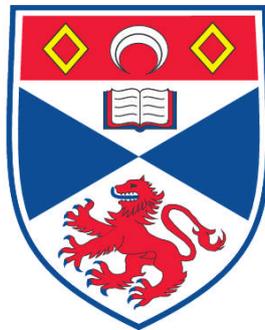


**A CLASH OF SWORDS: CIVIL PEACE AND THE
COUNTERACTING ROLE OF DEFENCE IN THOMAS HOBBS'S
THEORY OF SOVEREIGNTY.**

Jonathan A Boyd

**A Thesis Submitted for the Degree of PhD
at the
University of St. Andrews**



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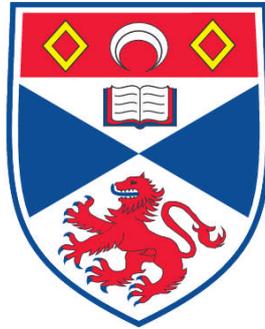
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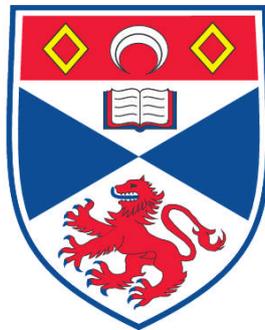
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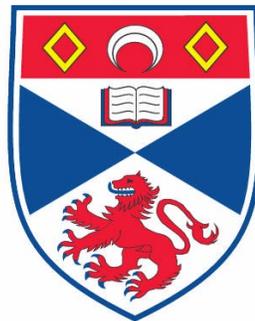
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**A clash of swords: civil peace and the counteracting role of
defence in Thomas Hobbes's theory of sovereignty.**

Jonathan A Boyd



This thesis is submitted in partial fulfilment for the degree of
PhD at the
University of St Andrews

January 2012

SUBMISSION OF PHD AND MPHIL THESES REQUIRED DECLARATIONS

1. Candidate's declarations:

I, Jonathan Boyd, hereby certify that this thesis, which is approximately 82,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

I was admitted as a research student in [September 2006] and as a candidate for the degree of [PhD in International Relations] [September 2006] the higher study for which this is a record was carried out in the University of St Andrews between [2006] and [2012].

Date **Signature of candidate**

2. Supervisor's declaration:

I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of PhD in International Relations in the University of St Andrews and that the candidate is qualified to submit this thesis in application for that degree.

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Abstract

This thesis will inquire into the practicable strategies that Thomas Hobbes described in his major works of political philosophy, on the one hand, to allow his sovereign to ensure civil peace, and on the other, to enable his sovereign to defend the commonwealth. In terms of civil peace, the exercise of Hobbes's sovereign's 'absolute' authority is tempered by, and contingent on, its practical efficacy for securing and maintaining a peaceful commonwealth. To that end, I will argue that Hobbes's sovereign is obliged to rule according to the natural laws, and entailed in this obligation are coinciding liberties which Hobbes believed that subjects must perceive themselves to possess, and which sovereigns must respect, in order for peace to be realised. However, rather than situating the purpose of Hobbes's project in terms of civil peace alone—as the vast majority of his interpreters have—I consider alongside the purpose of civil peace, and contrast it with, the purpose of defence. Evident from this comparison is that the means by which Hobbes's sovereign must ensure the capability of the commonwealth to defend itself from foreign nations simultaneously undermines and counteracts his otherwise proto-liberal system. Distinct from other prominent interpretations, I will argue that this ambivalence is not a result of an imbalance between subjects' rights *contra* sovereign's rights, nor yet of an unsupervised agonistic counter-balance between the two. Instead, the affirmation of subjects' inalienable rights are depicted by Hobbes as a practically ineffective means by which to ensure defence. There exists a necessary ambivalence within Hobbes's theory of sovereignty itself and is to be managed solely according to the sovereign's ideally prudent and practicable judgment. Ultimately, I will characterize Hobbes as arguing that the unfortunate necessity of preparedness for foreign defensive wars is best mitigated by the sovereign's prudent and minimal exercise of the commonwealth's power in carrying out this intended purpose.

Acknowledgements

On the intellectual side of things, I owe a great debt of appreciation to the two men who sparked my original interest in Hobbes: Professor Thomas J. Lewis of McMaster University whose enthusiasm for, and approach towards, the study of Hobbes was entirely contagious, and Professor John W. Seaman of McMaster University, whose extraordinary seminar on religion and liberalism sparked and informed my interest in the religious aspects of Hobbes's thought all those years ago. Professor Doug Long of the University of Western Ontario similarly deserves thanks for his patient and conscientious instruction on the mechanics of academic writing: a self-critic has since taken root in my mind, and insofar as I can tell, the voice seems to belong to him. I would also like to thank Dr. Ian Hall, the former director of the IPT MLitt programme at the University of St Andrews, who re-invigorated and encouraged my interest in Hobbes, and who fostered some of my early ideas in enjoyable conversations. I have also benefitted immensely from a wonderfully collegial and sociable relationship with my secondary supervisor Professor Nicholas J. Rengger. Finally but foremost, I want to impress upon any potential reader the gratitude I owe to my primary supervisor Dr. Gabriella Slomp. No amount of praise, nor evidence of her influence, will ever, I'm afraid, persuade her modest character to acknowledge just how deeply I am beholden to and admiring of her.

