

# State of Nature in the Perspective of Fiqh Siyasah (A Comparison Study between the Thoughts of Al-Mawardi and Thomas Hoobes)

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## ABSTRACT

*The concept of State of Nature is important in political theory because it helps us understand the origin of political authority and the role of government in society. The State of Nature refers to the hypothetical condition of human beings before or without political association. The analysis is about the comparison of Islamic and western views by using two figures, Al-Mawardi and Thomas Hobbes. This research aims to compare their opinion regarding the State of Nature from the perspective of Fiqh Siyasah. This research uses a comparative approach and content analysis. This study discusses the critical analysis of Thomas Hobbes and Al-Mawardi's views on the concept of a state of nature. Thomas Hobbes conducted that the state of nature is the basic nature of humans who are suspicious of each other at war to find happiness or Hobbes calls it Homo humini lupus, which mean the state of the werewolf for other humans, in contrast to Al-Mawardi's view that humans are deliberately created as weak creatures so that they need interaction to help each other, humans are social creatures who need other people to survive. The research results show that Al-Mawardi and Thomas Hobbes have different views about the State of Nature. According to Al-Mawardi, humans are born in a good natural state, whereas according to Thomas Hobbes, humans are born in a bad natural state. Apart from that, Al-Mawardi argued that humans have rights that must be respected by the state, while Thomas Hobbes argued that humans must surrender their rights to the state for the sake of security and peace.*



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### Abstrak

*Konsep State of Nature penting dalam teori politik karena membantu kita memahami asal usul otoritas politik dan peran pemerintah dalam masyarakat. State of Nature mengacu pada kondisi hipotetis manusia sebelum atau tanpa asosiasi politik. Analisisnya mengenai perbandingan pandangan Islam dan Barat dengan menggunakan dua tokoh yaitu Al-Mawardi dan Thomas Hobbes. Penelitian ini bertujuan untuk membandingkan pendapat mereka mengenai Keadaan Alam dalam sudut pandang Fiqih Siyasah. Penelitian ini menggunakan pendekatan komparatif dan analisis isi. Kajian ini membahas analisis kritis terhadap pandangan Thomas Hobbes dan Al-Mawardi terhadap konsep state of natural. Thomas Hobbes mengemukakan bahwa keadaan alam adalah sifat dasar manusia yang saling curiga dalam berperang untuk mencari kebahagiaan atau Hobbes menyebutnya Homo homini lupus yang berarti keadaan manusia serigala bagi manusia lainnya, berbeda dengan Al-Mawardi. berpandangan bahwa manusia sengaja diciptakan sebagai makhluk yang lemah agar memerlukan interaksi untuk saling membantu, manusia adalah makhluk sosial yang membutuhkan orang lain untuk bertahan hidup. Hasil penelitian menunjukkan bahwa Al-Mawardi dan Thomas Hobbes mempunyai pandangan berbeda tentang State of Nature. Menurut Al-Mawardi, manusia dilahirkan dalam keadaan fitrah yang baik, sedangkan menurut Thomas Hobbes, manusia dilahirkan dalam keadaan fitrah yang buruk. Selain itu, Al-Mawardi berpendapat bahwa manusia mempunyai hak yang harus dihormati oleh negara, sedangkan Thomas Hobbes berpendapat bahwa manusia harus menyerahkan haknya kepada negara demi keamanan dan ketertiban.*

## 1. Introduction

The state is essentially a place for refuge and interaction. The state has sovereign power with governance that must be obeyed by its people. A country will not be a country if there is no society in it. Therefore, individuals and society have an important role in influencing the existence of a country. International relations are experiencing development and becoming a complex issue. (Balmford et al., 2003) The state is an important actor in international relations with countries that interact so that relationships and cooperation are established. However, in essence, before the state was formed, there was a basic human nature called the state of nature. Thinking about the State of Nature is important because it focuses our attention on the normative reasons for action we have in circumstances in which there are no social rules, and hence reveals the reasons there are, if such reasons exist, for creating and maintaining such rules. (Henderson, 2000)

