"Social contract" by Thomas Hobbes in the field of Theoretical Controversies about the basis of Government Legitimacy

Ali Kamali Nejad[1], Malek Yahya Salahi[2*], Seyed Mostafa Abtahi[3]

[1, 2*, 3]Department of Political Science, Science & Research Branch, Islamic Azad University, Tehran, Iran

Abstract

Thomas Hobbes's theory of "social contract" provided a new basis for the establishment of the government, which had fundamental differences with the theories before it. In such a way that he considered the government "constitutional" and not "natural". According to him, before the government, people lived in a natural state, which is a kind of a state of war, and according to the natural law and the rule of reason, they should have left this state and entered a state of peace. A state of peace requires the "establishment" of the government to provide security. Based on this, the citizens establish the government through agreement and contract and transfer all their rights to it in order to end the war situation and be the final judge of the affairs. This theory of Hobbes was proposed in the field of religious and political ideological controversies, which its roots go back to the late Middle Ages and the conflict between the church and the kingdom regarding the basis of the legitimacy of the government. On this basis, without paying attention to the context of Hobbes's discussion, it is not possible to get a precise understanding of his theory and intention in the "Social Contract" plan. Our goal in this article is to read Hobbes's theory "context-centered" and we use Quentin Skinner's approach. As a result, our question is, in what context was Thomas Hobbes's "social contract" about the basis of government legitimacy formed, and what was his intention in proposing it? Our hypothesis is that Thomas Hobbes, in the field of disputes between the church and the kings, based on the two main theories of the absolute authority of the Pope (controversy of installation) and the divine right of kings, to transition from the state of religious-political wars in England, proposed a "social contract" and provided a new basis of legitimacy for the establishment of the state.

Keywords: Hobbes, social contract, installation conflict, divine right of the king, natural rights, natural law.

*Corresponding Author's Email: m-salahi@srbiau.ac.ir

Introduction

The question of the origin of the government is a question that became a fundamental question in the late Middle Ages and in the conflict between the church and the institution of the kingdom, and different answers were given to it in each era. The most important of these answers were in the 17th and 18th centuries. It was the question of the right to rule and the obligation and obedience to the government that raised the issue of origin and three things caused such questions: the patterns of society, the specific differences of the church, the revival of ancient thought in the context of the Middle Ages. In other words, why did medieval political theorists have to write so much about the origins of government? This necessity arose from the difference between the church and the state (Tierney, 2017, pp. 79-85). Therefore, from the end of the Middle Ages to the beginning of the 17th century, there were two main theories about the basis of the legitimacy of the government: 1) the ecclesiastical basis or the absolute authority of the Pope; 2) The divine right of the king. Proponents of these two theories each presented treatises and theories to defend their position. All these theories were rooted in religious and political conflicts. In such a way that from the 16th century, these conflicts turned into bloody wars in parts of Europe, where religious wars were a prominent feature. From the beginning of the 17th century, a new wave of theoreticians appeared, who put forward the concept of "social contract" instead of the previous two dominant theories. Thomas Hobbes, the English philosopher, was the first person who presented a different basis from the predecessors for the establishment of the government with the concept of social contract and

distanced himself from the previous theories. Therefore, the theoretical grounds of the Hobbesian modern absolute state should be taken into consideration with regard to the theoretical developments before him. Because, the concept of a customary independent state that is not dependent on religious authority was found in the dust of the Middle Ages and is tied to the conflict between the church and the state. A conflict that manifested itself in the church's struggle for independence from the government. The consequence of this period of revival of the church and the claim of the Pope was the separation of the spheres of power of the church and the state; Because the staunch supporters of the kings, in response to the claims of the popes, claimed the independence of the state with the same intensity and power (Kelly, 2019, pp. 189 & 193). Finally, it was Thomas Hobbes who ended the conflict in favor of the worldly power, whose legitimacy is based on the contract between citizens, with the "Leviathan" plan and the contract theory of government.

Based on this, in this article, we try to place Thomas Hobbes's idea of "social contract" as a new basis for the establishment of the state and its legitimacy in the context of theoretical controversies that started a few centuries before Hobbes, and show that he entered a field of ideological conflicts and how his position is different from previous positions. Rereading the idea of Hobbes in this way can show the theoretical background and show why Hobbes provides a new basis for the legitimacy of the government by proposing the concept of "social contract". In this research, we use Quentin Skinner's context-text oriented reading. As a result, our main question is: In what context was Thomas Hobbes's concept of "social

contract" about the basis of government legitimacy formed, and what was his intention in proposing it? Our hypothesis is that Thomas Hobbes, in the field of theoretical controversies between the church and the kings, with regard to the two main theories of the absolute authority of the Pope and the divine right of the kings, for the transition from the state of religious-political wars in England, proposed the concept of social contract and provided a new basis legitimacy for the establishment of the government.

