

LOCKE, HOBBS, AND THE UD: COMMENT ON VAN DUN

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Frank van Dun, in his learned essay on the Hobbesian roots of the Universal Declaration of Human Rights (UD), passed by the UN General Assembly in December 1948, presents arguments that need to be assessed.¹ By his account, there are two types of rights guaranteed by the UD: one bearing a resemblance to the natural rights–natural law tradition that Van Dun finds exemplified by Locke and the French Revolution’s Declaration of the Rights of Man and of Citizens, and the other the “economic, social, and cultural rights” that the UD, particularly in Articles 22 through 28, declares as no less “universal.”

According to Van Dun, the second part of the UD overshadows the first, since all rights and their bearers will have to depend on what the state deems worthy of enforcement. This situation supposedly points back to the Hobbesian as opposed to Lockean framework of those who formulated the document. Unlike the wise John Locke, Thomas Hobbes, we are reminded, thought that men were controlled by appetite and will.² They had no strong counterweight to their desires except for the one provided by the sovereign state. Like Hobbes, the UD assumes that the reckless will and the passion for acquisition

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¹Frank van Dun, “Human Dignity: Reason or Desire?” *Journal of Libertarian Studies* 15, no. 4 (Fall 2001), pp. 1–28.

²See John Locke, *The Second Treatise of Civil Government*, ed. Thomas P. Peardon (Indianapolis, Ind.: Bobbs-Merrill, 1952); cf. Thomas Hobbes, *Leviathan: or, the matter, forme & power of a commonwealth, ecclesiasticall and civill*, ed. A.R. Waller (Cambridge: Cambridge University Press, 1935).

are “ultimately incompatible” with social order. The document therefore empowers the state to decide which “human satisfactions” are to be granted and which are to be denied.

Van Dun offers a thoughtful study of the conceptual origins of a text that allegedly betokens the progressive thought of the post-War period. He is correct to note the socialist tones of the later Articles, which clash with the explicit affirmation of property rights in Article 17. Nonetheless, Van Dun is open to criticism on significant details. As Allan Carlson demonstrates exhaustively,³ the UD is full of neo-Thomist ideas that can be traced to the Maronite and other Catholic authors of the document. It reveals a corporatist character when it talks about “the family as the natural and fundamental group unit of society” (Article 17) and when it calls for “the protection of motherhood” and the nurturing role of women (Article 25).

If the UD points in any direction, it is away from the atomistic anthropology represented by Hobbes and Locke, toward a neomedieval view of society, based on the individual’s integration into both a family and a nation. Carlson observes that recent changes in the Declaration indicate how much more radicalized Western societies have become, as a result, we are told, of the feminist movement. It is also possible to see feminism as a movement pointing toward a greater individual self-consciousness, albeit without the right to property that Van Dun considers as enshrined by Locke and the early phase of the French Revolution.

Allow me to note some conceptual problems in Van Dun’s presentation. I know of no adequate reason to presuppose a critical continuity between Aristotelian natural law and Lockean natural right—or between Aristotelian ethics and Locke’s allusions to natural law. The meager references made by Aristotle in the *Nicomachean Ethics*⁴ to phenomena that “like the wind” prevail in Persia as well as in Greece provide only the rudiments of the concept of normative morality to which Van Dun alludes. This concept would have to be developed more fully by Cicero and, later, by Aquinas and Hooker.⁵

³Allan Carlson, “U.N. Declaration on Human Rights,” *Family in America* 14, no. 8 (August 2000), pp. 1–4.

⁴Aristotle, *Nicomachean Ethics*, trans. Martin Ostwald (New York: Macmillan, 1962).

⁵Marcus Tullius Cicero, *De Officiis*, trans. Walter Miller (New York: Macmillan, 1913); Thomas Aquinas, *Summa Theologiae* (New York: McGraw-Hill,

Although Locke, following the medieval schoolmen and Hobbes, speaks of natural reason and natural law, it is not clear that “the preservation of self” and “a right to what nature affords,” which is what Locke understands as the teachings of natural reason, is what the scholastics had in mind. To illustrate the difference, the belief in a prohibition against adultery, presumably known in Christian theology through common grace, is not the same as a right to cultivate and market cannabis without state interference. There is certainly merit in the arguments for a cross-cultural morality that shared human intelligence can grasp and formulate. Moreover, I see at the same time prudential value in curbing the overreach of the modern managerial state. But while the first is about ethical prescriptions and moral imperatives, the second, the right to be left alone, is about something else, namely, placing limits on the state’s authority for the sake of individual satisfaction.

