



Does it matter whether property arises prior to and independent of political society? What is the relevance of the origin of property for thinking about political and legal order?

On one hand, Hobbes argues that the state creates property rights. On the other, he maintains that certain rights predate the state.

According to Hobbes, the **natural condition of mankind** is a state in which individuals are in “a condition of war of everyone against everyone, in which everyone is governed by his own reason, and there is nothing he can make use of that may not be a help unto him in preserving his life against his enemies” (Leviathan, 1651). Thus, in the State of Nature, individuals may lay claim to all things as there are no natural property rights. As a consequence, life in the state of nature is “poor, nasty, brutish, and short.”

Hence, individuals are better off by forming an order or “**sovereign power**” which will help delineate boundaries between right and wrong. According to Hobbes, property rights come into place in a civil society where the sovereign power helps enforce those rights and preserve order. But Hobbes also maintains that certain rights such as the right to life predate the state. Thus, even an individual who consents to the state’s power may justifiably resist the state’s attempt to deprive him of these **pre-state owned rights**.