Theoretical framework: text-context-oriented reading

In this research, we have adopted Skinner's approach to study the concept of "social contract" by Thomas Hobbes. According to Skinner, the most important desire or ideal that forms the basis of his described method is to enable us to recover the historical identity of individual texts in the history of thought. The goal is to consider such texts as writings in the advancement of specific discourses and as a result to identify the ways in which the texts have exemplified, challenged or rejected the conventional words of those discourses. In general terms, the goal is to return the specific texts we study to the precise cultural contexts in which the texts were formed from the beginning (Skinner, 2014A, p. 216). In this regard, according to Skinner, understanding a text requires understanding two intentions: one is what the text says and what it means, and the other is what is the purpose of saying the same thing? (Skinner, 2014A, p.157). In his method, he seeks to discover the "intentions" of writers.

According to Skinner, if we do not have knowledge of the ideology of the time of the "text" and the language structure that is used, we cannot understand the "text" and this refers to the ideological and linguistic context that has a set of "normative words" that can be expressed with them (Skinner, 2014B, pp. 14-15). In this regard, we should consider the text as an answer to specific questions, and this requires knowing something about the society in which the work was written (Skinner, 2014B, p. 18).

Background or theoretical controversies about the basis of the legitimacy of the government

From the very beginning, Christianity recognized the Roman Empire, which belonged to the ancient era or, as Christians think, to the Age of Ignorance, and established the nation of Christ within the Roman Empire and accepted its legal structure. However, according to verses from the Bible, they still considered the source of sovereignty to be God. Therefore, they accepted the Roman Empire or political power. Therefore, from the very beginning, with the establishment of the nation of Christ and the church, Christianity formed the duality of "Christian church and state". It was with the Christianization of the Roman Empire that the church was able to gain an upper hand and unprecedented power in relation to the state. It is from this period onwards that the relationship between the church and the Christian state underwent unprecedented changes, and each of them put efforts to dominate the other in their agenda. These competitions take a new form in the late Middle Ages. At the beginning of the middle centuries, the main theory in political thought was the thought based on the Christian book and tradition, the idea of the separation of religion and the state, and the theory of the absolute authority of the Pope

and the Church, which in the history of political thought was interpreted as theocracy, and the supremacy of spiritual authority. or authorities over the political authority of the king and emperor or potestas is a very late theory in the history of political thought in the middle centuries (Tabatabai, 2014, Volume 1, Book 1, Chapter 5). On this basis, the political developments and especially the "installation dispute" between the institution of the kingdom and the church in the late Middle Ages was one of the most epoch-making developments in the history of Europe, which provided the ground for the theoretical and practical developments of the following centuries and practically turned the 16th and 17th centuries into theorizing to overcome the absolutism of the church and change the basis of the legitimacy of the state. The social contract theory came out of such a conflict. Disruption of the order between the kingdom and the church in Europe had significant effects in the field of political and legal theorizing, and as John Kelly has stated, the debates and controversies related to "delegation opposition" or installation in the form of a flood of pamphlets published by The camp of the pope and the emperor appeared. Both camps needed people who have the ability to present or refute an argument logically by relying on sources (i.e. the Bible or the writings of the church fathers) (Kelly, 2019, p. 184). Based on this, we will discuss the "installation dispute", "the divine right of the king" and the rise of the "social contract" theory.

Installation conflict

Before the beginning of the period of 1100 to 1600 A.D., the late Middle Ages, European societies were mainly subject to political, social and economic ruptures, and the signs of the modern state were not visible or did not last and were quickly destroyed. Even by the end of the 10th century, Western Europe was not really Christian, and many did not even have a connection with the Church. While the church was an institution that had many characteristics of the state, such as permanence, the theory of papal rule and the deep involvement of church people in politics was such that no ruler could rule without their guidance and help for this reason the political theories and administrative techniques of the church had a direct effect on the customary government. It was in the 11th century that the old order collapsed and a fundamental difference appeared: "the relationship between religious and worldly power." These two powers were mixed before and there was a conflict between the church and the kings. The kings had a wide influence in the church and some were considered religious figures, they even elected bishops and often the pope, and the leaders of the church played an essential role in worldly affairs and acted as advisers to the king and so on.

The mentioned dispute started with the new leadership in the church, which initially sought to reform the clergy. But in order to achieve the goal, the need for more independence from worldly power was gradually felt, and for this, the church had to be centralized under the leadership of the Pope. Such an independent and powerful church could have a wide influence on worldly affairs. It went so far that some church reformers believed that the church should be the final authority in all matters of political and social relations. If Europe is to be truly Christian, then its leadership must be Christian. The preacher of such an opinion was Pope Gregory VII and his program caused the destruction of the basic parts

of the previous political structure in Europe. Secular rulers opposed and resisted the Church's claims, and the resulting conflict (known as the Installation Controversy) lasted for almost half a century. It was during these conflicts that the old order and the coexistence of religious and worldly authorities came to a standstill. In such a way that the influence and power of the kings in the church was practically lost and in the European society, the church gained a leadership position, if not complete control. The independence of the church from the worldly authorities and especially with the installation controversy, unintentionally defined and promoted the concepts about the nature of religious authority. Of course, Gregory's supporters emphasized that the church cannot perform all political duties and that the existence of worldly rulers is necessary and should be guided and disciplined. This was a time when the need for this political organization independent of the church, the "state", was not yet widespread. The new organization of the European political structure before and after the installation conflict paved the way for the formation of the government. The concept of the church in Gregory's thought almost required the invention of the concept of the state (Strier, 2016, pp. 41-51).

