

BRATISLAVA INTERNATIONAL SCHOOL OF LIBERAL ARTS

The Paradox of Freedom in Hobbes's *Leviathan*

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Declaration of Originality

I hereby declare that this bachelor thesis is the work of my own and has not been published in part or in whole elsewhere. All used academic and other sources of literature are referenced and listed in Bibliography

Bratislava, February 15, 2018

Ľudmila Peruňská,

Signature: _____

Aknowledgements

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The Paradox of Freedom in Hobbes's *Leviathan*

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Abstract

The purpose of this study is to interpret and analyse the concept of freedom in Hobbes's *Leviathan*. It is an attempt to develop on the existence of paradox in his writing concerning freedom that can also serve as a contribution to current debate over freedom and its position in modern democratic order. The work deals with the concept of freedom and paradox as well as with their overlapping in Hobbes's writings. Hobbes's intention is primarily to explain the reasons why people form organized societies – states. The position of freedom is hidden between the lines. More precisely, it is the one exact line that makes freedom a paradox and it is the line

between the state of nature and the commonwealth. From his analysis of formation of the commonwealth, it seems to be paradoxical that people naturally enjoy their freedom in the state of nature, but at the same time they are incapable of life without laws and norms that all in all put direct restrictions on their freedom.

The work intends to discuss the actual paradox of freedom in the state of nature and in the commonwealth. The moment of transition from the former to the latter is analysed as well. A comparison of the two different paradoxes is to follow. Even though the two differ in their essence, they both serve as a proof that an individual is not fully free. Current ubiquitous narrative of the world being freer than ever before can be challenged by looking at its paradoxity through the eyes of Thomas Hobbes. The issue of being free and actually bound by laws and other sets of rules is the main theme of the paper.

Paradox slobody v diele *Leviathan* Thomasa Hobbesa

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Abstrakt

Zámerom tejto štúdie je interpretácia a analýza konceptu slobody v Hobbesovom diele *Leviathan*. Je to pokus rozvinúť v jeho diele existenciu paradoxu z hľadiska slobody, čo zároveň môže slúžiť ako príspevok do aktuálnej diskusie o slobode a jej postavení v modernom demokratickom zriadení. Práca sa zaoberá konceptom slobody a paradoxu ako aj ich prekrývaním v Hobbesovom diele. Hobbesovým primárnym zámerom je zdôvodniť, prečo ľudia vytvárajú organizované spoločnosti – štáty. Postavenie slobody je tu skryté medzi riadkami. Presnejšie, je to konkrétna hranica, pre ktorú sa sloboda stáva paradoxnou. Je to hranica medzi prirodzeným stavom človeka a štátom. Vychádzajúc z Hobbesovej analýzy formovania štátu pôsobí paradoxne, že ľudia, ktorí si prirodzene užívajú ich slobodu

v prirodzenom stave, sú zároveň neschopní života bez zákonov a noriem, ktoré slúžia ako priame obmedzenia ich slobody.

Práca rozoberá konkrétne paradoxy slobody v prirodzenom stave a v štáte. Analyzuje tiež moment prechodu z prirodzeného stavu do štátu a následne porovnáva tieto dva konkrétne paradoxy v ďalšej diskusii. I keď sa tieto dva paradoxy v podstate líšia, pravdou je, že oba slúžia ako dôkaz, že človek nie je úplne slobodný. Práca apeluje na momentálny, niekedy nejasný, trend o svete, o ktorom sa hovorí, že je slobodnejší ako kedykoľvek predtým, prinášajúc paradox slobody cez filozofiu Thomasa Hobbesa. Hlavnou témou tejto práce je analyzovať problém, kedy je človek slobodný a zároveň spútaný zákonmi a inými pravidlami.

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INTRODUCTION

Freedom seems to have a clear meaning but becomes a ambiguous concept after a profound examination. People claim to be free in many ways and view freedom as something necessary for one's life. Freedom is usually seen as a positive thing, something inevitable for a good and high-quality life of one. It is people who are bearers of freedom and the issue is that freedom as such can be understood in many different ways. Freedom as understood in current world consisting of states refers to the freedom of mind, meaning free thinking, expression, possibility to choose the religion and other beliefs. Hence, it is hard to make one fixed conclusion applicable universally for the concept of being free or freedom. It is then more useful to look at the concept from one specific angle. For example, Franklin D. Roosevelt, 32nd president of the United States, famously defined four most important freedoms people should have as freedom of speech, freedom of worship, freedom from want and freedom from fear (Roosevelt, 1941). It is evident from the position he was holding that he looked at the concept of freedom as something political, in terms of the state, society and politics. According to him, these concrete freedoms are of utmost importance in human life. It can be understood that Roosevelt attempted at setting down these freedoms in officially presented rights applicable to all, claiming that these are inevitable for one's well-lived life. Additionally, these freedoms shall not be taken from anyone under any circumstances. These freedoms were accordingly articulated official in a political fashion – through laws and norms to be followed. As a result, one would to be guaranteed protection and kind of justification for having these freedoms and living life through them. However, do they cover all that one should have as a free being? Is there even freedom as such?

Many might find it easy to agree with these four freedoms and believe them and claim one is free when having these “kinds of freedom”. Yet, others would argue that these freedoms are just derived from laws and norms that come into existence hand in hand with the formation of states. For such people, it is rather stakeholders, who proclaim freedoms and establish them in the articulated laws. As fire is a good servant but a bad master, it seems to work the same way with freedom. It is good to have some of it but the extension can have fatal consequences. Hobbes, even though

not primarily, looks at what freedom causes, shows how the use of freedom impacts the life of people. Defining the two main concepts of state of nature and commonwealth, he explains the reasons for the state formation and escaping the state of nature. Freedom here plays a crucial role and becomes paradoxical in more than one aspect. Looking at the world through the eyes of Thomas Hobbes and his *Leviathan*, it seems to be paradoxical that people want freedom but at the same time are not really able to live without laws and norms that literally put direct restrictions on their freedom. Being completely free in the state of nature does not bring happiness and safe life as it could seem from the first sight. The problem is that the use of unlimited freedom forces people to seek protection and form organized societies with laws that would regulate the use of freedom. Freedom becomes restricted and people lose the possibility of its full use. They, however still wish to have their freedom. However, in the commonwealth, the freedom is practiced in different way.

There are several clashes of freedom with the will of an individual and an environment in which he appears to be discussed in the following chapters. The understanding of freedom as such and its use is many times misapprehended and people do not realize what it really means to be free. From reading Hobbes, one can come closer to the conclusions that freedom is two-sided. Freedom is a great thing to have and use but the reality is that it can cause much of damage when not regulated. Therefore, freedom is a paradoxical concept.

CHAPTER 1 - MAIN CONCEPTS

It is necessary to describe the main concepts and terminology in order to understand so far unveiled phenomena of paradox of freedom in Hobbes. The discussion of freedom will be accompanied by views of other philosophers and then proceed to introduce the main topic – freedom in Hobbes as in the state of nature versus in the commonwealth. The concept of freedom is further supported by the background of concept of will that is to play an important role in the issue. Defining likewise paradox and making a clear distinction between it and the contradiction also builds on the argument of the discussion to follow.

FREEDOM

There is a lively discussion of what freedom means in the world of philosophy. Some believe freedom shall and does not have any borders while others claim that freedom cannot be used in its full scale. Similar way of thinking can be found in the philosophic thought of John Stuart Mill who discusses the position of law in human life and indirectly also the position of freedom in the state. Mill states that “men should be free to act upon their opinions” but at the same time this freedom of an individual has to be limited as towards other people (Mill, 2001, p. 52). An individual shall not really impede or try to affect the life of another because everyone is responsible of his actions and shall use his freedom only in this accordance. An individual should not become a nuisance to others, otherwise, he is exceeding the limits of his own freedom by violating others’. Philosopher Jean Jacques Rousseau, in quite a different way, is also concerned with the question of freedom claiming that “Man was born free, and everywhere he is in chains” (Rousseau, 2008, p. 45). The moment one is born into an organized society, he is bound by the rules functioning within it. Challenging or violating the rules would mean a destruction and deviation against the society that is giving a person conditions for survival. A. J. Ayer puts the issue of freedom, accompanied by the concept of will, in the nutshell by saying that “it is the apparent conflict between these two assumptions that gives rise to the philosophical problem of the freedom of the will” (Ayer, 2009, p. 139). All in all, there have been many discussions going on concerning the position of freedom in one’s life and it was not otherwise in the writings of Hobbes.

Freedom is, according to Hobbes, the absence of external impediments (Hobbes, 2008). When free, there are no restrictions put on one's movements, whether physical or otherwise. To be more precise, lesser impediments there are in one's way, the more free the person is. The ideal stage or a complete freedom is then the when there are no impediments at all. Hobbes admits the movement on the scale of being totally free and not free. The proof is his discussion of state of nature, commonwealth and role of law. In any case, being free is a state when one can basically do what he wishes. It is important to point out that Hobbes does not put importance on the difference between the freedom of physical movement and freedom of mind or thought. He sees the connection of the will with the body and the realization that one can actually do only what his body allows him to. This is how freedom is, as in one example, always connected to something physical. For him, freedom means the absence of elements that could stand in one's way and corrupt one's free movement and thinking in any way. Moreover, he understands the concept of freedom unexceptionally as belonging to the body (Hobbes, 2008). This claim is derived from Hobbes's very first definition of freedom "for that which is not subject to motion, is not subject to impediment" (Hobbes, 2008, p. 139). In case of, for example, a free gift, it is not the gift being free. Rather the person giving that gift is the bearer of freedom as being able to give it and thus free in that expression. In other words, there are no barriers in one's way to freely give a gift to the other. Again, for Hobbes, liberty of a man is that "he finds no stop, in doing what he has the will, desire, or inclination to do" (Hobbes, 2008, p. 140).

WILL

"A freeman, is he, that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to" (Hobbes, 2008, p.139). The concept of freedom for Hobbes is tightly connected to the "ability" of the body as a quality that makes all people equal and to the "will" that is defined as the last appetite in deliberating. A man only wills what his freedom and body allows him to reach because otherwise his appetites would remain unsatisfied and thus not being what one initially willed. Liberty allows one to exercise his own will within the limits of his ability. Hobbes suggests that the concept of will is many times misunderstood. For most of the Scholastic Philosophy, the will is defined as a rational appetite (Hobbes, 2008). There is, however, a criticism of such definition since it would mean that there

is no voluntary act against reason (Hobbes, 2008). Indeed, the role of will is somewhere else. For an act to be voluntary, it has to be the last decision, last feeling, last appetite in the precedent deliberation. Therefore, the very last inclination is the actual manifestation of one's will and that makes the actions voluntary. Hence, "not only actions that have their beginning from covetousness, ambition, lust...but also those that have their beginning from aversion, or fear of those consequences that allow the omission, are *voluntary actions*" (Hobbes, 2008, p. 40).

