

CHAPTER XIII OF THE NATURAL CONDITION OF MANKIND AS CONCERNING THEIR FELICITY AND MISERY

NATURE hath made men so equal in the faculties of body and mind as that, though there be found one man sometimes manifestly stronger in body or of quicker mind than another, yet when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself.

And as to the faculties of the mind... I find yet a greater equality amongst men than that of strength... For such is the nature of men that howsoever they may acknowledge many others to be more witty, or more eloquent or more learned, yet they will hardly believe there be many so wise as themselves; for they see their own wit at hand, and other men's at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater sign of the equal distribution of anything than that every man is contented with his share.

From this equality of ability ariseth equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end (which is principally their own conservation, and sometimes their delectation only) endeavour to destroy or subdue one another. And from hence it comes to pass that where an invader hath no more to fear than another man's single power, if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united to dispossess and deprive him, not only of the fruit of his labour, but also of his life or liberty. And the invader again is in the like danger of another.

And from this diffidence of one another, there is no way for any man to secure himself so reasonable as anticipation; that is, by force, or wiles, to master the persons of all men he can so long till he see no other power great enough to endanger him: and this is no more than his own conservation requireth, and is generally allowed. Also, because there be some that, taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires, if others, that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men being necessary to a man's conservation, it ought to be allowed him.

Again, men have no pleasure (but on the contrary a great deal of grief) in keeping company where there is no power able to overawe them all. For every man looketh that his companion should value him at the same rate he sets upon himself, and upon all signs of contempt or undervaluing naturally endeavours, as far as he dares (which amongst

them that have no common power to keep them in quiet is far enough to make them destroy each other), to extort a greater value from his contemners, by damage; and from others, by the example.

So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory.

The first maketh men invade for gain; the second, for safety; and the third, for reputation. The first use violence, to make themselves masters of other men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons or by reflection in their kindred, their friends, their nation, their profession, or their name.

Hereby it is manifest that during the time men 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...

In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short...

To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice. Force and fraud are in war the two cardinal virtues. Justice and injustice are none of the faculties neither of the body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses and passions. They are qualities that relate to men in society, not in solitude. It is consequent also to the same condition that there be no propriety, no dominion, no *mine* and *thine* distinct; but only that to be every man's that he can get, and for so long as he can keep it. And thus much for the ill condition which man by mere nature is actually placed in; though with a possibility to come out of it, consisting partly in the passions, partly in his reason.

The passions that incline men to peace are: fear of death; desire of such things as are necessary to commodious living; and a hope by their industry to obtain them. And reason suggesteth convenient articles of peace upon which men may be drawn to agreement. These articles are they which otherwise are called the Laws of Nature...

CHAPTER XIV: OF THE FIRST AND SECOND NATURAL LAWS, AND OF CONTRACTS

A law of nature, *lex naturalis*, is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the

means of preserving the same, and to omit that by which he thinketh it may be best preserved...

And because the condition of man (as hath been declared in the precedent chapter) is a condition of war of every one against every one, in which case every one is governed by his own reason, and there is nothing he can make use of that may not be a help unto him in preserving his life against his enemies; it followeth that in such a condition every man has a right to every thing, even to one another's body. And therefore, as long as this natural right of every man to every thing endureth, there can be no security to any man, how strong or wise soever he be, of living out the time which nature ordinarily alloweth men to live. And consequently it is a precept, or general rule of reason: *that every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war.* The first branch of which rule containeth the first and fundamental law of nature, which is: *to seek peace and follow it.* The second, the sum of the right of nature, which is: *by all means we can to defend ourselves.*

From this fundamental law of nature, by which men are commanded to endeavour peace, is derived this second law: *that a man be willing, when others are so too, as far forth as for peace and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men as he would allow other men against himself.* For as long as every man holdeth this right, of doing anything he liketh; so long are all men in the condition of war. But if other men will not lay down their right, as well as he, then there is no reason for anyone to divest himself of his: for that were to expose himself to prey, which no man is bound to, rather than to dispose himself to peace...

Right is laid aside, either by simply renouncing it, or by transferring it to another...

The mutual transferring of right is that which men call CONTRACT....

Again, one of the contractors may deliver the thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the meantime be trusted; and then the contract on his part is called PACT, or COVENANT....

If a covenant be made wherein neither of the parties perform presently, but trust one another, in the condition of mere nature (which is a condition of war of every man against every man) upon any reasonable suspicion, it is void: but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void. For he that performeth first has no assurance the other will perform after, because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first does but betray himself to his enemy, contrary to the right he can never abandon of defending his life and means of living.