Van Dun makes too much of the fact that Hobbes explicitly attacks Aristotle in *Leviathan* (falsely misrepresenting him as the philosophical source for Catholic subversion of the English sovereign state). At the same time, Locke is made to appear as a traditional political theorist who quotes Aristotelians to undergird his natural rights arguments. But note that Hobbes, who came first, was asserting the claims of a “science of politics” against the scholastic arguments that had been used to defend medieval webs of association. It was Hobbes who broke the conceptual ground that Locke inherited. Locke could, therefore, present a deeply atomistic view of civil society, throw away the notion of innate ideas, and even suggest a material conception of God without having to worry about the shadow cast by medieval thought.

Locke can be generous to Aristotle precisely because he had become irrelevant, except for some defenders of unfettered monarchy who quoted from Aristotle’s *The Politics* quite selectively. Locke was nice to Aristotle the way American liberals were kind to Robert Taft, when they cited this stalwart defender of limited government as a critic of anti-Communist foreign intervention. This is the gesture of generosity that a triumphant present can afford to pay the defeated past. But it does not prove that the past has prevailed in the present, save as a source of usable citations for a contemporary project.

I might also note parenthetically that Locke’s quotations from Richard Hooker are typically brought up to show what Locke could

1964–76), Part Two, particularly Questions 90 and 91; and Richard Hooker, *Of the Laws of Ecclesiastical Polity* (London: J.M. Dent, 1965).

have learned from Hobbes, e.g., that men are as in a state of nature when “mutual grievances, injuries, and wrongs” attend their dealings, or else to underscore the empirically self-evident, e.g., that “regiments” in the past were sometimes despotic and had to be made subject to legal limits. Such mostly decorative appeals by Locke to an Anglican Aristotelian theologian do not really show his indebtedness to Aristotle.

Those looking for a plausible pedigree for Locke’s political thinking are advised to study George Buchanan. A sixteenth-century Calvinist theologian, Buchanan, in his 1579 work *De Iure Regni apud Scotos; Dialogus*,⁶ presents an early version of the Lockean social contract dressed up with biblical verses. Scottish Presbyterians in the sixteenth and early seventeenth centuries, who surely could not be described as Aristotelians, expounded political concepts foreshadowing Lockean contractualism.

This was not surprising: the author of the two *Treatises* had grown up a low-church Anglican, receiving an essentially Calvinist religious education. The first *Treatise* takes on Filmer’s *Patriarcha*,⁷ which was composed as a refutation of the political writings of Buchanan. Given these widely known facts, there is no good reason for scholars to scurry around for evidence that Locke, the political theorist, was a latter-day Aristotle or Aquinas. Although Howard Warrender has made similar arguments about the scholastic origins of Hobbes,⁸ I find this attempt to archaize early modern political thinkers to be less than convincing.

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⁶George Buchanan, *De Iure Regni apud Scotos; Dialogus* (New York: Da Capo Press, 1969).

⁷Sir Robert Filmer, *Patriarcha, or, The Natural Power of Kings* (London: Walter Davis, 1680).

⁸Howard Warrender, introductory essay to *De Cive*, by Thomas Hobbes (London: Oxford University Press, 1982).

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REPLY TO GOTTFRIED

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I have few and then only minor quarrels with Prof. Gottfried's remarks.¹ Indeed, they would be pertinent criticisms *if* they were directed at positions that I had stated explicitly or implied unambiguously in my paper on human rights. However, I certainly did not intend to defend the positions Gottfried ascribes to me, and I find no evidence that I inadvertently did so. His comments are, therefore, a criticism of a paper I have not, and do not wish I had, written.

The reader is reminded that the argumentative framework of my paper was set by Hans Crombag's interpretation of the present doctrine of human rights as a sympathetic but naïve legacy of the classical theory of natural law. It is Crombag's view—one that is shared by many positivists like him—that that theory is basically the same whether it is presented by an Aristotle, a Thomas Aquinas, or a John Locke. It is not my view.

Indeed, as I wrote in the paper, I did “not intend to add to or comment on the long debate . . . on the relationship between the classical theories of natural law (in the tradition of Saint Thomas) and natural rights (the Lockean tradition).” For my purpose, it was enough to argue that the present doctrine of human rights fits a Hobbesian view of human beings and their relationships, but does not fit either a Lockean or a Thomistic or an Aristotelian view of those things. It was not necessary—indeed it would have been false—to argue that the latter authors share the same view. Moreover, the crux of my argument was to note the conceptual and logical differences between “natural rights” and “rights to.” It does not depend on any claim concerning who influenced whom.

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¹Paul Gottfried, “Locke, Hobbes, and the UD: Comment on Van Dun,” *Journal of Libertarian Studies* 16, no. 3 (Summer 2002), pp. 83–87.