Nevertheless, Hobbes's emphasis is put on the concept of free action rather than on free will as such. For a free action is the one resulting from the will representing all the passions included in the process of deliberation and the articulation and decision made upon the last one. To add, free action requires a free way for its manifestation. To do something freely, those who act walk through this free way without any external powers stopping it. That is for Hobbes what unlimited freedom and use of will is.

IN THE STATE OF NATURE AND IN THE COMMONWEALTH

Freedom and its perfect articulation in the state of nature could be one of the answers to the questions where the concept of freedom as derived from Hobbes is best exercised. Speaking of the state of nature, it is definitely the place where there would be more of freedom than anywhere else. In the state of nature, there are no controlling systems of authority or someone having supreme power to rule and thus, freedom is likewise not limited. In such a state, people are, thus, not limited by anything and their acting is potentially completely free. For Hobbes this is when there are not any barriers neither on one's physical movement, nor on this thoughts or expressing them aloud. In his words, it "is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature" (Hobbes, 2008, p. 86). It can be also claimed that the state of nature is the best place for freedom to be enjoyed since there is nothing in its way to restrain it. Hobbes's reasoning is that "in such a condition, every man has a right to every thing; even to one another's body" (Hobbes, 2008, p. 87).

Therefore, use of complete freedom in the state of nature becomes a threat to man's security since each person has right to everything and everyone as there are no rules controlling the actions of men. Moreover, one can do whatever he wishes and

does not have to be afraid of punishment for any of his actions that could be considered “bad” or outside the scope of rules of which there is actually lack of in the state of nature. In any rate, state of nature is a place making a complete freedom possible. One could, therefore, assume that thanks to such freedom, man's wills, whatever they are, can be easily achieved. When one is completely free, he can do whatever he wills because there shall be no impediments in his way that would prevent him from getting what he wills.

Since people can be truly free in the state of nature and enjoy the greatness of freedom in its fullest way, the question then is what drives people toward organized societies such as states. From this point, it seems to be rules and laws that both put restrictions on one's freedoms and also make it possible for freedoms to survive even in a commonwealth. In a ruled commonwealth, freedom is bordered and limited by various regulations and laws. At the same time, the freedom is protected to remain alive by introduced rights and other laws as something sacred and necessary for human survival. In the current world order, almost everyone lives under some kind of constitution. The order of state is what leads the way of human life by setting down the rules to be followed. The question arising here is whether it is then truly possible to be free when laws and norms are the main instruments that control almost every aspect of one's life. The position of freedom is hidden between the lines in the process of state forming, changing its position from unlimited to actually limited freedom in the commonwealth. Here another set of questions arises, when taking into account the real motivation of people to form organized, ruled societies. Freedom plays a crucial role in this transition and will be discussed in the next chapters.

PARADOX

Paradox is a statement with seemingly contradictory meaning but in the end is completely true. It is usually a statement that at first sight does not make any sense because the two parts of a statement are contradictory. However, after a profound examination of such statement, the real meaning of it can be easily understood even when appearing contradictory on the first sight. Greek *παρά* (para) refers to something close beside or along with something. The second part of the word paradox that *δόξ/δοξ* (dox) has its roots in the meaning as an opinion, idea or a belief (Liddell & Scott). Hence putting the two parts together and considering the meaning of word

παράδοχ/δοξ could be interpreted as the ideas or opinions close beside each other (Liddell & Scott).

In addition, Pre-Socratic philosopher Zeno of Elea is famous for his profound discussions of paradox. In one of his debates, he is laying down how the many same things are both limited and unlimited, thus paradox (Kirk, Raven, & Schofield, 2007, p. 266). For many things, there is a need for their limitations since there is just as many of them as they are. The number of these many things should be specified and set down, therefore limited to one exact number. On the other hand, there are always some other things in between the things that are there. In this way, the many things are unlimited because it is actually not possible to specify the exact amount of the many things. Admittedly, the many things are both limited and unlimited. An easier example from a day-to-day life would be the phrase “beginning of the end” where one refers to the start of some ending passage. Where there is an end, the beginning should already be past. Simultaneously, the beginning can appear again in the connection with an end when one tries to specify the moment when the end starts. In this way, the beginning, normally signifying a starting point, becomes a word to be also used in connection with the end, standing for its starting point. Therefore, a paradox is two, usually contradictory, things at once and yet still true.

It is then necessary to clarify the term “contradiction” too in order to differentiate it from a paradox. There is a risk of misunderstanding these two similar concepts and considering a paradox the same thing as contradiction. Indeed, paradox has a similar nature as a contradiction since it involve two contrary or opposite ideas that in the case of the paradox only seem to be opposite but are in fact both true. Yet, for contradiction, when one part of the statement is true, the other inevitably has to be false (Govier, 2014). In contradiction, the two ideas exclude each other. For example, “four-sided round square” is a contradiction, not a paradox. A square has four equal narrow sides and four right angles. Without these characteristics, it would not be a square. As it is in no way possible to make a square to be round, the phrase “four-sided round square” can be recognized as a contradiction. For “four-sided” is the true part of the statement because of the specific object described is square and “round” is consequently nothing else than false. Contradiction can be also seen in combination of colours – black and white. They are completely different, one dark and the other light. It only represents the two different, totally opposing ends of colour scale. So again, a

paradox refers to a statement that at first does not have a clear meaning, usually because of confusing combination of things that symbolize opposite or different things, but after thorough examination, the claim makes perfect sense.

To summarize, freedom can be understood from different angles but the one to be discussed is the Hobbes's definition of it. The freer a person is the less impediments stand in his way. Freedom is a crucial concept in the building of a commonwealth and will be observed as a constituting element of the state. Three paradoxes of freedom in Hobbes will be introduced and explained in the following sections. It is important to keep in mind that there is a difference between the paradox and contradiction since it will be necessary to understand the argument in proper way.

CHAPTER 2 - PARADOX OF FREEDOM IN THE STATE OF NATURE

Hobbes, when discussing the formation of society or a so-called Leviathan, uses a concept of state of nature as a fundamental condition in which men appear and are supposed to live in. Freedom is exercised without any limitations and hence, becomes a dangerous weapon of one against the other. As will be seen, the state of nature is actually a condition of war and freedom is the cause of this proposition. Hobbes looks for the reasoning what mechanisms work in the state of nature and comes to the conclusion that there are rights and laws that in the end orientate people to form societies as a better option of survival and their self-protection.

EQUALITY OF MEN

The state of nature is a state where all people are equal and free. Hobbes writes that nature made all men equal both in faculties of body and mind (Hobbes, 2008). First of all, Hobbes “insists that men and women are naturally equal” (Pateman & Skinner, 2012, p. 42)¹ At the same time, the difference in body condition still seemingly appears as a sign of inequality among men. However, it is the actual ability to do things what makes men so equal. The equality lies in the concept of ability and the right use of faculties one has most developed. Faculties of the body and mind, even though making some people stronger and another wiser, make all people equal when all capabilities are reckoned and considered together. According to Pateman and Skinner, it is the principal equality Hobbes describes to be a fundamental point of developing an equal organized society (Pateman & Skinner, 2012). It is evident that Hobbes admits people are different when individually developing their faculties and capabilities, but he also explains that the strongest can be defeated by the weakest not

¹ An objection to the ultimate equality of men is a differentiation in gender and thus a difference in natural capacities of feminine or masculine body. This, however, does not seem to be an obstacle to Hobbes’s profound claim of natural equality. Even Pateman, along with Skinner, the two of the leading representatives of Hobbes scholarship, claim that Hobbes’s social contract originates in the state of nature consisting of naturally free and equal men and women (Pateman & Skinner, 2012). For sure, people excel in different things, some in strength, other in skilfulness, another in wisdom but it does not necessarily need to be underlined by the difference in gender. As Skinner adds, “it would be a misreckoning to suppose that men necessarily possess greater prudence or even strength” (Pateman & Skinner, 2012, p. 26)

by strength, but by secret machination (Hobbes, 2008). For him, faculties of the body and mind are of the same relevance, are comparable and can be competed on the same level as well. In this sense, all people are by nature born equal.

People master different things as a result of individual development of one's capabilities. It results in a tendency people have to compare themselves with others. By acknowledging others to be for example more witty or eloquent, they try to look better than others or eventually the best way possible. "For they [people] see their own wit at hand, and other men's at a distance", this is why people find it hard to believe that others are as excellent at something as they themselves are (Hobbes, 2008, p. 82). It is usual that people highlight their virtues and compare them with other's vices. Pateman reasons that it is a result of no relations that make people remain "locked into their own private judgement" (Pateman & Skinner, 2012, p. 33). Along with Skinner, Pateman argues that Hobbes here builds on radical individualism of men in the state of nature (Pateman & Skinner, 2012). Thus, it is evident that one is likely to refuse his bad sides and weaknesses and it is a natural tendency everyone has since the presupposition of equality in abilities can cause such differences among people. Even though people are equal in ability, the development of faculties of body and mind cause that people see themselves as unequal. It could be even said that the tendency to compare then also become one of the qualities all people equally have. Some use the comparing to make use of it as of inspiration to become better by virtue of others. Another rather uses it in already mentioned way, looking less critically at himself and criticizing only others. In any rate, people are equal in abilities and in this comparative tendency which itself in the end makes people equal as well.

FREEDOM OF MEN AND USE OF WILL

In the state of nature, humans have liberty to do anything. Since Hobbes's definition of freedom is the lack of impediments in one's way, the state of nature should be a proper environment for actual practice of freedom in its utmost extent. In such state, a human can do whatever he wills to. Pateman adds that the state of nature Hobbes portrays is radically individualist (Pateman & Skinner, 2012). What is important here is the fact that all the people are equal in abilities to achieve their individual own goals – the things willed. It does not matter that one is taller and the other wiser. Each individual has the same and equal starting position in the state of nature in the use of his will. As already said, to do what one wills is to practice one's

last appetite in deliberation. It is the final decision one does in his consideration and it is the aim for which he wills to go in his action. People in the state of nature are equal in abilities and in the same way also equally free to practice their will unlimitedly which, however, after a thoroughly examination becomes not all that reachable.

First of all, the will of one is limited by person's own body. The physical body is the very first impediment that can stand in one's way when exercising his liberty. Being at least a bit realistic, people usually will and aim at things that are possibly attainable for them. There exist physical laws that are impossible to be broken by a man such as gravity or so. The body of man, being a part of the Earth's environment, is always being directed by these physical laws that set limits on human's will. Basically, even if one willed to fly, he would not. His body is not capable of such act. In this way, there is no deliberation about a flying man because it is a thing known manifestly impossible and men know such deliberation is worthless (Hobbes, 2008). Thus, the limits of freedom of movement are imminent. The other example of physical law in practice could be an apple hitting the ground. Sure it will happen when apple falls down from a tree. The movement of the apple is directed toward the ground because of physical law and the move becomes unquestionable for it is the physical law that sets the direction. At the same time, ground becomes an impediment for the apple so even from this point of view the state of nature is not that free.