State of nature is a natural condition for humans. In defining the state of nature there are two different views, the western and Islamic perspectives. According to Thomas Hobbes, the state of nature is a natural condition of humans who assume that each other is suspicious of each other, at war and dangerous, and he called it *Homo Homini Lupus*, a condition where humans are wolves for other humans. With all the fears and desires to be happy, humans need a ruler so that humans can give all their rights to the ruler. So that a social contract is formed and it becomes a country. Therefore, Thomas Hobbes' theory is more inclined towards an absolute monarchy because all power is held by the

ruler or leader of a country. According to Hobbes, this situation will achieve peace, because the basic nature of humans who want to rule is naive, so that humans will no longer fight over each other, suspect each other, and fight each other.

In contrast to Thomas Hobbes' view, Al-Mawardi believes that naturally, humans as creatures created by Allah swt. is a weak nature, therefore need other people to survive. Humans are also essentially *Caliph fil al-Ardh*, whose task is to maintain all the balance that exists on earth. By humans needing each other, working together, a social contract is created, so that a group is formed and becomes a country led by an equitable and responsible leader. (Mustafa, 2020)

Thomas Hobbes believed that humans are very individualistic and created for war. This was done to maintain freedom and control other people. Apart from that, the goal is to save yourself from the threat of death. This is the basis for the formation of society. So a social contract is created and the emergence of society extends to a larger group, namely the state. The state of nature according to Thomas Hobbes essentially has the desire to survive, therefore, like it or not, humans will surrender all their rights to the authorities. The definition of the State according to Thomas Hobbes was built to overcome anarchic conditions in society. Where humans try to achieve happiness through conflict with others. So that is in line with the theory of absolute monarchy by Thomas Hobbes, that the king will stand above the interests of his people. And the king cannot break the law because the king is the law itself.

This article briefly discusses the critical analysis of Thomas Hobbes and Al-Mawardi's thoughts regarding the concept of state of nature, by analyzing the differences between Islamic and Western views through these two figures. The basic nature of human nature which influences the social contract and the formation of a state is the object that will be discussed in this article.

## **2. Research Method**

In this research, researchers used library research because the data or materials needed to complete the research came from the library. Written summaries of journals, articles, books and other documents containing descriptions of past or present information relevant to the research title. Library research relies on the library as a place of research and makes the library the object of research. Usually, library research produces conclusions about the tendency of a theory to be used over time, the development of a particular paradigm and scientific approach (Arikunto, 1993).

Data collection techniques in research are carried out using documentation techniques, recording past events in the form of writing, drawings or someone's monumental work. Documentation techniques are used to search for data about variables in the form of notes, magazines, transcripts, books, newspapers, and so on through several media. (Hadi, 1990) The author uses documentation techniques because this type of research is library research where primary and secondary sources come from books, documents, journals or other literature. In this documentation technique, the author first reads the data sources used in both primary and secondary research, then makes notes related to the research from these sources, then processes the collected notes for analysis. (Sugiyono, 2016)

Data analysis is an organized activity that displays data systematically and rationally to provide suspected answers to research. The data analysis method used by the author is descriptive analysis, namely the method used to describe and analyze. The analysis that will be studied in this research is a critical analysis comparing Islamic and Western

views regarding the concept of state of nature using the theory of Thomas Hobbes and Al-Mawardi.

