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## UNIT 6 THOMAS HOBBS

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### 6.1 INTRODUCTION

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Thomas Hobbes is one of the most colourful, controversial and important figures in the history of western political thought. In his life-time he was almost unanimously denounced for his alleged atheism, blasphemy and impiety and was known as the Monster of Malmesbury. He was despised by the parliamentarians whom he opposed and suspected by the royalists whom he purported to support, because his ideas were quite out of step both with the parliamentarians' theory of popular representation and the Stuart theory of political legitimation based on the Divine Right of Kings. His status as a great philosopher and political thinker was not fully recognised until the 19th Century. The philosophical radicalism of the English utilitarians and the scientific rationalism of the French Encyclopaedists incorporated in a large measure Hobbes' mechanical materialism, his nominalism, radical individualism and psychological egoism. Emphasising his influence on the utilitarian thought, Sir Frederick Pollock picturesquely remarks that the formula of the greatest good of the greatest number was made as a hook to be put in the nostrils of Leviathan so that it could be tamed and harnessed to the chariot of utility. By the mid-20th Century Hobbes was acclaimed as "probably the greatest writer on political philosophy that the English speaking people have produced (Sabine: 1963, 457). According to Michael Oakeshott: "The *Leviathan* is the greatest, perhaps the sole, masterpiece of political philosophy in the English language" (1960, viii).

Hobbes is now generally regarded as the father of modern political science. It is he who for the first time systematically expounded the absolutist theory of sovereignty and originated the positivist theory of law which was perfected by the analytical jurists of the 19th and 20th centuries. Though he was by no means a liberal, modern commentators (Oakeshott: 1960, vii, Gauthier: 1969, 144) believe that "his political doctrine has greater affinities with the liberalism of the 20th Century than his authoritarian theory would initially suggest" (Gauthier). From the Marxist point of view (Macpherson : 1962) Hobbes' theory is seen to reflect the political ideology of the incipient capitalist market society characterised by the doctrine of "possessive individualism" and the ethic of cut-throat competition and self-aggrandisement. Karl Marx himself is said to have remarked that "Hobbes was the father of us all." And it is the measure

of the richness and suggestiveness of Hobbes' system of ideas that it is supposed to imply, or assume, one of the most sophisticated modern methodological tools of mathematical analysis for an adequate explanation of social phenomenon. John Rawls thinks that Hobbes' state of nature is the classic example of the "prisoner's dilemma" of game-theoretic analysis (1971 : 269) and writers like Hampton (1986), Kavka (1986) and Gauthier (1969) have examined Hobbes' theory in the light of the above remark, though a full-fledged application of the prisoner's dilemma analysis to Hobbes' theory of the state of nature has hardly been successfully attempted or achieved, because Hobbes' theory is perhaps not amenable to that kind of analytical treatment.

From a broad philosophical perspective the importance of Hobbes is perhaps in his bold and almost systematic attempt to assimilate the science of man and civil society to a thoroughly modern, mathematical physical science corresponding to a completely mechanistic conception of nature. His psychological egoism, his ethical relativism and his political absolutism are all supposed to follow logically from the assumptions or principles underlying the physical world which primarily consists of matter and motion, or rather matter in motion. Whether a straight way progress from geometry to physics and then from physics to politics, psychology and ethics, is possible is another matter. It is, however mainly a deductive system derived from materialistic premises that Hobbes understood his philosophical enterprise and this is how generations of Hobbes scholars have interpreted him ever since.

Here it is pertinent to make two observations. First, it should not be understood that Hobbes is the precursor of the modern empirical science of politics and sociology which regards the methods of physical science as the proper model for political in the Mill's sense (Oakeshott; 1960, XXIII). Hobbes was strongly opposed to Bacon's empirical and experimental method. His own method was deductive and geometrical through and through. It was the resolute-compositive method as developed in the school of Padua and followed by Galileo and other natural scientists. The second point to note is that in spite of Hobbes' claim about the unity of his thought and its foundation in scientific materialism, modern scholars have neither endorsed the supposed unity of his philosophy nor accepted the scientific basis of his ethical and political theory. Leo Strauss, taking a cue from Croom Robertson (1886) and also relying on Hobbes' own observation that a knowledge of natural philosophy is not a necessary precondition for understanding his views on politics, argued that his political theory was pre-scientific and was based on 'humanist' premises. According to Michael Oakeshott, the basis of Hobbes' politics was not scientific materialism but philosophic rationalism, not a specific view of the nature of the world, but a particular notion of philosophical knowledge. This line of thought culminated in the famous Taylor-Warrender thesis which completely separated Hobbes' mechanistic psychology from his 'deontological' ethics. While Taylor found in Hobbes a proto-Kantian philosopher of duty for duty's sake (1938), Warrender placed Hobbes squarely in the Natural Law tradition based on theistic metaphysics, deriving the obligatory force of law from Divine Command (1958), F.C. Hood likewise argued for the Divine Politics of Hobbes (1964). There is a lot of textual evidence to support the theories of Taylor, Warrender and Hood. The point, however, is whether it is reasonable to jettison Hobbes' psychological egoism which is an important element of his theory, in order to make Hobbes a consistent deontologist as depicted by these writers. Are we justified in making Hobbes more consistent than he really was and in this process ignoring the historical and contextual basis of his writings? Quentin Skinner has forcefully argued that none of Hobbes' contemporaries understood Hobbes as grounding political obligation on the prior obligation to obey the command of God and that this is a conclusive proof that the Taylor-Warrender-Hood interpretation is erroneous and a misleading extrapolation.