Therefore, referring again to the concept of freeman articulated by Hobbes, it is when one, by the ability his wit and strength give him, is not limited from doing what he wills (Hobbes, 2008). Hence, people in state of nature can freely go for anything they will. There is nothing that would stand in one's way, only if it was some other, equally free, person. Having said that people are all free to do what they will, it can happen that two people will aim at the same thing. The equality of ability and also of hope in attaining one's ends supported by the free environment make this clash of same willing of two people possible (Hobbes, 2008). Indeed, in many occasions, it is impossible for two people to enjoy the very same thing they both aim at. Therefore, there arises a possibility of an impediment standing in one's way, accordingly meaning limitation or no more of freedom. Interestingly, it is a person – equal and same unit – standing in the other person's way. People in state of nature count on a fact that they are completely free and there is nothing standing in their way of satisfying their last deliberations. And surprisingly, they appear standing one

against the other as rivals aiming at one thing that become the matter of their conflict. Actually, it is more than obvious that such situation can happen. This is another type of impediment of freedom in the state of nature.

There is, however a difference between physical laws restricting one's movement and people being the impediments. A falling apple from the tree has the directed way of movement set by the gravity and it is not another apple standing in one apple's way. Similarly, trees in the forest can grow into each other and thus limit their movements. However, they are unlikely to kill each other. Unlike apples or trees limited by physical laws, people can appear in such situation of being an impediment to each other and risk of even killing the other arises. They become physical impediments, as trees do, but there is an essential difference in how the impediment is to be treated when reason and thinking of one is used and the final will articulated. Since people can do what they will and have enough power to actually kill, they probably will be willing to do such a radical move. For that moment, the act of killing becomes the last thing in one's deliberation, thus one's will. In order to satisfy the thing willed at the beginning and to overcome a direct conflict with other person aiming at the same thing, killing becomes a part of last deliberation on both sides. The act of killing becomes the last appetite in their deliberation for reaching their primarily set goal. And thus the disputes in state of nature escalate into mortal combats (Cooper, 2007). Then, it is only a question of who is capable of using his abilities more accurately for attaining his aim.

Likewise, there is another threat resulting from enjoying one's freedom and free will. People are equal in their nature and thus, the chances are high that when someone is living on a convenient level, others could come prepared to deprive the well-living person. There is a link to the comparative tendency which people dispose of. McClure makes a point here that "living under the shadow of a painful and unremembered death, [people] seek only immediate pleasure...[or]...commodious living (McClure, 2016, pp. 16-17). It is a passion and will to attain the same things and what is more, it does not matter for one what mechanisms will be used to gain it. And then it happens that one possibly deprives the other person "not only of the fruit of his labour, but also of his life, or liberty" (Hobbes, 2008, p. 83). Hence, the one attacked will be consequently willing to fight the invader in order to protect his life. These are the passions that drive them to become rivals and a danger for each other.

As a result, both the invader and the attacked person become enemies to each other in a sense of possible death resulting from a conflict and violation of each other's freedom, standing in each other's final goal which happens to be their own survival.

For all humans, preservation of their own life is put in the first place. As seen from the previous examples, self-preservation happens to be of the utmost importance among all the things people can possibly will. In order to assure the self-preservation, one, in state of nature, can do whatever he wills and needs to protect him from death. As a result of the diffidence arising from the character of the state of nature, there is no secure place for men in such an environment (Hobbes, 2008). Therefore, the state of nature, even though being an articulation of freedom in its fullness, is a nasty place where "every man is enemy to every man" (Hobbes, 2008, p. 84). It is then evident that there is not any trust between humans because in the end, each is capable of killing the other in preserving one's own life. People are equal and it is impossible to be protected in the state of nature where no rules exist. Self-preservation is one of the strongest appetites and the state of nature does not provide with a place where one could fulfil this will.

NATURAL RIGHT AND LAW OF NATURE

Hobbes distinguishes between rights and laws. It is important to say that the two are inconsistent and different from each other in a very essential way. While the former refers to an act consisting in liberty to do something, the latter is determined and bound to one to be done in such or such manner (Hobbes, 2008). In other words, right is connected to liberty and law to some obligation. Even though the natural law is a far more discussed conceptualization in Hobbes's work, they both are "equally necessary concepts", as also Zagorin admits (Zagorin, 2009, p. 12). The two combined provide a proof for paradox existing in the state of nature.

The natural right explained by Hobbes says that it is a liberty each man has to use his power for things he wills and for the preservation of his own nature, thus of his own life (Hobbes, 2008). This right can be understood as full articulation and exercising of one's will. The right of nature, moreover, gives legitimacy and allows whatever act of a man willing to do something. Additionally, it is the freedom one has to reach things willed. Thanks to the natural right, one can claim to be fully free and actually to proclaim his freedom as something very natural and essential for his life.

As Zagorin explains, natural rights are “pronounced to be the inborn and inalienable possession of every human being and to be rooted in a natural or original condition of personal freedom” (Zagorin, 2009, p. 21). Since there are, in state of nature, no impediments that would restrain one from enjoying his freedom and will, state of nature is a necessary environment for this natural right to be manifested.

At the same time, Hobbes describes something called the law of nature. As there are physical laws as gravity that direct for example the motion of one, there is also law of nature being of a similar essence. This law, Hobbes's general rule, forbids one to do what is harmful to him. It comes from the fact that one being born and given chance to live is not to be killed at the first occasion, especially in the nasty state of nature. Otherwise, the life overall would not make any sense. It is to say that one has to be protected from doing harmful things to himself essentially for his survival. Since there is the natural right that is of every man to everything (including also every other person), it is inevitable to somehow ensure one's survival. It is this law of nature that justifies one's life as something to be valued and endured. Moreover, it gives grounds for one to seek protection in order to survive and then also assure things willed that are other than self-preservation.

The existence and life of a person in state of nature with presence of only natural right would be impossible and the actual life of a man would become pointless. It would be only a perpetual fight of humans willing to satisfy their wills, constantly killing each other for this reason. This original natural right Hobbes prescribes associates with the right of self-defense of body and life (Zagorin, 2009). Hence, it is evident that the state of nature itself brings a paradox. In the state of nature, everyone is equal in abilities and completely free. It then seems natural to live in such a state. It is a profound condition for men and thus, people should be able to survive in it. However, people, by natural right, have liberty to preserve their lives and there is nothing that forbids them from even killing each other for their own survival. In words of Hobbes, “as long as this natural right of every man to every thing endureth, there can be no security to any man.” (Hobbes, 2008, p. 87). Moreover, in this way, no one would be really able to enjoy his natural right because of constant fear of death. McClure points out that Hobbes uses the great power of the fear of death as a prescribed way people should think about it (McClure, 2016). But it is not Hobbes but actually the nature itself that pushes people to think this way. It is evident

that being in state of nature is harmful for an individual because of lack of protection of peoples' lives that is one the most essential things for their preservation and survival. And for people, by natural law, should not do anything that is harmful to them, they need to somehow ensure that the state of nature does not only offer them a nasty place with no security.

It is the freedom itself that brings a paradox to Hobbes's writings. Freedom in state of nature being exercised in its full extent without any impediments standing in one's way is at the same time the reason for why people seek self-preservation first among willed things. For freedom in state of nature means absence of impediments at the same time causes that the ones – people – who make use of this freedom become impediments for each other. In this way, paradox as being two seemingly opposite things become possible in the case of Hobbes's explanation of freedom. While it is suggested that there are no obstacles in one's way, people themselves become obstacles and thus, not free anymore. Furthermore, the natural right and the law of nature give the argument even more support. Since by natural right one is free to do whatever he wills, he is allowed to fully exercise his freedom. On the other side, there is the law of nature that explicitly says one should not do what is to him harmful. It is the stage when one person takes a position of an enemy and the other, in order to preserve him, takes this side as well. In this way, the ultimate use of freedom vanishes and becomes impossible.

FIRST LAW OF NATURE - WAR AND PEACE

The combination and obvious inconsistency of the natural right and the law of nature sets grounds for the fundamental law of nature that will partially solve the problematic situation that happened to be in state of nature. It is based on the reasoned claim that people are forbidden to do what is harmful to them that comes as a response to the natural right that allows men to do whatever they will. Fundamental law of nature asserts that "men are commanded to endeavour peace" in order not to harm themselves anymore (Hobbes, 2008, p. 87).

The equality of humans could mean that one is easily protected from others in the state of nature because there should not be any situation in which one could overpower the other person. However, as already partially explained, the reality is different. Hobbes describes a potential conflict, or even a war, and will of one to rule

all men resulting from diffidence together with fear emerging in the state of nature. And yet, there is no way to secure life in state of nature. At the same time, it is not possible for one to master all men since it exceeds the point of naturally allowed control individual's conservation requires (Hobbes, 2008). One in no situation needs to protect his life by controlling and having power over all the other men. Until the point one is not facing the impediment to his freedom or at least being in a position this impediment could possibly arise, there is no reason for him to invade anyone else, not even the whole of others.

For Hobbes, war is a time when there is no common power keeping all people in awe (Hobbes, 2008). It is not only the actual battle or fighting but also its potentiality to happen. In this way, the nature of war is made also by known disposition for battle during all time there is no assurance for peace which is the contrary to war (Hobbes, 2008). He works here with the aspect of time, comparing war to a bad weather. Bad weather is not considered by one or two showers but rather by a longer period of time for which inclination toward rain is high connected also with actual raining. At the same time, war is not only fighting in a present time, but also the possibility and willingness to fight.

The state of nature allows one to do whatever he wants, especially in case of protecting one's life. It is to say that one, being in state of nature, is doing whatever he wants. This condition, however, brings the possibility of being killed by others who are equally exercising their natural right and can become an impediment in one's life. For being protected in such an environment, one unavoidably needs his full freedom to protect himself from others, as to fight and even kill others in the case of conflict. Paradoxically, as a result of full freedom, one becomes endangered by it. At the same time, he needs this freedom to protect himself in such a dangerous situation when one is being exposed.

In any way, the state of nature provide excellent environment for war described by Hobbes since there is no assuring common power that would bring people out from the omnipresent possibility of fighting one another for own survival. As he himself claims that "the condition of man 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" (Hobbes, 2008, pp. 86-87).

This is the main reason for people to actually will to step out from the state of nature. The very first motion that pushes people toward such a step is the will for self-protection. Accordingly, to the first fundamental law of nature that aims at seeking peace, the second law of nature figures in. This one says that a person is willing to lay down his right to do anything on condition that others would do so as well. All, or at least majority, will to do this in order to achieve peace and security that is necessary for one (Hobbes, 2008). Additionally, it means to "be contented with so much liberty against other men, as he would allow other men against himself" (Hobbes, 2008, p. 87). Again, if men are to keep their right of doing anything they like, the condition of war will not be changed and thus, no man can be secured. This kind of agreeing with other people surrounding one on such project as articulated in first two laws of nature aiming at protection-building, there emerges a common goal and a willingness of all to give up something that is very natural and essential for a man – his liberty.