### **3. Results and Discussion**

#### **a. State of Nature's Concept According to Thomas Hobbes and Al-Mawardi**

State of nature is the natural state of humans before the formation of the state, or before the existence of binding politics. State of nature is also often referred to as a state of war, therefore humans really need collective power to seek peace and encourage humans to form a state or sovereignty. (Suhelmi, 2011)

Thomas Hobbes was a philosopher and son of a priest who was born in England on April 5, 1588 and died on December 4, 1679. Hobbes was raised by his father's brother and studied at Oxford College, but he felt that education at this college was not beneficial and useful. (Noer, 1982) When Thomas Hobbes was born, Queen Elisabeth I was cruelly subduing Catholic groups in Ireland and Scotland. The conflict between the Catholic church and the king of parliament resulted in the split of the British state. This situation made Hobbes traumatized and thought that life was only for fighting and living in fear. (Suseno, 1987)

There are many views regarding the state of nature by western philosophers besides Thomas Hobbes, one of which is according to J.J. Rousseau. He views that natural conditions are not a state of war, but rather peaceful conditions where people have relatively little contact or conflict and conditions where resources are abundant. However, the state of nature cannot be maintained continuously. This is because the state of nature is not a condition that can be expected. (Muthmainnah, 2014)

Thomas Hobbes views the state of nature as human life before the formation of the state, where humans will only continue to seek happiness and avoid what they don't like, so that humans compete with each other, fight for power, fight each other, or are often called homo homini lupus which means humans are wolves to other humans. (Rogers et al., 2008)

The state as a forum for humans to interact exercises shared power led by a leader and creates peace through mutual contracts. Because in the state of nature there are no specific legal rules so that it becomes uncontrolled, Hobbes provides a way out, namely by developing into a political society and government through cooperation in creating world peace. At first, Thomas Hobbes analogized humans to watches where humans could move and work because humans were mechanical devices. But Hobbes thought later that what drives humans is their desire to defend themselves. Plautus, a philosopher, in his work entitled *Asinaria* in 195 BC, coined *Homo homini lupus*, a sentence originating from Latin which means "man is a wolf to his fellow humans".

#### **b. A Comparison Study Between Al-Mawardi and Thomas Hobbes toward State of Nature's Concept**

The concept of State of nature is a natural condition of humans without political authority (the state). Several philosophers provide different explanations regarding the concept of state of nature. An explanation of the state of nature is important in order not to justify the existence of a state. Each philosopher tried to provide a logical explanation of the existence of the state so that it could be maintained.

In this section, we will discuss a comparison of Thomas Hobbes and Al-Mawardi's views on the concept of state of nature. Thomas Hobbes always had a negative view and

considered that humans basically have the desire to survive by mutual suspicion, mutual power and conflict. So that a social contract and a ruler are needed to achieve peace, humans will surrender all their rights to the ruler, therefore Thommas Hobbes' theory is considered to reflect absolute monarchy government.

Meanwhile, this is different from Al-Mawardi's view, which always places elements of the creator Allah SWT in every theory. According to him, humans are creatures created weak by God so they need a social contract or other humans to live, humans to help each other together. And humans need social devices to regulate and order social conditions. Social contracts occur because human needs need each other.

| Al-Mawardi   | Thomas Hobbes   |
|--|---|
| <ul style="list-style-type: none"> <li>• Humans were created by Allah SWT in a weak state, so interaction between humans is necessary.</li> <li>• Humans are social creatures who cannot live alone, humans need other people.</li> <li>• Humans need social devices to organize society to avoid chaos so as to build social order.</li> <li>• Humans as Caliph fi Al-ardh must maintain the balance that exists on earth.</li> <li>• The social contract occurs because of human desires which are created to interact together and be united in their differences.</li> </ul> | <ul style="list-style-type: none"> <li>• Humans compete with each other, struggle for power and conflict</li> <li>• Humans have a desire to defend themselves and fear death.</li> <li>• Man's "war of every man against every man", with conditions poor, evil and brutal</li> <li>• Humans are homo homini lupus or wolves to other humans.</li> <li>• Humans are selfish and anarchy</li> <li>• Social contact is formed because of the existence of a dangerous environment, which an environment of humans who are suspicious of each other, anarchic, and want to dominate each other</li> <li>• To overcome the condition of Homo Homini Lupus, the existence of a social contract encourages humans to form a community agreement where the people surrender their rights to the authorities (absolute monarchy)</li> </ul> |

