

Fidem observandam esse – Trust and Fear in Hobbes and Locke

This essay aims to demonstrate that trust commanded an important place among the concepts of seventeenth-century political thought. Understanding the place of trust within the political thought of Hobbes and Locke helps us to comprehend the fundamental differences between their positions. A focus on trust allows for a better understanding of their different uses and connotations of more explicit political and juridical concepts such as punishment, sovereignty, or resistance. Engaging with Hobbes's argument, Locke tried to advance the discussion of trust in a distinctively different direction. Whereas Hobbes wanted to provide conditions for peace through the creation of absolute sovereign power, Locke warned against a strong sovereign. Hobbes empowered the sovereign and Locke, to a certain extent, the people. Hobbes believed that the rule of law, guaranteed by sovereign state power, was the essential precondition for peace and mutual trust among the citizenry, whereas Locke used the concept of trust as a mechanism to challenge the sovereign if he was thought by the people to have misused the trust he had been given. In both cases the discussion of the conditions for trust leads to the central arguments of Hobbes's and Locke's political philosophies.¹

For Hobbes, "the *natural laws* do not guarantee their own observance"². In the state of nature, therefore, the laws of nature are not binding and provide only council for human behaviour. In the state of nature the conditions for trust remained thus precarious. Hobbes was acutely aware of the importance of good faith and trust within civil societies.³ Although Locke is usually credited with

¹ Christopher Anderson's comparison has a different focus. "The argument of this essay is that Hobbes, Locke, and Hume each have something interesting to say about the connection between emotions, education, and the development of trustworthiness". C. Anderson, "Hobbes, Locke and Hume on Trust and the Education of the Passions" in *The New England Journal of Political Science* 1 (2003), p. 54.

² T. Hobbes, *On the Citizen*, ed. by R. Tuck/M. Silverthorne (Cambridge 1998), p. 70.

³ Hobbes argued that "the Fountain and Originall of Justice" consisted in keeping the covenants one had made. T.

this insight, Hobbes had already made this point forcefully when he asserted that “civil Societies are not mere gatherings; they are Alliances, which essentially require *good faith* [my emphasis] and agreement for their making”.⁴ Associating Hobbes with the early modern discourse on trust might surprise, given that Hobbes was severely criticised even by his contemporaries for undermining the moral and religious foundations of society. Many repeatedly made the argument that Hobbes’s doctrine of human nature and politics was subversive and consequently undermined any relations based on trust.⁵ Modern scholars also tend to perceive Hobbes as a sceptical realist who rather emphasized distrust towards others.⁶ As a matter of fact, what Hobbes warned of was that trust was always precarious and trustworthy conduct in itself could not guarantee protection against abuse, because “we cannot tell the good and the bad apart”, the good “would still be saddled with the constant need to watch, distrust, anticipate and get the better of others, and to protect themselves by all possible means”.⁷ However, this essay will show to what extent Hobbes was advocating the importance of trust.

Questions of trust and good faith also have a religious connotation.⁸ Not surprisingly, Hobbes was

Hobbes, *Leviathan*, ed. by R. Tuck (Cambridge 1992), p. 100.

⁴ T. Hobbes, *On the Citizen*, p. 24. See also for some explicit discussions of Hobbes and trust: F. D. Weil, “The Stranger, Prudence, and Trust in Hobbes’s Theory” in *Theory and Society* 15 (1986), p. 759-788; M. Hartmann, *Die Praxis des Vertrauens* (Berlin 2011), p. 406-429; A. Boyer, *Chose Promise. Études sur la Promesse à partir de Hobbes et de quelques autres* (Paris 2014); R. Reiske, “Vertrauen bei Hobbes” in *Zeitschrift für philosophische Forschung* 67 (2013), p. 426-451; D. Baumgold, “‘Trust’ in Hobbes’s Political Thought” in *Political Theory* 41 (2013), p. 838-855 and E. Odzuck, “The Concept of Trust in Hobbes’ Political Philosophy” in *Trust and Happiness in the History of Political Thought*, ed. by Kontler, L./Somos, M. (Leiden 2017). Jean Hampton also has an important discussion of the role of trust within Hobbes’s political theory. J. Hampton, *Hobbes and the Social Contract Tradition* (Cambridge 1986), p. 60, p. 117, and p. 134-137.

⁵ Among the contemporary critics of Hobbes see, for example, J. Dowell, *The Leviathan heretical, or, the Charge exhibited in Parliament against Mr. Hobbs justified* (London 1683); R. Allestree, *A Sermon preached before the King at White Hall on Sunday Nov. 17. 1667, published by His Majesties Command* (London 1667), J. Bramhall, *Castigations of Mr. Hobbes: His last Animadversions, in the Case concerning Liberty, and universal Necessity. With an Appendix concerning The Catching of Leviathan or, The great Whale* (London 1657); E. Hyde (1st Earl of Clarendon), *A brief View and Survey of the dangerous and pernicious Errors to Church and State, in Mr. Hobbes’s Book, entitled Leviathan* (Oxford 1676); A. Ross, *Leviathan drawn out with a Hook, or Animadversions upon Mr Hobbs His Leviathan* (London 1653). The best modern study on Hobbes’s critics is J. Parkin, *Taming the Leviathan. The Reception of the Political and Religious Ideas of Thomas Hobbes in England 1640-1700* (Cambridge 2007).

⁶ For just one modern example, see, F. Coplestone, *British Philosophy. Hobbes to Hume* (London 2003), p. 32.

⁷ T. Hobbes, *On the Citizen*, p. 11.

⁸ Just one example of many is the claim in Zedler’s famous *Universal Lexikon*: “Es ist der Haupt-Nutzen des Vertrauens auf Gott, daß der Mensch dadurch der übrigen und unnöthigen Sorgen überhoben wird”. J. H. Zedler, *Großes vollständiges Universal-Lexikon aller Wissenschaften und Künste* (Leipzig/Halle 1746), vol. 48, p. 29.

concerned that “many disputes about the right object of the Christian Faith”⁹ ensued from the question of what a Christian actually ought to believe. This was a fundamental problem for Hobbes because “when wee Believe that the Scriptures are the word of God, having no immediate revelation from God himselfe, our Beleeefe, Faith, and Trust is in the Church; whose word we take, and acquiesce therein. (...) So that is evident, that whatsoever we believe, upon no other reason, than what is drawn from authority of men only, and their writings; whether they be sent from God or not, is Faith in men onely”.¹⁰ Hobbes repeatedly made the point that religious trust and faith have political bearings. His engagement with religion can be seen as an attempt to neutralise the importance of religion for civil society.¹¹ From the beginning of his political writings he was an ardent critic of the clergy.¹² As early as in the *Elements of Law*, Hobbes had argued “that subjects are not bound to follow the judgement of any authorities in controversies of religion which is not dependent on the sovereign power”.¹³ Trust in the clergy would be ill-placed if their tenets were contradicting the commands of the sovereign. Hobbes knew that “men [are easily] to be drawn to believe any thing, from such men as have gotten credit with them; and can with gentleness, and dexterity, take hold of their fear, and ignorance”.¹⁴ The frontlines for Hobbes were therefore twofold. He attacked the clergy to defend the prerogatives of the sovereign and the intellectual laziness and gullibility of the ordinary people. Trusting the clergy too carelessly would prove

⁹ T. Hobbes, *Leviathan*, p. 49.

