

JUSTIFICATION FOR THE EMERGENCE OF CIVIL SOCIETY IN HOBBSIAN POLITICAL PHILOSOPHY

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DOI: 10.13140/RG.2.2.27419.68649

Abstract

The concept and purpose of civil society have been explored in various political theories, with early ideas captured in Hobbes's social contract. The social contract theory pertains to the state and aims to provide a philosophical foundation for the emergence, existence, and justification of civil society. In Hobbesian thought, the state is viewed as a result of a pact, covenant, or agreement, while civil society precedes it. Civil society provides a framework for reconciling government authority and the rights of the governed, rooted in the social and political nature of humans. This enables the state and government to be based on mutual consent and fundamental equality. The legitimacy of government is shown to originate from the consent of the people acting together. Consequently, the paper suggests that civil society should be governed based on shared values. In conclusion, it asserts that despite its flaws, Hobbes's social contract theory continues to serve as a framework for an authentic civil society.

Keywords: State of nature, social contract, civil society, authority.

Introduction

The concept of the state of nature emerged from the intellectual milieu of seventeenth- and eighteenth-century Europe, where it laid the groundwork for the development of the modern state. This theoretical framework was introduced by the English political philosopher Thomas Hobbes. Hobbes's articulation of the state of nature remains a foundational principle in modern political theory, serving as the fundamental vantage point from which civil society and the state came into being. Hobbes challenged the prevailing view, as advanced by Aristotle that the state and village evolved from a hierarchical, male-dominated family structure. Instead, he posited that the state of nature represented the essential condition upon which the concept of modern civil society and the state was established. In this paper, an attempt shall be made to provide a comprehensive examination of Hobbes's conception of the state of nature and the subsequent emergence of civil society, providing a thorough and nuanced evaluation.

Therefore, the work shall be divided into three sections. section one shall discuss the conceptual underpinning of civil society, section two will cursorily discuss life on the state of nature from Hobbes's perspective, and section three will discuss the emergence of civil society.

Concept Of Civil Society

Civil society refers to the sphere of social life that exists outside of the state and the market, where individuals and groups engage in voluntary associations, community organizations, and public debate to pursue common interests and promote the public good. Additionally, within the context of political theory, civil society is seen as a crucial component of democratic governance, providing a space for citizens to participate in decision-making processes hold the state accountable, and advocate for their rights.

Civil society encompasses non-governmental organizations, labor unions, advocacy groups, and other forms of collective action. These organizations and collective associations exist to promote social justice, human rights, and community welfare.

The philosophical examination of the concept of civil society dates back to the early modern thinkers like Hobbes, Locke, Hegel, Gramsci, and Habermas. For Locke, civil society is the domain of the social contract and collective action separate from the state. Hegel expanded on this idea by positing civil society as a sphere of economic and social relations between the family and the state. More so, contemporary thinkers like Antonio Gramsci and Jurgen Habermas emphasize civil society's role in fostering democratic engagement, public discourse, and social solidarity. It is instructive to note that civil society is beyond organization or association but it is the third realm of society where free and equal citizens engage in dialogue, mobilize for change, and hold power to account. Before we examine Hobbes's idea of civil society that forms the domain of the society contract that leads to the emergence of the state, let's have an understanding of his idea of existence in the state of nature. This is because the idea of the state of nature sets the foundation for the necessity of civil society for the social contract and the state as the guarantor of that contract.

On The Existence Of The State Of Nature

The concept of the state of nature was developed by Thomas Hobbes seventeenth-century British political philosopher. He argued against established political context and discourse developed by Plato, Aristotle, and Aquinas. According to Aristotle, “state and village emerged from the hierarchical male-dominated family” (cited in Barker, 4). Dutch jurist Hugo Grotius translated Aristotle's concept into a belief that humans by nature are not only “reasonable” but “social.” For Grotius, men are rational and he believed that it was because people were naturally reasonable that they were able to live in harmony with one another in the society (Nellen, 22).