CONSEQUENCES OF FREEDOM

The profound condition of man in the state of nature where each man stands against the other is an articulation of complete freedom and at the same time it is the condition of war. It is when "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, [thus, everyone]" (Hobbes, 2008, pp. 86-87). Even though freedom is, in this sense, part of profound condition of men, it causes fear and violence. When one gives up the state of nature and the entirety of freedom offered by such state, in essence, one gives up his natural estate. However, it is actually the only option resulting from the nasty circumstances of the state of nature. Freedom, being unlimited, is a great tool to get whatever one wills but at the same time puts one in the position of being constantly endangered by others who exercise the same freedom. Therefore, individuals fear each other and similarly, life in the state of nature becomes an option not willed but rather suppressed.

Hobbes explains how to protect people from the risk coming out of the natural right to do whatever one wills. It is through the law of nature that forbids people to do harmful things to them. This is what makes the state of nature itself to be paradoxical.

The combination of natural right and law of nature is incompatible and the one eliminates the other. If one is to do whatever he wills, then the risk of being harmed is increased by the fact that each has the same condition of doing anything. Understanding freedom from this point of view, it is a paradox. Being free here means never-ending fight for survival and thus not real freedom at all. Hobbes's law of nature partially answers the question why people form societies. As discussed, it is very unsafe to be in the state of nature. Moreover, it could be even claimed that the right to do whatever one likes is actually banning people to remain in the state of nature. Their natural right pushes them out of the state of nature as a consequence of what this right causes. Overall, the state of nature, in this way, offers only much of uncertainty of one's survival and constant fear and struggle for life. Thus, it is inevitable that the first law of nature is practiced and people really tend to form societies in order to protect them.

CHAPTER 3 – TRANSITION FROM STATE OF NATURE INTO COMMONWEALTH

Hobbes provides with reasoning what are the grounds for tendency of people towards formation of societies and to peaceful life in them. Even though the state of nature is prior to the society and could be considered as the most suitable and natural for men, it is otherwise. As seen, people are giving up their natural right of liberty in order to gain protection and self-preservation. Doing so, they are creators of a covenant that is made as a result of natural condition of men in state of nature, its dangers and the practice of natural right and laws of nature. Reason for giving up one's natural right is the practice of full freedom that puts each man in danger and sustains the presence of war in the state of nature. It is for freedom and fear resulting from its use that people will to give up their natural rights and proceed to the organized society that limit their freedom. Another aspect of the transition is also the self-preservation articulated in the first law of nature. Natural right and the first law together stand behind the formation of the commonwealth.

OUTLASTING EQUALITY

The formation of society still works on the basis of equality, even though there is a need of higher power that would keep control over the people. It is putting an equal border on freedom of everyone; with exception of honors in case of an aristocratic type of commonwealth where the position of an individual in the society can be inherited, not only earned by use of his abilities (an example of a saying that some are more equal than the others). As a result, there is almost an equal limitation of distribution and use of freedom for everyone. Only under a condition of enduring equality the society (soon to be formed) can work. Basically, "to lay down a man's right to any thing, is to divest himself of the liberty, of hindering another of the benefits of his own right to the same" (Hobbes, 2008, p. 87). It is a collective giving up of one's right to exercise his full freedom. Only when all people give up their right the resulting society can serve its purpose of protecting its subjects – the people. The right for self-preservation as explained in the law of nature, however, is not given up because the self-preservation is actually the goal of this transition. By this, people

mutually put impediments in each other's way. In other words, people voluntarily become impediments for each other, though in a sense other than in the state of nature. In the state of nature, the "human impediment" meant a potential of being killed. In the formation of a commonwealth, it is the "human impediment" that is to ensure a stable and protective society. The "human impediment" is not a physical impediment as gravity set by nature, but rather an impediment created by people themselves. As experienced in state of nature where people are equal, this equality persists also in formation of society when all people equally give up their rights to do everything, except for their self-protection. Since a man is naturally not able to fully enjoy the profound condition and complete freedom, the step out from the state of nature is an inevitable move through which, by mutual limiting of their freedom, people become able to survive together within one, however not fully free, society. Freedom in the state of nature is indefinitely wide and people in the end decide to use it in the first place for their self-preservation that is necessary for their life (Zagorin, 2009). Therefore, a new political body is being produced. It is not a spontaneous act but rather the will of all that stands behind this formation (Zarka, 2016). It is a shift from state of war to something that could potentially be called peace.

PASSIONS, WILL, REASON AND FEAR

There are many passions and desires that serve as the first trigger for the process of deliberation and final inclination, thus thing willed and aimed. Hobbes talks of endeavour that starts the whole process of deliberation as the first moving power, "beginnings of motion, within the body of man" (Hobbes, 2008, p. 34). There is an endeavor toward some things such as food that is called an appetite or desire. It could be understood as a positive inclination toward some ends that are in the final decision willed. At the same time, there is endeavor from something, meaning aversion, a negative inclination toward something that for example would bring death to one. The appetites and aversions are actually the presentation of will – the last thing willed in deliberation.

There are deliberations where the actual desires and passions cannot decide for one last option. As already mentioned, there can be situations that could potentially bring death to one. In such cases, the last inclination is usually decided upon the existing aversion toward death that is present in every man. Imagine one is starving and have a possibility to kill a wild animal in order to eat it. However, this animal is

inescapably dangerous. Several options can be laid down. The person will starve to death because of fear of being killed by the animal that, at the same time as killing the man, could be the food so much willed by the man. Will man fight and try to kill the animal or not? In such deliberations, where a clash of passions can be found, the role of reason is important.

Reason is needed for it means to reckon – to add and to subtract (Hobbes, 2008). For Hobbes, reasoning is akin to math and calculations. In the sense of faculties of mind, it is the usage of one's reason when one thinks, evaluate the possibilities, marking and signifying them in order to demonstrate the outcome most pleasant for one. Referring then back to the starving man who is having trouble with deciding on what to do, he, apart from the passion, is led by the reason and calculation of possible outcomes that help him to decide the best way for him and for his survival.

Importantly, when people start to calculate in the state of nature of what are the possibilities of their survival is the birth of science as such. As for Hobbes, the science is knowledge of consequences, thus philosophy (Hobbes, 2008). Since one, when constituting the commonwealth is playing with the possibilities of consequences, it is the emergence of science and philosophy in instance. Philosophy only comes into existence with the use of reason and therefore, politics, civil society and commonwealth are led by these newly arisen mechanisms. Also Zagorin says that “an original prepolitical freedom inherent in human beings” is in a way “sanctioned by right reason” (Zagorin, 2009, p. 28). Hobbes moreover distinguishes between people and other creatures as humans are the only ones to have the capability of using their reason in such way as to protect their life and prolong the chance of survival in this way.

Additionally, the reason discloses reasonable claims that draw men to agree upon something that will save them from the nastiness of state of nature. As McClure adds, “natural law, for Hobbes, is a matter of reason, and reason dictates that one should always obey the law” (McClure, 2016, p. 20). This step also ensures some kind of “higher” reason that is to be one to decide on conflicts between people when the transfer of rights is done. By “higher” here it is meant a stronger, a superior reason built up of the reasons of all people. Hence, this higher or sovereign reason results from mutual transfer of people's right to reason on their individual level to this higher

one. The sovereign then determines the last will as the last appetite for people who agreed upon the creation of him. In this way, people give up their natural right and form society in order to satisfy their passion of being protected that, in the end, lead them toward this move.

There can be people who are irrational and disagreeing on such a shift, even though there are rational reasons and also natural law that supports this idea of formed society with an overarching power. Such people could be called beasts since they go against the reason and against their nature that is not to do harm to one. As it is already evident, state of nature brings many risks and the life becomes questionable. "The desirability life in the Leviathan state is conditioned heavily by the undesirability of its alternative, the natural condition," Hull suggests (Hull, 2009, p. 118). Out of these conditions, formation of society is a way to go in order to protect one. It is to seek peace instead of war as written in the second law of nature. Accordingly, with beasts, a person shall not make any agreement since he is not able to use his reason properly and as Hobbes adds, "to make covenant with brute beasts, is impossible" for their incapability of understanding the speech of a rational and impossibility of mutual acceptance (Hobbes, 2008, p. 92).

In the same manner, "to make covenant with God, is impossible" (Hobbes, 2008, p. 92). Hobbes does not want to dismiss the existence of God. He rather claims that it is not possible to communicate with him and thus the answer of accepting the covenant will not be received. Without knowing that the deal was accepted by both sides, it is not a covenant. Since there is no possibility of contacting God and having a discussion with him, apart from mere meditation, any attempt to covenant with the God would be in vain.

Fear of death is the first driver of deliberation toward organized society. Oakeshott is of the similar opinion claiming that "the ultimate fear in man is the dread of violent death at the hands of another man" (Oakeshott, 1991, p. 302). The situation drawn down in the state of nature by Hobbes is of the same mechanism. People are free, thus can kill each other and therefore, being always endangered in essence by the freedom and equality they have. "Life lives in fear. Life is essentially fearful, fear is the passion of life," Derrida explains (Derrida, 2009, p. 41). Adding to the importance of passions, McClure says that "man is always driven by appetites and aversions, but

he does not in any way want to leave the targets of those appetites and aversions as he found them" (McClure, 2016, p. 10). At the same time, these appetites and aversions "as found" lead people to fight against each other and remain in persistent possibility of war or its actual happening. That is the reason why the self-preservation is willed first among all things. And hence, defined are those passions that incline men to peace. It is fear of death, desire of things that are necessary to commodious living and hope to attain them that people will to form societies (Hobbes, 2008). Fear of death is the will to be protected. It is the fear understood as a terror or panic being a political passion par excellence (Derrida, 2009). The things necessary for commodious life and the hope to attain them present the passions understood the way McClure puts it – "as found" – but kind of subordinated to the protection. In this way, all the passions as they are in the state of nature remain the same but are being transformed and co-opted to the system of laws in the formed, organized society. Only the orientation of things to be willed is changed from one's self-preservation, which is already ensured, to the other aspects of things being willed, such as commodious things and keeping them.

RENOUNCING AND TRANSFERRING

The process of giving up one's right is called either renouncing or transferring of right. Renouncing refers to a situation in which one does not care to whom the benefit of doing so goes. When transferring, which is the case of forming a society, the action is directed rather toward certain person or more people. By transferring, one becomes obliged and bound to the ones he transfers his right of freedom to. However, this transferring is limited by the self-defense and self-protection that cannot be given up since it is the natural law of not doing harm to one that is in question. Moreover, it is this natural law that directs people toward this move and thus shall not be abandoned. The shift being done is so for the sake of self-preservation and only the natural right to freely do anything is to be given up.

