**Political and Legal Philosophy**

**Hobbes and Locke**

**Natural law doctrines**

**Common principles to natural law doctrines**

- system of generally binding legal norms including moral principles of justice (i.e. being valid independent from space and time)

- these moral principles of justice are based on a reasonable world order or on the nature of mankind

- they are unconditionally valid: they are beyond human influence and precede flexible human law making

- they can be generally understood and practically realized by humans making use of their natural ability of reason

- until 1500 – period of teleological natural law

Thomas Hobbes (1588 - 1679)

- beginning of social theory in legal philosophy

- English school of empiricism

- 1651 – Leviathan – concept of “state of nature” Bellum omnium contra omnes – necessity of law (Aristotle – political nature of man)

“state of nature” – hobbes locke rousseau

- source of human conflicts – two primary forces of human acts (self defense and happiness)

- hypothesis of state of nature – looking at the natural conditions of man, what would happen in man were living without binding legal order maintained by state power (a sovereign)

- right of everybody to everything (unlimited freedom, in the sense of freedom of arbitrariness)

- bellum omnium contra omnes

Social contract (legitimacy/justification of law and state)

- concluded out of human reason to overcome shortcomings of the freedom in the state of nature – requirement of sustainable peace

- arbitrariness character if individual freedom is mutually restricted

- by establishment of a strong, sovereign state power (can guarantee a peaceful life of human beings in society through them means of law)

- objectives of law – to perpetually guarantee self-preservation and peace