But in a civil estate, where there a power set up to constrain those that would otherwise violate their faith, that fear is no more reasonable; and for that cause, he which by the covenant is to perform first is obliged so to do...

CHAPTER XV: OF OTHER LAWS OF NATURE

FROM that law of nature by which we are obliged to transfer to another such rights as, being retained, hinder the peace of mankind, there followeth a third; which is this: *that men perform their covenants made*; without which covenants are in vain, and but empty words; and the right of all men to all things remaining, we are still in the condition of war.

And in this law of nature consisteth the fountain and original of justice. For where no covenant hath preceded, there hath no right been transferred, and every man has right to everything and consequently, no action can be *unjust*. But when a covenant is made, then to break it is unjust and the definition of INJUSTICE is no other than *the not performance of covenant*. And whatsoever is not unjust is *just*.

But because covenants of mutual trust, where there is a fear of not performance on either part (as hath been said in the former chapter), are invalid, though the original of justice be the making of covenants, yet injustice actually there can be none till the cause of such fear be taken away; which, while men are in the natural condition of war, cannot be done. Therefore before the names of just and unjust can have place, there must be some coercive power to compel men equally to the performance of their covenants, by the terror of some punishment greater than the benefit they expect by the breach of their covenant, and to make good that propriety which by mutual contract men acquire in recompense of the universal right they abandon: and such power there is none before the erection of a Commonwealth. And this is also to be gathered out of the ordinary definition of justice in the Schools: for they say that *justice is the constant will of giving to every man his own*. And therefore where there is no own, that is, no propriety, there is no injustice; and where there is no coercive power erected, that is, where there is no Commonwealth, there is no propriety, all men having right to all things: therefore where there is no Commonwealth, there nothing is unjust. So that the nature of justice consisteth in keeping of valid covenants, but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them: and then it is also that propriety begins....

CHAPTER XVII: OF THE CAUSES, GENERATION, AND DEFINITION OF A COMMONWEALTH

THE final cause, end, or design of men (who naturally love liberty, and dominion over others) in the introduction of that restraint upon themselves, in which we see them live in Commonwealths, is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war which is necessarily consequent, as hath been shown, to the natural passions of men when there is no visible power to keep them in awe, and tie them by fear

of punishment to the performance of their covenants, and observation of those laws of nature set down [above]....

The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort as that by their own industry and by the fruits of the earth they may nourish themselves and live contentedly, is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements to his judgement. This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: *I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up, thy right to him, and authorise all his actions in like manner.* This done, the multitude so united in one person is called a COMMONWEALTH; in Latin, CIVITAS. This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that *mortal god* to which we owe, under the *immortal God*, our peace and defence. For by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him that, by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad. And in him consisteth the essence of the Commonwealth; which, to define it, is: *one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all as he shall think expedient for their peace and common defence.*

And he that carryeth this person is called SOVEREIGN, and said to have *sovereign power*; and every one besides, his SUBJECT....

CHAPTER XVIII

OF THE RIGHTS OF SOVEREIGNS BY INSTITUTION

A COMMONWEALTH is said to be *instituted* when a *multitude* of men do agree, and *covenant, every one with every one*, that to whatsoever *man, or assembly of men*, shall be given by the major part the *right to present* the person of them all, that is to say, to be their *representative*; every one, as well he that *voted for it* as he that *voted against it*, shall *authorize* all the actions and judgements of that man, or assembly of men, in the same manner as if they were his own, to the end to live peaceably amongst themselves, and be protected against other men....

.... [To the Sovereignty,] is annexed to the sovereignty the whole power of prescribing the rules whereby every man may know what goods he may enjoy, and what actions he may do, without being molested by any of his fellow subjects: and this is it men call

property. For before constitution of sovereign power, as hath already been shown, all men had right to all things, which necessarily causeth war: and therefore this property, being necessary to peace, and depending on sovereign power, is the act of that power, in order to the public peace. These rules of property (or *meum* and *tuum*) and of *good*, *evil*, *lawful*, and *unlawful* in the actions of subjects are the civil laws; that is to say, the laws of each Commonwealth in particular....

Excerpts from John Locke's Second Treatise of Government

Of the State of Nature.

TO understand political power aright, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

* * *

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: for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's. Every one, as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

Of the Ends of Political Society and Government.

IF man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? why will he give up this empire, and subject himself to the dominion and controul of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others: for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties and estates, which I call by the general name, property.

The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which in the state of nature there are many things wanting.