The transferring is called contract. It is a "mutual transferring of right." (Hobbes, 2008, p. 89) The contract aims at the transfer of right to some higher power that is to be called sovereign later on. However, for its well-functioning, the one who transfers shall not make void the voluntary act of his own since it is his duty to keep his promise, or obligation (Hobbes, 2008). The moment one transfer his right, he becomes obliged to all the others and to the sovereign to whom he transfer his right to freedom. This emerging obligation that will continue to be present in one's life is

called a covenant – a social case of contract with promises of not being broken. Otherwise, one would be responsible for doing injustice and injury to others that is to be limited by making a covenant on the basis of giving up the natural right. By this act, people bound themselves and promise to keep their promise from the moment the contract is done on in order to remain protected.

VOLUNTARY ACT

It is for fear of death that people voluntarily form societies and thus partially give up their infinite liberty and natural state of being. By adding also reasoning why to make such decision, it strengthens the willingness of one to do this step. This voluntary act proceeding from one's will is however not all that voluntary. For Hobbes, a will rather refers to the last appetite in deliberating and a voluntary act is then based on this conceptualization of will (Hobbes, 2008). Will represents the last inclination one has before making a decision. Sometimes, however, people are pushed toward a certain decision and the same action can become both voluntary and involuntary (Hobbes, 2008). Act of binding oneself to society by covenant is this type of decision. Additionally, "...subject of a covenant, is always something that falleth under deliberation; (for to covenant, is an act of the will; that is to say an act, and the last act, of deliberation)" (Hobbes, 2008, p. 92). It is done voluntarily, resulting from will – last inclination where one seeks to be protected, but at the same time, a person literally has no other choice when wanting to preserve his life as a result of exercising full freedom in the state of nature. Hobbes would, nevertheless, justify the act of "making a pact with the devil" as voluntary because also actions beginning from aversion or fear of future consequences resulting from denial are voluntary (Hobbes, 2008).

The move from state of nature to the organized society is voluntary and inevitable, hence a paradoxical step for people to be able to protect themselves. Simultaneously it means giving up something natural to man and that is their freedom. It is the freedom itself that pushes people to give it up. In the state of nature, paradox is found in the freedom being a creator of permanent risk of war and danger for people "enjoying" their freedom. In the process of transition, freedom becomes motivation for escaping the state of nature. People will to give their natural freedom

up as they are still in the condition of using their full freedom. The decision people make is their last will in the state of nature done fully freely and at the same moment, giving this ultimate freedom up.

In any way, making this type of covenant is a serious decision that will have a huge impact on one's following way of life. Motivation of making this covenant is a voluntary act and thus, "the object is some good to himself" (Hobbes, 2008, p. 88). In this case, the good for himself is his protection and possibility to survive in a much easier way than in the state of nature. Thucydides, similarly believes that "...in peace and prosperity...men are better minded because they be not plunged into necessity of doing anything against their will" (Thucydides, 1989, s. 204). This advantage of society is accountable for all who join it by transferring their right to others within it with an obligation to keep their promise of limited freedom. Thanks to the covenant, the possibility of peaceful life is reachable because people know they have the protection and security provided by the sovereign in exchange for their freedom.

CHAPTER 4 – PARADOX OF FREEDOM IN THE COMMONWEALTH

Constituting a state is the only way in which people are being guaranteed a protection accordingly provided by the commonwealth. As Hobbes adds, “it is manifest, that men who are in absolute liberty, may, if they please [which is proved that they do], give authority to one man, to represent them every one; as well as give such authority to any assembly of men whatsoever; and consequently may subject themselves” (Hobbes, 2008, p. 123). And people do it for protection. This, however, is possible only when everyone respects the rules of the body politic. By agreeing to be a part of commonwealth and making a covenant among themselves, people give up the natural liberty they have in the state of nature and become subjects to various sets of regulations, rules and laws that exist in the society for peoples’ protection. And it is clear that it is not what the liberty looks like.

LAWS OF NATURE AND BIRTH OF LEVIATHAN

Building on the first law of nature which is to seek peace, Hobbes defines the second one. It says that people are willing to lay down their right to all things, on condition that the others do as well, all with the motive of protection (Hobbes, 2008). When all, or at least strong majority of men is willing to form a state for the sake of peace and protection, it is necessary for them all to lay down the natural right to all things, thus also freedom. It is not given up fully but merely exchanged for limited liberty state can offer to people. This liberty would “be contented with so much liberty against other men, as he would allow other men against himself” (Hobbes, 2008, p. 87). It is self-divesting of liberty and also hindering others of the same benefit (Hobbes, 2008). Therefore, freedom of people in the commonwealth becomes a subject to the sovereign and a thing to be limited.

People, making the covenant, create so-called Leviathan. One binds himself to this commonwealth and is obliged to respect whatever it orders. Since Leviathan is formed by putting together the strength and right to all things of all people who decided to form the society, they make the commonwealth a stronger object than they themselves are. It is the only way in which the protection can be guaranteed. The power ends in the hands of one or an assembly of men “that may reduce all their wills,

by plurality of voices, unto one will” (Hobbes, 2008, p. 114)². The concept of the sovereign shall not be misunderstood in a sense that it must refer only to one individual as single person. The single person can be taken in a juridical sense “that the representative can be a single person even when it is composed of multiple men” (Zarka, 2016, s. 184). Humans give right to Leviathan so that he can exercise united power of all people in order to provide them with secure and protected life. As Hobbes adds, it 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” (Hobbes, 2008, p. 114). The commonwealth is therefore characterized as a multitude united in one person or an assembly of persons (Hobbes, 2008). It is a generating of “great LEVIATHAN, or rather...of that *Mortal God*” (Hobbes, 2008, p. 114). As compared to the God as a divine entity which is not able to put orders or laws on people because of missing means of communication, the Leviathan is a Mortal God – higher power, but still made by covenanting of people who actually constitute him. It was said previously that a person shall not covenant with God. This God, Hobbes talks about in the formation of the commonwealth, is Mortal – created by people but also represented by them so that the communication with him is possible and it is provable

²Hobbes distinguishes between three types of commonwealth. As already explained, people give their right either to one or an assembly of men. More precisely, it can be an assembly of some or of all. Monarchy is called the type where one man is the representative, democracy when an assembly of all men is the sovereign, or “popular commonwealth” of aristocracy, where an assembly of only some rules. Hobbes suggests that Platonic tyranny and oligarchy are but the same forms “misliked” (Hobbes, 2008). According to this personal affiliation of one, monarchy can overgrow to tyranny and likewise aristocracy to oligarchy. He adds also an opposing form to democracy as anarchy. The three kinds of commonwealths are same in power, however, different in producing and distributing peace and security to the society (Hobbes, 2008). For each, it is, however, challenging and as Hobbes himself admits, it is hard to say which kind of commonwealth can be the most successful. What is inevitable is the death of the sovereign since he is a “mortal God” created by people. If a monarch dies, there is the greatest difficulty in finding a successor (Hobbes, 2008). In case of democracy, the possibility of death of the sovereign comes close to the chance of zero since the assembly of all only hardly could die all at once. For aristocracy, a special mechanism is used and hence, when one of some dies, the assembly decides for his successor, usually based on the concept of honours mentioned in the previous chapter. Even though, some then become “more equal than the others”, “it is still by their [peoples’] authority, that the election is made” because the members of assembly made a decision as the authors, beholding power of the others to decide for them (Hobbes, 2008, p. 129).

that he really is there, standing upon them. Therefore, it is legitimate to covenant with this kind of god.

If they decided to end the covenant, the Leviathan would die with them. However, such step would be inconsistent with the reasoning of man seeking protection in Leviathan who is the one to offer it. As building on the argument of previous chapters, it is people's will, their last appetite that makes them form the society. Moreover, this voluntary act is supported also by rational reasoning to do the step and it shows how it is more advantageous to live in the commonwealth instead of enduring state of nature. In this way, it would be irrational to destroy the Leviathan that, in essence, gives people what they most seek in the state of nature – their protection and possibility to peacefully preserve their lives.

COMMONWEALTH BY ACQUISITION OR BY INSTITUTION

There appears sovereign authority whose purpose was to protect its subjects in order for which it was supposed to be this overarching power as a means of peace-making and peace-keeping. According to Zarka, there are three types of constituting the right of dominion and thus voluntary submission, forced submission or engendering³ (Zarka, 2016). Hobbes describes two types of attaining to the sovereign power. The first one is a commonwealth by acquisition. It means to conquest and get the rule or a natural parental rule.⁴ However, this is not the case of a commonwealth

³ Zarka marks here the last option as “insufficient title single-handedly“ (Zarka, 2016, p. 148)

⁴It such cases, natural force is a means of attaining the power of others. Hobbes uses example of children submitting themselves to their parents. In such a relationship, man is capable of destroying the children if they refuse to respect the order of parents (Hobbes, 2008). At the same time, this type of acquiring power is a natural way of raising a child. A child actually needs a parent to teach him and also protect him before he is able to think and decide on his own as an adult, thus use his reason. Acquiring the position of sovereign can be, likewise, shown on the example of war. However, this example is not as necessary in one's life as the first example. It is when one subdues the enemy to his will and on such condition giving the enemy his life and possibility to survive (Hobbes, 2008). The commonwealth by acquisition can be thus understood as a result of using force and power of one who is in a more suitable position of overpowering the others. In both situations, either parent or enemy of the other is in a more powerful position than the other person or group of people whom a parent or enemy subordinates. The force that pushes people to constitute such commonwealth is fear of one another and endangering their lives. It is fear of death if one does not conform to a stronger one. In this way, a new sovereign acquire respect and rule over the others.

that we talk here about. Formation of Leviathan is rather a commonwealth by institution Hobbes analyses. It is when people are escaping the state of nature and here, "men agree amongst themselves, to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against the others" (Hobbes, 2008, p. 115). In other words, this type of constituting a commonwealth is a political commonwealth built on agreement and voluntary act of people. It is not a question of competition of who has more power to become superior, as used to be in the state of nature in constant fight of all against all; it is rather an agreement and simultaneously creation of the most powerful sovereign. The difference is that the sovereign has no power at the beginning and does not even exist. It is people who, by giving up their right to all things, constitute him and make him of such strength and superiority. In this case, the force of doing so is fear of death and an inevitable need to step out from the state of nature. According to the same logic, people are capable of destroying the Leviathan when breaking the covenant, which is, however, marked as an irrational step.

Admittedly, there will always be individuals that would not agree with the creation of the commonwealth and living in it. Such persons are called beasts since they do not properly use their reason and do not perceive commonwealth as something that can give them life of higher quality. People who do not recognize Leviathan shall be, however, forced to keep the covenant made around them. There is actually no place to escape the covenant since the whole world is currently consisted mostly of states that work on this type of covenanting. It is necessary to make disagreeing people to keep the covenant to at least some extent as well because it would lead to a potential risk of war. The existence of danger that such an individual could attack the others, as he would remain in the state of nature on his own, is what shall be fought by the commonwealth in the first place. The state, bearing all the power of people who gave it up in order to get protection, has it as the very primary interest to ensure peace and security in the society. If such a person is not to participate in the covenant, it can easily lead to the damage done to those who made the covenant. In such cases, it is the majority that decides and this principle works: "The voice of the greater number, must be considered as the voice of them all" (Hobbes, 2008, p. 109).