¹⁰ T. Hobbes, *Leviathan*, p. 49.

¹¹ This is a contested issue, but most interpreters agree that Hobbes’s political philosophy does not rely upon religious belief. A succinct overview of the existing research and a thoughtful analysis of Hobbes’s *political theology* is to be found in D. Schotte, *Die Entmachtung Gottes durch den Leviathan. Thomas Hobbes über Religion* (Stuttgart-Bad Cannstatt 2013), p. 269-314.

¹² I have scrutinised Hobbes’s argument in P. Schröder, “Die Heilige Schrift in Hobbes’ *Leviathan* – Strategien zur Begründung staatlicher Herrschaft” in *Der lange Schatten des Leviathan. Hobbes’ politische Philosophie nach 350 Jahren*, ed. by D. Hüning (Berlin 2005), p. 179-199.

¹³ T. Hobbes, *The Elements of Law Natural and Politic. Human Nature and de Corpore Politico*, ed. by J.C.A. Gaskin, (Oxford 1994), p. 10. See also T. Hobbes, *Leviathan*, p. 322: “*Temporall and Spirituall Government, are but two words rought into the world, to make men see double, and mistake their Lawfull Sovereign. (...) There is therefore no Government in this life, neither of State, nor Religion, but Temporall; nor teaching of any doctrine, lawfull to any Subject, which the Governour both of the State, and of the Religion, forbiddeth to be taught: And that Governour must be one; or else there must needs follow Faction, and Civil war in the Common-wealth, between the Church and State; (...) between the Christian, and the Man*”.

¹⁴ T. Hobbes, *Leviathan*, p. 82.

dangerous for the state.¹⁵

One potentially decisive reason why Hobbes was attacked so severely has to be seen in the dispute about religion. Perhaps best known is Bramhall's attack on Hobbes. The gist of his criticism is already made clear in the subtitle of his work: "no man who is thoroughly an *Hobbist*, can be a good Christian, or a good Commonwealth-man (...) because his principles are not only destructive to all Religion, but to all Societies; extinguishing the Relation between Prince and Subject, Parent and Child, Master and Servant, Husband and Wife".¹⁶ To give just one more contemporary example, Oxford's regius professor of theology, Richard Allestree, preached in 1667 at White Hall before King Charles II. In his sermon he also accused Hobbes of atheism, claiming that Hobbes's *Leviathan* "will have Nature to have taught us to make *Pacts* and *Oaths*: But if there's no such thing as *Vertue* or *Religion*, then there is no obligation to keep *Pacts* or *Oaths*".¹⁷ Because of religious convictions, Hobbes was seen by many as undermining the conditions for trust and thus threatening the tranquillity of society *tout court*. Allestree even accused Hobbes that he "lay Principles that justifie *Rebellion* and *King-killing*".¹⁸ It is not difficult to imagine how Hobbes must have felt when he learned about these attacks in front of his king against him. Locke's different view is worth noting here: "Those are not at all to be tolerated who deny the being of God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all".¹⁹ Theological and religious premises are foundational to Locke's argument and have in turn an opposite bearing on his conception of trust.²⁰

¹⁵ Why people should follow Hobbes's advice rather than that of the clergy or indeed any others who engaged in the contemporary political and religious controversies remained an open question. See my discussion of this aspect in P. Schröder, "*Behemoth or the Long Parliament* im Kontext von Hobbes' politischer Philosophie" in T. Hobbes, *Behemoth oder das Lange Parlament*, ed. by P. Schröder (Hamburg 2015), p. XXI-LII.

¹⁶ J. Bramhall, *The Catching of the Leviathan, or the Great Whale. Demonstrating out of Mr Hobbes his own works, that no man who is thouroughly an Hobbist, can be a good Christian, or a Good Commonwelthman...* (London 1658).

¹⁷ R. Allestree, *A Sermon preached before the King*, p. 7.

¹⁸ R. Allestree, *A Sermon preached before the King*, p. 8.

¹⁹ J. Locke, "A Letter Concerning Toleration" in *John Locke A Letter Concerning Toleration*, ed. by J. Horton/S. Mendus (London/New York 1991), p. 47.

²⁰ Well over forty years ago John Dunn already noted "the intimate dependence of an extremely high proportion of Locke's arguments for their very intelligibility, let alone plausibility, on a series of theological commitments". J. Dunn, *The Political Thought of John Locke. An Historical Account of the Argument of the 'Two Treatises of*

We have to bear in mind that the theorising about trust developed not just one coherent argument. In different conceptual contexts the meaning and importance accorded to trust varied. Before looking at the debate and conceptualisation of trust, it should be noted that *fides* in the Roman sense has a twofold meaning. Cicero argued that “the keeping of faith is fundamental to justice”.²¹ But there is also a very different meaning of *fides* in Roman thought, which always involves an aspect of coercion and power. The stronger, victorious Romans would receive the vanquished into their *fides* and it would be the Romans who set the conditions. Grotius drew attention to this different use: “We often meet in *Roman Histories* with these Expressions, *Tradere se in fidem*, To yield themselves to the Faith, *Tradere in fidem & clementiam*, To yield to the Faith and Clemency. (...) But it must be understood, that by these Words is meant an absolute Surrender: And that the Word *Fides* in these Places signifies nothing but the Probity of the Conqueror, to which the Conquered yields himself”.²² Hobbes shared Grotius’s perception of the Roman *fides*: “The Romans used to say, that their Generall had *Pacified* such a *Province*, that is to say, in English, *Conquered* it, and that the Country was *Pacified* by Victory, when the people of it had promised *Imperata facere*, that is *To doe what the Roman People commanded them*: this was to be Conquered”.²³ The modes of trust could, therefore, differ significantly.

Hobbes used the Roman idea of *fides* to argue for sovereignty by acquisition.²⁴ The aim is not to establish a mutual contractual relationship between the sovereign and the defeated people. Hobbes employed the parallel between master and servant, insisting that the difference to a master-slave relationship was precisely to be seen in the fact that contrary to the slave the servant “hath corporall liberty allowed him; and upon promise not to run away, nor to do violence to his Master, is trusted

Government’ (Cambridge 1969), p. XI.

²¹ Cicero, *On Duties*, ed. by M. T. Griffin/E. M. Atkins (Cambridge 1991), (I-23) p. 10.