On the personal side of things, the minor trials and tribulations one expects to experience while writing a thesis became, I must admit, somewhat more 'major' in my case, and I would like to take this opportunity to briefly thank my friends and family, without whose help and support I quite simply could not have succeeded. The Oliver family (especially John, Helen, and most of all Mairi) opened their home and hearts to me at a critical time, and I am forever indebted to them for their gracious hospitality. One should never underestimate how valuable and sustaining the encouragement of friends may become during the course of one's endeavour, and accordingly, I'd like to mention Rikard Jakelbro, Jenna LeBlanc, Dr. Matthew Goodwin, and Darius "Daz" Byrne. Thanks guys.

Principal thanks belong to my family. Had I finished a bit earlier, my late grandparents, Frank and Jean Boyd, would have had the chance to take pride in my "wee book", a pride they would most certainly have deserved to take. My sister Jacqueline ought never underestimate just how crucially meaningful her kindness was to me. My parents Jim and Pamela Boyd merit final mention: without their support—which came in all forms—I could not have pursued my aspirations. If fortune has granted me anything at all, it has granted me them, and for their trust and their love, this thesis is dedicated to them.

Abbreviations

- Behemoth* *Behemoth or The Long Parliament*. Edited by Ferdinand Tönnies. Introduction by Stephen Holmes. (Chicago: Chicago University Press, 1990).
- De Cive* *On the Citizen*. Edited and translated by Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998).
- Elements* *The Elements of Law: Natural and Politic*. Edited by Ferdinand Tönnies (Cambridge: Cambridge University Press, 1928). References cite the chapter (uppercase roman numeral), and section (arabic numeral).
- L* Thomas Hobbes, *Leviathan, with selected variants from the Latin edition of 1668*, ed., with introduction and notes, by Edwin Curley (Cambridge: Hackett Publishing Company, Inc., 1994). Hereafter referred to in parenthesis, with translated Latin variants indicated by “OL,” signifying Opera latina.
- OL* Translated Latin variants signifying Opera latina in Thomas Hobbes, *Leviathan, with selected variants from the Latin edition of 1668*, ed., with introduction and notes, by Edwin Curley (Cambridge: Hackett Publishing Company, Inc., 1994).

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Introduction

I know not how the world will receive it, nor how it may reflect on those that shall seem to favour it. For in a way beset with those that contend, on one side for too great liberty, and on the other side for too much authority, 'tis hard to pass between the points of both unwounded (*Hobbes's Epistle Dedicatory of Leviathan*).

Interpreters of Hobbes have largely viewed and judged Hobbes's project through this same perspective, which he himself clearly expected. Broadly speaking, modern Hobbes scholars have been preoccupied with judging the extent and degree of Hobbes's proto-liberalism or absolutism. However, what may at first appear to be a prosaic observation, yet which turns out to be anything but, is that this preoccupation has been paired with an interpretative concentration on Hobbes's chief concern: civil peace. It is no exaggeration to state that Hobbes is collectively viewed as being a theorist of civil peace; what is predominantly contested is where on the liberal-absolutist spectrum Hobbes ought to be positioned in his endeavour to theorise it.

While I do not deny that Hobbes's *chief* concern was civil peace, I do not believe it sufficiently attentive or reasonable to exclude from thorough investigation Hobbes's other unequivocally expressed concern: the defence of his commonwealth from foreign nations.

It is useless for men to keep peace amongst themselves, if they cannot protect themselves against outsiders; and it is impossible to defend themselves if their strength is not united. It is therefore *necessary* to the preservation of individuals that there be some *one Assembly* or *one man* who has the right to arm, muster and unite, on each occasion of danger or opportunity, as many citizens as the common defence shall require ... Both swords, therefore, the

Sword of war and the *Sword of justice* are inherent in sovereign power, essentially and from the very nature of a commonwealth (*De Cive*, 78-9).

The role of defence in Hobbes's works is, as I see it, far more prominent and consequential than others have allowed. It is, to put it simply, understudied. A study of it would therefore not only beneficially redress this neglect, but would also bring a novel perspective on Hobbes to the plurality of connective and jostling interpretations. It would indeed be yet another—to borrow Noel Malcolm's phrase—aspect of Hobbes; it would also be, however, a significant and heretofore largely overlooked aspect.

This is precisely what I propose to undertake in this thesis. In examining the role of defence in Hobbes's political thought, I hope to add a valuable and novel perspective, specifically addressing the 'Hobbes as proto-liberal or absolutist' debate. Rather than situating the purpose of Hobbes's project in terms of civil peace alone, I add alongside the purpose of peace, and contrast it with, the purpose of defence.

I will generally argue that the 'proto-liberal vs. absolutist' tension apparent in Hobbes's system is, in large part, attributable to the opposing means by which to ensure the dual purposes of sovereignty. The implications I will draw from this are that: (i) there exists an inherent ambivalence in Hobbes's theory of sovereignty, created by the two distinct purposes of civil peace and defence; (ii) the means by which Hobbes's sovereign must ensure the capability of the commonwealth to defend itself counteracts his otherwise liberal-absolutist system; (iii) this is so because the means by which Hobbes conceived that these two different ends would be achieved are incompatible or in tension in important respects.