A review of existing critical literature and a close textual analysis of Hobbes' writings show that it is not possible to reconcile these conflicting interpretations and neatly fit them into a coherent philosophical system. But logical consistency is not the sole mark of a philosopher's greatness. The profound richness of the intellectual content of a philosophy may be a vibrant source of inspiration opening different avenues of thought and it may far outweigh the lack of logical rigour and formal consistency. It is a true measure of Hobbes' greatness as a thinker that so many important and suggestive ideas and perspectives of thought are adumbrated and found interwoven in his comprehensive, though complex and multi-faceted system of philosophy. It is true that Hobbes' extremely pessimistic and unedifying view of human nature is not only highly distorted and exaggerated but incompatible with the very idea of a civil society. But it is also a fact that, as one perceptive writer puts it, such a lurid and extreme possible picture of the human condition appears to be "a magnificent incarnation of an eternally recurrent form of error . . . that in some time and places looks disconcertingly like the truth" (Anthony Quinton; 1982 : 153).

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## 6.2 LIFE AND TIMES

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Hobbes was prematurely born in 1588 in Westport near the small town of Malmesbury in England at a time when the country was threatened by the impending attack of the Spanish Armada. He died in 1679. His long life was full of momentous events and synchronised with great scientific discoveries and philosophical systematisation characteristic "of the century of genius". Hobbes was a witness to the great political and constitutional turmoil caused by the English Civil War and his life and writings bear clear imprint of it, though the philosophical import of his work went far beyond the controversies of his time. After his education at Oxford where he was rather bored by the teaching of Aristotle and the scholastic philosophy, Hobbes joined as tutor to the son of William Cavendish, first Earl of Devonshire in 1608. He remained closely connected with the Cavendish family for a long period of his life. He accompanied his charge to France and Italy in 1610 and came under the influence of Kepler and Galileo. After his return from the continent he remained with the Cavendish family for the next eighteen years dividing his time between London and Chatsworth, the country home of the Cavendish. Hobbes' next visit to France was in 1629, when he accepted tutorship to the son of Sir Gervase Clinton after the death of his first patron, the second Earl of Devonshire in 1628. In the year 1628 Hobbes' translation of Thucydides' history of the Grecian War was published. During his second visit to the continent Hobbes came under the spell of geometrical method which started from self-evident premises and proceeded to derive complicated theorems by way of logical deduction. During the third journey to France and Italy (1634-37) which he undertook with the third Earl of Devonshire whose service he had rejoined in 1631, Hobbes met Descartes, Gassendi and Galileo. He became convinced that everything including man and society, morals and politics could be explained on the basis of laws of motion. Kepler's laws of planetary motion and Galileo's laws of falling bodies made a deep impact in his mind. He returned to England and completed in 1640 his first important philosophical work called the Element of Law, which was published in 1650 in two parts, Human Nature and De Corpore Politico. In this work Hobbes demonstrated the need for undivided sovereignty, but the arguments for this were not derived from the theory of Divine Right of Kings. In 1640 Hobbes fled to the Continent in fear for his life after the dissolution of Parliament in May 1640 and the impeachment of Earl of Strafford by the Long Parliament. For the next eleven years he remained in Paris in the intellectual circle of Mersenne. During this period he accepted to act as tutor in mathematics to the future Charles II.

The exile in France was the most fruitful period of Hobbes' intellectual life. In 1642 he published his De Cive in Latin (later to appear as De Corpore Politico) He also planned to write

his ambitious trilogy on body, man and citizen in which everything in the world of nature and man could be explained on the pattern of the science of mechanics. He made a beginning with *De Corpore*. *Leviathan*, Hobbes' magnum opus, was written during this period and was published in 1651. Clarendon thought that the book was written to flatter Cromwell. Hobbes himself is reported to have said: "I have a mind to return home." But the philosophical sweep of *Leviathan* was much above the immediate political controversies of the day and had far-reaching consequences for the future development of European thought.

Hobbes returned to England in 1651 and was soon embroiled in a controversy with John Bramhall, Bishop of Derry, on the question of free will and determinism. Another controversy was with the mathematician John Wallis about Hobbes' attempt to square the circle. In 1657 *De Homine*, the second part of his trilogy, was published. The last years of Hobbes' life were devoted to the writing of his autobiography in Latin, both in prose and verse, and a verse translation of the *Iliad* and *Odyssey*. Hobbes died at Chatsworth in 1679 at the age of ninety-one.

The *Leviathan* is Hobbes' most famous work. It is, however, not the only important source for a complete understanding of Hobbes' ideas. Many competent scholars believe that although "as literature *De Cive* does not rival *Leviathan* which is a masterpiece of English prose style, it is superior to it as philosophy (Gert 1978; 3). A.E. Taylor in his interpretation of Hobbes relies mostly on *De Cive* (1938). This is not to say that there is any fundamental discrepancy between *Leviathan* and other works of Hobbes. There is only a difference in emphasis and style of presentation. The argument is substantially the same; different books are devoted to illuminating the basic theme in different ways.

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### 6.3 THE STATE OF NATURE AND NATURAL RIGHTS

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As we have already indicated, Hobbes' political theory is, in his own perception, derived from his psychology which in turn is based on his mechanistic conception of nature. This standard, text-book reading of Hobbes, as we have observed above, has of late been strongly challenged by competent scholars, and scientific materialism is considered either irrelevant to or inconsistent with Hobbes' political and ethical theory. Hobbes himself says that one can follow his ideas just by observation and introspection without going through the elaborate process of ratiocination and logical deduction from the basic premises. Be that as it may, let us follow Hobbes in his explication of the concept of the state of nature and natural rights which is the starting point of all social contract theories.

The concept of the state of nature, that is, human condition prior to the formation of civil society, is derived from the nature of man, his basic psycho-physical character, his sensations, emotions, appetites and behavior. Like all other things in nature, man is primarily a body governed by law of motion which permeates the entire physical world. There are, Hobbes says, two kinds of motion in animals—vital motion and voluntary motion. Vital motion is the automatic movement of the physiological mechanism which goes on within our organism from birth to death without our being conscious of it. Circulation of blood, breathing, digestion, excretion are examples of this kind of motion.