Based on this, in the second half of the 11th century A.D. , a serious disturbance was introduced in the distinction between the "region of Sharia" and the realm of custom, a gap appeared in the unstable balance of relations between the church and the empire, and with the election of Gregory VII to the papacy and the emergence of conflict between religions and the world and the spiritual authority and political authority, a period of successive tensions in the relations between the church and the empire began, which continued for two and a half centuries, a period that began with the formulation of the theory of the absolute authority of the Pope and the rule of law, and with Compilation of the theories of the new or customary government was finished (Tabatabai, 2013, Vol. 1, p. 322). The main claim of the Pope in this conflict was that if the church is an independent, powerful and extra-local institution, it necessarily needs a world empire to implement the agenda of the world church. This goal was never achieved. Finally, with the beginning of the new era and the stabilization of national governments and the removal of the authority of the world church, the world church practically collapsed and with the new theories, the social contract of Hobbes, the churches also became national and the government is the guardian and the final decision maker in affairs. It became religious just as Hobbes's leviathan had this task (Judy, 2023, p. 82).

The divine right of the king

From the 16th century onwards, in addition to the theory of the absolute authority of the Pope, we are faced with two other theories. First, the theories that emphasize the absolute power of the king, which was exemplified in France, and second, the theories that emphasize the non-absolute nature of the king and his duty to obtain the consent of the governed, which in some aspects, England from the 14th to the 16th centuries can be mentioned an as example. Some theologians such as Nicholas Cusanus or theorists such as Jean Gerson, Serjan Fortisco, Molinaro and Suarez, Jesuit theologians and jurists in the fifteenth and sixteenth centuries in Spain, Italy, France and England emphasized the consent of the governed in the establishment of the law (Tierney, 2017, pp. 152-108). But on the opposite point,

theories were also put forward that, in Kelly's opinion, were indicative of "the new form of early government in Europe". In such a way that they all introduced the position of the ruler as more absolute than what all theorists had announced since the time of Pope Gregory the Great. For example, at the end of the 14th century, John Wycliffe believed that the worldly ruler is appointed by God and his subjects should follow him, but he will not be accountable to them. In the middle of the 15th century, Pope Piccolomini introduced the religious emperor as able to enact and abrogate laws without the consent of anyone else. At the beginning of the 16th century, Martin Luther considered the origin of the worldly government to be divine and believed in the unconditional obedience of the citizens to the government, and according to this opinion, he suppressed the peasant rebellion. But the most important and influential theory about the right of kings was presented by Jean Bodin, who was in favor of the absolute rule of the French kingdom (Kelly, 2019, pp. 249-251). Of course, the recognition of the king's unique executive power was created generations before Bodin formulated his theory of sovereignty. In fact, the concepts of divine right and sovereignty both tried to explain and justify the change that occurred in the position of the head of state in the form of verbal and legal terms. When these theories were codified, they strengthened the common views about the ruler, but these views existed before the theories were codified (Strier, 2016, p. 111).

The theorists who considered the king as appointed by God, who were distinguished from the institution of the church, considered his subjects as obliged to obey (by God). They considered government to be God's and not a human innovation (Kelly, 2019, p. 294). In England, believers relied on the basis of the divine right of the monarchy according to Sir Robert Filmer. Commentators consider Filmer's point of view as a decisive statement of the theory of absolute monarchy, which, although it lacks the strength of Hobbesian theory, has the ability to cover a wide range of opinions (Cook, 2017, article "About Robert Filmer", p. 13-14 in K. Robert Filmer), The Patriarch or the Natural Power of Kings). Robert Filmer wrote the treatise Patriarch and in it he defended the right of the king in absolute monarchy as well as the right of the father in the family as a divine institution. Filmer's letter was published around 1679 and a few years after his death. Filmer's claims are exactly at the opposite point of the social contract debates that began with Hobbes. Robert Filmer claimed that the first kings were the fathers of families. Creation makes man the ruler of future generations. In fact, not only Adam but also the later patriarchies have royal authority over their children due to the father's right. Because just as Adam was the leader of his children, his children also have the same power and dominion over their children; With the proviso that they are still loyal to the first father who is considered the great leader of his children in all generations and the grandfather of his people. This dominion and obedience of the children through the appointment of God himself is considered the source of all the authority of the kingdom; The result is that the civil power as a whole is not only a divine institution, but even [the history] of its establishment also goes back to the greatest father. This leadership, according to which Adam rules over the whole world and is originally transferred from him to the patriarchs, is the most unlimited territory of all the kingdoms that

have existed since the beginning of creation (Filmer, 2017, pp. 85-92).