### ***c. Critical Analysis of Al-Mawardi's views on Thomas Hobbes's Concept of State of Nature***

According to Thomas Hobbes's perspective, the State of nature is characterized as "the war of every man against every man", that is, with a state of poverty, evil and brutality. a condition of constant and harsh competition in which every individual has a natural right to everything, as the solution to this brutal state of nature is a social contract and entering civil society. For Hobbes, sovereign authority is absolute, in the sense that there is no authority above the sovereign and his will is law. However, that does not mean that sovereign power is all-encompassing: subjects remain free to act as they please in

cases where the sovereign is silent (in other words, when the law does not address the action in question).

Not just a social contract, Thomas Hobbes saw that human rights were a way out to overcome the situation of *homo homini lupus*, thereby encouraging humans to form a social agreement where the people surrender their rights to the authorities. This is what causes Thomas Hobbes's views to be considered as a theory that leads to the formation of an absolute monarchy. Thomas Hobbes, like John Locke, argued that the formation of a political society or state originates from a natural state or state of nature when individuals have human rights. Humans will surrender their rights to state authorities so that there is no human will to rule, and there is no human fear in surviving, this is what according to him will create peace. The state has absolute and absolute power.

Al-Mawardi was a medieval Islamic scientist with the full name Abu al-Hasan Ali bin Muhammad bin Habib al-Mawardi al-Bashri, the nickname Al Mawardi was given to him because of his intelligence in various scientific fields such as debating, arguing, giving speeches and being able to analyze well. sharp about the problems he faced, while the nickname Al-Bashri was given because he was born in Basrah. (Al-Mawardi, 1994)

Al-Mawardi believes that the condition of society before the formation of a state was in a chaotic situation, therefore a social device is needed to regulate society in order to avoid chaos so as to build social order. His view is that the first step that can be taken is to form an orderly community based on a social contract. and the need to appoint a state leader so that the state can be neatly systematized. So that with the existence of an orderly community based on a social contract, a society will be formed that will obey the rules and regulations that have been regulated by the government in a country.

According to Al-Mawardi, the human need to establish a state is a form of social contract. The state is a means of building bonds between one another in guiding human desires to fulfill common needs. Thus, the formation of a state is through a social contract or agreement on a voluntary basis from the community. (Azhar, 1997) Al-Mawardi's view regarding the social contract has also been adopted by the thoughts of modern nations and is widely shared by developed countries, because the social contract can create checks and balances between the government and the people because both of them need each other for survival. Thus, the government cannot rule arbitrarily because there are regulations that must be followed.

Thomas Hobbes's conception of the state of nature is slightly different from that proposed by Al-Mawardi. Namely, Allah will always be the main axis in social circulation, which is normal. Al-Mawardi places the concept of divinity in his theory, according to him, Allah deliberately created humans in a physically weak state and in different conditions. From human weakness, which makes humans need God and other humans to fill each other's weaknesses and strengths.

There are similarities in Al-Mawardi's opinion with other philosophers such as Plato and Aristotle who argued that humans are social creatures with all kinds of needs that must be met. However, Al-Mawardi always stands on religion and says that everything that happens is the creation of Allah swt. This is the main difference between Al-Mawardi and other philosophers.

The social contract according to Greek philosophers, especially Thomas Hobbes, states that social contact is formed because of the existence of a dangerous environment, namely an environment where humans are suspicious of each other, anarchy, and want to rule each other. On the other hand, according to Al-Mawardi, social contracts occur

because human desires are created to interact with each other and be united in their differences.

Furthermore, according to Thomas Hobbes, the social contract only exists among the people themselves, the King is not included in the social contract because the King is the absolute ruler in a country, the people have given their rights to the King, and the King cannot be guilty because the law is upheld by the King. Therefore, Thomas Hobbes' theory is more about absolute monarchy.