First, There wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all

controversies between them: for though the law of nature be plain and intelligible to all rational creatures; yet men being biassed by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Secondly, In the state of nature there wants a known and indifferent judge, with authority to determine all differences according to the established law: for every one in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat, in their own cases; as well as negligence, and unconcernedness, to make them too remiss in other men's.

Thirdly, In the state of nature there often wants power to back and support the sentence when right, and to give it due execution, They who by any injustice offended, will seldom fail, where they are able, by force to make good their injustice; such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition, while they remain in it, are quickly driven into society. Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniencies that they are therein exposed to, by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. It is this makes them so willingly give up every one his single power of punishing, to be exercised by such alone, as shall be appointed to it amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power, as well as of the governments and societies themselves. * * *

Of the Extent of The Legislative Power

The great end of men's entering into society being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society, the first and fundamental positive law of all commonwealths is the establishing of the legislative power, as the first and fundamental natural law, which is to govern even the legislative itself, is the preservation of the society and (as far as will consist with the public good) of every person in it. This legislative is not only the supreme power of the commonwealth, but sacred and unalterable in the hands where the community has once placed it. Nor can any edict of anybody else, in what form so ever conceived, or by what power so ever backed, have the force and obligation of a law which has not its sanction from that legislative which the public has chosen and appointed it; for without this the law could not have that which is absolutely necessary to its being a law, the consent of the society, over whom nobody can have a power to make laws but by their own consent and by authority received from them....

These are the bounds which the trust that is put in them by the society and the law of God and Nature have set to the legislative power of every commonwealth, in all forms of government. First: They are to govern by promulgated established laws, not to be varied

in particular cases, but to have one rule for rich and poor, for the favorite at Court and the countryman at plough. Secondly: These laws also ought to be designed for no other end ultimately but the good of the people. Thirdly: They must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies. * * * Fourthly: Legislative neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have...

Of the Dissolution Of Government

The constitution of the legislative [authority] is the first and fundamental act of society, whereby provision is made for the continuation of their union under the direction of persons and bonds of laws, made by persons authorized thereunto, by the consent and appointment of the people, without which no one man, or number of men, amongst them can have authority of making laws that shall be binding to the rest. When any one, or more, shall take upon them to make laws whom the people have not appointed so to do, they make laws without authority, which the people are not therefore bound to obey; by which means they come again to be out of subjection, and may constitute to themselves a new legislative, as they think best, being in full liberty to resist the force of those who, without authority, would impose anything upon them....

Whosoever uses force without right—as every one does in society who does it without law—puts himself into a state of war with those against whom he so uses it, and in that state all former ties are cancelled, all other rights cease, and every one has a right to defend himself, and to resist the aggressor.

Here it is like the common question will be made: Who shall he judge whether the prince or legislative act contrary to their trust? This, perhaps, ill-affected and factious men may spread amongst the people, when the prince only makes use of his due prerogative. To this I reply, The people shall be judge; for who shall be judge whether his trustee or deputy acts well and according to the trust reposed in him, but he who deposes him and must, by having deposed him, have still a power to discard him when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest moment, where the welfare of millions is concerned and also where the evil, if not prevented, is greater, and the redress very difficult, dear, and dangerous...

To conclude. The power that every individual gave the society when he entered into it can never revert to the individuals again, as long as the society lasts, but will always remain in the community; because without this there can be no community— no commonwealth, which is contrary to the original agreement; so as when the society hath placed the legislative in any assembly of men, to continue in them and their successors, with direction and authority for providing such successors, the legislative can never revert to the people whilst that government lasts; because, having provided a legislative with power to continue for ever, they have given up their political power to the legislative, and cannot resume it. But if they have set limits to the duration of their legislative, and made this supreme power in any person or assembly only temporary; or else when, by the miscarriages of those in authority, it is forfeited; upon the forfeiture of their rulers, or at the determination of the time set, it reverts to the society, and the people have a right to act as supreme, and continue the legislative in themselves or place it in a new form, or new hands, as they think good.

explicitly the exclusions implicit in the traditions of democratic thinking on which their explanations and judgments rely.