Voluntary motion is first "fancied in our minds" and is caused by the impact of external stimuli on our sense organs which produces phantasms in the brain and also initiates internal motion that is carried through the nerves to the seat of vital motion that is the heart. This internal motion appears as sensation which either aids or retards the vital motion and thus helps or hinders the continued existence and vitality of the physiological system. If the transmitted

motion helps or heightens the vital motion, we are attracted to, or there is an 'endeavour' toward, its originating cause or object in the external world; if it retards it, we are repelled by it. Thus two original motions or emotions are generated which we call desire and aversion. From these basic motions or endeavour, other emotions like hope, diffidence, glory, courage, anger, benevolence etc. are derived. Pleasure and pain are related to desire and aversion as their necessary complements. Imagination and memory are both sensations, imagination being decaying sensation, memory the recollection of past sensation. Deliberation is the succession of desires and aversion in the mind and will is the last stage of deliberation that ensues in action. There is no free will and no conflict between freedom and necessity. Good is what we desire, and evil is that which we shun.

The predominant passions of desire and aversion are the root cause of conflict in the state of nature according to Hobbes. Everybody is moved by the natural impulse of self-preservation to desire and possess the objects or goods that are conducive to his existence. Since the goods or objects of desire are limited and men are roughly equal in strength, when physical power of some is offset by the mental superiority or cunningness of others, there consequently occurs a ruthless competition and conflict of interest among individuals in which no one is eventually victorious.

Competition for goods of life becomes a struggle for power, because without power one cannot retain what one has acquired. But it is in the very nature of power that it must be continually augmented to save it from dissipation. One cannot retain power without acquiring more power. Thus it turns out to be a struggle for power after power which ceaseth only in death. Sense of insecurity, fear, vain-glory and pride aggravate this tragic condition. Hobbes says that "in the state of nature, we find three principle causes of quarrel. First, competition; second, diffidence; third, glory. The first, maketh men invade for gain; the second for safety; and the third, for reputation" (Leviathan, ch. 13). The crux of the matters is concisely put in the following words:

I put for a general inclination of all mankind, a perpetual and restless desire of power after power that ceaseth only in death. And the cause of this, is not always that a man hopes for a more intensive delight, that he has already attained to ; or that he cannot be content with a more moderate power : but because he cannot assure the power and means to live well, which he hath present without the acquisition of more (Lev. ch. 11).

In this passage Hobbes presents with great clarity and incisiveness the inexorable dialectics of power which later thinkers like Acton, Burckhardt and Simone Weil have fully appreciated and expatiated upon.

Thus there is, in the very essence of power, a fundamental contradiction that prevents it from ever existing in the true sense of the word ; those who are called the masters, ceaselessly compelled to reinforce their power for fear of seeing it snatched away from them, are for ever seeking a dominion impossible to attain ; beautiful illustration of this search are offered by the 'infernal torments in Greek mythology (Weil 1958 : 67).

It appears that what is central to Hobbes' psychology is not hedonism but search for power and glory, riches and honour. Power is, of course, the central feature of Hobbes' system of ideas. "Man is a complex of power; desire is the desire for power, pride is illusion about power, honour opinion about power, life the unremitting exercise of power and death the absolute loss of power" (Oakeshott ; 1962 : xxi)

One might imagine that in the condition of plenty of resources and amplitude of man's power over natural phenomena and social behaviour there would be no serious conflict and the reign of peace and security would prevail. But conflict is inherent in human psychology according to Hobbes; it is implanted in man's inordinate pride, covetousness, sense of fear and insecurity etc. Hobbes also mentions another cause of conflict which cannot simply be traced to psychological egoism. This relates to the differences among men about what is good and evil, desirable and undesirable. Some scholars have expressed the opinion that Hobbes was principally concerned with the clash of beliefs and ideologies. Shortsightedness may be another factor responsible for the state of strife. Though men are rational creatures prone to strive for their self-preservation, passions frustrate the normal working of reason and blind pursuit of self-interest brings them into conflict with each other. It is to be noted that this is not primarily a historical account but a logical construction from the first premises about human nature.

The combined effect of the factors enumerated above is that the state of nature is a war of every man against every man in which the life of man is "solitary, poor, nasty, brutish and short". In this state there can be no morality, justice, industry, and civilisation. In this state, however, there is a right of nature, natural right of every man to every thing, even to one another's life. It is clear that here we are far away from the Aristotelian conception of the state as natural to man, the state as logically prior to man and, teleologically, his natural destination.

So far we have presented only one part of Hobbes' theory. The other part is concerned with the solution of the problem caused by the miseries of the state of nature.

Before we proceed to consider how Hobbes suggests a method of escape from this predicament of the original, pre-political human condition, we must take note of a few important critical points. It is generally believed that the basis of Hobbes' state of nature lies in his theory of psychological egoism. This view has been vigorously challenged by some writers on the ground that Hobbes does take into account other-regarding or altruistic motives and virtues like sympathy, pity, kindness, charity, benevolence etc. According to John Plamenatz: "Psychological egoism, which so many of Hobbes' critics have fastened upon, is not really necessary to his political theory" (1963; Vol I. 118-119). Bernard Gert has argued that psychological egoism does not necessarily imply that men act only out of selfish motive. "From the fact that whenever anything benefits my vital motion, this causes me to desire it, it does not follow that I desire it because I believe that it will benefit my vital motion. Although Hobbes does maintain that our desiring a thing is caused by its benefitting our vital motion, he never claims that whatever we desire we desire because we believe it will benefit our vital motion" (1965 : 346). According to Kavka, Hobbes is a "rule-egoist". Be that it may, it is not necessary to decide this technical point in the present context.

The other important concept that Hobbes introduces in his account of the state of nature is natural right. "The Right of Nature," he says, is "the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything, in his own judgement, and reason, he shall conceive to be the aptest means thereunto" (*Lev.* Ch. XIV).

