

Thomas Hobbes: Does Might Make Right?

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In this paper I will argue that in general a sovereign power with the ability to impose punishments is necessary but not sufficient for a social contract to be binding. I will first summarize Hobbes' theory of the social contract. Then I will investigate the soundness of his fundamental premise – that men are naturally in a condition of war – and ask whether it is possible for people to live in peace without coercion by the threat of punishment. Finally, I will ask whether sovereign power is sufficient for the enforcement of a social contract.

Thomas Hobbes' theory of the social contract is built fundamentally on the assertion of the natural equality of all people. This equality gives all people an equal right to do whatever they will. The scarcity of objects of desire and the overlap of different individuals' desires inevitably produce conflict, and all people are thus in a continual condition of war against one another. However, according to Hobbes it is a law of nature to seek peace whenever possible. The attainment of peace requires the relinquishment of certain of our rights, a process that is facilitated by covenants and contracts between individuals. Since people are untrustworthy, covenants built on promises alone are worth very little. To maintain peace an individual or group of people with the power to compel the keeping of covenants is needed; it is only with this sovereign power that the social contract is binding, and that men are able to leave the condition of war and live peaceably. The sovereign must be given unlimited power in order to enforce the social contract; these powers include the institution of justice, the punishment of offenses, the making of war and peace with other nations, the production and regulation of money, and taxation.

Are men really in a natural condition of war and unable to live peaceably except through fear of punishment? This premise seems to suppose two things, both of which I dispute. Firstly, it supposes that men are naturally solitary and are only brought together through artificial covenants; secondly, that men actually believe that they have a right to do anything, as Hobbes asserts, and only lay down these rights when law stipulates that they should do so. Anthropology has shown us that man is a thoroughly social creature and that at no time could mankind be accurately described as a dispersion of individuals in need of bringing together by authority, whose lives were otherwise “solitary, poor, nasty, brutish, and short”. As long as man has existed he has existed in community. Moreover, I doubt that there are many people who would agree with Hobbes that, in the absence of authority, they have a right to anything whatsoever, “even to one another’s body”. I argue that without coercion and without explicit covenant most people voluntarily lay down such ‘rights’ and naturally tend towards society based on trust. For instance, I do not live at peace with my friends because I am compelled to do so or even because I think I should do so. I feel bound not by law or by force, but by trust and love. It is unclear, then, whether men are really naturally in a condition of war; rather, it seems that they are naturally in a condition of relative peace. Thus, at least on a small scale or in a primitive society, the assertion that the social contract *necessarily* relies on enforcement by a sovereign, the “public sword” as Hobbes describes it, is surely false.

Nevertheless, I believe that Hobbes’ argument about the need for a sovereign with the power of coercion holds in general. As he notes, we generally lock our doors when we go to bed, travel in groups late at night and keep our money in a safe or bank. We do all this even knowing that there is sovereign power in place to protect us; how much less secure

would we feel without the protection of the police, the courts and the government? The primary motivation for these actions is a general lack of trust in others, though we may trust some of them. The larger a society becomes, the smaller the proportion of that society one is likely to know, to have had the opportunity to form friendships with and to feel able to trust. Besides, sometimes even our friends betray us. When we extrapolate to a society the size of a city or a country there are bound to be several people who would rob, injure or kill one if they were not prevented from doing so. Even if the danger were not real, the fear of it would be enough to impede the working and progress of that society. I would hardly describe this as a condition of war “of every man against every man”, but this hyperbole well reflects that such a lack of security certainly does not make for a stable, prosperous society.

I agree with Hobbes that the best way of maintaining peace and progress between people so mistrustful of one another is the creation of laws prescribing their interactions – the actions they are permitted to do and those they are forbidden from doing. But without assurances that the other party will fulfill their side of the social contract neither party will trust the other any more than they would without the laws. As Hobbes advises, people tend to be averse to punishment, so an authority capable of inflicting enough punishment to dissuade most people from breaking the law makes them better able to trust one another and live in society together in peace.

It is difficult to find examples of stable societies that have not had laws and a sovereign power to enforce them. On the other hand, there are many examples of societies without sovereign power that have been characterized by disorder and violence. Libya is a current example of a nation without a unified central government capable of

enforcing a social contract and maintaining order. Immediately after the fall of Muammar Gaddafi in 2011 the National Transitional Council took power until an election could be held the following year. The election brought the General National Congress (GNC) to power. Its general weakness and inability to form a constitution led to another election in 2014, in which a new House of Representatives was elected. The GNC refused to hand over power to the House, though this new legislature was internationally recognized as the legitimate government of Libya. The House left Tripoli, the capital, where the GNC continued to operate, for Tobruk, a small city on the other side of the country. Both rival legislatures control armed forces and have been competing for territory and political control of the country since then. The continued lack of a constitution and of a powerful central government to enforce it have caused the effective suspension of the social contract, the loss of many lives and severe economic recession. In the midst of this conflict Islamic State, a radical militant group seeking to establish a caliphate in various countries across the Arab world, has taken territory around Sirte, a small town in the north approximately midway between the seats of the competing legislatures; and smaller tribal militias control territory in the west of the country. This conflict demonstrates well the instability that the absence of sovereign power causes.

We see, then, that social order only tends to hold in societies with sovereign powers to enforce their laws through threat of punishment. Why, though, does crime persist even in countries with very powerful sovereigns capable of inflicting very severe punishments? Why, even in countries with a great deal of surveillance and censorship of communications are nefarious individuals able to conspire and break the law on a relatively regular basis? I argue that such cases show that the social contract can never be

made completely binding by enforcement through the threat of punishment for two reasons: firstly, because inevitably in a society there will be some people for whom no punishment is sufficient to dissuade them from violating the social contract; secondly, because the ability of the sovereign to preempt and prevent violation of the social contract is always restricted in the real world by practical limits of power and the imperfection common to all human institutions.

Take the recent terrorist attacks in Paris, San Bernardino and Brussels. These were coordinated undertakings that required extensive planning and communication. The intelligence agencies in the countries in which the attacks were perpetrated (especially those of the United States) are well funded and powerful. Indeed, there is a long list of foiled terrorism attempts. The punishments for terrorist offenses are severe and well known: life imprisonment, execution, and torture for the extraction of information. In a word, these institutions have the ability to instill a great deal of fear in those who might consider violating the social contract in this way and have access to as much in the way of resources for preventing such violation as it is currently possible to have. Yet the terrorists were not deterred and some succeeded. The reasons are clear. Firstly, the terrorists are not afraid of losing their lives; since the most severe punishment that is not simple cruelty is the taking away of life, the threat of such punishment loses its potency as a deterrent. How can the threat of death scare a person for whom death is a noble accomplishment? Secondly, with great care the terrorists were able to evade detection by the authorities. Any technology short of mindreading would fail to prevent all attempts to violate the social contract, and even this might fail to be entirely effective in the hands of

fallible humans. Even the unlimited power recommended by Hobbes is limited by what it is humanly possible to do.

Enforcement through the threat of punishments, therefore, is not sufficient to make the social contract completely binding, even if it has been necessary for the stability of our societies. For this reason I argue finally that, as long as societies are populated by free individuals, there is nothing that sovereign power can do to guarantee no violations of the social contract because of the inability directly to control their actions. In the end, however, perhaps a completely binding social contract is neither needed nor desirable. Perhaps part of the appeal of living in society is the fact that each individual has freely chosen to obey the rules; that despite the ability to violate the social contract they have decided to uphold it. Then, the sovereign is in power not to force together people who would rather be apart, but to encourage the trust and love that are fundamentally the glue enforcing the social contract.

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