POWER OF LEVIATHAN

Hobbes defines a difference between a natural and an artificial person. The instant difference lays in the fact that while the acts of a natural person are considered of his own, the acts of an artificial are “considered as representing the words and actions of another” (Hobbes, 2008, p. 106). By this distinction, it is evident that a sovereign is an artificial person responsible for the natural ones who gave him the right to decide for them. All men authorize the power of sovereign in the commonwealth by transferring their right and power to him, so that “by authority, is always understood a right of doing any act: and done by authority, done by commission, or licence from him whose right it is” (Hobbes, 2008, p. 107). “It puts into relation an author and an actor between whom a relationship of authorisation is established,” Zarka adds (Zarka, 2016, p. 162). Hobbes claims that words and actions of this artificial person are owned by those whom represents and accordingly are the authors of the actions done by natural persons who are actors. What is paradoxical is that “when the actor maketh a covenant by authority, he bindeth thereby the author, no less than if he had made it himself; and no less subjecteth him to all the consequences of the same” (Hobbes, 2008, p. 107). In other words, the ones making a covenant and being the authors of what the sovereign prescribes have their right conditionally owned by the sovereign – the actor – in exchange for security. To add, they also agree how the sovereign is to govern and the will of a sovereign must be recognized by subjects as theirs (Zarka, 2016). Accordingly, “every subject is by this institution author of all the actions, and judgements of the sovereign instituted” (Hobbes, 2008, p. 117). Sovereign being a Mortal God is constituted by the individuals and that legitimizes his existence and recognition. Mortal God acts in the name of his subjects. The subjects, by giving up their right prescribed the sovereign to act upon some rules and that is to primarily give the subjects protection. Looking at the issue of author-actor from this perspective, the sovereign is also an actor when ensuring security within the commonwealth that was authorized by the subjects. It is important to note that the actor's right being given up is not annulling the power and right of the author but rather is founded on it (Zarka, 2016). The reason is that people aim at security primarily and keep their right for self-preservation that serves as a foundation mentioned by Zarka. Therefore, newly established rights of sovereign do not make the right of subject void but suppose the permanence of it (Zarka, 2016).

It becomes hard, if not impossible, to overpower such a strong “man” which is, in fact, artificial. This independency and superiority of a particular person or an assembly of men who takes a position of the sovereign may give grounds for continuous jealousy and enmity among all the people living within such a system as if they were still in the state of nature. There is a question in mind of people why the particular man or group representing the sovereign should be the one to have this overreaching power over others. However, are people in right to complain? Hobbes states that “where there is no common power, there is no law: where no law, no injustice” (Hobbes, 2008, p. 85).

At the same time, the sovereign shall not misuse his power, since there is a condition of protection provided to subjects for which the sovereign was given the overreaching power. Zarka defines possible acts of sovereign that would lead to regression into war and state of nature as “abuse of power, bad example given to subjects, non-respect for natural laws [as of protection of subjects]” (Zarka, 2016, p. 191). Therefore, the power sovereign has is to be used primarily to ensure and maintain the security of people in the commonwealth. Simultaneously, people have a duty to respect the Leviathan and follow the rules and law it starts to put on them. Only by doing so, they can make the mechanism of security within the society work properly and in fact maintain it. To make this mechanism work properly, there is an existence of punishment for those who violate the law in the commonwealth. Hobbes defines punishment as “an evil inflicted by public authority, on him that hath done, or omitted that which is judged by the same authority to be transgression of the law” (Hobbes, 2008, p. 205). There can be no injury done to subjects by a sovereign because they were the ones authorizing and giving him this power. In other words, “he that doth anything by authority from another, doth therein no injury to him by whose authority he acted: but by this institution of a commonwealth, every particular man is author of all the sovereign doth” (Hobbes, 2008, p. 117). In any way, one shall not see punishment as injury because the act of punishing is authorized by him and thus, by sovereign. Punishing is only a result of disobedience of the rules and laws imposed by sovereign. Sovereign is, however, in the right to punish, even though one could argue that it is actually harming the individual. On the other hand, the perpetrator of evil promulgates a possible threat to the protection of all people within the society. Any violation of law is connected to the rebellion and an act against one's

own will and therefore, sovereign is to punish such person. As Hobbes lays it down, “for the subjects did not give the sovereign that right [of own preservation]; but only laying down theirs, strengthened him to use his own, as he should think fit, for the preservation of them all” (Hobbes, 2008, p. 206). In other words, “right to punish appears at the same time as sovereignty” and for assuring “through peace and security, the preservation of citizens’ being and well-being” (Zarka, 2016, p. 200). Therefore, punishing an individual for his disobedience is not misuse of power of the sovereign.

The respect of the sovereign in the commonwealth is kept thanks to the fear. Even though Hobbes does not claim that the fear is the only driver toward obedience, it is one of these passions. It is the fear of him whom people create when giving up their right. “Leviathan is the name of an animal-machine designed to cause fear” according to Derrida (Derrida, 2009, p. 39). People fear the sovereign as he becomes the ruler. Fear “motivates obedience to law, noninfracture of the law, and keeping the laws” (Derrida, 2009, p. 40). Fear authorizes the power of sovereign. By covenant, they all promise to keep it and that means to respect the sovereign. Hobbes here articulates the third law of nature “that men perform their covenants made” (Hobbes, 2008, p. 95). Otherwise, the covenant would be vain and people would remain in the state of nature with their right to all things, thus in condition of war (Hobbes, 2008). Out of this, it is evident that justice can only step in at this point. Hobbes says that there is no justice or injustice in the state of nature because every man has right to everything. Obviously, there is no possibility of judging someone because people would only use their complete freedom and there would be no grounds or rules to do so. However, the moment covenant is made, just and unjust acts are possible. Things just are then performance of covenant and things unjust not the performance of covenant (Hobbes, 2008, p. 95). Therefore, justice is keeping of covenant, thus rule of reason according to which one has it banned to do destructive things to his life, and hence law of nature (Hobbes, 2008). As mentioned in the previous chapter, the reason plays here a crucial role of introducing science and many other concepts necessary for the commonwealth to work properly. Hobbes emphasizes that before one is to speak about justice and injustice, “some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment” must be present (Hobbes, 2008, p. 95). To add, the punishment shall be “greater than the benefit they

expect by the breach of their covenant” (Hobbes, 2008, pp. 95-96). Hence, it is the fear from being punished that people keep their covenant. In any way, they would go against their nature if they were to break it. Based on this appearing logic, Hobbes mentions series of following laws of nature that all together are “dictates of reason” which are rather conclusions than laws (Hobbes, 2008, p. 106). Laws are only a product “of him, that by right hath command over others” (Hobbes, 2008, p.106). However, thanks to the conclusions made by reason, the sovereign can distinguish which are the means of peace as defined also by Hobbes to be “justice, gratitude, modesty, equity, mercy...mortal virtues” (Hobbes, 2008, p. 106). Yet, fear and reason are the authorizing elements of sovereign's power. People fearing the state of nature and reasoning why to escape authorize the power of the sovereign. At the same time, people remain feared of reasonable punishments that can be imposed upon them by authority of the sovereign.

CONSEQUENCES OF FREEDOM IN COMMONWEALTH

It is important to point out that the natural right is completely given up, put away to the sovereign. In other words, the constitution of commonwealth costs people their limitless freedom they have in state of nature. Yet, for people it is natural that they love liberty and in connection to that also dominion over the others (Hobbes, 2008). When discussing the existence of individuals in the state of nature, such behavior could be only proved. People would use their freedom to gain anything they will. On the other hand, the combination of liberty and desire for dominion only lead to the endless war in the state of nature. The paradox of freedom in commonwealth is hidden in acting of people who form commonwealths out of fear in order to avoid danger of war and death in the natural human's state where, even though one is free, he also lacks protection. Hobbes also admits that “for the laws of nature of themselves, without the terror of some power, to cause them to be observed, are contrary to our natural passions, that carry us to partiality, pride, revenge and the like” (Hobbes, 2008, p. 111). What is so natural to men and enjoying their life fully when allowing their wills to lead their lives, is complete freedom. At the same time people will to give it up voluntarily because they know that the freedom is actually what can endanger and kill them. Likewise, freedom becomes the same means of fear in the commonwealth. One cannot act fully freely in the commonwealth. He bound himself to the sovereign giving him this freedom and he shall no longer to will anything that

would be in conflict with freshly set laws. Each individual living in the commonwealth is limited by the laws he himself authorized when covenanting with all the others and the sovereign. Zarka adds “they preserve their natural right, that is to say, their liberty to act or not to act there where the civil laws do not impose any obligation or ban” (Zarka, 2016, p. 191). And thus, if one was to use his freedom, as if the state of nature, when willing something he cannot have according to the laws put on him by the commonwealth, he would go against himself. It is because one agreed to live under such limited circumstances and likewise was a creator of the rules and laws under which he is to live. Doing then something freely and not according to the rules, is an act to be punished. Hence, people in the commonwealth shall fear the use of freedom as they feared it in the state of nature. The use of complete freedom in the commonwealth only brings punishment or even death.

It is then interesting how series of freedoms and rights are artificially created in the commonwealth. It is as if people could at least feel as free as in the state of nature, even though it is no longer possible. The freedoms articulated by the sovereign are called freedoms but are limited. One cannot go beyond certain boundaries, as of other people, when using his freedom. Therefore, the use of freedom in the commonwealth is a paradox. Even though one feels as freely living, he is not. Freedoms are only other rules and limits put upon one's person who oneself authorized the sovereign to limit them. Hence, also the power and freedom of sovereign is limited since the subjects gave him the power on condition of protection and he shall not go any further to misuse his power.

CONCLUSIONS

There are three paradoxes of freedom found in Hobbes's *Leviathan*. First one in the state of nature, second one in the mode of transition from the state of nature to the commonwealth and last in the commonwealth. In all three of them, freedom is understood as lack of impediments in one's way (Hobbes, 2008). Looking at the use of freedom from the different perspectives of state-building, it is evident that its role changes from the ultimate freedom to the limited and regulated version. The ground for doing so is the fear of death people have whether they are in the state of nature or in the commonwealth. Hobbes, maybe even unintentionally, proves that freedom is a paradoxical concept in his thorough examination and reasoning for state-formation.