The concept of natural right is considered to be the most important contribution of Hobbes to modern political theory.

It is by this conception of right as the principle of morals and politics that the originality of Hobbes' political philosophy (which includes his moral philosophy) is least ambiguously evinced. For by starting from right and thus denying the

primacy of law (or, what amounts fundamentally to the same, of virtue), Hobbes makes a stand against the idealistic tradition. On the other hand, by basing morals and politics on right and not on purely natural inclinations or appetite, Hobbes makes a stand against the naturalistic tradition. That is to say, the principle of right stands midway between strictly moral principles (such as those of traditional natural law) on the one hand, and purely natural principles (such as pleasure, appetite or even utility) on the other, 'Right' we may say, is a specifically juridical conception (Strauss, 1963, VIII-IX).

The essential point in Strauss' exposition of Hobbes is that Hobbes makes a clear-cut distinction between right and might without at the same time identifying right with the traditional doctrine of morality. Strauss does insist that Hobbes' theory is moralistic as against naturalistic or utilitarian, but his is a morality of a special kind. It is not possible here to examine in depth the Straussian view of Hobbes' natural right. But it must be said that on this point Hobbes is neither clear nor consistent. He sometimes equates natural right with power, sometimes with absence of obligations, and still on other occasions, he regards it as liberty to do that which right reason prescribes. The word is also used in a sense in which one man's right implies other men's duty. The paradox of natural right, as Hobbes conceives it, is that in the state of nature it remains highly precarious on account of the very conditions in which it is claimed and, in civil society, it touches the vanishing point, that is, it survives simply as the right to life which even the sovereign cannot touch except in extraordinary conditions.

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## 6.4 LAWS OF NATURE AND THE COVENANT

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After presenting a horrible picture of the state of nature, Hobbes proceeds to discuss how men can escape it. In addition to being a slave of passion, man is also endowed with reason, a faculty which tells him about the measures that may, if followed sincerely by all, lead to peace and security. Unbridled pursuit of self-interest leads to war, but rational self-preservation would not only avoid the fatal risk of war, but would be more effective in securing every man what are the necessary means of preservation. At least it would, enable men to avoid the risk of violent death. Hobbes has no philosophy of *summum bonum*. The final concern of man, according to him, is to the avoidance of *summum malum*.

The Laws of nature are called the theorems of peace. Hobbes defines a law of nature as follows: "A law of nature (lex naturalis) is a precept or general rule, found out by reason, by which a man is forbidden to do, that, which is destructive of his life or taketh away the means of preserving the same; and to omit that by which he thinketh it may be best preserved". (*Lev. Ch, 14*). Further, "law, and rights, differ as much, as obligation, and liberty, which in one and the same matter are inconsistent."

Hobbes then lists as many as nineteen laws of nature, three of them being of utmost importance. These are:

- 1) "that every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war. The first branch of which rule, containeth the first, and fundamental law of nature; which is to *seek peace, and follow it*. The second, the sum of the right of nature; which is, by all *means we can, to defend ourselves*.
- 2) "that a man be willing, when others are so too, as far-forth, as for peace, and defence of himself he shall think it necessary, to lay down this right to all things; and be contented

with so much liberty against other men, as he would allow other men against himself." "This is the law of the Gospel; *whatsoever you require that others should do to you, that do ye to them.*"

3) "*That men perform their covenants made.*"

There are other laws of nature which are not generally emphasised but they are quite important insofar as they show that Hobbes is really not the type of psychological egoist or ethical subjectivist that he is usually made out to be. These are justice, propriety, complaisance, equity, against pride, against arrogance etc.

The Laws of Nature play a crucial role in the transformation of the State of Nature into civil society. But they raise highly controversial and difficult questions which have been a subject of continuing debate. Here we can mention them only briefly.

First, there is the question of the nexus between the state of nature and the Laws of Nature. Are these laws operative in the state of nature? If not, in what sense are they natural? If the description of the state of nature as the war of all against all is to be taken seriously, laws of nature obviously do not play any effective role in the conduct of men in that state. How can then purely egoistical and passion-dominated individuals suddenly awake to the life of reason and decide to abide by the norms of peaceful and cooperative life by surrendering their natural rights to all things? If, on the other hand, reason is an essential element of human nature, how could individuals be absolutely devoid of it in the state of nature? The paradox arises out of the fact that Hobbes analytically separates two parts of human psychology, passion and reason, and delineates their working alternately in order to show, by a sleight of hand as it were, that the only alternative to anarchy is absolute rule.

Hobbes says that the "Laws of nature oblige *in foro interno*; that is to say, they bind to a desire they shall take place; but *in foro externo*; that is to say, putting them in act, not always." Even if one intends to abide by the law of nature, fear and distrust of others impel him to take preemptive action as dominant strategy to ward off possible danger. This situation is exemplified in what is now-a-days called Prisoner's Dilemma.

Hobbes' own contemporary, the Earl of Clarendon posed the question very precisely and no satisfactory answer has ever been given to it:

How should it else come to pass, that Mr. Hobbes, whilst he is demolishing the whole frame of Nature for want of order to support it, and makes it unavoidably necessary for every one to cut his neighbour's throat . . . I say, how comes it to pass, that he would in the same, and the next chapter, set down a Body of Laws prescribed by Nature itself, as are immutable and eternal? that there appears, by his own shewing ; a full remedy against all that confusion, for avoiding whereof he hath devised all that unnatural and impossible contract and covenant? "(Quoted in Hampton, p. 63).

Then we have the problem of obligation. Are Natural Laws merely **maxims** of prudence or objectively valid and immutable principles of morality? There is ample evidence in Hobbes' text to support divergent interpretations.

Adam Smith's estimate of Hobbes' theory has been widely accepted for about two centuries—that "odious" doctrine "offensive to all sound moralists, as it supposed that there was no natural



distinction between right and wrong, that those were mutable and changeable and depended on the mere arbitrary will of the civil magistrate" (1776: 318).