However, Thomas Hobbes argued against Aristotle and Grotius that no such natural order exists. According to him, philosophy is a practical study of two kinds of bodies: natural and civil. He pointed out that “natural bodies” included everything that possesses rational knowledge of causal processes. He objected to the Platonic conception that there was an objective reality that corresponded to ideas and words existing there in the world of form; he considered all reality to be subjective and all societies to be created by agreements of members of such societies.

Hobbes considered the state of nature “the Natural Condition of Mankind, as concerning their Felicity and Misery” (Hobbes, 14). The state of nature was a condition in which people existed under conditions of “high moral density” or morality but with no “common power to keep them all in awe,” (Hobbes, 30). He opined that the state of nature was a nonpolitical and antipolitical condition. The state of nature was primarily and fundamentally constitutive of individuals who were free and equal and who lived in natural associations such as families or households. In the state of nature, a scarcity of desired things created competition for resources, distrust “diffidence”, and glory (war and conquests). According to Hobbes, the natural condition for each man was to be in a state of fear of desiring others, resulting in personal and collective wars because of their quest for acquisition to satisfy their desire. More so, self-preservation was the necessary condition for all of his satisfactions and pleasures, and each man was equal in respect to his ability to preserve his life and realize his wants. Since each was equally able, each had an equal chance to fulfill his desires. Hobbes builds human equality not from cognitive facilities, (Gauthier, 42) but from an explosive concept that every human is at once vulnerable to being killed and capable of killing (Gauthier, 43).

Hobbes unlike Aristotle did not see men as naturally social. He argued that “the natural passions of men were directed toward “good” being their self-interests and desires and that they had to be educated to see the long-term best interests of everyone” (Hobbes, 43). To rescue men from their natural passions and aggressions and to educate them, the artificial man-state, the absolute sovereign, must be created by personal covenants or agreement.

Furthermore, the state of nature was derived not from a scientific analysis of nature but from his understanding of “human nature.” He conceives the state of nature as a condition of desires and passions that creates distrust and universal enmity among people in a society where nothing is unjust: “The notions of Rights and Wrong, Justice and Injustice have no place there. A place where there is no common power, there is no Law: where no Law, no Injustice” (Sabine and Thorson, 387). The natural state is a state of war that “consisted not in actual fighting; but in the known disposition thereto” (Moore and Bruder, 274).

Thus, “a state of war” is a condition in which each individual or group is ready to fight with the others and in which this fact is common knowledge. It is a condition in which human stagnation and misery are self-evident: Hobbes while analyzing the state of nature stated thus:

In such stateless state or condition, 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 Seas; 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, continually feare, and danger of violent death; And the life of man, solitary, poor, nasty, brutish, and short (Hobbes, 87).

From the foregoing, Hobbes asserted that the state of nature and civil society are opposed to one another. The state of nature has a right to nature (“*Jus Naturale*”): “the liberty each man has to use his power, as he will himself, for the preservation of his nature, that is to say, his own life; and consequently, of doing anything which in his judgment and reason he shall conceive to be the aptest means thereto.” (Moore and Bruder, 274) By the right of nature, “every man has a right to everything, even to one another's body” (Moore and Bruder, 274), this reinforced the wretched and dangerous condition of the state of nature.

Hobbes's distinction between the state of nature and civil society became the starting point in political discussion. The state of nature as I had pointed out was the condition or the assumption upon which the idea of the modern state or civil society was constructed. It is worthy to point out at this juncture that some philosophers attempted the construction of a rational theory of the state which began with Indigenous peoples in a state of nature being the genesis of civil society. These philosophers or political philosophers ranged from Aristotle to Locke from Spinoza to Rousseau and from Pufendorf to Kant. These philosophers created the natural law theory of the modern state.

The Emergence Of Civil Society

The understanding of the state of nature helped Hobbes and his successors construct the idea of civil society or as he calls it, the artificial man-state and the positive content of the law (Cassirer 1955, 19). According to these philosophers, civil society arose to correct or eliminate the shortcomings of associations between people in the state of nature. The transition from individual or family freedom and equality to civil society did not occur because of nature; rather, it took place through one or more conventions made by individuals who were interested in leaving the state of nature.