Social contract

During the extensive changes in the 16th and 17th centuries, especially with the weakening of the clerical-ecclesiastical authority, we are faced with the emergence of national governments and what we call the country today, which was done through the integration of cities and small independent units into a large political unit. Of course, this was done late in Germany and Italy and its scope expanded until the 19th century; But England, France and Spain followed this path in a shorter time. The political unit and political system in these countries was the "Kingdom" which moved towards independence from religious authority and establishing the rule of worldly authority which in the 17th century, with the victory over religious authority, "modern absolute states" or "modern independent states" emerged. Theoretically, from the end of the Middle Ages to the 16th and 17th centuries, the developments that gradually took place in the theories of the state, the issue of the position of the king's authority in the position of worldly power and the position of the Pope in the position of religious power, which tried to dominate the worldly power as well, was practically transformed and found the worldly power of the upper hand. In such a way that worldly power was established in these two fateful centuries, 16th and 17th AD, and those who were theorists of the state, first and foremost Madrasi clerics, had accepted this, and most of their theories focused on the limits of the king's authority and the type of relationship between the state and the subjects, the rights and duties, and was the source of legitimacy of law and power. Some theoreticians

such as Nicholas Cusanus, although they considered the government belonging to God, but expressed the manner of its implementation based on a kind of public satisfaction (Tierney, 2017, pp. 129-138). Some others did not consider obedience to the ruler as an absolute thing and suggested a kind of contract. Even in Spain, where the Madrasah thought flourished late, i.e. around the 16th century, clerics and theoreticians of the state and law considered the state to be the product of a kind of agreement and were close to the opinions of Aristotle and Aquinas, and some of them had tendencies towards Okami's voluntarism, and by assuming the divine origin of the government, they considered the formation of the government to be the result of human free will. In England in the 16th century, the situation was like this, and theorists like Richard Hooker presented a conventional picture of the government. This tradition continued strongly until the 17th century and found its best spokesmen and theorists in these centuries (Kelly, 2019, pp. 244-248).

Natural rights

The developments that began during the 12th and 13th centuries in the late Middle Ages brought the concept of "natural rights" to a new stage of evolution with Aquinas in Christian theology. Then, with the emergence of nominalism, a tremendous blow was inflicted on the foundations of natural law doctrine. During the renaissance of the 15th and 16th centuries and the rise of humanism, the scientific, religious, economic and political developments practically faced the medieval theories with a fundamental challenge. In this regard, contrary to the theological doctrine of natural law, which spoke about the existence of a superior and transcendental standard

about the origin and validity of government and law, i.e. "natural law" which was in harmony with divine law, the independence of reason took the place of the previous foundations and reason became the basis of the law. Therefore, in their theories, Hobbes, Locke or Spinoza do not refer to transcendental foundations and something called a higher law, and they engage in a kind of de-theology and radicalize rationalism. Although thinkers like Grotius took a more middle way; But Pufendorf considers natural law to be completely a product of reason and separate from the connection with revelation. In other words, the scientific revolution of the 17th century and the formation of natural sciences, the authority of mathematics, and the search for methods also affected the field of law.

Jurists in the 17th century believed that just like the field of "science" which deals with the discovery of the laws that govern the physical world, they can also establish laws that are related to the knowledge of the essence and nature of man. Hence, the concept of "natural state" becomes one of the fundamental concepts of legal-political theorizing, which by describing the natural state of man prior to society, they can explain his nature, which was in absolute freedom and outside of social constraints. Humanism and individualism, which was formed during the Renaissance, shows its influence here in individualism and the single person outside of society in a natural state. On the other hand, in the theological teaching of natural rights, which considered "human wisdom" as a divine gift, by declaring the independence of wisdom, it was freed from theological foundations and limitations and stood in an independent and self-reliant position (Judy, 2023, pp. 214-215).

Therefore, a kind of historical thought is formed in the 17th century, with the help of which, and with the help of modern reason, they can explain the history of human evolution from the previous state or the natural state to the changes and qualities faced by it in the society and show where the human of their time stands. On the other hand, their insistence on understanding the original state and original nature of mankind is because they want to access a protected environment where human freedom is not limited and distorted by the arbitrary actions of those in power. Both the modern thinking of the rule of law and the very advanced legal charter in the protection of individual rights in the 17th and 18th centuries are directly rooted in this "natural rights" thinking of the 17th century (Grossi, 2020, pp. 117-118).

Therefore, by developing the theory of natural rights and including human rights against the ruler and fellow human beings in it, they started a new era in the theory of natural rights. On the other hand, in the new tendency, due to the influence of nominalism and Protestant reforms (both of which emphasized the importance of individual characteristics), the point of emphasis shifted from natural law to natural right. Nominalism and especially Ockham's views with his emphasis on individualism and voluntarism are usually regarded as the initiator of the development of the idea of natural right; But Kelly believes that Grotius was the real founder of natural law because Grotius put forth the opinion that "the law of nature is basically a command to maintain peace based on respect for the rights of others and thus occupied the right of the whole theory of natural law (Kelly, 2019, 318-319). It was in this way and during these developments that the ground was provided for the

transition from previous theories about the basis of government legitimacy and gradually the social contract theory became the dominant theory. By theorizing about the social contract, Thomas Hobbs turned it into a dominant theory, and after him, most of the theories were based on the concept of the contract.