²² H. Grotius, *The Rights of War and Peace*, ed. by R. Tuck (Indianapolis 2006), p. 1587. See the discussion in R. Heinze, “Fides” in R. Heinze, *Vom Geist des Römertums* (Darmstadt 1960), p. 59-81; D. Nörr, *Die Fides im römischen Völkerrecht* (Heidelberg 1991) and M. Hartmann, *Die Praxis des Vertrauens*, p. 375-405.

²³ T. Hobbes, *Leviathan*, p. 485.

²⁴ See T. Hobbes, *Leviathan*, p. 141: “Dominion acquired by Conquest, or Victory in war (...) is then acquired to the Victor, when the Vanquished, to avoid the present stroke of death, covenanteth either in expresse words, or by other sufficient signes of the Will, that so long as his life, and the liberty of his body is allowed him, the Victor shall have the use thereof, at his pleasure”.

by him”.²⁵ This trust relationship is asymmetric. Although it is true that the sovereign concludes a contract with the defeated people, it is important to note that he fulfils his part of the contract immediately, because he grants the life of the defeated enemy. By doing so he has no further contractual obligations towards the people. He remains absolute sovereign, trusting that the people who have thus profited from his grace will remain faithful to his commands. “It is not therefore the Victory, that giveth the right to Dominion over the Vanquished, but his own Covenant. Nor is he obliged because he is Conquered; (...) but because he (...) Submitteth to the Victor; Nor is the Victor obliged by an enemies rendring himself, (without promise of life,) to spare him for this his yielding to discretion, which obliges not the Victor longer, than in his own discretion hee shall think fit”.²⁶ Hobbes was aware of the different modes of trust and employed them accordingly.²⁷ What seriously concerned him was how conditions for trust within civil society could be provided.

He knew, of course, that Machiavelli had forcefully challenged and reformulated the early modern political debate about trust. Self-interest and wickedness were the characteristics of the new challenge. The infamous Latin heading of chapter XVIII of the *Principe* put the crucial question: “Quomodo fides a principibus sit servanda” (“How rulers should keep their promises”).²⁸ Hobbes claimed, like Machiavelli though without mentioning him, that “most men are of evil character, bent on securing their own interest by fair means or foul; and so the man who performs his part first is laying himself open to the greed of the other party to the contract. For it is not reasonable for anyone to make performance first if it is not likely that the other will perform his part later. And it is for the fearful party to decide whether that is likely or not”.²⁹ However, he drew a fundamentally

²⁵ T. Hobbes, *Leviathan*, p. 141.

²⁶ T. Hobbes, *Leviathan*, p. 141.

²⁷ See discussion of these different modes of trust in Hobbes’s theory of sovereignty by institution and by acquisition in E. Odzuck, “The Concept of Trust in Hobbes’ Political Theory”, p. ??.

²⁸ N. Machiavelli, *The Prince*, ed. by Q. Skinner/R. Price (Cambridge 2008), p. 61.

²⁹ T. Hobbes, *On the Citizen*, p. 37. See J. G. Fichte, “Machiavelli als Schriftsteller“, in *Werke* vol. XI, ed. by I. H. Fichte (Berlin 1971), p. 420: “The main principle of Machiavellian politics, and we may add without reservation, also of our own, and, in our opinion, indeed of any theory of the state, which understands itself, is contained in the following words of Machiavelli: ‘that in constituting and legislating for a commonwealth it must needs be taken for granted that all men are wicked and that they will always give vent to the malignity that is in their minds when opportunity offers’. [*Discorsi* I.3, p. 111f.] It is not even necessary to discuss the question, whether this view of

different lesson from this pessimistic view of human nature. Such a cautious and sceptical thinker as Hobbes answered Machiavelli's question – *Quomodo fides a principibus sit servanda* – with a resounding: “Fidem observandam esse” (be faithful).³⁰

Hobbes wanted to establish conditions that would remove the fear of non-performance of agreements entered into. As long as fear prompted people to reconsider their performance of what they had previously agreed, the negative conditions of the state of nature prevailed: “Covenants of mutual trust, where there is a feare of not performance on either part (...) are invalid (...) till the cause of such feare be taken away”.³¹ The creation of civil government and sovereign authority thus has the fundamental aim to establish “some coercive Power, to compell men equally to the performance of their Covenants, by the terrour of some punishment, greater than the benefit they expect by the breach of their Covenant”.³² Despite the fact that the laws of nature demanded that men perform the covenants they made, there always remained considerable fear that by doing so they would only make themselves “a prey to others”.³³ The reasonable fear of non-performance is only mitigated once the state of nature has been left and there is recourse to an institutional framework in the form of state sovereignty. The creation of the state provides the only possible way to introduce conditions under which the validity of contracts can be relied upon and, therefore, under which trust can thrive.

Hobbes argued that institutions and offices within the state secure and organise the procedures and commerce among the citizenry. The famous negative image of the state of nature is contrasted with

human nature does correspond to reality as assumed in this sentence, or not. In short, the state, as a constraining authority, does suppose humans to be thus and only this supposition justifies the existence of states”.

³⁰ T. Hobbes, *De Cive*, ed. by H. Warrender (Oxford 1983), p. 108. Montaigne also felt the need to answer Machiavelli. M. de Montaigne, *The Complete Essays*, ed. and transl. by M. A. Screech (London 1991), p. 891: “Is there anyone for whom treachery should not be loathsome”.

³¹ T. Hobbes, *Leviathan*, p. 100. On the importance of fear to subject to a sovereign in the first place, see T. Hobbes, *Leviathan*, p. 138.

³² T. Hobbes, *Leviathan*, p. 100f. Compare *On the Citizen*, p. 37: “in the civil state where there is someone to coerce both parties, whichever party is called upon by the contract to perform first should do so; since the reason why he was afraid that the other party might not perform no longer exists, as the other can be compelled”. See also C. Muldrew, *The Economy of Obligation. The Culture of Credit and Social Relations in Early Modern England* (Houndmills 1998), p. 324f.

³³ T. Hobbes, *Leviathan*, p. 110.

the positive aspects of civil society. Once the conditions for trust are established, commercial and legal exchange will flourish and the citizens will profit. Hobbes offers more than mere survival and an end to fear of violent death. He offers the necessary framework for industry, culture of the earth, navigation, imported commodities, commodious building, knowledge of the face of the earth, arts, letters and society.³⁴

He develops a first understanding of the multi-layered aspects of the complex workings within the state by introducing the concept of a system. “Having spoken of the Generation, Forme, and Power of a Commonwealth, I am in order to speak next of the parts thereof. And first of Systems ..., by [which] I understand any numbers of men joynd in one Interest, or one Businesse. Of which some are *Regular*, and some are *Irregular*. *Regular* are those, where one Man, or Assembly of men, is constituted Representative of the whole number. All other are *Irregular*”.³⁵ Therefore, trust does not have to rely entirely on the integrity of the person in whom we trust. As seventeenth-century states gradually rationalised, political or public offices became increasingly independent of personal relationships.³⁶ The office and the officeholder were held accountable to different degrees. Although their dealings might not be transparent to all, trust was put in the abstract office and the office holder, not in the moral or political integrity of individuals.³⁷ Trust is thus not a given in a personal

³⁴ T. Hobbes, *Leviathan*, p. 89: “In such condition [of the state of nature], there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death”.