Two Stories of Democracy

In his recently revised magisterial account of democracy, *Models of Democracy*, Held uses the notion of different models to present the competing ideas of the meaning of democracy within the Western tradition. I suggest that of the nine models Held explores there are two which are of overriding significance.⁸ The first is the familiar *liberal* model. The second is the *civic republican* model, in which the notion of citizen commitment and participation is crucial and which forms the inspiration for later models of participatory and direct democracy. I will not attempt to emulate Held's nuanced and scholarly categorisation in explicating what I identify as the two dominant models. To do so, I will fall back on the key resource of modern political theorising since Hobbes—story telling. There are two stories of two different kinds of social contract which are very well known to political theorists: I locate the story of liberal democracy in the work of Locke and Kant and the story of civic republicanism in the work of Rousseau.⁹ None of these thinkers believed in or advocated democracy as a form of government in the sense that it is most commonly understood today, that is, one which involves some element of participation of all the competent population in government policy and decision making processes, even if only through universal suffrage and regular elections. The institutional and practical history of democracy both pre-dates and post-dates the stories I am presenting. Nevertheless, as I will demonstrate, these thinkers do provide reference points for the meaning of democracy within modernity and a useful way into the tensions with which attempts to realise and measure democracy are always plagued.

The Lockean/Kantian story goes something like this: once upon a time there were propertied individuals living in the insecurity of a state in which right (already known through natural law or practical reason) could not be guaranteed; these individuals banded together to set up a state in order to protect the moral requirements of right, which were largely identified with an individual's rights over his own person and property. The hallmarks of this state included the rule of law, limited and representative of government, the notion of citizen rights, the distinction between active and passive citizens and clear public/private and state/civil society distinctions.¹⁰ This state, in securing property, encourages the flourishing of trade and, in institutionalising accountability of government, discourages war.¹¹

The Rousseauian story is rather different: once upon a time people in a state of nature realised that they were faced with obstacles to survival which could not be overcome by individual striving but needed to be tackled collectively. To

8. Held, *op. cit.*

9. J. Locke, *Two Treatises of Government* (London: Everyman, 1924); J.J. Rousseau, *The Social Contract and Discourses* (London: Everyman, 1973); I. Kant, in H. Reiss (ed.), *Political Writings* (Cambridge: Cambridge University Press, 1991).

10. Locke, *op. cit.*, pp. 179–198; Kant, *op. cit.*, pp. 136–154.

11. Kant, *op. cit.*, pp. 164–175.

overcome these obstacles individuals in the state of nature had to resolve the problem of how to become a people and yet to retain the natural individual liberty to which they were attached.¹² The answer to the problem was found in the social contract which, on Rousseau's own—admittedly less than rigorous—account, constructs a people and is then sustained by that people as sovereign through the general will, at the level of constitutional law rather than of government regulation.¹³ This means that autonomy at the level of the individual will becomes transformed into autonomy at the level of the collective will. The hallmarks of this state are small size, minimal material inequality, collective will, active citizenship, and common culture and characteristics. Unlike Kant, Rousseau did not discuss the likelihood of a society based on his social contract being warlike or pacifist. Nevertheless, his comment on the possibility and desirability of a confederation of European states indicates that, where both similarities of culture and common strategic and commercial interests coincide, such a confederation makes sense for any state whether it is one in which the people are sovereign or not.¹⁴

Elements of the above two stories form the poles between which modern accounts of democracy, understood as the rule of the people, oscillate. It could be argued that the extremes of the two poles in contemporary debate are marked by Schumpeterian liberal democracy at one end and versions of participatory, direct democracy at the other.¹⁵ Let us move on to a brief account of the shortcomings of each model, distinguishing between two aspects. The first are features specific to each model, i.e., weaknesses and tensions which are inherent in the model in question. Here, as will be seen, the problems point to the complementary strengths and weaknesses of liberal versus civic republican conceptions. The second, are features which are common to both models. These concern the external conditions of possibility of democracy implicit in both of the stories told above. The latter, I go on to argue, point towards problems with utilising notions of democracy and assessing processes of democratisation which have been less well explored in existing democratic theory literature than the implications of the former. However, both the specific and the common problems to which I draw attention provide lessons for international relations scholars making claims about democracy in explanatory and normative work.

The Critique of the Models of Democracy

The shortcomings of liberal democracy have been the subject of critique since Rousseau's famous claim that Englishmen were free only once every five years when they cast their vote.¹⁶ Rousseau's point has been repeated by successive generations of critics and has been reiterated in relation to post-1945 elite and

12. Rousseau, *op. cit.*, p. 174.

13. *Ibid.*, pp. 191–193.

14. Rousseau, "Extract of the Abbe de Saint-Pierre's Project for Perpetual Peace", in C.E. Vaughan (trans. and ed.), *A Lasting Peace Through a Federation of Europe* (London: Constable, 1917), excerpted in H. Williams, M. Wright and T. Evans (eds.), *International Relations and Political Theory* (Buckingham: Open University Press, 1993), pp. 100–111.

15. Sorenson, *op. cit.*, pp. 9–16.

16. Rousseau, *The Social Contract and Discourses*, *op. cit.*, p. 240.