I will ask, therefore, what the role of defence is within Hobbes's theory of sovereignty and inquire into the effect it has on the extent and degree to which his system is proto-liberal or absolutist. I will broadly answer that the ambivalence between proto-liberalism and

absolutism in Hobbes's system—dominating his texts and reflected and amplified in the literature—is not attributable simply to the endeavour for civil peace; it exists also because of the sovereign's mandate to defend the commonwealth from foreign nations.

Hobbes, I will argue, limits the sovereign's authority in various ways for the sake of civil peace; for Hobbes, absolutism is not an end in and of itself; rather civil peace is, and to that end, the exercise of the sovereign's 'absolute' authority is tempered by, and contingent on, its practical efficacy for securing and maintaining a peaceful commonwealth. Hobbes's system is, in other words, a liberal-absolutist hybrid. I will also contend, however, that the means by which Hobbes's sovereign must ensure the capability of the commonwealth to defend itself undermines and counteracts his otherwise liberal-absolutist system.

Distinguishing features

Hobbes, civil peace, and the 'sword of justice'

Many modern interpreters of Hobbes share my claim that the authority of Hobbes's sovereign is limited; the number and variety of arguments is considerable. What distinguishes my interpretation in this thesis from others is a coinciding focus on (i) the religious aspects of Hobbes (as opposed to predominately secular readings), (ii) the practical and strategic aspects of Hobbes's theory (as opposed to analytical or philosophical readings) and (iii) an emphasis on how Hobbes's theory of sovereignty is *itself* limiting (rather than focusing on how Hobbes's sovereign is ultimately limited by the rights of its subjects—as *contra* to, agonistic with, or isolated from, his theory of sovereignty).

As for the first distinguishing feature, what Hobbes believed to be the chief cause of civil strife determines to a large extent how and why the sovereign is limited; I, unlike many others, assert that he held the Christianity of his time to be the chief cause of civil strife in

England, and accordingly, that this provides the rationale for a distinctly political-*theological* concept of sovereign authority, as well as for the limits to it. I will argue that the authority of Hobbes's sovereign is largely justified in respect to its ability to resolve the "Christian problem", and some of the most significant limitations on the sovereign's authority are due to, and contingent on, this political-theological problem.

Any description of the way in which Hobbes sought to attain peace, I believe, requires that one take notice of both the secular and religious aspects of *Leviathan*. It is important to note, however, that many contemporary Hobbes scholars do not concentrate on the religious aspects of Hobbes's thought, and they must be distinguished from those who do take into serious account the emphasis which Hobbes places on religious matters. It is the *focus* of these two groups that differs. The one group, who may be identified as secularists, ignore, marginalise or quickly explain away the religious aspects of Hobbes's writings; while the other group, in contrast, take these aspects seriously into consideration¹. A. P. Martinich writes on behalf of all those who lay stress on *Leviathan's* religious dimensions when he faults the secularists for presenting

. . . a bowdlerized version of [Hobbes'] philosophy from which all the religious elements have been expurgated. After mentioning that the last two of *Leviathan's* four parts explicitly deal with religion, contemporary scholars typically claim that these parts are not important for understanding his philosophy and thus ignore them. When religious topics or theological terms are introduced in the first two parts, these are typically passed over without mention or with a perfunctory and dismissive discussion, most notably in Hobbes's discussion of the laws of nature. One of the most popular editions of *Leviathan* excises parts III and IV completely. When his religious views are

¹ There has been, however, a marked increase in the interest shown in *Leviathan's* religious content. As attested to by Paul D. Cooke, in *Hobbes and Christianity: Reassessing the Bible in Leviathan* (Lanham: Rowman & Littlefield, 1996), p. 17, Christianity has "now become one of the major areas of contemporary Hobbes studies: the role of religion in his political thought, and, more specifically, the meaning of the entire second half of *Leviathan*, which deals exclusively with the Bible".

discussed, only a select few are quoted.²

When *Leviathan*'s religious content is taken into fuller account, I will argue, it is evident that Hobbes believed that Christianity—as his contemporaries understood it and practised it—posed a significant problem to the peaceful maintenance of a commonwealth. Hobbes's understanding of this problem revolves mainly around his firm belief that men cannot obey two masters, which in a Christian commonwealth characterises the competing roles of God and the sovereign. Hobbes may have privately held doubts about the truth of Christianity, but in *Leviathan*, it is evident that he did not seriously believe that the elimination of God is a viable option for eliminating the problem that Christianity poses for political authority. Hobbes does not, in other words, present as an option the elimination of God as a source of authority. He does not intend to eliminate the role of God as a master who warrants obedience. Despite his belief that men cannot obey two masters, he presents a system in which men can, in principle, obey two masters: men may obey both God and their sovereign, without conflict occurring.

Hobbes writes that it is "... in no man's power to suppress the power of religion" (*Behemoth*, 82). Moreover, he believes religions "can never be so abolished out of human nature, but that new religions will spring from them, if suitable cultivators exist" (*L*, 71). According to these convictions, Hobbes does not intend to entirely suppress the power of religion; he believes this to be a fool's errand. Rather, Hobbes's sovereign is one who may benefit from his subjects' Christian beliefs; he may use their beliefs to support his own authority. However, Hobbes's sovereign is also cognisant of the dangers that these Christian

² A. P. Martinich, *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics*, Cambridge: Cambridge University Press, 1992, p. 14.

beliefs present to his authority.