The exactly opposite view, known as the Taylor thesis, was propounded in the mid-20th Century, according to which Hobbes' ethical theory is a 'strict deontology' of the Kantian type. Another version of this view expounded by Warrender and Hood regards it as Divine Command theory in the classical Natural Law tradition. In this interpretation Hobbes' psychological egoism is disengaged from his ethics and the latter is represented or reconstructed as a consistent system of transcendentally valid ethical norms which are obligatory independently of their beneficial consequences. Natural Law is true law of reason, binding upon both the subject and sovereign, but its binding force or obligatory character arises out of the will of God. Yet another interpretation makes of Hobbes a virtue ethicist laying emphasis not on Rights but on Good or Virtue (Boonin-Vail). In between the two extremes come those readings which regard Hobbes' ethics as a kind of prudential reasoning, justifying natural law on conventional, contractual or utilitarian grounds (Gauthier, Peters). According to Kavka, Hobbes is a rule egoist, adopting a kind of reconciliatory position between moralism and act-utilitarianism. J.W.N. Watkins refuting the charge that Hobbes committed the "naturalistic fallacy" of deriving moral prescriptions from ~~fact~~ <sup>st</sup> ~~moral~~ promises about human psychology, argues that his (Hobbes') laws of nature are not moral prescriptions, but they are more like "doctors's orders of a peculiarly coinPELLing kind." They are "assertoric hypothetical imperatives." According to Plamenatz, the laws of nature are "dictates of reason, not as imperatives which follow logically from statement of facts, but as rules which only creatures capable of reasoning could think or could want to see observed" (*Leviathan*, Fontana Library, pp. 12-13). In Plamenatz's opinion God is superfluous to Hobbes' theory of morality.

♣ As we have said, Hobbes' own words are not quite unequivocal. He says:

These dictates of reason, men use to call by the name of laws, but improperly: for they are but concussions, or theorems concerning what conduceth to the conservation and defence of themselves; whereas law, properly, is the word of him, that by right hath command over others. But yet if we consider the same theorems as delivered in the word of God, that by right commandeth all things; then are they properly called laws, (*Lev.* Ch. 16).

Since according to Hobbes nothing is definitely known about God except his existence, it is argued by the critics that the introduction of God in this exposition is logically redundant and is meant only to assuage the feelings of those who were enraged by Hobbes' atheism. "An obligation to obey God", says Plamenatz "as Hobbes conceives of it, does not differ in kind from what the obligation to obey a human sovereign would be in a world without God" (Fontana, p. 30). David Gauthier observes that "what is important to Hobbes' moral and political theory is natural law *qua* dictate of reason, not *qua* command of God" (1969: 70).

Howard Warrender takes a firm stand against treating natural law as rational principles of self-preservation devoid of moral implications beyond self-interest. Against Plamenatz he contends: "The Laws of nature (seek peace, keep covenants etc.) are a special kind of rules for self-preservation and are not strictly rules for personal preservation—the individual may save himself by the most dubious means. They are rules for the preservation of man in general. And so, the formula required for the state is not 'preserve yourself (though this is always permissible) but 'act so that all men can be preserved, except where this is inconsistent with your own preservation'. This is, of course, an entirely different matter; and a preservation principle of this kind could never be derived from the ordinary self-interest of the individual alone. If Plamenatz

dispenses with the-role of God and leaves no substitute, such as a self-evident natural law, how is such a principle to be supported?" (K. C Brown; 1965 ; 97). Warrender here stakes his claim, not so much on God as the basis of moral obligation as on the self-evident character of natural law based on reason.

Another controversial point in Leviathan that admits of different interpretations relates to in *foro interno* and *inforo externo* obligation.

The laws of nature oblige in *foro interno*; that is to say, they bind to a desire they should take place : but in *foro externo* ; that is, to the putting them in act, not always. For he that should be modest and tractable, and perform all he promises, in such time, and place, where no man else should do so, should but make himself a prey to others, and procure his own certain ruin, contrary to the ground of all laws of nature, which tend to nature's-preservation. And again, he that having sufficient security, that others shall observe the same laws towards him, observes them not himself, seeketh not peace, but war ; and consequently the destruction of his nature by violence.

And whatsoever laws bind in *foro interno*, may be broken, not only by a fact contrary to the law, but also by a fact according to it, in case a man think it contrary. For though his actions in this case, be according to the law ; yet his purpose was against the law; which, where the obligation is in *foro interno*, is a breach. (*Lev.* ch. 15)

The laws of nature, according to the above explanation, are clearly hypothetical imperative. They oblige only if certain conditions are fulfilled. But Hobbes also accords them the status of categorical imperatives. He says: "The laws of nature are immutable and eternal; for injustice ingratitude, arrogance, pride, inequity, acception of persons, and the rest can never be made lawful. For it can never-be that war shall preserve life, and peace destroy it."

Warrender interprets the above exposition to mean that the laws of nature oblige in *foro interno*, that is in conscience, even in the state of nature, but since the validating conditions of their obligations do not obtain in that condition, they do not oblige in actual fact, that is '*inforo externo*'. Warrender's view is that a single and consistent theory of obligation runs through the whole of Hobbes' doctrine and obligation in the state of nature does not differ from obligation in civil society in principle but only in circumstance. Plamenatz and Oakeshott think that this is to go beyond what the text suggests. Michael Oakeshott finds four kinds of obligation in Hobbes: "There is the moral obligation to obey the authorised will of the sovereign; there is the external physical obligation arising from force or power; and there is the internal rational obligation of self-interest arising from fear of punishment and desire of peace. Each of these obligations provide a separate motive for observing the order of the commonwealth, and each is necessary for the preservation of that order." Political obligation is a "mixed obligation consisting of physical, rational and moral obligations, combined to serve one end, but never assimilated to one another" (1960 : Lx1).