³⁵ T. Hobbes, *Leviathan*, p. 155.

³⁶ This is a crucial conceptual difference in comparison with Filmer, with whose arguments this article only engages in passing further below. But see C. Cuttica, *Sir Robert Filmer (1588-1653) and the patriotic Monarch. Patriarchalism in Seventeenth-Century Political Thought* (Manchester 2012), p. 213: “It is important to notice that, whilst ‘allegiance’ denoted a personal and unconditioned bond towards those in power (often expressed through an oath of fidelity to the monarch), the term ‘trust’ (...) referred to an impersonal and formal mechanism based on the social contract. It is thus plausible to maintain that in stressing the argument of allegiance to the king monarchists (...) delineated a type of patriotic allegiance, whereas the model set forth by their opponents entailed a form of trust in law, in its formality and impartiality”. See also C. Condren, “The *persona* of the philosopher and the rhetorics of office in early modern England” in *The Philosopher in Early Modern Europe. The Nature of a Contested Identity*, ed. by C. Condren, S. Gaukroger, I. Hunter (Cambridge 2013), p. 66-88.

³⁷ See notably J. Dunn, “Trust and Political Agency” in *Trust: Making and Breaking Cooperative Relations*, ed. by D. Gambetta (Oxford 1988), p. 85: “human beings need, as far as they can, to economise on trust in persons and confide instead in well-designed political, social and economic institutions”. This should, however, not be idealised. See the insightful historical account in L. Bély, *Les Secrets de Louis XIV Mystères d’État et pouvoir absolu* (Paris 2013). P. Johnson, *Frames of Deceit. A Study of the Loss and Recovery of public and private Trust* (Cambridge

relationship, but citizens are asked to trust in the working and fairness of the increasingly abstract apparatus of the state. “The Office of the Sovereign (...) consisteth in the end, for which he was trusted with the Sovereign Power, namely the procuration of *the safety of the people*; to which he is obliged by the Law of Nature, and to render an account thereof to God, the Author of that Law, and to none but him. But by Safety here, is not meant a bare Preservation, but also all other Contentments of life”.³⁸ It has to be said, however, that Hobbes’s expectation of this rationalisation of government via political office was only moderate.³⁹ The result of his overall theory of contract and sovereignty was that “the focus of trust [shifted] on to the efficacy of sanctions, and either our or a third party’s ability to enforce them if a contract is broken”.⁴⁰ This route of appeal generally provides a fairly secure and reliable setting for contracting agents within civil society.⁴¹

But despite the existing framework of the state and coercive power, Hobbes made a compelling point about the deficiency of trust in the preface to *De Cive*: “Even within commonwealths, where there are laws and penalties set against wrongdoers, individual citizens do not travel without a weapon to defend themselves or go to bed without barring their doors against fellow citizens (...).

1993), p. 53 has a superb discussion of why the issue is not the moral character of a politician, and why accordingly the focus of analysis should shift “from the moral character of the officeholder to the nature of the office”. In contrast, John Rawls insists on the importance of individual agency. J. Rawls, *The Law of Peoples* (Harvard 1999), p. 97: “It is the task of the student of philosophy to articulate and express the permanent conditions and the real interests of a well-ordered society. It is the task of the statesman, however, to discern these conditions and interests in practice. The statesman sees deeper and further than most others and grasps what needs to be done. The statesman must get it right, or nearly so, and then hold fast from this vantage”. In any case, the expectations of the office and office holder in the seventeenth century were significantly different to our own understanding. See the lucid discussion in C. Condren, *Argument and Authority in Early Modern England: The Presumption of Oaths and Offices* (Cambridge 2006), p. 229f.

³⁸ T. Hobbes, *Leviathan*, p. 231.

³⁹ See T. Hobbes, *Leviathan*, p. 131: “whosoever beareth the Person of the people, or is one of that Assembly that bears it, beareth also his own naturall Person. And though he be carefull in his politique Person to procure the common interest; yet he is more, or no lesse carefull to procure the private good of himselfe, his family, kindred and friends; and for the most part, if the publique interest chance to crosse the private, he prefer the private: for the Passions of men, are commonly more potent than their Reason”.

⁴⁰ D. Gambetta, “Can We Trust Trust?” in *Trust: Making and Breaking Cooperative Relations*, ed. by D. Gambetta (Oxford 1988), p. 221. Hegel characterised this as a “disposition (...) of trust”. G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. by A.W. Wood and translated by H.B. Nisbet (Cambridge 1998), (§268) p. 288. He argued that the people “trust that the state will continue to exist and that particular interests can be fulfilled within it alone; but habit blinds us to the basis of our entire existence. It does not occur to someone who walks the streets in safety at night that this might be otherwise, for this habit of safety has become second nature, and we scarcely stop to think that it is solely the effect of particular institutions”. *Ibid.*, p. 289.

⁴¹ It should be mentioned, by the way, that this is precisely the reason why interstate relations are more volatile as this option is not available to sovereign states. But, as I have argued, Hobbes also addresses the issue of trust in interstate relations. See P. Schröder, *Trust in Early Modern International Political Thought, 1598-1713* (Cambridge 2017).

Can men express their universal distrust of one another more openly? All commonwealths and individuals behave in this way, and thus admit their fear and distrust of each other".⁴² Thus even the civil state remains deficient in its capacity entirely to secure man and put distrust to rest. Why is that the case?

For Hobbes, coercive power and the terror of punishment are apparently not sufficient to create conditions which would allow for trust. Why? It is here that he makes the profoundly anti-Machiavellian move of treating justice and trust not as vain concepts but as the fundamental principles which civil society had to protect. Hobbes placed the concept of *pacta sunt servanda*⁴³ quite prominently within the hierarchy of the laws of nature, because "*standing by agreements or keeping faith* is necessary for securing peace".⁴⁴ The state sees to it that even wicked men will be standing by their agreements, because the threat of punishment in the case of non-compliance means that, if they are reasonable, they will make the calculation that the benefit they would expect from a breach of their promise is outweighed by the negative consequences inflicted on them by state authority. The main and most reliable reason why people keep their promises and fulfil their contracts is according to Hobbes some external enforcement mechanism. Within the state of nature this remains a fragile and precarious situation. But even here any agreements "have their strength, not from their own Nature, (for nothing is more easily broken than a mans word,) but from Feare of some evill consequence upon the rupture".⁴⁵ Individuals relinquish the right to be judge in their own case as the tangible benefit of security within civil society prevails over the state of nature as regards their self-preservation. Thus far, *Leviathan* is able to guarantee what Hobbes wants him to uphold.

