијатану*, Томас Хобс описује оно што сматра бедним условима човечанства у природном стању, закључујући да је људски живот у овом стању „самотан, сиромашан, ужасан, бруталан и кратак” (Hobbes 1996, 84). Овај опис природног стања, не само да је у оштром контрасту наспрам Локовог и Русоовог схватања, него успоставља и наизглед неодржив темељ за неке од правних концепата које ће Хобс касније извести. Да бисмо разумели релевантност и импликације ове тврдње, најпре ћемо истражити како је концепт природног стања уопште настао. Затим ћемо размотрити специфичности Хобсовог описа овог стања, указујући на одређене детаље који често бивају занемарени. Овде се пре свега истиче чињеница да се он не везује нужно за константно стање рата, већ за околности у којима су мир и сарадња дугорочно неодрживи, с обзиром на непостојање заједнички препознатог ауторитета међу људима. Након тога ћемо анализирати шта су неки од Хобсових критичара имали да кажу по овом питању и како је он превентивно бранио своје тврдње, односно како би могао да одговори на критике на основу своје теорије. Хобс је био свестан суровости стања које описује и чињенице да ће такав опит наићи на оштру критику и баш због тога је на основу животних примера покушао да илуструје да су његова уверења, ма колико контроверзна, истовремено интуитивнија и раширенија него што бисмо можда претпоставили. Напокон, истражићемо нешто што би могло бити најкомплексније и најинтригантније питање везано

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за ову тему: наиме, како одбрана природних права као неосуђивих може бити изграђена на темељу хаотичног природног стања које карактеришу оскудица и конфликт.

Кључне речи: природно стање, ратно стање, природна права, Хобс, *Левијатан*

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