There is another problem connected with the hypothetical nature of the Laws of Nature which has been discussed by recent critics. This is the Prisoner's Dilemma matrix of the game theory to which we have already made a reference. Under conditions of uncertainty and in the absence of a sovereign power to control the behaviour of men, the dominant motive and strategy of a rational agent who wants to maximise his pay-off would be to take a preemptive action and attack whatever the other party might do. For if the other party attacks, one who attacks first would be decidedly in a superior position, and if it does not attack, the first invader would

easily be able to steal a march over his rival. But if this analysis is correct there is no possibility of men coming to an agreement to relinquish their natural rights unless there is a common superior to keep them in awe. But the paradox is that this common superior cannot be created except by a covenant.

The situation for Hobbes is, however, not so dismal as this analysis suggests. His individuals are not utility-maximisers, but disaster-avoiders. On sober thought they would trust each other and take initiative in coming to an agreement. Hobbes' famous Reply to the Foole is meant to convince that it is always rational to abide by the Laws of Nature if the other party has-already performed and that justice, "that is to say, keeping covenant, is a rule of reason, by which we are forbidden to do anything destructive to our life ; and consequently a law of nature." (Lev, Ch. 15)

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## 6.5 THE COVENANT AND THE CREATION OF THE SOVEREIGN

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Having discussed the conditions in the state of nature, Hobbes proceeds to the problem of creation of civil society. The sovereign authority is created out of a covenant among individuals. The sovereign himself stands outside the covenant. He is a beneficiary of the contract, but not a party to it. Each man makes an agreement with every man in the following manner:

I authorise and give up my right of governing myself, to this man, or to this assembly of men, on the condition, that thou give up thy right to him, and authorise all his actions in like manner. This is the generation of that great Leviathan or rather (to speak more reverently) of that Mortal God, to which we owe under the immortal God, our peace and defence. (Lev., Ch. 17).

It is clear that no individual can surrender his right to self-preservation. For this is precisely the *raison d'être* of civil society.

Hobbes makes a distinction between a contract and a covenant. "The mutual transferring of right, is that which men call contract." Then, "one of the contractors, may deliver the thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the meantime be trusted; and then the contract on his part, is called Pact, or Covenant: or both parties may contract now, to perform hereafter; in which cases, he that is to perform in time to come, being trusted, his performance is called *keeping of promise*, or faith; and the failing of performance, if it be voluntary, violation of faith" (Lev. ch. 14). Covenant is, on this view, a special kind of contract which implies trust and promise for future performance.

Some writers, like Samuel Pufendorf in the 17th Century and commentators like Jean Hampton in our own time, have expressed the view that this distinction is of no great philosophical importance. It only emphasises the idea of trust and faithful keeping of promises which Hobbes' arguments presuppose.

In order to secure their escape from the state of nature, individuals renounce their natural rights to all things, and institute, by common consent, a third person, or body of persons, conferring all rights on him for enforcing the contract by using force and keeping them all in awe, and, authorising all his action as their own. That the sovereign is not a party to the covenant renders him free from having any obligation. This is sovereignty by institution. Apart from this, Hobbes also talks of sovereignty by acquisition or conquest. In this second form of creation of

commonwealth individuals acquiesce in the rule of the conqueror in exchange for security and the victor, by implication, enters into a contract with the vanquished to provide security in lieu of obedience. According to Hobbes fear is no less a basis of obligation than free consent. In fact, covenants without the sword are mere words and "of no strength to secure a man at all". "The bonds of words are too weak to bridle man's ambition, avarice, anger and other passions, without the fear of some coercive power." But if it is only the fear of punishment that is the ultimate foundation of civil society, what purpose does the idea of contract serve? It is not a contract only in a Pickwickian sense? Some writers have made the concept of 'authorisation', rather than of contract, the real basis of sovereign power. According to David Gauthier: "authorisation, rather than covenant, is the dominant metaphor in Hobbes' political thought, and that authorisation is a much more adequate and illuminating metaphor for the formulation and discussion of political relationship" (1969: 171). Jean Hampton, however, thinks that Gauthier's interpretation "would seem to make Hobbes into a king of whig" and bring him nearer to Locke. Without entering into the details of this controversy, it is sufficient to note that a commonwealth, according to Hobbes, 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 defense." This commonwealth is the sovereign, the unity of all in one person.

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## 6.6 RIGHTS AND DUTIES OF THE SOVEREIGN

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Sovereignty, according to Hobbes, is absolute, indivisible, inalienable and perpetual. It is not limited either by the rights of the subjects or by customary and statutory law. Sovereign is of course obliged to act according to Natural Law, but he alone is the interpreter of this law and none of his actions can be challenged on the ground that it is violative of reason and justice. Justice consists in acting in accordance with promises made, and the sovereign has made no promise. Hence his actions cannot be called unjust or injurious. In relation to his subjects, the sovereign is always in the state of nature and enjoys all his natural rights. No one can complain that sovereign is acting wrongly, because everybody has authorised him to act on his behalf; his actions are the actions of his subjects and nobody can rightly complain against his own action. Sovereign has absolute right to declare war and make peace, to levy taxes and impose penalties. He is the ultimate source of all administrative, legislative and judicial authority. Law, properly speaking, is the command of the sovereign, that is, "that person whose precept contains in it the reason of obedience" (De Cive, Ch. 14.1). It is "to every subject, those rules which the commonwealth has commanded him, by word, writing, or other sufficient sign of the will, to make use of, for the distinction of right and wrong" (Lev, Ch. 26).