Hobbes's sovereign must, therefore, also be mindful that "The power of the mighty hath no foundation but in the opinion and belief of the people" (*Behemoth*, 16). For peace to reign in a Christian commonwealth, the sovereign must manage, argues Hobbes, the religious and political dispositions of his subjects.

To ensure this, Hobbes goes to great lengths to make the management of these dispositions an obligation of any potential sovereign. In addition, entailed in this obligation are coinciding liberties which Hobbes believes subjects must perceive themselves to possess, and which sovereigns must respect, in order for peace to be achieved. The religious liberty belonging to subjects which is most crucial to the sovereign's management of his subjects' dispositions is the freedom of thought and belief. Hobbes even goes one step further, I will argue, provisionally restricting the authority of the sovereign to be intolerant of religious expression so that subjects possess a limited freedom of religious expression.

One of my chief aims, therefore, is to demonstrate that, in *Leviathan*, Hobbes sought to resolve the problem presented by Christian beliefs to the peaceful maintenance of a commonwealth. Hobbes identifies the problem as fundamentally involving a perceived conflict, within each person, between obedience to God and obedience to man. Hobbes, I will argue, attempts to eliminate this perception, and obligates his sovereign to manage this perception appropriately. Entailed in this management is tolerance: the sovereign must tolerate all inner religious beliefs, and Hobbes extends this tolerance to include, in certain circumstances, religious expression.

Notice my emphasis on how Hobbes's resolution to the problem revolves around, and is incumbent upon, the sovereign's management of it, which relates directly to the second and third distinguishing features of my interpretation. I, unlike many others, assert that Hobbes

was more concerned with the causes of just conduct, with the strategic means to procure peace, than he was with discovering or creating a universal deontology³.

This focus constitutes the second distinguishing feature of my interpretation. In this crucial regard, I have been influenced by Charles D. Tarlton's observation that:

Hobbes studies have for a long time focused on questions relating to the grounds of political obligation, the anomalies of absolute sovereignty, the moral bases of authority (its derivation from natural law or consent) ... and, generally, the logical and architectonic features of Hobbes's treatment of political matters. Much of this literature is, of course, highly valuable for understanding aspects of Hobbes's thought. Yet it is also very misleading since it has created the impression that in dealing with Hobbes a philosophical outlook is, by itself, sufficient. Interpretation and criticism have portrayed Hobbes as a systematic philosopher, part of and concerned about the tradition of philosophical discourse—abstract, detached, and timeless. But in so doing they have left whole categories of his political theory unaccounted (or merely formally accounted) for⁴.

The 'practical aspects' that I think have largely been neglected in Hobbes's thought

³ Amongst the most influential early such accounts are: H. Caton, "On the Basis of Hobbes's Political Philosophy", *Political Studies* 22 (1964); S. P. Lamprecht, "Hobbes and Hobbism", *American Political Science Review* 34 (1940); C. B. Macpherson, *Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1962); P. Riley, "Will and Political Legitimacy in the Philosophy of Hobbes", *Political Studies* 21 (1973); A. E. Taylor, "The Ethical Doctrine of Hobbes", *Philosophy* 13 (1938), reprinted in K. C. Brown (ed.), *Hobbes Studies* (Oxford: Blackwell, 1965); H. Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Clarendon Press, 1957); J. W. N. Watkins, *Hobbes's System of Ideas: a Study in the Political Significance of Philosophical Theories* (London: Hutchinson, 1965).

⁴ Charles D. Tarlton, "The creation and maintenance of government: a neglected dimension of Hobbes's Leviathan", *Political Studies* (1978) Vol. 26, No. 3, p. 307. Very little has been written on such practical aspects, however. One notable book length study of the 'practical' aspects of Hobbes is Geoffrey M. Vaughan, *Hobbes Teaches Leviathan: Thomas Hobbes and Political Education* (Lexington Books, 2002). While I agree with the importance of political education in Hobbes's thought—and I will implicitly agree in Chapter 2 on this point—I will focus far more than he on the religious aspects. Furthermore, I find his emphasis on political education to be missing an important component—the role of sovereign power in maintaining civil peace—which demonstrates that G. M. Vaughan's concern was more with political education than with the practical concerns of effecting civil peace *per se*. See also Peter J Steinberger, *The Idea of the State* (Cambridge: Cambridge University Press, 2004) in particular, chapter 1. Quite recently, there has been an attempt find a kinship between what I will later call 'governance' with Foucault's notion of 'governmentality' as best expressed in Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-1978*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2007); attempts which may be of interest to scholars of Foucault, but which provide too little context or reference to Hobbes himself and Hobbes scholarship in general to be of much help for my purposes; see Leonie Ansems De Vries and Jorg Spieker, "Hobbes, War, Movement," *Global Society* (2009) vol 23:4, pp. 453-474; and Ryan Walter, "Hobbes, Liberalism, and Political Technique," *The European Legacy* (2011) vol 16:1 pp. 53-69.

must be defined clearly. By ‘practical aspects’, I very specifically mean those *features of Hobbes’s thought that recommend prudent and pragmatic measures which Hobbes believed would be practically effective in the sovereign’s endeavour towards fulfilling one of two purposes: either to maintain a stable and secure political order, or to defend the commonwealth from foreign nations.*

