

NATURAL RIGHTS & THOMAS HOBBS

Mohit Sharma¹

Abstract

Natural rights theories have played a crucial role in the development of philosophy. Thomas Hobbes, a well-known philosopher of the 18th century, addressed the idea of natural rights. It has always been a matter of debate in the history of philosophy as to what kinds of rights individuals have over what, when and how these rights may be characterised as natural rights, and whether or not they need to be safeguarded. This is likely to continue in the future. According to the doctrine of natural rights, people are naturally endowed with certain rights, such as the right to life, liberty, and property, rather than as a result of existing customs or laws. In both philosophical and legal history, the concept of natural rights has a long history.

Keywords

Natural rights, philosophy, Thomas Hobbes, natural law, state of war, state of nature, social compact, secure rights.

Introduction

People have natural rights, but Hobbes argues that because these are not protected, there is continuous conflict. People must forego the state of nature and come to terms with a social compact to secure rights and ensure the sustainability of existence.

Hobbes, however, argues that the terms "state of war" and "state of nature" are interchangeable and that both can refer to armed conflict. The condition of nature and the state of war have not yet changed, according to Hobbes. Furthermore, according to Hobbes, the right to kill

those who pose a threat to one's existence is justified by both the rule of law and human reason. Hobbes believes that humans are unique from other animals for a reason, and that reason is the assurance of possessing inherent rights and being aware of them.

Analysis

"Thomas Hobbes, (18th century philosopher) addressed the idea of natural rights. In Leviathan, Hobbes outlines 19 natural laws"² (1993, Hobbes, I, p. 14–15). The law "Do nothing that you would not want done to yourself" is the source of all other natural laws, it becomes obvious after

¹ Law Student, 2nd Year, Symbiosis Law School, Noida.

² Preston King, *Natural rights, in Thomas Hobbes: Critical assessments* 14–15 (1993).

serious examination. The fundamental rule of nature, for instance, mandates that one must renounce their inherent rights and be satisfied with as much freedom as they allow to others. When individuals disobey the contract that was created to maintain peace or to carry out what the first rule of nature mandates, injustice, as defined by justice, the third law of nature, is anticipated to develop. Hobbes developed the other rules from the fundamental law of nature.

Hobbes believed that “*everyone is equal by birth.*”³ (1993, Hobbes, p. 92) There is a physical and psychological equality here. Because even someone with less physical strength may murder someone much stronger by using a simple technique or working together, this proves that all people are physically equal. They are also on a par intellectually. Despite this, the scenario does not suggest that individuals are unequal; on the contrary, it demonstrates that they are. Being satisfied with one's portion is the strongest argument in favour of an equitable distribution of something.

“*The freedom of man to use his power as he sees fit to safeguard his nature and to do any actions his reason deems necessary to accomplish his objectives might be defined as a natural right.*”⁴ (2007's Hobbes, p. 28). This concept of "right" was drawn by Hobbes from "human nature." The logical part of human nature has a role in figuring out how to protect this right; this definition does indeed connect to the natural (instinctual) aspect of human nature.

“*In a natural condition, everyone is free to do anything they want, but as long as this freedom exists, no one, no matter how powerful, intelligent, or otherwise, can feel secure enough to live out his life as nature has given it to him.*”⁵ (1993, Hobbes, p. 97) As a result, to protect and maintain their existence, it is necessary to seek peace. People must abide by the rules that reason has advised if they wish to live in harmony. These are the natural laws, as was already said. Though the laws of nature still apply to man in the natural world, they do so differently than they do in social interactions. “*Even while they always dictate people's moral behaviour, it isn't until the creation of the government that they truly do so.*”⁶ (Hobbes 2007, p. 79–80)

³ Preston King, *Natural rights, in* Thomas Hobbes: Critical assessments 92-92 (1993).

⁴ Thomas Hobbes & Noel Malcolm, *Natural law, in* The Clarendon Edition of the works of Thomas Hobbes 28–28 (2007).

⁵ Preston King, *Natural rights, in* Thomas Hobbes: Critical assessments 97-97 (1993).