Thomas Hobbes' Concept of "Social Contract": The New Foundation

From the 17th century onwards, the bourgeoisie began to cultivate a kind of effective political philosophy, the philosophy of natural law, which blocked the path of anything different from itself. This philosophy was powered by concepts that branched from legal ideology, the rights of the individual as a subject. In a theoretical way, this philosophy tried to infer the existence of affirmative law and a friendly political state from the characteristics that the legal ideology attributed to the human subject (characteristics such as freedom, equality, property). Natural law philosophy is a completely separate world politically and ideologically. Because the most important axis and subject of such a philosophy is absolute monarchy: whether theorists wanted to build a legitimate foundation for it (like Hobbes), or reject it by appealing to the truth (like Locke and Rousseau), absolute monarchy is the point of departure and the topic of everyone's conversation. Absolute monarchy is the subject of their discussion, whether it is justified or wrong, natural law theorists speak under the banner of an accomplished reality such as absolute monarchy. They raise the question of the right, because the fact is done, because the fact is disputed or problematic and therefore, it must be strengthened by relying on the right, or because the fact is established and its rightful status must be disputed (Althusser, 2018,

Appendix "Machiavelli's Solitude": 165 in Louis Althusser, We and Machiavelli). As a result, Thomas Hobbes, among the theorists of absolute government, tried to provide a new foundation for the absolute government based on the theory of "natural law", which proposed the concept of social contract.

Hobbes's main concern was the nature of political rule and its role in maintaining social order. The result of this concern was the book Leviathan, which was published in 1650, and the purpose of Hobbes's subsequent writings was to resolve the differences he was writing about, and he appealed to the religious beliefs of people who had such beliefs and, more broadly, appealing to the capacity of reason and wisdom that he thought all parties had (Edwards, 2019, pp. 77-78). Of course, Hobbes's contemporaries were unwilling to accept the claims of someone who was accused of atheism. This shows how important religious issues were in the early centuries of modernity, and if not the main factor, we can at least say that it was one of the main factors of the wars and internal disturbances of the 16th and 17th centuries in Europe. It was definitely religious issues and religious sects. We call these wars religious; But we should not mistakenly consider religion as the only one responsible for these bloodsheds. Political, dynastic, and nationalist factors played an obvious role in provoking the war, and its continuation and escalation. Undoubtedly, Machiavellian political techniques increased the speed of killings; But the bigotry and fanaticism of those who participated in these wars were to a large extent the manifestation of their religious feelings. These emotions were the product of fundamental disagreements about the nature of God and His relationship with humans (Gillespie, 2019, pp. 239-240).

War and peace

In this field of theoretical and ideological conflicts that we raised, and on the other hand, the civil war in England, which were mainly religious wars, Hobbes tries to answer the question: How is peace possible? The answer to such a question requires preliminary planning. Hobbes was interested in the theoretical questions of war and peace, but he was also interested in practical issues, and what could be done practically to end the war and chaos that was in his environment. His two methods [rational and experimental] responded to both of these concerns. Hobbes tried to distinguish between two different methods, that is, the method based on language and reason, and the method based on experience. The rational method, according to his assumption, must be linguistic and rational; According to his own assumption, the method of ordinary experience should be comprehensible to people who are not so rational. Of course, Hobbes thought that the rational mode was superior to the mode of ordinary experience, because, if used properly, the rational mode would be a much more reliable guide than ordinary experience. However, if the rational method is not, for whatever reason, the method used by most people, then it will not be of much persuasive value. Therefore, in Leviathan, Hobbes discusses in detail the two modes of rationality and ordinary experience (Misner, 2019, pp. 22-28). In this way, through the developments found in natural law theories, Hobbes depicts the future situation in which every person is based on "individual", he calls such a situation "natural state". Hobbes considers the natural state to be a state of war, so his solution to get out of this state, according to the natural law, is the "establishment" of the government. To establish the state, and the basis of its

legitimacy, Hobbes proposes the concept of social contract and a new foundation is formed.

Natural state

Hobbes begins his discussion by drawing the "state of nature" as a "state of war" and raises the question, how does war happen? Then, he shows what should be done to get out of such a crisis. The starting point of Hobbes's view of war is that people have desires and wishes. But the means to satisfy these desires and wishes are rare and they do not exist, one reason is the nature of the natural world and the other is that some of the things we desire are not shared. In spite of all these obstacles, people try to increase their power as much as possible to satisfy their desires as much as possible, and since all people do the same, competition takes place. This competition could be moderated if we could know to what extent others are willing to compromise to pursue their desires, but we do not have such reliable knowledge and trust about others. We cannot know to what extent we can trust others to partner with them and agree on curbing their desires, and because we do not have this vital and necessary knowledge of others, we are suspicious of them. This suspicion makes us take a defensive position towards each other and even think of preventive actions and preemption. Considering all these factors, conflict and war seem inevitable (Misner, 2019, pp. 55-56).