With this in mind, Hobbes begins the second part of his *Leviathan* by introducing the origination and the development of the commonwealth or civil society. Hobbes begins, “The final cause, end, or design of men in the introduction of that restraint upon themselves in which we see them live in commonwealths is the foresight of their preservation, and of a more contented life” (Nwoko, 56). Men, thus, form commonwealths as a necessary way to avoid the state of war.

Hobbes asserts that there must be a sovereign to oversee the actions of all men and to punish those who do not act under the law. Without fear of punishment, men will view society as meaningless and will return to a state of war. Hobbes contends, “For the laws of nature (as *justice, equity, modesty,*

mercy and (in sum) *doing to others as we would be done to*) 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, 106). As Hobbes noted earlier, man may always be obliged to the Laws of Nature in his conscience, but not necessarily in his actions. If there is no authority to ensure the peace and security of all, then each individual cannot guarantee that no other man will forego his part of the covenant. As such, man may as well be in the state of war, and thus his security could be threatened. Hobbes noted that man was *not* obliged to act in accordance with the Laws of Nature should his personal security be threatened. Hence, the authority is a necessary part of the commonwealth, for without this central figure, men would not feel bound to the civil laws.

Having considered the necessity of a sovereign power, Hobbes describes the way that men may establish this power. He states that:

The only way to erect such a common power as may be able to defend them from the invasion of foreign and the injuries of one another, and thereby to secure them in such sort as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly, is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will, which is as much as to say, to appoint one man or assembly of men to bear their person, and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety, and therein to submit their wills, everyone to his will, and their judgments, to his judgment (Hobbes, 109).

Given this, to form a commonwealth, each man must sacrifice his right of self-government and transfer it to the sovereign. Hobbes explains that men must transfer their rights of self-government to a sovereign power so they can act upon the common will of the people. Hobbes permits the sovereign to use his authority, in matters of common peace and safety, as representative of the authority of the people. It is only through this sacrifice, Hobbes believes, that a commonwealth or civil society can be established. He opines:

This is more than consent... it is real unity of them all... made by covenant of every man with every man, in such manner as if every man should say to every man I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner (Hobbes, 111).

Hobbes sees leaders as representatives; he now grants this sovereign his authority. While this authority must derive its power from each man's sacrifice, he still possesses greater power.

Hobbes allocates too much power to the sovereign as he elaborates upon the structure of the commonwealth. He explains:

This done, the multitude so united in one person is called a COMMONWEALTH. This is the generation of that great LEVIATHAN, or rather of that Mortal God to which we owe, under the Immortal God, our peace and defence. For by his authority, given him by every particular man in the commonwealth, he hath the use of so much power and strength conferred on him that by terror thereof he is enabled to conform the wills of them all to peace at home and mutual aid against their enemies abroad. And in him consisteth the essence of the commonwealth, which (to define it) is one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all as he shall think expedient, for their peace and common defence. And he that carrieth this person is called SOVEREIGN, and said to have Sovereign Power; and every one besides, his SUBJECT (Hobbes, 109).

Hobbes uses very strong language in describing the commonwealth and the sovereign. He compares the representative to a god, implying some sort of infallibility or reverence such that the subjects must always support his will. Furthermore, Hobbes grants the sovereign such unlimited power. When defining the commonwealth, he notes that the sovereign, “may use the strength and means of them all as he shall think expedient.” Hobbes instills much trust within the sovereign himself, for he is permitted to act according to his own will, assuming that his will is in line with that of the people. Hobbes does not take into consideration that the sovereign himself could be corrupt. For Hobbes, this absolute authority is better than the chaos of the state of nature, and thus the sovereign is permitted to use such strong power.

Given this Hobbes saw the force that impelled the transfer of power to an artificial state as a negative necessity. Taking cognizance of the state of nature, Hobbes argued that, individuals needed a superordinate power or superhuman to make and sustain a political agreement or covenant. Hobbes states as follows:

I Authorize and give up my Right of Governing myself to this artificial Man, or to this Assembly of men, or community of persons on this condition, that thou give up thy Right to him, and Authorize all his actions in like manner (Hobbes, 87).