The state of nature starts with the utmost equality of men. According to Hobbes, all people are equal in abilities and thus have same chances for life in the state of nature (Hobbes, 2008). Even though people excel in different things, the ability is the same for all and it is then only a question of how they are to use and develop their qualities. As people are completely equal, they also have full liberty. Restating what Hobbes claims, the freedom is when there are no impediments in one's way (Hobbes, 2008). The first problem arises in the state of nature, where two persons appear in the situation of willing the same thing. Will is an articulation of the last appetite in the deliberation of one (Hobbes, 2008). Two people aiming at one goal, being equally free, can provoke a real fight and cause even death. In the state of nature, there is nothing forbidding people to use their freedom to such extent as of killing others in order to satisfy their wills. Therefore, people, using their unlimited freedom, become impediments for each other in attaining their goals. It then happens that freedom in its full usage is actually a danger for every man since they can be killed anytime for the will of another. In the state of nature, men become enemies and appear in the omnipresence of at least possibility of war. What they then inevitably start to seek in the first place is their self-preservation. As it is a reason for brutal killing for one's aims, it is likewise a reason for finding a way out from the state of nature and avoiding such situation of war. The protection lacking in the state of nature is the appetite and the last will people have to actually escape the state of nature.

Hobbes introduces the natural right and natural laws in the state of nature. People in the state of nature can do whatever they will (Hobbes, 2008). This is what the right of nature, Hobbes defines, says. In other words, it is the unlimited use of ultimate freedom people have in the state of nature. At the same time, there is also the law of nature that forbids people to do any harm to them (Hobbes, 2008). This law serves as a foundation for willing the protection people lack in the state of nature. The exercising of the natural right and the law of nature comes into a conflict since the two cannot work simultaneously one next to each other. One tells that a man can do whatever he wants and the other that he shall not do anything that would harm him. The freedom is paradoxical in this sense. Even though it shall be and is practiced in its full extent, it endangers everyone and make people will something else than freedom, thus self-protection. State of nature brings a paradox because the use of unlimited freedom possibly ends up in the extreme of killing that is making harm to one. Freedom in the state of nature means no impediments in one's way but at the same time, as a result of his practice, people become impediments for each other and even endanger the life of each other. There is equality of men in the state of nature, yet their will and right to all things makes them stand against each other as enemies. Hobbes, therefore, compares the state of nature to the state of war (Hobbes, 2008).

There arises the question of how to reach peace. Hobbes here contributes with the second law of nature telling that people will to give up their natural right in order to get security and peaceful environment but only on a condition that the other members of a forming society will do the same (Hobbes, 2008). Nevertheless, it is necessary for all to give up their natural rights to make it possible to create an environment of protection and peace. People play with an idea of remaining the impediment of others but rather as a means of protection.

The idea of infinite freedom seems advantageous but is rather disputable and people willingly decide to give up their freedom. It is their last will or last appetite to be protected in the state of nature as explained through the first paradox. The concept of will is accompanied by reasoning, thus logically justifying the act of escaping the original state of nature. Knowledge of possible consequences if one was to stay in the nasty state of nature makes people to step out. As well as the first law of nature,

reason and calculation of possible consequences tell man that self-preservation is the main goal of survival and that the ultimate freedom stands in its way.

Moreover, as in the second law of nature, people shall seek peace instead of war in order to get the willed protection (Hobbes, 2008). Another appetite that pushes people toward the commonwealth is the fear of death in the state of nature. This fear is also a product of full use of freedom. The omnipresent possibility of being killed directly affects the actions of one in the state of nature. In the same manner, the transition is driven by the fear of death. People look for peaceful place where they have bigger chances of satisfying their primary will of self-preservation. To fear of death, Hobbes adds also desire of necessary things for commodious life and their keeping (Hobbes, 2008). To satisfy such passions, one needs some rules and direct limitation of freedom. For it is the fear of death that primarily drive people from state of nature accompanied by these two extra passions of commodious life that only becomes possible in the commonwealth.

Hence, transfer of rights happens among people. It is a mutual act of all, where people give up their natural right to all things and transfer it somewhere else, concretely to the sovereign (Hobbes, 2008). This action is called a covenant and it binds people to keep their promise, in this case of not impeding others but rather participating on peace-keeping. Limitation of freedom is a condition for such covenant to be possible and keeping the promise becomes an obligation of all. It is thanks to the mutual covenanting that the freedom is not going to be used in such great extent it was in the state of nature because it is given up. Protection is then achievable. The transferring and covenanting is a voluntary act but at the same time not that voluntary since the freedom in a way forces people toward such step. Freedom as the very first aspect of state of nature makes that environment dangerous and people, for the law of nature, have no other option than to will protection and elimination of freedom that is so natural to them. These are the ground for paradoxity in the process of transition that is both voluntary and inevitable.

The right to all things is transferred to the sovereign who is to govern in the formed commonwealth. This Leviathan is consisting of all the power of people who gave it to him under the condition of being given protection in return. Sovereign,

being one or an assembly of persons, shall use its power to ensure the peace within the commonwealth. According to Hobbes, this commonwealth by institution means a voluntarily made agreement of free people who seek protection (Hobbes, 2008). The sovereign is created only thanks to the consent and covenanting of people and is a superior ensuring order and peace in the trusting society. The sovereign is given existence only when the covenant among people is done. Otherwise, he would not emerge or persist. Hobbes compares this sovereign to a Mortal God since he is among all, governing them, but can die since he is dependent on the authorization of people (Hobbes, 2008). It means that sovereign, being built as an artificial body out of the real bodies, only takes all people's power and uses it to give protection back to people. "The sovereign is at the same time the foundation and guarantor of the state's juridical functioning...of the civil peace" (Zarka, 2016, p. 191). The only right, or rather a law from state of nature, people keep in the commonwealth is the natural right that forbids them to do anything harmful to them. This is also the reason why protection is the main task of the sovereign. There would be no other point to willingly give up one's right to all things.

There is a complex concept of authorization included in the process of covenanting and creation of Leviathan. Hobbes explains that there are natural and artificial persons (Hobbes, 2008). In the commonwealth, the natural ones are the subjects to the artificial - sovereign. People giving up their rights, transferring them to sovereign and seeking protection in return become subjects to the sovereign. At the same time, they give the sovereign the authorization to act upon them but on the condition of being given freedom. In this way, people are authorizing the actions of the sovereign who is in this sense actor of acts pursued by the subjects. The authorization works also the other way around. The subjects are actor of the rules and laws put into effect by the sovereign who is to ensure the peace and security in the society. People thus are both authors and actors of the laws in the commonwealth.

Therefore, they shall not disobey the rule of sovereign since they would go against something they willed, moreover using also reason as a justifying element of escaping the state of nature. It would be irrational not to agree on creation of the commonwealth and, when in it, not respecting the laws. It would be going against the law of nature that makes people to form the commonwealth in order to get protection that is necessary for the self-preservation. If there is someone who is in conflict with

creating of commonwealth, he can be considered as irrational and therefore a beast. However, such people shall be forced to be a part of the commonwealth so that the protection can be truly reached. If there would remain people "living" in the state of nature among those agreeing of commonwealth, it would become a permanent danger to the commonwealth. Hence, such people shall be taken under the control. Rules and laws, to be effective enough, are accompanied by punishments. The sovereign has right to punish if one is to disobey the rule. Yet, the punishment does not endanger the person punished since the person himself authorized such condition of co-living in the commonwealth. At the same time, the individual would be a threat to many others in the commonwealth and thus a punishment is given even more of legitimacy. Since the primary goal of the sovereign is to ensure protection for all, one disobeying has to be punished so that the risk of insecurity is limited. Doing so, people change the meaning of being impediments to each other from the one in state of nature to another in the commonwealth. Being impediment start to mean being protected as opposed to the state of nature where it meant being endangered. The other person becomes a border of one's practice of freedom, thus limiting it and setting down the grounds for protection.

Here, it becomes evident that freedom is limited in the commonwealth. However, it is at the same time newly set down through various rules and laws that allow people to use their freedom, but only within certain boundaries. Even though, people can feel as free, they are not, in essence. However, viewing full freedom as something necessary for one's life in the commonwealth would be irrational since the threats connected to it from the state of nature are already well-known and mark freedom as rather danger for one's life. Thus, people respect the sovereign and give up their natural estate voluntarily and from fear of being killed. Paradoxically, they give up their freedom but at the same time receive it back from the sovereign through various laws that limit it.

In the very conclusion, the scheme of the two paradoxes is to be provided in order to show that the freedom in state of nature and the commonwealth is actually also contradictory. It can be concluded that both state of nature and the commonwealth are possible and at the same time necessary for the existence of each

other. In the state of nature, it is the complete freedom and its practice that make people fear each other and their life in such state becomes a great danger. Thus, the practice of freedom forces them to voluntarily, based on their reasoning and will, escape the state of nature. On the other hand, there is the commonwealth whose task is to protect people who gave up their freedom. The freedom is in the process of transition completely eliminated but given back in the commonwealth through laws and other rules that restrict the original freedom in a way that protection and security is possible to be maintained. The acting of people according to these artificial freedoms is thus free and unfree. People are being given freedoms but just putting boundaries, they are not what freedom aims to be in its essence as the missing impediments in one's way. Hence, paradoxes of freedom in the state of nature and the commonwealth are contradictory. The one is necessary for the other. If people did not fear in the state of nature as a result of practicing full freedom, they would not create the commonwealth, Likewise, if there was not the warning from the state of nature as a nasty place, people would not keep their existence in the commonwealth where they are voluntarily limited as of being impacted by the possibility of nasty state of nature.

All in all, Hobbes thinking about the formation of the commonwealth shows numerous ways in which freedom can be differently viewed and it is actually a right thing to think about the position of freedom in one's life. Is it perceived in a right way? Do people really need it and can they live with or without it? The complexity of the issue shows that freedom is necessary but it is just a question to what extent.

RESUMÉ

V diele *Leviathan* od Thomasa Hobbesa možno nájsť tri paradoxy slobody. Prvý z nich sa nachádza s prirodzenom stave človeka, druhý v procese prechodu z prirodzeného stavu do štátu a tretí v samotnom štáte. Vo všetkých troch je sloboda chápaná ako neprítomnosť vonkajších prekážok (Hobbes, 2015). Pozorovanie užívania slobody z rôznych uhlov počas formovania štátu z prirodzeného stavu podáva základ pre zmeny, ktoré sa dejú s úplnou slobodou. Tak ako je v prirodzenom stave úplná, v štáte je sloboda definovaná hranicami a zákonmi, ktoré ju limitujú. Thomas Hobbes možno aj neúmyselne dokazuje, že sloboda je paradoxná vo viacerých ohľadoch.

