

topic

The Early Modern Liberal Roots of Natural Law

INTRODUCTION *to* EARLY MODERN LIBERAL ROOTS *of* NATURAL LAW

Amidst the turmoil of the 17th-century Wars of Religion and the Enlightenment, the political philosopher Thomas Hobbes disputed premises of classical notions of natural law and a new philosophical discourse emerged – that of natural rights.

While philosophers from Aristotle to Aquinas had generally accepted the premise that man is inherently a social being whose natural state is political, Thomas Hobbes proposed quite a different view. He posited that the human state of nature is solitary and characterized by constant, chaotic warfare in which each man is pitted against every other in a struggle for survival. Though his intellectual successors would not have so bleak a view of the state of nature, the notion of individuality characterized the Early Modern understanding of human nature.

Hobbes also rejected the idea from Aristotle that man's nature is teleological (*i.e.* ordered toward a particular end or purpose). Whereas Aquinas had argued that the human person is directed to one ultimate end, namely God, Hobbes conceived of man as being in ceaseless motion with no particular end, whether natural or supernatural. Consequently, a government could not exist for the sake of instructing man in virtue. Instead, for thinkers such as Hobbes and John Locke, government had the exclusive task of protecting man's natural rights, foremost among these being the right to self-preservation.

In lieu of the classical notions of human nature informing the purposes of government, Hobbes and Locke developed theories of social contract, proposing that men form society (and consequently government) in order to obtain the security, prosperity, or conveniences impossible in the state of nature. While most natural-rights thinkers agreed that rational social order should be understood first as a contract to secure natural rights, they differed as to how these rights should be enumerated, whether they were truly inviolable, what political structures were needed to protect them, and how far these rights of the individual were tempered by duties towards others.

While Montesquieu emerged as a moderate thinker within the natural-rights tradition, the English Whigs became a dominant, radical force. They argued most vehemently that the authority of the government is constituted by the consent of the governed, precisely because governments find their origin in the social contract. Following from this premise, they advocated constitutional limits on government and strict delineation of powers to insure the protection of individual rights. These were the ideas that were to influence and inspire the American revolutionaries and the Founders of a new Republic.

Source URL: <http://www.nlnrac.org/earlymodern>