Based on this, the first point in Hobbes's discussion is the concept of "state of nature". A natural state is a state in which there is no civil authority [political power]. Without authority, no one has rights, or in other words, everyone has an equal right to do anything. Therefore,

when two people want the same thing, they become enemies (Ross, 2019, p. 151). The point here is that in his theorizing, Hobbes introduces a modern concept of the "state of nature" into his discussion, which had no precedent before him. In explaining this, Strauss writes: "The state of nature" became a basic chapter of political philosophy only with Hobbes, and of course he himself apologized for using this term. It is from Hobbes onwards that the philosophical theory of natural law has basically turned into the theory of the state of nature. Before him, the term "natural state" was used more in Christian theology than in political philosophy. And in particular, they said that the "natural state" is different from the "state of mercy" and it is divided into two pure natural states and natural states after the descent. Hobbes gave up on these sub-divisions and said that the state of mercy is the civil society [political society]. And thus, if not the soul of descent, at least its importance would be denied. And after that, he added that the cure for "flaws" and "defects" in the natural state is not divine mercy, but the existence of a good government. This anti-theological result of the "state of nature" cannot be easily separated from its precise philosophical meaning, which is the practical acceptance of placing rights over duties. The characteristic of the natural state at the beginning is that it accepts the existence of complete rights and not the existence of complete duties (Strauss, Laws, 2019, p. 204).

Hobbes tries to show through this image of the natural state that it will be the opposite in the political community. Therefore, combining wills with agreement is an existential necessity for self-preservation. Hobbes had a theory about the internal developments of England in the concept of the state of nature. Therefore, it

can be said that the natural state is not just an imaginary state, but a state that threatens the reality of political communities. Every political community includes the events that can bring it back to its normal state. The natural state is the state of human beings in the conditions of lawlessness and the dissolution of the political community or the state, as well as a conceptual tool for the establishment of the state. Hobbes saw the civil war in England as the dissolution of the government and a return to the natural state in which anyone could freely choose between the king and the parliament. The state of nature is also a conceptual tool that Thomas Hobbes puts forward to prove the constant necessity of the existence of "Leviathan" and the human need for it. From the earliest times to the savages of America in the 17th century and, of course, the events of the English Civil War, Hobbes cites historical events to show that the state of nature can repeat itself continuously in any historical period. Therefore, the natural situation is not just a temporary fight between people, but rather an atmosphere of long-term mistrust in which everyone fights against everyone and the most important consequence of which is instability and lack of security (Tabatabaei, Vol. 1, 3, 2014, pp. 117-119).

Therefore, Hobbes considers the natural state to be the same as the lack of security and authority, and he begins the explanation of the "natural state" or the state of crisis with the claim that "humans" by "nature" both in physical and mental powers, are created "equal" and the apparent inequality is not a significant issue because even the weakest people are able to destroy the strongest ones, for example, with trickery. Hence, this equality causes "enmity". This enmity shows itself, for example, in the effort to obtain a single thing from equal

human beings. From here, in an effort to achieve the goal, it takes the form of removing others or subjugating them. At this time, "panic" is formed and an attempt is made to create a "safe place" to reach relief. In such a situation, fears and insecurities are mutual. For this reason, everyone in this situation of crisis or "insecurity" knows the best way for "self-preservation", "dominion" through "force or deception" and this is how everything is allowed.

According to Hobbes, this state of insecurity is a kind of "lack of power" that brings people to "full fear and respect for each other". Hobbes mentions three main causes of "strife and conflict" in "human organization": 1. competition, 2. fear and 3. seeking honor and respect. These three reasons force people to attack each other and create a situation of insecurity. Hobbes describes the lack of a "general power" that unites all men and prevents transgression as a situation where "the war is of all against all." He introduces the point that war is not simply "the act of fighting" but it is the "moment of time" when there is a sufficient will directed to war. In other words, the main point that Hobbes makes is that the war of all against all, which implies a lack of security, should not be considered simply the act of fighting, but rather a critical situation in which there is any possibility of war. (Hobbes, 1651, pp. 76-78).

Hobbes writes: Therefore, what results from a state of war, a state in which everyone is the enemy of another, is the same state in which humans live without any security; Unless they have established security with their strength and initiative. In such a situation, there is no position and opportunity for work and industry, because it is impossible to gain profit: as a

result, cultivation will not be possible, shipping and maritime trade will also be impossible; It will not be possible to build large buildings, make transportation tools, and move things that require a lot of force; The knowledge of geography, time, art, literature and society is the same; And worst of all, man is in constant fear and the risk of violent death; And human life will be poor, painful and short (Hobbes, 1651, p. 78). Hobbes emphasizes that only a "common power" can end this situation. Therefore, his horizon of waiting for the transition from this situation, obtaining peace and fear of war, asking for comfortable life necessities and hoping to try to get those necessities, is an agreement to establish a government in the form of a social contract.