Thus, the origin and foundation of government are voluntary and deliberate acts. The artificial civil society becomes legal and legitimate through consent, rather than a natural society of families or households.

Hobbes holds that it is only the artificial man-state that could end the savage state of nature and create civil society. He secured this pact and its artificial creations, the commonwealth and the sovereign, against any change or possibility of legitimate disturbance. The artificial man-state was total, absolute and eternal (Nwoko, 59). Hobbes concluded that rebellion against the civil state broke society's basic covenant and was punishable by whatever penalty the sovereign might want exact to protect his subjects from a return to the original state of nature or what I will call the “stateless state.” The sovereign had to seek and maintain peace by putting the fear and terror of the state of nature to the lawbreakers. The sovereign subject who created the compact became comprehensively committed to all actions of the indivisible power of the sovereign “as if they were his own” (Hobbes, 187). The great liberty of the subjects depended on the silence of the sovereign's law.

However, in the early eighteenth century John Locke began and analyze the origin of the state, or “civil society,” he postulated an original state of nature in which primitive humans lived on their own and were subject to neither government nor law (Locke, 66). As the first critical and systematic theorist of the philosophy of Liberalism and Hobbes's greatest immediate successor, John Locke took up where Hobbes left off. In 1690, Locke published *Two Treatises of Government*, (Locke 66). Like Hobbes, he started with the state of nature. However, he opposed Hobbes's view that the state of nature was “solitary, poore, nasty, brutish, and short” and maintained instead that the state of nature was a happy and tolerant one. He argued that humans in the state of nature are free and equal yet insecure and dangerous in their freedom.

Furthermore, Locke rejected Hobbes's idea of the legitimacy of absolute monarchy or “absolute Arbitrary Power.” He also rejected that for the sake of self-preservation individuals surrendered their rights to a supreme sovereign through a social contract and that this sovereign was the source of all morality and law. Locke argued instead that the social contract preserved the preexisting natural rights of the individual to life, liberty, and property and that the enjoyment of individual rights led, in civil society, to the common good. According to him:

Those who are united into one Body, and have a common established Law and Judicature to appeal to, with Authority to decide controversies between them, and punish Offenders, *are*

in Civil Society one with another; but those who have no such common Appeal, I mean on Earth, are still in the state of Nature, each being, where there is no other, Judge for himself, and Executioner; which is, the perfect *state of Nature* (Locke, 66).

Thus individuals who joined society retained fundamental rights drawn from natural law that related to the integrity of person and property. He accepted the right of rebellion or civil war against a despot or a tyrant. The sole aim of the state and its government is the protection of individual rights and property.

In Locke's theory, a sovereign with limited powers was the source of governmental authority. "The Supreme Power," Locke wrote,

cannot take from any Man any part of his Property without his own consent ... it is a mistake to think, that the Supreme Legislative Power of any Common-wealth, can do what it will, and dispose of the Estate of the Subject arbitrarily, or take any part of them at pleasure (Locke, 66).

The reason for this limitation on any government was that people brought property rights into political society, which was set up specifically to protect these rights. Locke contends:

For the preservation of Property being the end of Government, and that for which Men enter into society, it necessarily supposes and requires, that the People should have Property, without which they must be supposed to lose that by entering into Society, which was the end for which they entered into it, too gross an absurdity for any man to own (Locke, 66).

Locke saw property rights as a natural law that existed before society was formed. Other natural rights were the rights of subsistence, which included the right of each individual to the material necessities for support and comfort. Beyond subsistence rights, there were acquired natural rights. These rights included rights acquired as a result of actions and transactions that individuals had undertaken on their initiative and rights acquired when individuals had laboured on a resource or put something of themselves into a resource that gave them an entitlement to that resource. These natural rights were independent of political society or any civil framework. They were established before the origin of political society and constrained the Crown and popular will. Therefore, it was not open for governments to abrogate, derogate, or reorder them based on what governments thought society ought to do.