The greatest threat to peace and stability within civil society is not posed by the mischievous behaviour of men, but by those who act unreasonably. The former can be impressed by fear of

⁴² T. Hobbes, *On the Citizen*, p. 10f. See also T. Hobbes, *Leviathan*, p. 89.

⁴³ T. Hobbes, *On the Citizen*, p. 43: "Stand by your agreements, or keep faith".

⁴⁴ T. Hobbes, *On the Citizen*, p. 44.

⁴⁵ T. Hobbes, *Leviathan*, p. 93. Cf. also T. Hobbes, *Leviathan*, p. 99.

punishment, but not so the latter: “The Foole hath sayd in his heart, there is no such thing as Justice; and sometime also with his tongue; seriously alleaging, that every mans conversation, and contentment, being committed to his own care, there could be no reason, why every man might not do what he thought conducted thereunto: and therefore also to make, or not make, keep, or not keep Covenants, was not against Reason, when it conduced to ones benefit”.⁴⁶ With a fool there can be no state, and hence no justice. *Leviathan* is feeble, because there are too many people who reason like the fool. Towards a fool the laws of the state fail to operate by physical force, because it is one of the characteristics of a fool to have no fear⁴⁷, and persuasion is even less likely to convince him.⁴⁸ The fool thus poses a profound threat to civil society, and it is much more difficult, if not impossible, to make him understand how fundamentally he is undermining the core values of human society and therewith his own interest.⁴⁹ “The breaking of an *Agreement* (...) is called a WRONG. Such an Action or failure to act is said to be *unjust*; so that *wrong* and *unjust* action or failure to act have the same meaning, and both are the same as breaking an agreement or *breaking faith*”.⁵⁰ In his book *Rethinking Modern Political Theory*, John Dunn declares “the central issue in political philosophy (properly so called) to be that of how to conceive the rationality of trust in relation to the causal field of politics”.⁵¹ This is precisely what Hobbes set out to do. He argued that the fool who rejected the keeping of promises within the state was in the end nothing but a rebel, especially when he was not content to keep his views to himself (in his heart), but promulgated them (with his tongue).⁵²

The human capacity of speech is, therefore, a double-edged sword for Hobbes.⁵³ In *De Homine*, as

⁴⁶ T. Hobbes, *Leviathan*, p. 101.

⁴⁷ The fool does not even fear God because he does not believe in God. T. Hobbes, *Leviathan*, p. 101.

⁴⁸ Cf. Q. Skinner, *Hobbes and Republican Liberty* (Cambridge 2007), p. 171.

⁴⁹ Cf. J. Hampton, *Hobbes and the Social Contract Tradition*, p. 134-137.

⁵⁰ T. Hobbes, *On the Citizen*, p. 44.

⁵¹ J. Dunn, *Rethinking Modern Political Theory* (Cambridge 1985), p. 34.

⁵² On the fool in Hobbes’s *Leviathan*, see the detailed discussion by K. Hoekstra, “Hobbes and the Foole” in *Political Theory* 25 (1997), p. 620-654 and, challenging Hoekstra’s interpretation, P. Springborg, “Hobbes’s Fool the *Insipiens* and the Tyrant-King” in *Political Theory* 39 (2011), p. 85-111. On the fool and the issue of trust, see A. Boyer, *Chose Promise*, p. 31-69.

⁵³ See also T. Hobbes, *Behemoth or the Long Parliament*, ed. by P. Seaward (Oxford 2010), p. 188: “A state can

well as in *De Cive* and in *Leviathan*, Hobbes makes the same point, arguing that the most noble and profitable invention “was that of Speech (...) without which, there had been amongst men, neither Common-wealth, nor Society, nor Contract, nor Peace, no more than amongst Lyons, Bears and Wolves”.⁵⁴ Speech gives men the capacity to signal to others (by way of promise or contract) that they are willing to trust. Speech is thus a human capacity, which provides the foundation of what is distinctively human, that is the artificial creation of the state and following from this framework the development of industry and culture. However, speech can also be abused by humans, as, for instance, “when by words they declare that to be their will, which is not”.⁵⁵ Lying is for Hobbes “an abuse of Speech”.⁵⁶ How far lying and the keeping or breaking of promises can be mapped directly onto the issue of trust and distrust merits consideration. But it seems fair to assume that “lying (...) impedes the basic trust”.⁵⁷ In *De Homine*, Hobbes makes an even more forceful point when he asserts that “man, alone (...) can devise errors and pass them on for the use of others. (...) Also, man if it pleases him (and it will please him as often as it seems to advance his plans), can teach what he knows to be false from works that he hath inherited; that is, he can lie and render the minds of men hostile to the condition of society and peace”.⁵⁸ For Hobbes, language was a political tool: as a specifically human means of command or persuasion, but also as an instrument for generating trust and deceiving trust.⁵⁹ His whole political philosophy was aimed at providing conditions for peace, and that meant people not quarrelling. It was the task of the state to forestall political dispute.

constraine obedience, but convince no error, nor alter the mind of them that believe they have the better reason. Suppression of doctrins do but unite and exasperate, that is, increase both the malice and power of them that have already believed them”. On the political importance of trust, see *ibid.*, p. 325. Cf. P. Pettit, *Made with Words. Hobbes on Language, Mind and Politics* (Princeton 2008) and B. Ludwig, *Die Wiederentdeckung des Epikureischen Naturrechts. Zu Thomas Hobbes' philosophischer Entwicklung von De Cive zum Leviathan im Pariser Exil 1640-1651* (Frankfurt/Main 1998), p. 331-343.

⁵⁴ T. Hobbes, *Leviathan*, p. 24. Cf. also Hobbes's *De Homine*: T. Hobbes, *Man and Citizen (De Homine and De Cive)*, ed. by B. Gert (Indianapolis 1991), p. 39: “that we can command and understand commands is a benefit of speech, and truly the greatest”.

⁵⁵ T. Hobbes, *Leviathan*, p. 26.

⁵⁶ T. Hobbes, *Leviathan*, p. 26.

⁵⁷ M. Jay, *The Virtues of Mendacity. On Lying in Politics* (Charlottesville 2010), p. 48. See also B. Williams, *Truth and Truthfulness* (Princeton 2002), p. 94.

⁵⁸ T. Hobbes, *Man and Citizen*, p. 40.

⁵⁹ Hobbes conceded that communication worked not only by language alone because we can also discover the intentions of people by looking at their actions. But he warned that we will “be for the most part deceived by too much trust”. T. Hobbes, *Leviathan*, p. 10.