The main point in Hobbes's theorizing is his innovation in describing the natural state and discussing the doctrine of natural rights. We said that Hobbes considers the state of nature as a state of war by establishing three reasons: 1) competition, 2) fear, 3) seeking honor and dignity. Hobbes regards such a situation as the impossibility of ethics. In the sense that in the natural state, morality has no meaning and nothing can be unjust... [because]... the concept of right and wrong, justice and injustice has no meaning in that state (Hobbes, 1651, pp. 78-79). Hobbes believes that the existence of ethics and moral laws is possible in political society, and in the natural situation where humans are mostly scattered and in a state of war, the existence of ethics will be meaningless. On the other hand, Hobbes believes that people in the state of nature have "natural right" or "right of nature". According to the common definition of this term, people have a certain set of moral rights. Violation of these natural rights would be wrong. On the other hand, Hobbes defines natural right as the

freedom to perform any action necessary for self-preservation. According to this definition, people in a natural state "determine by themselves" what is necessary or not for self-preservation. Therefore, there is no moral constraint for human behavior. Although people are free, equal and have natural rights in the natural state, it can be said that they have no moral rights in the natural state (Finn, 2019, pp. 101-102).

A New Basis for Government Legitimacy: The Social Contract

In the next step, Hobbes proposes the concept of "natural law". Hobbes said that the natural right of every individual is the freedom and discretion to use his power as he wants to maintain his existence, or in other words, it is self-preservation. Therefore, the natural state should also be considered as the state of absolute freedom, and this means that everyone has this natural right to protect himself or has this freedom to do whatever is necessary, and this means the state of war and the conflict of rights. What should be done in such a situation? Hobbes knows two principles or two elements that encourage us to get out of such a situation: "desire for peace" and principles that are known with the help of "reason". Hobbes calls these "natural laws". Hobbes writes: The feelings that lead man to peace are: the fear of death, the desire for the things and necessities that are necessary for a dignified life, and the hope of attaining them. Human wisdom has provided easy-to-reach principles about peace that can be agreed upon by humans. These principles are what are called natural laws (Hobbes, 1651, p. 79).

In his argument, Hobbes makes a distinction between natural right, which is the freedom to

use the will, and natural law, and enumerates natural laws. According to Hobbes, because in the natural state, man is in a "state of war" and everyone's reason rules him, there is nothing that he cannot use to protect himself against his enemies. In this situation, a person has the right to do anything and has the right to everything, even another body. Consequently, when natural right gives such a meaning, no one will be safe. Based on this, Hobbes concludes that the first and most fundamental natural law is, according to reason, that every human being should strive for peace, as long as there is hope of establishing peace; But when he could not reach peace, he can use anything that gives him help and superiority in war. Hobbes deduces the second law from the first law and believes that anyone who wishes to have peace and defend himself, when others are the same, and if necessary, renounces his right to everything. Otherwise, the state of war will remain. These two natural laws, striving for peace and renouncing the natural right, in the natural state, lead people to establish a political community in order to establish security and maintain peace. How to do this is stated in the third natural law, which refers to covenants and contracts (Hobbes, 1651, pp. 80-81).

Strauss explained the important point of Hobbes's discussion about natural law. According to Strauss, Machiavelli completely broke the connection between politics and natural law, that is, the connection between politics and justice as something that is independent of human whims and desires. Strauss argues that this "connection" that had been severed with Hobbes was reestablished when Machiavelli's revolution gained its full force, that is, when justice, or natural right, was reinterpreted in accordance with Machiavelli's spirit or intention. This was mainly done by

Hobbes. In the sense that, before Hobbes, "natural right" was understood according to the tradition system and was interpreted in the light of the hierarchy of human ends; Therefore, the concept of "self-preservation" was placed at the bottom of such a hierarchy. What Hobbes did was to understand natural right only on the basis of self-preservation; In connection with this, natural law was first understood on the basis of the right of self-preservation in separation from any obligation or duty - a process or developments that culminated in placing human rights in place of natural law (man instead of nature, right instead of law) (Strauss, 2017, pp. 294-295).

At this stage of the argument, Hobbes asked how is peace possible? He answers like this: the creation of Leviathan through the "contract" of citizens and as the final arbiter in the public sphere. Hobbes called the first natural law the effort to achieve peace; ceding the second law to the "natural right" to achieve peace; The third law is derived from the previous two laws. That is, everyone can achieve security and peace and get out of the natural state by transferring the natural right through the social contract - absolute freedom in the use of the will for self-preservation in the natural state - and its manifestation in "Leviathan". As a result, by gathering the wills in one person or a group of people, they try to establish peace. According to Hobbes, such work is beyond consensus and agreement, which can be called the "unity of all" that is manifested in one person. By handing over the will of all to one person or a group of representatives, "government" emerges. Hobbes calls such a government "Leviathan" or "mortal god" (Hobbes, 1651, p. 106). Consequently, Hobbes's answer is a consensual gathering of wills to create a machine-like entity that he calls "Leviathan."