Natural law or customs and conventions attain the status of Law only when willed and ordained by the sovereign. Hobbes makes a radical departure from the medieval tradition and the position of Sir Edward Coke who pleaded for the supremacy of common law, as against the authority of both Parliament and the King. He brought to completion the process of subordinating the church to the state which was initiated by Marsilio's demarcation between temporal and spiritual powers, and swept aside the limitations of Divine Law, of Constitutional law and property rights that Bodin had imposed on his sovereign. Hobbes' theory was further developed by the analytical jurists of the 19th and 20th centuries. Nor only John Austin and his school, but Kelsen, Hart and many other positivists were at one with Hobbes in effecting a clean separation between law and morals.

Liberty is the silence of law. In other words, a citizen is free to do or forbear what the sovereign has not commanded or forbidden. However, the command of the sovereign cannot annul the

subjects' right to self-preservation. If a sovereign commands some one to kill himself, he is not bound to abide by it, for the sole purpose of the establishment of civil society is the preservation of life. It is, of course, up to the sovereign to kill or not to kill a person in the interest of peace and security of the commonwealth, but this does not imply that the subject himself is obliged to end his life, or any others' life when ordered to do so by the sovereign. "When therefore our refusal to obey, frustrates the end for which sovereignty was ordained, then there is no liberty to refuse: otherwise there is."

In Hobbes there is no general right to disobedience or rebellion. The authority of the sovereign is absolute and irrevocable. To resist him is to commit what may be called a performative contradiction. For the subjects have authorised all his actions as their own and nobody can go against his own will. Moreover, to resist or disobey the sovereign is to opt for the state of nature, where there is no right or wrong. However, it must be always remembered that the "obligation of the subject to the sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them." "For the right men have by nature to protect themselves, when none else can protect them, can by no covenant be relinquished." Hence, if the sovereign fails to put down a rebellion and the rebels succeed in establishing their own regime and in giving the required security to their subjects, he *ipso facto* loses his legitimacy and the new regime becomes the real commonwealth. It was in this way that Hobbes sought to justify the rule of Oliver Cromwell. There can be no legitimate government without effective power to back it. As Sabine puts it: "The aspiration for more justice and right seemed to him (Hobbes) merely an intellectual confusion. Hatred of tyranny seemed there dislike of a particular exercise of power, and enthusiasm for liberty seemed either sentimental vapoing or outright hypocrisy" (1963 : 471).

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## 6.7 THE CHURCH AND THE STATE

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The question of religious freedom and the relation between the Church and the State figure prominently in the political thought of the 17th Century and Hobbes devotes almost half of the *Leviathan* to it. He does believe in the freedom of religious belief and knows full well that in matters of conscience man cannot be coerced. But he says that the overt expression and practice of religion in the form of worship and propagation of faith are matters of public concern and come under the jurisdiction of the political sovereign. The belief in the church as the Kingdom of God he regarded as a cardinal error, as irrational and pernicious as the metaphysical notion of non-material substances which was responsible for much of the obscurantism and superstition in public life. His nominalist theory of knowledge made a clean sweep of all abstract notions, of "essences" and "ghosts" which were mere figments of imagination and which misled men into the "Kingdom of Darkness" and divided them into warring factions and groups. A church is nothing more than a corporation governed by commonwealth like any other association that comes under it. No profession of faith is lawful unless it is sanctioned by the sovereign. Hobbes was highly critical of Papacy with its claim to exercise control over the subjects of a sovereign state in ecclesiastical matters and he ridiculed it as "the ghost of the deceased Roman Empire, sitting crowned upon the grave thereof."

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## 6.8 CIVIL LAW AND NATURAL LAW

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After the constitution of civil society, natural law is for all practical purposes replaced by civil law which is the creation of the sovereign. For Hobbes the conflict between common law and the statute law, and the constitutional crisis arising out of it, was the real problem to tackle and he was confident that this could be solved only by making the will of the sovereign supreme

and the ultimate point of reference in all legal and political matters. To him it is reason, not will, that makes law obligatory. In civil society Natural Law does not disappear; it is assimilated to civil law.

"The law of nature, and the civil law, contain each other, and are of equal extent .... The law of nature therefore is a part of civil law in all commonwealths of the world. Reciprocally also, the civil law is a part of the dictates of nature. For justice, that is to say, performance of covenant, and giving to every man his own, is a dictate of law of nature ... Civil, and natural law are not different kinds, but different parts of law ; whereof one part being written, is called civil the other unwritten, natural. But the right of nature, that is, the natural liberty of man, may by the civil law be abridged, and restrained : nay, the end of making laws, is no other, but such restraint; without the which there cannot possibly be any peace. And law was brought into the world for nothing else, but to limit the natural liberty of particular men, in such manner, as they might not hurt, but assist one another, and join together against a common enemy." (Lev. ch. 26).

This passage has been interpreted differently according to the degree of importance given to natural law in Hobbes' system. According to Plamenatz, when Hobbes says that natural law and civil law contain one another, "he is not denying that men may have good grounds for believing that civil law is contrary to the law of nature; he is saying that they ought always to do what they promised, which was to accept sovereign's interpretation of natural law as alone valid. They must never use the law of nature as an excuse for not obeying civil law" (Fontana: 44-45). According to Warrender: "With the advent of sovereign authority and the civil law that it provides, the laws of nature are not superseded, though their manner of operation is altered. They persist in civil society together with civil law itself, and play, in Hobbes' theory, a part in determining the patterns of obligation in civil society no less essential than their functions in the State of Nature" (1957 : 146).

Hobbes' argument for the absolute power of the sovereign is by no means a plea for unadulterated despotism. He consistently maintained that the object of the state was the safety and well-being of men and for this the sovereign was accountable to God. He also maintained that by "safety is not meant a bare Preservation, but also all other contentments of life, which every man by lawful Industry, without danger, or hurt to the common-wealth, shall acquire to himself". Admirers of Hobbes have discerned in this a distinct element of liberalism. But it would be more appropriate to view it as a policy of "enlightened despotism."