Ľudia si sú v prirodzenom stave úplne rovnocenní. Presnejšie, Hobbes hovorí o rovnosti schopností tela a mysle človeka, keď hovorí o rovnocennosti (Hobbes, 2015). Aj keď ľudia vynikajú v rôznych veciach, jedni sú silnejší, iní zas múdrejší, v konečnom dôsledku sú rovní. Všetci vychádzajú z rovnakých podmienok a ich rovnosť spočíva práve tu. Záleží len na jednotlivcoch ako ďaleko rozvinú ich schopnosti. Tak ako sú ľudia rovnocenní, majú aj rovnakú slobodu. Táto sloboda je v prirodzenom stave úplna, bez žiadnych obmedzení. Tak ako Hobbes hovorí, sloboda je tam, kde nie sú žiadne vonkajšie prekážky v konaní človeka (Hobbes, 2015). Problém sa ale objavuje v momente, keď dvaja ľudia majú vôľu vykonať rovnakú vec a stanú sa prekážkou jeden pre druhého. Vôľa je stelesnením poslednej žiadosti v zvažovaní všetkých možností (Hobbes, 2015). Preto je možné, že keď dvaja ľudia majú vôľu vykonať niečo v jeden rovnaký cieľ v prirodzenom stave, kde sú rovnocenní a majú rovnako neobmedzenú slobodu, stanú sa jeden pre druhého prekážkou. To môže automaticky prejsť do súboja medzi nimi a dokonca spôsobiť smrť. Keďže v prirodzenom stave nie sú žiadne zákony alebo hranice, ktoré by ovplyvňovali slobodu človeka, ľudia sú si nepriateľmi a môžu si prekážať v plnení ich vôle. Takto sa z prirodzeného stavu stane miesto, kde je všade a vždy prítomná možnosť vojny a súboja, ktorá teda neustále ohrozuje život človeka. Na základe týchto dôvodov ľudia začnú hľadať miesta, kde by boli ochránení a v bezpečí. Inými slovami, začnú túžiť po mieste, kde je mier. Je dôležité zdôrazniť, že strach zo smrti je hlavným dôvodom, prečo ľudia chcú uniknúť z prirodzeného stavu, kde ich vlastná

sloboda spôsobuje toľké nebezpečie. Takto sa ich najsilnejšou vôľou stane práve túžba po úniku z prirodzeného stavu, kde majú úplnú slobodu.

Hobbes nadväzuje a uvádza v prirodzenom stave prirodzené právo a zákony prírody. Podľa prirodzeného práva má každý človek nárok na uplatnenie svojej moci v tom, po čom práve túži a čo chce (Hobbes, 2015). Jeho neobmedzená sloboda mu to dovoľuje. Zároveň je tam ale aj všeobecné pravidlo – zákon prírody, ktorý hovorí, že ľudia nemajú robiť to, čo ničí ich život alebo im ubližuje (Hobbes, 2015). Tento zákon teda napovedá a oprávňuje vôľu ľudí, ktorí chcú uniknúť z prirodzeného stavu, keďže prirodzené právo ohrozuje ich život v prirodzenom stave. Týmto spôsobom dochádza ku konfliktu medzi prirodzeným právom a zákonom prírody, ktoré nemôžu byť súčasne aplikovateľné. Jedno vraví, že si človek môže robiť čo chce, a druhé, že nemá robiť to, čo by mu mohlo ublížiť. Sloboda sa tak stáva paradoxnou, pretože keď je naplno užívaná, tak ohrozuje na živote všetkých ľudí vrátane toho, kto ju užíva. Preto ľudia, miesto udržiavania ich slobody radšej túžia po jej zbavení. Keďže sú v prirodzenom stave všetci rovnocenní, možnosť vojny sa násobí a nik nie je v bezpečí a z prirodzeného stavu sa stáva miesto vojny.

Objavuje sa tak otázka, ako docieľiť mier. Hobbes pridáva druhý zákon prírody, ktorý hovorí, že ľudia sú ochotní vzdať sa svojho práva na všetko do takej miery, do akej sú ochotní aj iní a za okolností, že na oplátku získajú sebaochranu (Hobbes, 2015). Je nevyhnutné, aby sa všetci rovnako vzdali svojho práva na všetko, aby bolo možné vytvoriť priestor pre ochranu a mier. Ľudia naďalej ostanú prekážkou pre druhých, no s cieľom udržania mieru.

Aj keď pomyslenie na úplnú slobodu znie výhodne, je skôr otázne a prináša viac obmedzení. Preto sa ľudia dobrovoľne chcú vzdať ich slobody. Je to tak ich vôľou byť ochránení. Koncept vôle je podporený aj rozumom, teda kalkuláciou následkov hocičoho, čo má človek vo vôli (Hobbes, 2015). Uvedomenie si následkov, ktoré prináša život v prirodzenom stave spôsobuje, že ľudia si radšej vyberú formu štátu pre svoj život keďže ochrana a prežitie je najdôležitejším cieľom človeka. Ľudia teda túžia po miery kvôli nedostatku ochrany v prirodzenom stave. Druhý chťič, ktorý poháňa ľudí k životu v štáte je strach. Strach je tiež produktom úplnej slobody a jej užívania. Tým, že v prirodzenom stave je stále prítomná možnosť zabitia, je to strach zo smrti, ktorý podporuje myšlienku o štáte. Ďalej je to aj túžba po vlastníctve vecí a

pohodlnom živote, ktorý sa jednoducho v prirodzenom stave nedá dosiahnuť (Hobbes, 2015). Jedinou cestou je obmedziť slobodu a uniknúť tak brutálnosti prirodzeného stavu.

Na základe týchto dôvodov sa uskutoční vzájomný prevod práv, inak nazývaný aj dohoda alebo zmluva (Hobbes, 2015). Takto sa ľudia vzájomne zaviazajú a spoločne sa vzdajú ich práva na všetko a presunú ho na suveréna, ktorý im na oplátku zabezpečí ochranu a mier. Obmedzenie slobody je podmienkou tejto zmluvy a jej udržanie je povinnosťou všetkých pre docielenie ochrany. Prevod práv a vytvorenie zmluvy je dobrovoľné, no zároveň aj nie, keďže kvôli neobmedzenej slobode v prirodzenom stave ľudia nemajú inú možnosť, ako by si zabezpečili mier a väčšiu šancu na prežitie. Sloboda robí prirodzený stav nebezpečným pre ľudský život a keďže zákon prírody káže ich ochranu, ľudia musia opustiť prirodzený stav. Tu je druhý paradox, ktorý hovorí, že prevod práv je zároveň dobrovoľný aj nevyhnutný.

Právo na všetko je prevedené na suveréna, ktorý sa stáva vládncim vo formujúcom sa štáte (Hobbes, 2015). Tento Leviathan je poskladaný z moci všetkých ľudí, ktorí sa dohodli na vzájomnej zmluve. Suverén, ktorý môže byť reprezentovaný jednou alebo viacerými osobami, sa stáva nositeľom tejto moci s podmienkou zabezpečenia ochrany pre ľudí v štáte. Tento politický subjekt – štát, je vytvoreným ustanovením ľudí na základe ich vzájomnej dohody. Suverén tak môže existovať len za podmienky, že mu ľudia presunú svoje právo na všetko. Suverén je umelá osoba, ktorá reprezentuje vôľu všetkých prirodzených osôb, jeho podaných (Hobbes, 2015). Môžeme to chápať aj tak, že suverén ako umelá osoba je poskladaná z tých prirodzených. Je dôležité zdôrazniť, že ľudia si ponechávajú pri presune na suveréna jedno z ich práv a to je právo na život. Práve toto je potom úlohou suveréna, aby udržal mier a ľudí nažive. Proces získavania právomoci je veľmi komplikovaný a zahŕňa vytvorenie zmluvy a Leviathana. Ľudia dávajú právomoc suverénovi, aby im vytvoril podmienky pre bezpečný život. Tým, že tento akt je dobrovoľný, ľudia sú zároveň aj autormi aj aktérmi v štáte (Hobbes, 2015). Tak isto je suverén aktérom prísľubu o ochrane a zároveň autorom práv, ktoré túto slobodu umožňujú.

Môže sa stať, že niekto nesúhlasí s touto zmluvou alebo ju porušuje. Takéto prípady sú však iracionálne, pretože prvým cieľom človeka je jeho prežitie a to mu umožňuje jedine štát a tak vzdorovanie voči štátu nie je racionálnym aktom. Pre

zábezpeku bezpečnosti štát môže potrestať tých, ktorý narušia bezpečnosť porušením zákonov. Aj keď by niekto mohol argumentovať, že trest je aj ubližovanie človeku, čo je v rozpore so zákonom prírody, nie je to celkom tak. Keďže suverén má zabezpečiť bezpečnosť pre všetkých poddaných, tento jeden prichádza ako nebezpečenstvo pre všetkých a preto musí byť eliminované. Tak isto to súvisí aj s predaním právomoci, ktorú tento vinník na začiatku dal suverénovi a podieľal sa tak na kreovaní týchto zákonov, ktoré majú v prvom rade zabezpečiť ochranu a tak súhlasil dobrovoľne aj s možným trestom. Ako už bolo zmienené, ľudia si aj v štáte sú prekážkami, no nie v zmysle nebezpečenstva ale v zmysle možnosti ochrany. Osoby sa stanú prekážkami slobody, ale dobrovoľne uznesenými v zmysle zákona udeleného suverénom za účelom bezpečia, ochrany a mieru.

Štát teda limituje slobodu v ňom. Avšak, cez rôzne zákony a práva sa sloboda dostáva naspäť k ľuďom, no v limitovanej forme, ktorá stále umožňuje bezpečný chod štátu za okolností mieru. Ľudia sa môžu cítiť slobodne, no táto sloboda je umelo vytvorená a ovplyvnená hrozbou, ktorú prináša úplne využívanie slobody ako v prirodzenom stave. Ak sa človek pozerá na slobodu, ako dôležitý element v jeho živote, je dôležité si uvedomiť čo všetko môže spôsobiť. Je zároveň iracionálne túžiť po slobode, keďže prináša úskalia a dokonca aj možnú smrť. A tak ľudia paradoxne a dobrovoľne posúvajú svoju slobodu do rúk niekoho, kto im ju v menšom rozsahu vráti naspäť, aby boli ochránení. Dôvodom pre tento krok je samotná sloboda, ktorá prináša strach medzi ľuďmi v prirodzenom stave.

Na úplný záver je dôležité porovnať schému dvoch paradoxov – v prirodzenom stave a štáte. Dá sa dokázať, že tieto dva koncepty samé o sebe sú paradoxom a zároveň, že sú protikladom jeden druhému. Dospievame k záveru, že aj prirodzený stav, aj štát sú možné len vtedy ak existujú zároveň. V prirodzenom stave úplná sloboda vytvára strach a ľudia tak chcú uniknúť. Na druhej strane stojí štát, ktorý funguje na základe tohto strachu návratu do prirodzeného stavu a možnosti ochránenia pred ním. Tak ako sú tieto dve možnosti protichodné, tak musia spolu existovať, lebo jeden bez druhého by nedávali žiaden zmysel. Thomas Hobbes takto poukazuje na rôzne aspekty slobody v ohľade na formovanie štátu a správne poukazuje na fakt, že sloboda je často krát chápaná inak ako by možno mala. Na základe jeho výkladu je jasné, že úplná sloboda prináša nebezpečenstvo a že človek ju jednoducho nedokáže spracovať inak ako obmedziť, aby prežil.

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