Locke tied entry into political society under a central, sovereign command with the need to secure property. "The great and chief end, therefore, of Men uniting into Commonwealths or civil society, and putting themselves under Government, is the Preservation of their Property" (Locke, 66). He delineates law as a response to "many things wanting in the state of Nature." The "Civilized part of Mankind" was characterized by "positive laws" (Locke, 66) that were absent in the natural state. These positive laws were a response to the natural chaos of individual assertions of passion and self-interest:

First, in the state of nature there was an established, settled, known *Law*, received and allowed by common consent to be the Standard of Right and Wrong, and the common measure to decide all Controversies between them. *Secondly*, In the State of Nature there wants a *known and indifferent Judge*, with Authority to determine all differences according to the established Law ... *Thirdly*, In the state of Nature there often wants *Power* to back and support the Sentence when right, and to *give it due Execution* (Locke, 66).

From the foregoing therefore it is clear that the theory of social contract is based on the consent of the individuals. It dwells on the factor of consent of the people where the structure of political obligation rests. The people are the makers of the state. God has no place in the making of the state as stressed by Hobbes and Locke. This theory specifies that political authority is derived from a social

contract and the people are collectively bound to obey it so long as the government works for the general and keeps itself within the limit laid down by the compact. According to Locke, “no one can be subjected to the political power of another without his consent” (Locke, 68).

Furthermore, the justification of the authority of a civil government is the protection of the people's property and well-being, so when such protection is no longer present, or when the leader becomes a tyrant and acts against the interests of the people, they have a right, if not an outright obligation, to resist his authority. The social compact can be dissolved and the process of creating a political society can begin anew.

Because Locke did not envision the State of Nature as grimly as Hobbes, he can imagine conditions under which one would be better off rejecting a particular civil government and returning to the State of Nature, to construct a better civil government in its place. It is therefore both the view of human nature and the nature of morality itself, which account for the differences between Hobbes' and Locke's views of the social contract.

Evaluation

Hobbes embarked on a construction of civil society intending to avoid civil war and civil disorder and allow peace and tranquility to reign in society. Having seen the rebellion of parliament against Charles I as a precursor to the dissolution of the medieval structure of the age, he typified his work in response to this. Hobbes's social contract theory was an answer to the theory and reality of war or civil war in his own country, Britain during his time. He attempted to proffer solutions for the avoidance of civil war and turmoil in his society. To achieve this Hobbes decided that absolute obedience on the part of the subject was the only way to ensure political stability. His theory of civil contract was an attempt to bring to the fore or prove the necessity of absolute rule and absolute obedience to a sovereign.

In Hobbessian state, the sovereign, or as he called the Leviathan possesses the power of life and death, the leader can get drunk with such power to the detriment of the subjects or citizens bringing to reality the aphorism, “power corrupts and absolute power corrupts absolutely.” It is lack of restraint in the exercise of power by Hobbes that made Brumhall conclude that:

Hobbes's principles are pernicious both to piety and policy, and destructive to all relations of mankind, between prince and subject, father and child, master and servant, husband and wife; and they who maintain them obstinately, are fitter to live in hallow trees along with the beast, than in any Christian or political society (Malesworth, 25).

Whitehall is of the view that Hobbes's social contract theory or political experience was limited, based on this, his theory of civil society was artificial without a proper structure (Ramaswamy, 187). It therefore follows that Hobbes's social contract theory could not have served as a foundation for civil society. Hence the need to dismiss Hobbes's purported civil society.

More so, Hobbes's conception of human nature is questionable because he was indifferent to human nature from a nonrepresentative sample of humans. His assertion that humans are by nature egoistic with no innate morality begs the question. Hobbes eliminates a distinction between morality and law; they became the same. There are no moral obligations that are separate from our contractual obligations.

Furthermore, Hobbes's derogatory account of human nature was a serious suspect. It is based on this that Rousseau went on to opine that, “above all, let us not conclude with Hobbes, that because man has no idea of goodness, he must be mutually wicked” (Rousseau, 63). Rousseau went on to conclude that natural man possesses the sentiments of compassion rather than

viciousness.