Hobbes would rather entrust the task to provide political stability and security to the sovereign than to the people.⁶⁰

This is the crucial point where Locke⁶¹, who seemed to have largely agreed with Hobbes in his earlier writings, put a very different emphasis on trust in his *Two Treatises of Government*.⁶²

Writing between 1680 and 1683, before he left England for his Dutch exile, Locke was less worried about the potentially conflicting and threatening conduct of individual men within society than he was about potential abuse by the sovereign: “I easily grant, that *Civil Government* is the proper Remedy for the Inconveniences of the State of Nature (...) But I shall desire those who make this Objection, to remember that *Absolute Monarchs* are but Men, and if Government is to be the Remedy of those Evils, (...) I desire to know what kind of Government that is, and how much better it is than the State of Nature”.⁶³ In the early 1680s, Locke reacted against the revival of Robert Filmer’s arguments for absolutism.⁶⁴ In this, he sided with James Tyrrell and Algernon Sidney who

⁶⁰ This ranges from the coercive power of the sovereign, via censorship to education. I have discussed these aspects in more detail in P. Schröder, *Hobbes* (Stuttgart 2012), p. 84-95 and P. Schröder, “Behemoth or the Long Parliament im Kontext von Hobbes’ politischer Philosophie”, p. XXIf. See also the lucid study by T. M. Bejan, “Teaching the *Leviathan*. Thomas Hobbes on Education” in *Oxford Review of Education* 36 (2010), p. 607-626.

⁶¹ Locke has a long discussion of language and even “Of the abuse of words” (chapter X), but he does not discuss language in relation to his political theory or in relation to trust and mistrust. The furthest he went in this regard is not much more than a common-place and is found in the opening chapter of book III of his *Essay* which deals with language. Cf. J. Locke, *An Essay concerning Human Understanding*, ed. by P.H. Nidditch (Oxford 1975), (III-I) p. 402: “God having designed Man for a sociable Creature, made him not only with an inclination, and under a necessity to have fellowship with those of his own kind; but furnished him also with Language, which was to be the great Instrument, and common Tye of Society”. Hannah Dawson argued that “Locke’s beliefs about language have a potentially devastating effect on his vision of civil society”. H. Dawson, “Locke on Language in (Civil) Society” in *History of Political Thought XXVI* (2005), p. 398.

⁶² In his earlier writings Locke had defended a “highly authoritarian conception of law”. J. Dunn, *The Political Thought of John Locke*, p. 13. Cf. J. Locke, *Essays on the Law of Nature*, ed. by W. v. Leyden (Oxford 2002), p. 115: “not the majority of people should be consulted”. In the *Two Treatises of Government* Locke fundamentally changed this position, and this change is also reflected in the fact that he now puts the emphasis on trusting the people rather than the sovereign. See also the discussion in R. P. Kraynak, “John Locke: From Absolutism to Toleration” in *The American Political Science Review* 74 (1980), p. 53-69 and J. Tully, “Placing the ‘Two Treatises’” in *Political Discourse in early modern Britain*, ed. by N. Phillipson/Q. Skinner (Cambridge 1993), p. 253-280.

⁶³ J. Locke, *Two Treatises of Government*, ed. by P. Laslett (Cambridge 1988), p. 276. Tyrrell had made the same point. J. Tyrrell, *Patriarcha non Monarcha. The Patriarch unmonarch’d: being Observations on a late Treatise and divers other Miscellanies, published under the Name of Sir Robert Filmer* (London 1681), p. 7.

⁶⁴ Filmer’s *Patriarcha* was published for the first time in 1680 and in the same year a new edition of *The Necessity of the Absolute Power of all Kings*, first published in 1648, was reissued as *The Power of Kings*. See R. Filmer, *Patriarcha and other Writings*, ed. by J. P. Sommerville (Cambridge 1991); J. Dunn, *The Political Thought of John Locke*, p. 58-76; J. Daly, *Sir Robert Filmer and English Political Thought* (Toronto 1979), now superseded by the excellent study by C. Cuttica, *Sir Robert Filmer*, p. 187-245. J. Locke, *Two Treatises of Government*, p. 138: “I should not have Writ against Sir Robert, or taken the pains to shew his mistakes, (...) were there not Men amongst us, who, by crying up his Books, and espousing his Doctrine, save me from the Reproach of Writing against a dead

had also attacked this move.⁶⁵

Sidney had lumped together “the production of Laud, Manwaring, Sybthorpe, Hobbes, Filmer, and Heylyn (...) to have been reserved as an additional curse to compleat the shame and misery of our age and country”, as if these men had made the same argument or defended a similar cause.⁶⁶ This is indicative of the heated and hostile situation of the early 1680s. Perhaps even going a step further than Locke, Sidney wanted to empower people politically. In one of the first chapters of his *Discourses concerning Government*, he argued under the heading “Implicit Faith belongs to Fools, and Truth is comprehended by examining Principles” that there should be no blind trust in the political establishment, and that informed scrutiny should be part of any political system: “Such as have reason, understanding, or common sense, will, and ought to make use of it in those things that concern themselves and their posterity, and suspect the words of such as are interested in deceiving or persuading them not to see with their own eyes, that they may be more easily deceived”.⁶⁷ Sidney argued that people were actually obliged not to leave state affairs to the few who claimed to be initiated into the *arcana imperii*, but “to search into matters of state, as to examine the original principles of government”.⁶⁸ Tyrrell took Filmer head on and argued that it would be absolutely misleading to extend the natural relationship between parents and children into the realm of the political. It was reasonable to trust parents to have the best interest of their children in mind, but government was based on mutual consent and could not be taken as a natural dominion.⁶⁹

Adversary”.

⁶⁵ A. Sidney, *Discourses concerning Government*, ed. by T. G. West (Indianapolis 1996) and J. Tyrrell, *Patriarcha non Monarcha*. Cf. G. Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven 1996), p. 214f.; J. G. A. Pocock, “Negative and Positive Aspects of Locke’s Place in Eighteenth-Century Discourse” in *John Locke and Immanuel Kant. Historical Reception and Contemporary Relevance*, ed. by M. P. Thompson (Berlin 1991), p. 49-51; J. Tully, “Placing the ‘Two Treatises’”, p. 257; J. W. Gough, “James Tyrrell, Whig Historian and Friend of John Locke” in *The Historical Journal* 19 (1976), p. 581-610 and J. Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683* (Cambridge 1991). Edmund Bohun in turn wrote against Sidney and in defence of Filmer. E. Bohun, *A Defence of Sir Robert Filmer, against the Mistakes and Misrepresentations of Algernon Sidney* (1684). On this debate see C. Cuttica, *Sir Robert Filmer*, p. 187-245.

⁶⁶ A. Sidney, *Discourses concerning Government*, p. 11.