Humans are essentially servants of Allah and caliph fil ard, which has been explained in the Al-Qur'an in Surah Al-Baqarah Verse 30:

﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلٰئِكَةِ اِنِّيْ جَاعِلٌ فِى الْاَرْضِ خَلِيْفَةً ۗ قَالُوْۤا اَتَجْعَلُ فِيْهَا مَنْ يُفْسِدُ فِيْهَا وَيَسْفِكُ الدِّمَآءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ ۗ قَالَ اِنِّيْۤ اَعْلَمُ مَا لَا تَعْلَمُوْنَ ۗ﴾ (البقرة/2: 30)

According to Al-Mawardi, human nature is essentially about fighting over each other to fulfill a need in life, while hostility and tyranny are animal characteristics that humans have that must be avoided. However, it is impossible for humans to live alone, humans need other people to survive. Because the process of maintaining human life requires cooperation in order to maintain its existence, namely the need for the state as al-ijtima', without the state human existence will not be perfect.

This is different from the view of Thomas Hobbes's state of nature which sees that humans are inherently suspicious of each other, compete with each other for power, filled with the desire to survive, afraid of dying, and so on. al-Mawardi believes that humans are God's creatures who need the help of others the most compared to other creatures. Humans always need other humans to live socially, whereas many animals are able to live alone and apart from similar animals and human interaction is something that is permanent and permanent. The human need to establish a state is a form of social contract offered by al-Mawardi. The human will to fulfill common needs to build bonds between one another is what is called the state. (Alwie, 2012)

Plato and Aristotle also argued that humans are social creatures, however, this was different from Al-Mawardi who included religious elements into his theory. In his opinion, humans are creatures that need the help of other parties the most compared to other creatures. In his book Adab ad-Dunya Wa ad-Din al-Mawardi it is explained this way, that Allah created humans as weak creatures so they need each other the most. (Al-Mawardi, 2001)

According to al-Mawardi, humans are basically created as weak creatures, therefore humans are equipped with intellectual potential that guides them to behave well and guides them towards happiness in the afterlife. Humans cooperate with each other because of differences in intelligence, intellect, personality, talent between humans, from this humans finally come together to form a community to protect their interests and needs through a social contract in the form of a state.

From Al-Mawardi's critical analysis regarding the state of nature, it is clear that humans were created in a weak state, but it is through this human weakness that encourages humans to live in groups, unite and help each other so that in the end this can encourage humans to form a country. So it can be interpreted that the state was formed initially because of the human desire to meet their common needs, as well as the connection with the demands of human common sense which provides the lesson that life is carried out to help each other and interact.

#### 4. Conclusion

The state of nature is discussed through the western and Islamic scientific figures, Thomas Hobbes and Al-Mawardi. The state of nature according to Thomas Hobbes is the condition of humans in anarchy, selfishness, brutality, full of evil so that they are in conflict with each other, competing with each other to obtain happiness, because there are two desires, namely the desire to live happily and the desire to fear death. And it is also commonly called *homo homini lupus*, which means werewolf to other humans. To overcome this, Hobbes proposed a social contract, namely that the most powerful ruler, humans would surrender all their rights to the ruler or king, so that the king would be responsible for human rights to life. This social contract will have an impact on peace because it denies basic human nature or the state of nature.

This is different from Al-Mawardi's view which views humans as social creatures who need other people and is also motivated by the creation of weak humans by Allah swt., because with this weakness, every human being will cooperate, establish interactions, which in essence is needing other people. However, what drives humans into cooperation is the intellect that humans possess. According to Al-Mawardi, the social contract occurs because human needs need each other, thus encouraging them to unite in differences and interact until the greatest thing, namely the formation of a country. The most striking difference in views between the two scientists lies in the involvement of the concept of God in the creation of humans, which the West does not believe in. According to Al-Mawardi, humans are born in a good natural state, whereas according to Thomas Hobbes, humans are born in a bad natural state. Apart from that, Al-Mawardi argued that humans have rights that must be respected by the state, while Thomas Hobbes argued that humans must surrender their rights to the state for the sake of security and peace.

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