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## 6.9 CONCLUSION

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Two aspects of Hobbes' thought require special attention—his absolutism and his individualism. It is often asserted that the two are logically correlated. It is on the basis of his radical individualism that Hobbes builds his theory of political absolutism. And following this line of thought, it is also claimed that Hobbes' political theory is quintessentially a theory of liberalism. Hobbes' emphasis on natural right, it is said, distinguishes him from the classical natural Law theorists.

But here a little caution is necessary, Natural right is the basis of Hobbes' theory; it is not its conclusion. Hobbes starts with natural rights of the individual but severely restricts them to found a viable civil society. He explicitly says: "The right of nature, that is, the natural liberty of man, may by the civil law be abridged, and restrained; nay, the end of making laws, is no other, but such restraint; without which there cannot possibly be any peace. And law was

brought into the world for nothing else, but to limit the natural liberty of particular men, in such manners, as they might not hurt, but assist one another, and join together against a common enemy (*Lev.* ch. 26). Natural rights lead to war and natural law brings peace and security. At the end of *Leviathan* Hobbes makes an observation which leaves no doubt on this part: "For I ground the civil right of sovereigns, and both the duty and liberty of subjects, upon the known natural inclination of mankind, and upon the articles of the Law of nature; of which no man, that pretends but reason enough to govern his private family, ought to be ignorant."

Unlike liberal thinkers like John Stuart Mill and Herbert Spencer in the 19th Century and Nozick and Dworkin in the 20th Century. Hobbes does not espouse individual's right to limit or resist the authority of the state. According to Dworkin: "Right-based theories treat code of conduct as instrumented, perhaps necessary to protect the rights of others, but having no essential value in themselves. The man at their centre is the man who benefits from others' compliance, not the man who leads the life of virtue by complying himself" (1999: 172). This is the view that Hobbes would most resolutely reject. For Hobbes, a just man has innate disposition to perform just action, and the Laws of Nature always oblige in *foro interno*, though not always in *foro externo*.

Right is nothing but the liberty of each man to use his "natural faculties according to right reason". Hobbes' "Reply to the Foole" that it is not rational to renege on one's promise is a sufficient refutation of the amoralist individualism of Dworkin and Mackie. Hobbes' theory of political obligation, despite its strong non-traditional, utilitarian bias, has a more solid philosophical and ethical foundation than the so-called right-based morality of modern liberalism.

Hobbes' philosophy is an elaborate architectonic system comprising different elements of reality; physical, human and social, all assimilated into a close-knit uniform pattern by the application of resolute-compositive methodology of Galileo and the school of Padua and the geometrical-deductive reasoning of Descartes. It is paradigmatic of all those atomistic theories which conceive society or the state as an artificial creation, or aggregation, of self-subsistent self-enclosed, egoistic individuals who by mutual agreement or covenant incorporate themselves into a collective unit or body politic for their personal benefit. The ontological and moral priority of individual over the state is the basic presupposition of this theory and it has been a pervasive feature of modern European thought. It stands in sharp contrast to the Aristotelian idea that the state is natural and prior to man. Hobbes' political theory marks the breakdown of traditional institutions and values and denotes the decline of metaphysical wisdom. It heralds the age of instrumental reason, material pursuits, secular norms, power politics and utilitarian ethics. Under these conditions what holds man's ambition and avarice is the supreme power of the sovereign, not the bond of human sympathy and natural harmony. It is a kind of society which has been described by Ferdinand Tönnies as *Gesellschaft* as contradistinguished from *Gemeinschaft* that existed in earlier days. It goes to the credit of Hobbes that he caught the spirit of the age most clearly and articulated it most brilliantly. But he underestimates the more sublime and nobler aspects of human nature. It is true that he has been more sinned against than sinning. But the fact remains that the main emphasis of his thinking was on the darker side of human psychology. He was so much obsessed by his hypothetico-deductive method that he took little interest in the actual complex motives that guide men in society. This is the reason why his theory, despite its wide scope and rigorous logic, remains philosophically inadequate and morally uninspiring. Some of his most suggestive and fruitful ideas like his theory of political obligation and the concept of sovereignty, are more or less independent of his mechanistic philosophy and stand on their own merit.

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## 6.10 SUMMARY

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Hobbes is generally regarded as the father of modern political science. His theories reflect political ideology of the incipient capitalist market society characterised by the doctrine of "possessive individualism" and the ethic of cut-throat competition and self-aggrandisement. His method was deductive and geometrical rather than empirical and experimental. According to Hobbes the root cause of conflict in the state of nature are the passions of desire and aversion. Since goods are limited, there is ruthless competition and a struggle for power to retain what is acquired. Conflict is inherent in human nature in blind pursuit of self interest. Another thing that Hobbes points out is that each man has liberty to use his own power as he will for preservation of his own nature and life. This he calls natural right. But at times he equates natural right with power, at times with absence of obligations or with liberty to do that which right reason prescribes.

To escape this state of nature and to avoid war man is endowed with reason and rational self-preservation. These are known as laws of nature which play an important role to transform state of nature into a civil society. In order to escape the state of nature, individuals renounce their natural rights and institute a third person or body of persons conferring all rights on that person or body, authorising all its action as their own. This common superior or sovereign has to be created through a covenant with the sovereign outside this covenant.

Sovereignty is indivisible, inalienable and perpetual. The Sovereign acts according to natural law but he alone is the interpreter of this law and his action cannot be challenged. After the constitution of civil society, natural law is assimilated into civil law.

Hobbes starts with natural rights of individuals but restricts them to found a viable civil society. He restricts the natural liberty of men but does not espouse the individual's right to restrict authority of the state.

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## 6.11 EXERCISES

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- 1) What is man's natural state of nature according to Hobbes?
- 2) What are the ways in which man may escape the state of nature as explained by Hobbes? What paradoxes arise out of this way of escape?
- 3) Do you think Hobbes' stress on a sovereign power was an argument in support of absolutist despotism? Why?