Similarly, John Locke rejects Hobbes's version of the state of nature. Locke believes in “natural rights” including life, liberty, and happiness whereas Hobbes asserts that there are no natural rights. As a result of Locke's more positive view of nature, he proposes a more limited social contract than Hobbes, insisting on “preserving the individual rights of citizens against the temptations of political rulers to become tyrants” (Waller, 73).

Again, the social contracts are not inclusive of all. As Waller states, “If you can join in the contract and you can't live up to the demand of the contract, then you aren't part of the community” (Waller, 141). Martha Nussbaum, this is a big problem because people with lifelong impairment are excluded: “The failure to deal adequately with the needs of citizens with impairments and disabilities is a serious defect in modern theories as conceive of basic political principles as a result of a contract for mutual advantage (Nussbaum, 24).

John Plamenataz assesses critically the power of the sovereign. According to him, “Supreme authority can either all be placed in the same hands, or it can be divided between several; persons, bodies or rules laid down for settling disputes between them. What is the better method depends on circumstance (Plamenataz, 66). Hobbes overestimates the importance of political institutions and underestimates the extent to which government in general relies on the subject's interest in obeying.

Hobbes brought to the fore that the division of sovereignty or sovereign authority brings about civil war. According to Hobbes, the English civil war came about as a result of power-sharing between the Monarch and the Assembly). As a reaction, Plamenatz observes that the absence of shared commitment among elites and settlement of political conflict gave rise to the war experienced in England. This circumstances experience is occasioned by the absolutism championed by Hobbes.

Again, contrastingly Locke's view in his Two Treatises is contrasted with Hobbes in Leviathan, it becomes clear that, while Locke's state of nature is peaceful and reasonably enjoyable (Locke, 118); that of Hobbes is a perpetual war of all against all. Locke's conception of civil society gives rise to the consent of the people by surrendering part of these rights, which they can recall at the instance of a sovereign not doing their bidding, unlike Hobbes who advocates for a total surrendering of the rights of citizens with no guarantee of recalling these rights. All that is needed is for those who oppose the sovereign or cause trouble to be severely dealt with. In contrast to Hobbes's pessimism about human nature, Locke holds an optimistic view of human nature. This qualifies him as a libertarian. This feature in Locke's thought makes Locke's philosophy the basis of democracy. Thus, the strongest objection of Hobbes's Leviathan is that the sovereign, called the “mortal God; is seen as despotic and dictatorial.

However, the great accomplishment of the Leviathan is that it appeals to those who want an argument for absolutism based on a secular justification. The Leviathan like Machiavelli's Prince helps a free-thinking leader who wants to help the state to grow. It is based on this that Hobbes's social contract theory is said to have advocated for a rational interest. Addison said that Hobbes's theory upheld the fact that rational individuals form a government. On this, the government was given the responsibility to protect the property and lives of rationalists, which is being practiced by almost every government on a global basis (Addison, 2011). In the same vein, the social contract theory challenges rational individuals to overthrow the government in case it violates people's rights. This provided rational interests and justified reasons bad government can be overthrown today.

Conclusion

The paper is anchored on the emergence of civil society in Hobbes's political philosophy. The following issues were addressed, which are: the state of nature in Hobbes, the emergence of civil society. The work looked at Hobbes's civil society and attempted the reason for the emergence of civil society. The state should protect the lives and property including the provision of social welfare of its citizens. The failure on the part of the state and its actors has been a deliberate ploy to undermine the pact that gave rise to civil society. With this in mind it becomes clear that the government should be for the people and by the people derives from the very notion of the people's consent, a core ideal for civil society. When the government and its leaders endorse programs that do not appeal to the masses, they could be viewed as tyrannical powers that disregard the will of the people. In the case of a long train of abuses and undermining the consent of the masses of the people, revolution will emerge as a last resort leading to the civil society returning to the state of nature in Hobbessian parlance.

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