⁶⁷ A. Sidney, *Discourses concerning Government*, p. 13.

⁶⁸ A. Sidney, *Discourses concerning Government*, p. 13.

⁶⁹ J. Tyrrell, *Patriarcha non Monarcha*, p. 20f. For Tyrrell “Government is an Office of Trust” which necessitates consent by the people, and which they can withdraw any time if the trust is misused. This is not possible in the natural relationship between parents and children. *Ibid.*, p. 42.

Like Sidney and Tyrrell⁷⁰, Locke deeply mistrusts the sovereign and is instead prepared to entrust political judgement and agency to the people.⁷¹ According to Locke, only the consent of the majority of free men can form a legitimate and lawful government.⁷² A risk has to be taken somewhere, and it is illuminating that one of the crucial differences between Hobbes on the one hand, and Locke, Tyrrell and Sidney on the other, has to be seen in whom they were prepared to trust for establishing and maintaining civil society.⁷³

The central distinction can thus be seen between Hobbes's perception of the people as passive subjects protected under sovereign rule and Locke's and Sidney's claim that people should actively engage in politics and judge whether the government acts upon the trust and consent the people have given. It is in this context that we can discern an "inconsequential treatment of the necessity for a sovereign power" in Locke's political thought⁷⁴, which contrasts sharply with Hobbes, and is explained by the different expectations or trust in people's political agency and maturity. According to Locke, no one should be "under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the Trust put in it".⁷⁵ However, Locke already holds a very different concept of trust both in civil society *and* in the state of nature. This is perhaps best revealed in his conception of punishment. Indeed, I would argue that Locke's very different understanding of trust is key to explaining what he himself repeatedly called the "strange Doctrine,

⁷⁰ J. G. A. Pocock, "Negative and Positive Aspects of Locke's Place in Eighteenth-Century Discourse", p. 51: "Sidney was executed for treason, partly on the evidence of his anti-Filmerian writings which contained the claim that power originated in the people and they retained a right of rebellion, and it is possible to imagine Locke sharing Sidney's fate if he had not left the manuscript [of the *Treatise*] in Tyrrell's hands and gone into exile in the Netherlands".

⁷¹ See J. Locke, *Two Treatises of Government*, p. 331.

⁷² See J. Locke, *Two Treatises of Government*, p. 333.

⁷³ J. Locke, *Two Treatises of Government*, p. 283: "The *Natural Liberty* of Man is to be free from any Superior Power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the law of Nature for his Rule. The *Liberty of Man, in Society*, is to be under no other Legislative Power, but that established, by consent, in the Common-Wealth". See also E. C. Nacol, "The Risk of Political Authority: Trust, Knowledge and Political Agency in Locke's *Second Treatise*" in *Political Studies* 59 (2011), p. 580-595. Interestingly, James Harrington, who is usually solicited for support by Sidney, and even Locke, and who was one of the most intelligent critics of Hobbes in the seventeenth century, seems to side with Hobbes, and not with Locke and Sidney, on the question of where to place trust. Harrington claimed that "they who dare trust men do not understand men; and they that dare not trust laws or orders do not understand a commonwealth". J. Harrington, "A Discourse upon this Saying: The Spirit of the Nation is not yet to be trusted with Liberty; lest it introduce Monarchy, or invade the Liberty of Conscience" in *The Political Works of James Harrington vol. II*, ed. by J. G. A. Pocock (Cambridge 1977), p. 744.

⁷⁴ J. Dunn, *The Political Thought of John Locke*, p. 12.

⁷⁵ J. Locke, *Two Treatises of Government*, p. 283.

viz. That *in the State of Nature, every one has the Executive Power of the Law of Nature*".⁷⁶

For Locke, the state of nature is not the lawless Hobbesian state of nature, which was rife with conflict and where observance of natural law was always precarious.⁷⁷ Locke thought to avoid Hobbes's state of nature scenario and argued that "Truth and keeping of Faith belongs to Men, as Men, and not as Members of Society".⁷⁸ In Locke's state of nature men live together and are guided by reason. If somebody breaks the commands of reason, i.e. the natural laws, he can be lawfully punished by others. For Locke, following Grotius and the Ciceronian natural law tradition, "every Man hath a Right to punish the Offender, and be Executioner of the Law of Nature".⁷⁹ But is judgment about this not also problematic for Locke? As he repeatedly highlights, "I doubt not but this will seem a very strange doctrine".⁸⁰

The idea that every man can be the judge of whether a law of nature has been transgressed by somebody else would already be odd for Hobbes. But to call it punishment if anybody who reached such a judgment then claims to be the executioner of the law of nature and to right the supposedly done wrong is quite remarkable.⁸¹ Locke's idea of punishment is entirely opposed to Hobbes's understanding, since for him it would only make sense to talk of punishment within the legal and institutional framework of a state. For Hobbes, punishment is one of the essential rights of state sovereignty; it is part of the state's authority and dependent on the existence of a state. There can be no punishment in the state of nature, because punishment – and for Hobbes that means the exercise

⁷⁶ J. Locke, *Two Treatises of Government*, p. 275.

⁷⁷ Among the many studies on Hobbes's state of nature, see in particular I. Evrigenis, *Images of Anarchy. The Rhetoric and Science of Hobbes's State of Nature* (New York 2014).

⁷⁸ J. Locke, *Two Treatises of Government*, p. 277.

⁷⁹ J. Locke, *Two Treatises of Government*, p. 272. In a Ciceronian vein, Grotius had defended before Locke the existence of right and justice in the state of nature. He argued that "sociability (...) is the Fountain of Right (...) to which belongs (...) the Obligation of fulfilling promises, (...) and the Merit of Punishment among Men". H. Grotius, *The Rights of War and Peace*, p. 85f. Locke's position discussed here is very close to Grotius's concept of punishment. See also R. Tuck, *Natural Rights Theories Their Origin and Development* (Cambridge 1979), p. 63.

⁸⁰ J. Locke, *Two Treatises of Government*, p. 272.

⁸¹ James Tully does not see this as a problem at all. J. Tully, "Placing the 'Two Treatises'", p. 256: "The people entrust their power to government subject to three conditions: that it is exercised lawfully, subject to their representatives' consent, and bound by natural law. The people impose these constitutional limits on government by the duty and right of judging whether they have been violated, and if they have, by punishing the violators with removal, just as they would judge a violator in the state of nature".

of coercive power – is ultimately a monopoly of the state.⁸² Apart from the paternal power over those who are not fully independent members of society, such as women and children, every other use of force by individual members of society against others is not legitimate. It would mean that men are judges for themselves, which was precisely what Hobbes wanted to avoid.