I will discuss what I believe occasions this interpretative focus more fully in Chapter 3, which goes beyond more than merely noticing—it is hard not to—that such prescriptive aspects are present in Hobbes’s thought. Moreover, it is important to note that my intent is not to study Hobbes’s period-specific advice or the rhetorical means Hobbes may have employed to make that advice more persuasive to his contemporaries.⁵

I intend to exploit this interpretative opportunity to valuable effect, and these two distinguishing features—focusing simultaneously on the religious aspects and on the practical, strategic aspects—occasion the third, in which I view Hobbes as being primarily concerned with the problems posed to civil peace by religion and *makes the management of those problems incumbent on the sovereign.*

That is, I will focus on the practical and strategic means *afforded to the sovereign* to effect civil peace, and in so doing I will demonstrate that (i) the exercise of sovereign authority

⁵ This topic has been shown quite a lot of interest. See, for example, J. Barnouw, “Persuasion in Hobbes’s *Leviathan*,” *Hobbes Studies* 1 (1988), pp. 3-25; David Johnston, *The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation* (Princeton: Princeton University Press, 1986); William Mathie, “Reason and Rhetoric in Hobbes’s *Leviathan*,” *Interpretation* 14 (1986), pp. 281-98; Philip Petit, *Made with Words: Hobbes on Language, Mind, and Politics* (Princeton, Princeton University Press, 2008); Raia Prokhovnik, *Rhetoric and Philosophy in Hobbes’s Leviathan* (London: Garland, 1991); Gary Remer, “Hobbes, the Rhetorical Tradition, and Toleration,” *Review of Politics* 54 (1992), pp. 5-33; William Sacksteder, “Hobbes: Teaching Philosophy to Speak English,” *Journal of the History of Philosophy* 16 (1978), pp. 33-45; Quentin Skinner, “Thomas Hobbes: Rhetoric and the Construction of Morality,” *Proceedings of the British Academy* 76 (1990), pp. 1-61; Q. Skinner, *Reason and Rhetoric in the Philosophy of Thomas Hobbes* (Cambridge: Cambridge University Press, 1996); and Tom Sorell, “Hobbes’s UnAristotelian Rhetoric,” *Philosophy and Rhetoric* 23 (1990), pp. 96-108.

is contingent on its efficacy for maintaining civil peace, and (ii) the sovereign is obliged to rule according to the practical, strategic prescriptions of the natural laws. This is a notable departure from various other interpretations of Hobbes which focus on secular arguments for limited authority. Moreover, it is also a departure from many of these same interpretations that present limits to the sovereign's authority as being exclusively or mainly due to the contravening rights of subjects rather than as limits inherent or necessary in Hobbes's theory of sovereignty itself.⁶ Rather than focusing on the limits to the exercise of sovereign authority as being primarily due to the sovereign's and subjects' respective, agonistic rights, I view such limits primarily as a consequence of Hobbes's sovereign's obligation to rule prudently in order to effect civil peace.

Hobbes, defence, and the 'sword of war'

After making the above case, my attention will turn to Hobbes's theory of sovereignty as one intended to ensure not only the effective maintenance of civil peace, but also the ability of the sovereign to defend the commonwealth. With very few exceptions, nearly all of the

⁶ Describing in full every interpreter who argues that Hobbes' sovereign has limited authority, and does so based on either a secular rationale or a rights-based account, would be an unruly task. Unlike such accounts in general, I will argue that Hobbes' sovereign is primarily limited because of the political-*theological* system he designs to remedy what he perceives to be the chief cause of civil strife: a confusion regarding to whom—God or man—obedience is ultimately owed. Amongst the most influential secularist and/or rights-based accounts of the sovereign's limits which my interpretation contends against are: Deborah Baumgold, *Hobbes's Political Theory* (Cambridge: Cambridge University Press, 1988); Richard Flathman, *Thomas Hobbes: Skepticism, Individuality, and Chastened Politics* (Newbury Park, 1993); David Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Clarendon Press, 1969); M. M. Goldsmith, *Hobbes's Science of Politics* (New York: Columbia University Press, 1966); Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986); Lucien Jaume, "Hobbes and the Philosophical Sources of Liberalism," in *The Cambridge Companion to Hobbes's Leviathan*, ed. Patricia Springborg (Cambridge: Cambridge University Press, 2007); Gregory Kavka, *Hobbesian Moral and Political Theory* (Princeton: Princeton University Press, 1986); Susanne Sreedhar, *Hobbes on Resistance: Defying the Leviathan* (Cambridge University Press, 2010); and Quentin P. Taylor, "Leviathan Bound; or the Re-education of Thomas Hobbes," *Hobbes Studies* 22 (2009), pp. 123-43; and J. W. N. Watkins, *Hobbes's System of Ideas: A Study in the Political Significance of Philosophical Theories* (London: Hutchinson, 1973).

interpreters of Hobbes that I will discuss focus almost exclusively on Hobbes' system as one designed to ensure civil peace. Very few interpreters, however, have problematised or discussed at any length the sovereign's other purpose: defence. I wish to contend that the debate in the literature regarding the extent of Hobbes's absolutism is incomplete, and is so because of a general and pervasive under-emphasis of defence as a crucial aspect of sovereignty's mandate to ensure *salus populi*. By overemphasising civil peace, so much so that it is, for most intents and purposes, portrayed as being the sole purpose of sovereignty, both sides of the general debate—both Hobbes-as-absolutists and Hobbes-as-liberal-absolutists—seek to determine which *one* general strategy of the *two* (absolutism or liberal-absolutism) Hobbes prescribed in order to procure the *sole end*, i.e. civil peace. However, there are two necessary ends inherent in Hobbes' understanding of *salus populi*, and it has yet to be fully considered how the requirements of defence interact, and counteract, with the requirements of civil peace.