⁶ Thomas Hobbes & Noel Malcolm, *Natural law, in* The Clarendon Edition of the works of Thomas Hobbes 79–80 (2007).

Hobbes proposes the following definition of a natural law: If a law applies uniformly to all subjects and is not recorded in writing or publicly announced in a place where everyone can see it, then it is a law of nature. “*It is necessary for whatever people assert to be a rule concerning their reason and logic to also be appropriate for all other people's reason and logic, and only the law of nature can do this.*”⁷ (1993, Hobbes, p. 93).

He cites the maxim “*Do nothing that you would not want to be done to yourself*”⁸ as an illustration. Hobbes also enumerated the following rules of nature: give up all of your rights to preserve peace and yourself, and be satisfied with having as much freedom as you would give to others (Hobbes, 2007, p. 31); “*observe the terms of contracts*”⁹ (Hobbes, 2007, p. 38); “*express gratitude*”¹⁰ (Hobbes, 1993, p. 110); be courteous to one another; “*consider future advantages rather than past wrongs when exacting retribution; and don't undervalue yourself.*”¹¹ (1993, p. 113–114 in Hobbes). Since the opposite scenario (injustice, ungratefulness, hubris, conceit, unfairness, favouritism, etc.) cannot be justified,

Hobbes claims that these rights are eternal and unchangeable. He rejects the notion that fighting may save lives and that maintaining peace would be harmful to people. “*In addition, the authentic moral philosophy is the real study of the natural laws.*”¹² (Hobbes quoted on page 250 of Gert's 2001 book) Because the study of good and evil is the subject of moral philosophy. Natural laws are beneficial because they uphold moral qualities, as opposed to the detrimental effects of vice. “*According to Hobbes, the dictum "do nothing that you would not want to be done to oneself" may be used to sum up all natural rules and concept of natural rights.*”¹³ (1993, p. 115; Hobbes)

References

- ELEMENTS OF LAW: natural and politics – HOBBS - ROUTLEDGE-2020
- 3rd Edition of Thomas Hobbes's political Theory: The Elements of Law. HOBBS &

⁷ Preston King, *Natural rights, in* Thomas Hobbes: Critical assessments 93-93 (1993).

⁸ Thomas Hobbes & Deborah Baum gold, Three-text edition of Thomas Hobbes's political theory: The elements of law, de cave, and leviathan (2017).

⁹ Thomas Hobbes & Noel Malcolm, *Natural law, in* The Clarendon Edition of the works of Thomas Hobbes 38–38 (2007).

¹⁰ Preston King, *Natural rights, in* Thomas Hobbes: Critical assessments 110-110 (1993).

¹¹ Preston King, *Natural rights, in* Thomas Hobbes: Critical assessments 113-114 (1993).

¹² Gert Simon, *natural law, The Book of natural laws* 250–250 (2001).

¹³ Preston King, *Natural rights, in* Thomas Hobbes: Critical assessments 115-115 (1993).

BAUMGOLD-
Cambridge university
press- 2017

Bibliography

- Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 14–15 (1993).
 - Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 92-92 (1993).
 - Thomas Hobbes & Noel Malcolm, *Natural law*, in The Clarendon Edition of the works of Thomas Hobbes 28–28 (2007).
 - Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 97-97 (1993).
 - Thomas Hobbes & Noel Malcolm, *Natural law*, in The Clarendon Edition of the works of Thomas Hobbes 79–80 (2007).
 - Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 93-93 (1993).
 - Thomas Hobbes & Deborah Baum gold,
- Three-text edition of Thomas Hobbes's political theory: The elements of law, de cave, and leviathan (2017).
 - Thomas Hobbes & Noel Malcolm, *Natural law*, in The Clarendon Edition of the works of Thomas Hobbes 38–38 (2007).
 - Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 110-110 (1993).
 - Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 113-114 (1993).
 - Gert Simon, *natural law*, The Book of natural laws 250–250 (2001).
 - Preston King, *Natural rights*, in Thomas Hobbes: Critical assessments 115-115 (1993).