Not so for Locke, who put forward a completely different understanding of punishment. Although he believed that against his understanding of punishment “it will be objected, That it is unreasonable for Men to be Judges in their own Cases”⁸³, he went to some length to argue that “in the State of Nature, one Man comes by a Power over another (...) to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his Transgression, which is so much as may serve for *Reparation* and *Restraint*. For these are the only reasons, why one Man may lawfully do harm to another, which is what we call *punishment*”.⁸⁴ Locke’s claim that man may *lawfully* do harm to somebody else in the state of nature seems similar to Hobbes, but Hobbes argued that “one man *rightly* attacks and the other *rightly* resists”.⁸⁵ This antinomy of rights represents “an unfailing spring of suspicion and mutual resentment”.⁸⁶ Everybody might have the right to attack or resist, but this right is unlikely to be respected by others, because it is not regulated and enforced by law. Because in the state of nature all use of force is always subjective for Hobbes⁸⁷, there can be no punishment or lawful violence within it.⁸⁸ Such subjectivity is the reason why trust is so critical and

⁸² In contrast, Grotius and Locke claimed that the right to punish was not a prerogative of the state, but already belonged to private individuals. Cf. H. Grotius, *Commentary on the Law of Prize and Booty*, ed. by M. J. v. Ittersum (Indianapolis 2006), p. 136f. See D. Hüning, “*Nonne puniendi potestas reipublicae propria est* – Die naturrechtliche Begründung der Strafgewalt bei Hugo Grotius” in *Jahrbuch für Recht und Ethik/Annual Review of Law and Ethics* 8 (2001), p. 93-124.

⁸³ J. Locke, *Two Treatises of Government*, p. 275. See D. Hüning, “Naturzustand, natürliche Strafgewalt und Staat bei John Locke” in *Souveränitätskonzeptionen. Beiträge zur Analyse politischer Ordnungsvorstellungen im 17. bis zum 20. Jahrhundert*, ed. by M. Peters/P. Schröder (Berlin 2000), p. 85-108 and D. Hüning, “Is not the power to punish essentially a power that pertains to the state? The Different Foundations of the Right to Punish in Early Modern Natural Law Doctrines” in *Politisches Denken. Jahrbuch 2004*, ed. by V. Gerhardt/H. Ottmann/M. P. Thompson (Berlin 2004), p. 43-60.

⁸⁴ J. Locke, *Two Treatises of Government*, p. 272.

⁸⁵ T. Hobbes, *On the Citizen*, p. 29.

⁸⁶ T. Hobbes, *On the Citizen*, p. 29.

⁸⁷ T. Hobbes, *On the Citizen*, p. 27: “By natural law *one is oneself the judge* whether the means he is to use (...) are necessary”.

⁸⁸ A father might chastise his children, but there is no right among equal citizens. T. Hobbes, *Leviathan*, p. 214f.: “neither private revenge, nor injuries of private men, can properly be stiled Punishments, because they proceed not

fragile in the state of nature, which is never entirely thought of as belonging to the past, but rather as a permanent potential of the human condition. To Hobbes, the threat that it may return with the full force of lawless aggression remained real even for civil society. Hobbes wanted to counter this threat by means of a strong sovereign, who would in turn defend the necessary institutional framework under which trust among citizens was possible.⁸⁹

Locke's idea of the state of nature and the right of punishment within it is ambivalent. Against Hobbes he maintained "the plain *difference between the State of Nature, and the State of War*, which however some Man [who else than Hobbes is meant here?] have confounded, are as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are one from another. Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is *properly the State of Nature*".⁹⁰ But despite his perception of the state of nature as much less conflictual, Locke conceded that to avoid the "Inconveniencies which disorder Mens Properties in the state of Nature, Men unite into Societies (...) To this end it is that Men give up all their Natural Power to the Society which they enter into, and the Community put the Legislative Power into such hands as they think fit, with this *trust* [my emphasis], that they shall be govern'd by *declared Laws*, or else their Peace, Quiet and Property will still be at the same uncertainty, as it was in the state of Nature".⁹¹ Locke's emphasis on and conception of individual trust led straight into a dilemma which he was unable to solve. His "ideas remain for his entire life profoundly and exotically incoherent".⁹² Locke advocated empowerment of the people, which culminated in a right of resistance.⁹³ For him the breach of trust was one of the crucial reasons why "*Governments are dissolved*, (...) that is; when

from publique Authority".

⁸⁹ Hence his famous claim: "Covenants, without the Sword, are but Words, and of no strength to secure a man at all. Therefore notwithstanding the Lawes of Nature (...), if there be no power erected, or not great enough for our security; every man will, and may lawfully rely on his own strength and art, for caution against all other men". T. Hobbes, *Leviathan*, p. 117f.

⁹⁰ J. Locke, *Two Treatises of Government*, p. 280.

⁹¹ J. Locke, *Two Treatises of Government*, p. 359. See A.W. Sparkes, "Trust and Teleology: Locke's Politics and His Doctrine of Creation" in *Canadian Journal of Philosophy* 3 (1973), p. 263-273.

⁹² J. Dunn, *The Political Thought of John Locke*, p. 29.

⁹³ Cf. J. Locke, *Two Treatises of Government*, p. 402.

the Legislative, or the Prince, either of them act contrary to their Trust”.⁹⁴ Only the people were in a position to judge when such an occasion had occurred.⁹⁵

Because of his concept of trust, the right to resist civil government was conceivable for Locke.⁹⁶

Such an idea was abhorrent for Hobbes, because it would undermine the fragile stability and peace which state sovereignty and government had to provide. For him, Locke’s argument for the right to resistance would have been nothing less than a relapse into the state of nature, where trust was much more precarious. Instead, Hobbes trusted in the state and its institutions which in turn maintained the conditions that permitted trust – and the social and economic exchange and benefits ensuing from it – between the citizenry.⁹⁷

⁹⁴J. Locke, *Two Treatises of Government*, p. 412. Baumgold stresses the similarities between Hobbes’s and Locke’s concepts of trust. D. Baumgold, “‘Trust’ in Hobbes’s Political Thought”, p. 450f.

⁹⁵ Cf. H. Dawson, “Locke on Language in (Civil) Society”, p. 421f.

⁹⁶This is the crucial shift in Locke’s *Two Treatise* in comparison with his previously held positions. Cf. J. Dunn, *The Political Thought of John Locke*, p. 48f. See also R. Ashcraft, “Locke, Revolution Principles, and the Formation of Whig Ideology” in *The Historical Journal* 26 (1983), p. 785.

⁹⁷ In many respects, Kant follows Hobbes’s political philosophy rather than Locke’s. Regarding the similarities of their arguments as far as the concept of trust is concerned, see P. Schröder, “‘Irgend ein Vertrauen ... muss ... übrig bleiben’ – The idea of trust in Kant’s moral and political philosophy” in *Cultivating Personhood: Kant and Asian Philosophy*, ed. by S. R. Palmquist (Berlin 2010), p. 391-398.