This focus must be distinguished from the numerous and multiplying studies on Hobbes which take interest in his international political thought.⁷ To put it briefly, my study is

⁷ There are two broad conceptions (and one emerging conception) of Hobbes within international political thought (IPT). The first may be classified as a 'realist' reading, and is concerned with describing how a Hobbesian commonwealth would or ought to act vis-à-vis others in an anarchic state of nature. Key proponents of this view are: Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979); Stanley Hoffman, *The State of War: The Theory and Practice of International Relations* (New York: Frederick A. Praeger, 1965); Raino Malnes, *The Hobbesian Theory of International Conflict* (Oslo: Scandinavian University Press, 1993); Hans Morgenthau, *Politics among Nations: the struggle for power and peace*, eds. Kenneth Thompson and David Clinton, (Boston: McGraw-Hill Higher Education, 2005); Glen Newey, "Leviathan and Liberal Moralism in International Theory" in *International Political Theory after Hobbes* ed. Raia Prokhovnik and Gabriella Slomp (Palgrave Macmillan, 2011); Haig Patapan, "The Glorious Sovereign: Thomas Hobbes on Leadership and International Relations" in ed. Ian Hall and Lisa Hill, *British International Thinkers from Hobbes to Namier* (London: Palgrave Macmillan, 2010); Michael Smith, *Realist Thought from Weber to Kissinger* (Baton Rouge: Louisiana State University Press, 1986); Kenneth Waltz, *Theory of International Politics* (Reading: Addison-Wesley, 1979); Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2000).

The second broad conception of Hobbes in IPT may be classified as a 'rationalist' or 'English school'

not concerned with how Hobbes's commonwealth would or ought to act *vis-à-vis* other commonwealths. My interpretation instead simply *takes for granted* that Hobbes's commonwealth resides in a system of other commonwealths and must be prepared to defend its subjects from foreign nations. Questions concerning the nature of that international system, or concerning how it would or should relate to others in that system, are beyond the scope of this study. I most certainly do not mean to imply that this literature is not producing some fascinating insights, nor that it is not relevant to my own study, however, my concern is specifically focused on the sovereign's mandate to defend the commonwealth, and even more specifically, with how the practical necessity to be prepared to do so interacts and counteracts the sovereign's endeavour to maintain domestic, civil peace.

Continuing, then, with my focus on the practical, strategic aspects of Hobbes's thought

reading, and is concerned with normative, evaluative questions of how Hobbes conceived his sovereign ought to act *vis-à-vis* other sovereigns in an international society. Key proponents of this view are: Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977); Hedley Bull, "Hobbes and the International Anarchy", *Social Research* 48 (1981) pp. 717-38; Camilla Boisen and David Boucher, "Hobbes and the Subjection of International Relations to Law and Morality" in *International Political Theory after Hobbes* (2011); David Boucher, *Political Theories of International Relations: From Thucydides to the Present* (Oxford: Oxford University Press, 1998); Charles Covell, *Hobbes, Realism and the Tradition of International Law* (London: Palgrave Macmillan, 2004); Murray Forsyth, "Thomas Hobbes and the external relations of states", *British Journal of International Studies* 5 (1979) pp. 196-209; Noel Malcolm, "Hobbes's Theory of International Relations", in *Aspects of Hobbes* (Oxford: Clarendon Press, 2002); Richard Tuck, *The Rights of War and Peace* (Oxford, Oxford University Press, 1999); John Vincent, "The Hobbesian Tradition in Twentieth-Century International Thought", *Millennium* 10 (1981) pp. 81-101.

There is a third conception emerging as well, which views Hobbes as a 'constructivist' which notably include: Beate Jahn, *Classical Theory in International Relations* (Cambridge: Cambridge University Press, 2006); Michael C Williams, "Hobbes's Theory of International Relations: A Reconsideration", *International Organization* 50 (1996) pp. 213-36; and Michael C Williams, *The Hobbesian Theory of International Relations: Three Traditions* (Cambridge: Cambridge University Press, 2005).

Where I differ from—in the main—nearly all of these IPT approaches to Hobbes is that I focus on the internal and practical aspects of Hobbes's theory of sovereignty. First, although I focus on the sovereign's mandate to defend the commonwealth, it is more specific than that: I focus on how the practical necessity to be prepared to do so interacts and counteracts the sovereign's endeavour to maintain domestic, civil peace. Secondly, in this study I am limiting my concern to the ambivalence *within* his system, between that which is required for civil peace and that which is required for defence, and whether there are any limits imposed—by the sovereign's obligation to endeavour for civil, domestic peace—on the sovereign's *intended* exercise of sovereign instrumental power.

alongside my emphasis on the sovereign's mandate to rule accordingly, I will study the purpose of defence in Hobbes' major works of political philosophy.