In other words, Hobbes's solution is that people should make a contract with each other and give up their natural right to everything. The concept of natural rights, combined with our emotions, the scarcity and lack of resources, and our inability to understand others leads to conflict and war. With the help of our intellect, we see and ask what is the way to stop this war and conflict. We have to agree to give up some limits to exercise some of our natural rights, of course, if others do the same... In such an agreement we make to stop war, we also create moral laws that prohibit killing, stealing, and slandering. It is not necessary to say that God has asked us to obey these laws. We ourselves can understand that if we want our life not to be full of suffering and terror and not to be destroyed in the end, we have no choice but to give up the right to kill and rob others. Hobbes's understanding of this point is called natural law - a prohibition and limitation that our reason tells us we must impose on ourselves in order to achieve peace, of course, on the condition that others do the same... Reason dictates that we should create moral rules that will lead to our preservation (Misner, 2019, pp. 71-72).

Therefore, the political community that emerged from the agreement and social contract of citizens in Hobbes's view is as follows: human industry, like many other things, is an imitation of nature (the industry with which God made the world and rules it), regarding this [establishment of the state] has also been imitated, to the extent that man can create an artificial being. Considering that life is only the movement of the organs, since the origin of the movement is mainly internal, why can't we say that all automatic devices (machines like clocks that are moved by springs and wheels) have artificial life? Because the heart

is nothing but a spring, and the nerve fibers are just a multitude of straps; And the joints are only the wheels that move the whole body, as the craftsman wills? Art goes beyond this, it simulates the highest and most rational product of nature, that is, human. Because that huge leviathan called the state (civitas) is made by art and industry and it is only an artificial human being, which is bigger and stronger than the natural man and it was made to protect and defend him and in that sovereignty It is like an artificial soul that gives life and movement to the whole body; And in that (artificial body, Leviathan or government) the executive and judicial officials are like artificial joints; Reward and punishment (through which every joint and organ is connected to the position of authority and moves to perform its duty) are veins and nerves that perform the same duty in the natural body; The wealth and power of each member is in the judgment of its strength. Maintaining the security of the people (salus populi) is the main function of the government; The consultants who inform it of the required materials, are in the position of keeping it; Justice and law, reason and will are artificial; Collective consensus on health; Civil unrest exists as a disease and civil war as a death sentence. Finally, the agreements and covenants by which the parts of this political body were first made and then combined and integrated are the same as the decree that God announced on the day of creation and said: So, we create human. (Hobbes, 1651, p. 7).

Some commentators believe that Hobbes's contract of obedience, that is, the social contract, is an unusual contract, because the ruler was not chosen by one of the parties to the said contract, and, therefore, his subjects do not have any rights against him that arise from the contract between them. Although he could say

that the ruler is under a precarious duty to provide protection, a duty for which he was elected, it was also not unreasonable to insist that the ruler must act within the law, a standard that was recommended in the Middle Ages. In general, Hobbes's Leviathan came to provide an acceptable model of absolute government (Kelly, 2019, pp. 300-301).

Conclusion

Thomas Hobbes put an end to a centuries-old conflict between religious power and worldly power by proposing the theory of social contract. It was from the end of the Middle Ages that the institution of the church came to the conclusion that it would upset the balance between the church and the king and gain superiority over the worldly power. In this way, the church sought to establish a world empire that had worldly powers under its authority. This claim is known as "installation dispute". On the other hand, the supporters of the monarchy also put forward the theory of the divine right of the king and claimed that the king is the direct representative of God, and in this way they did not need the approval of the church. These theoretical-political conflicts continued until the early modern era. In the meantime, we are faced with whispers that the ruler must have the consent of the subjects, although they still introduce religion as the basis of the legitimacy of the government. From the 16th century, a range of natural law theorists started initial efforts to change the basis of the government's legitimacy and by referring to the natural law, which did not have a divine origin in their eyes, they brought forward the discussion of contract.

With the rise of religious-political wars in England, which originated in the 15th century

and continued until the time of Hobbes, Thomas Hobbes tried to take advantage of the theoretical developments that had occurred before him regarding the relationship between religious and worldly power, with creating a new theory, while stopping the religious wars in England, also declares the supremacy of secular power over the church. In this way, the absolutist government could claim that its legitimacy was based on the agreement and social contract of the citizens to establish security. Security was also endangered due to religious wars, therefore, with the supremacy of worldly power, the final arbiter of religious issues will be Hobbesian absolute government, and in this way Hobbes created a new path in the theoretical and political life of the "state" in Europe, which the theories after were presented on the new foundation that he had planned. In this way, Hobbes was able to end a centuries-old conflict and introduce himself as the initiator of a new basis for the legitimacy of the government, which introduced the agreement of citizens as the basis for the establishment of the government under the title of social contract.

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