I will first concentrate on Hobbes's conception of sovereign power, not in the usual, juridical sense (although this certainly is one way in which Hobbes conceives of 'power') but in another: as "The power of a man (to take it universally) is his present means to obtain some future apparent good ... (L, 50)".

In this 'universal' sense of the term, I will argue that Hobbes conceives of sovereign power in two distinct ways for two different purposes: natural power, intended to be exercised to effect civil peace, and instrumental power, to be exercised primarily to effectively defend the commonwealth.

I will further argue that this creates an ambivalence in Hobbes's system between that which is required for civil peace, and that which is required for defence. The ambivalence is most apparent on a moral-psychological level: the effect of natural power (submission) and the effect of instrumental power (governance), I will argue, counteract one another.

I will also suggest that Hobbes's description of the purpose of the sovereign's exercise of instrumental power is not defence alone; it has a secondary purpose, which is to prevent the potential civil disorder which the defence of the commonwealth may cause if it is not coordinated. This is very significant, I think, for it represents an acknowledgment by Hobbes that both generating and exercising instrumental power may be disruptive of the conditions of civil peace.

I will discuss in more detail and in particular how Hobbes perceived that the generation and exercise of instrumental power may upset civil peace, and will present an argument that the limits to the authorised exercise of sovereign instrumental power are a result of the sovereign's obligation to maintain civil peace, and not primarily, as others have argued, as a

result of subjects' rights to refuse their contribution.

Overall, and broadly speaking, I will characterize Hobbes as arguing that the unfortunate necessity of preparedness for foreign defensive wars is best mitigated by the sovereign's prudent and minimal exercise of the commonwealth's power in carrying out this intended purpose.

Interpretative approach

Hobbes scholarship has been, of course, a virtual battleground upon which interpretative and hermeneutical approaches to the history of political thought have fought it out, and I wish to only briefly sketch out the general interpretative approach of this thesis which, I think it fair to say, is well-tread and not without significant precedent. In general, two camps have emerged: textualists⁸ and contextualists⁹, and I think Deborah Baumgold captures their distinct approaches well: "Textualism and contextualism are often represented as rival approaches to interpretation. In the one, texts are to be considered without regard to external data while the other model equates textual meaning with understanding a work's contextual significance"¹⁰.

Again, to follow Baumgold's lead here, she writes:

⁸ An early and influential interpreter of Hobbes who may be identified as a 'textualist' is Leo Strauss, who writes, "an adequate interpretation is such an interpretation as understands the thought of a philosopher exactly as he understood it himself." See Leo Strauss, "Political Philosophy and History," *Journal of the History of Ideas* 10 (1949), 39. A fine example of a 'textualist' defence of interpreting Hobbes in like manner is articulately provided by Michael Oakeshott, "Introduction to *Leviathan*", in *Hobbes on Civil Association* (Oxford: Basil Blackwell, 1975) pp. 3-8.

⁹ According to Quentin Skinner, who at least in terms of Hobbes scholarship is the leading and most influential 'contextualist', the "only history to be written is thus a history of the various statements made with the given expression," Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory*, Vol. 8, No. 1 (1969), p. 39.

¹⁰ Baumgold, *Hobbes's Political Theory*, p. 16. See also her excellent discussion of the benefits and hazards of a textualist approach to Hobbes in Baumgold, "The Difficulties of Hobbes Interpretation", *Political Theory* 36 (2008) pp. 827-55.

It is by now also familiar to have pointed out the inadequacies of both models in pure form. The danger of proleptic interpretation, that is, attributing to an author ideas that no one in the period held or even would have understood, attends a purely textualist approach. Contextualist readings are subject to the contrary—of depicting masterpieces such as *Leviathan* as no more than examples of ordinary political discourse in their period.¹¹

The interpretative approach I think best suited to answer the questions I pose of Hobbes in this thesis falls quite squarely in the ‘textualism’ camp. I’m ultimately concerned with the practical and prescriptive measures Hobbes affords his sovereign to effect both civil peace and defence—which while they have contextual manifestations, such as the Christianity of Hobbes’s time, or the particular form of a seventeenth-century English militia—Hobbes’s understanding of such instances of cause and effect transcend the particular. As Connolly has put it:

There are many ways to set the background of a thinker of the stature of Hobbes. We could concentrate on the religious controversies, civil wars and struggles between parliament and monarchy, show how these events entered into Hobbes’s concerns with peace and sovereignty and how they encouraged him to subordinate civil and religious bodies to the authority of the sovereign. That would situate Hobbes historically. But it would not explain his response to those circumstances. Numerous contemporaries of his living in the same circumstances reached quite different conclusions ... For thought can be inspired, influenced, restrained by its circumstances, but not determined by them. There are too many ways which a thinker, especially a thinker of the stature of Hobbes, can stretch the horizon of his times or creatively deploy the ambivalences in his life or redefine the constraints of contemporary debates¹².

Or, as David Boucher has put it in reference to ‘traditional’ hermeneutics, while I “... certainly recognize that there are vast differences between cultures and between the past and present,” I also, like Dilthey, think it entirely appropriate to “emphasize a common humanity which enables human beings, through their ability to empathize, to understand the expressions

¹¹ Baumgold, *Hobbes’s Political Theory*, p. 16.

¹² William E. Connolly, *Political Theory and Modernity* (Ithaca: Cornell University Press, 1993), p. 16-17 .

of life which have been left behind”¹³. Similarly, I agree with Baumgold that “Whatever significance an argument may otherwise have, the least speculative statement of its purpose is the textual statement of the problem on which it bears”¹⁴.

Or as Hobbes himself put it, and who deserves the final word on the matter:

He that is to govern a whole nation must read in himself, not this or that particular man, but mankind, which though it be hard to do, harder than to learn any language or science, yet when I shall have set down my own reading orderly and perspicuously, the pains left another will be only to consider if he also find not the same in himself. For this kind of doctrine admitteth no other demonstration (L, 5).

Structure

Finally, the thesis is structured in a way so as to emphasize and contrast these two purposes in the thought of Hobbes; Chapters One to Four are concerned with determining the extent and degree of the limits on sovereignty for the sake of civil peace, while Chapters Five to Seven are concerned with determining the extent and degree of the limits on sovereignty for the sake of defence, and how the respective means by which to ensure civil peace on the one hand, and defence on the other, interact and counteract.

The intention of Chapter One is to present the absolutist view of Hobbes’s theory of sovereignty as understood by particular interpreters who argue this case in the narrow sense of being a *practical and strategic solution to civil disorder*. While in subsequent chapters I will largely contest their absolutist view of Hobbes insofar as they tie it exclusively to the endeavour for civil peace, I will do so on largely the same interpretative terms: that the extent

¹³ David Boucher, *Texts in Context: Revisionist Methods for Studying the History of Ideas* (Dordrecht: Martinus Nijhoff, 1985), p. 21.

¹⁴ Baumgold, *Hobbes’s Political Theory*, p. 17.

to which Hobbes's sovereign is absolute is determined by what Hobbes ultimately considered to be inimical to civil peace.

In Chapter Two, I will first discuss in detail Hobbes's presentation of the Christian problem. This will be accompanied by a review of the literature dealing with Hobbes's religious beliefs and his intent in relation to Christianity. The chapter will conclude with my suggestion that the main body of literature has largely overlooked a crucial perspective, presented by Hobbes, on the sovereign's role in the management of the Christian problem. While the natural laws are indeed presented by Hobbes as the foundation for the generation of a commonwealth and the sovereign's authority, as the main body of literature has perceived them to be, they are also presented as rules to be followed for the maintenance of peace upon establishment of a commonwealth—a role which the aforementioned debate largely ignores. Rather than focusing on whether or not God is the source of the sovereign's authority, I assert a simple interpretative fact: there exist *two* concurrent—but incompatible—accounts by Hobbes. After acknowledging this, I turn away from finding an adequate or ultimate account of sovereign authorisation, and instead pursue the likely implication of the inclusion of two opposed accounts: Hobbes *intentionally* provided two accounts. To suggest he did so opens up the possibility that Hobbes was more concerned that his readers should trust *an* account, *either* account, rather than irrefutably demonstrate *one* ultimate source of authority. Hobbes is, as I accordingly understand him, entirely opportunistic about the *reasons* why certain behaviour ought to be considered just; his opportunism suggests he is more concerned with *causing* conduct presumed to be just. The idea of God, I will argue, may in Hobbes' view be used by the sovereign to eliminate the perceived choice between obedience to God or man, quite apart from—and practically far more important than—determining whether or not God is intended by Hobbes to be the actual source of the sovereign's authority.

Moreover, this Hobbesian opportunism regarding the source of sovereign authority does not suggest that because there is no intended ultimate source of authority save for the sovereign's will, the sovereign's exercise of authority is essentially arbitrary. Rather, I will argue that the inclusion of two sources of authority, one theistic and one secular, demonstrates Hobbes's commitment to, and preoccupation with, effecting just conduct (i.e. peaceable conduct) over a concern for the reasons for calling that conduct just. Hobbes's opportunism is not to be interpreted as an attempt to undermine or confuse the source of higher authority—to which his sovereign would otherwise be subject—and hence to justify his sovereign's absolute, unlimited and arbitrary authority. Rather, its intention is to afford the sovereign two effective means by which to manage subjects' disposition to obey, and to that end, the sovereign's exercise of authority is contingent on its ability and obligation to maintain a peaceful disposition amongst subjects.

I will discuss this role of the sovereign in Chapter Three by examining Hobbes's theory of obligation in general, and I will ultimately focus on his theory of *sovereign* obligation. Again, rather than focusing on the natural laws from the perspective of being either theistic or secular foundational principles—as much of the literature has done—I will argue from the perspective that the natural laws are obligatory guidelines for the maintenance of a commonwealth, once established. I will demonstrate that the sovereign is accordingly obliged to do a number of things, all of which are necessary for the maintenance of peace in a commonwealth. I will conclude the chapter by detailing precisely how Hobbes's sovereign is expected to manage the Christian problem, and how this management is an important facet of the sovereign's obligation.

In Chapter Four, I will discuss how the sovereign's obligation results in limits on the sovereign's exercise of authority. Hobbes, I will argue, intends these limits to serve his chief

concern, peace. In particular, there are certain restraints on the sovereign's exercise of authority which pertain specifically to the sovereign of a Christian commonwealth, and these restraints require the sovereign's tolerance of religious beliefs and, in certain instances, religious expression.

I will conclude that for peace to be achieved in a Christian commonwealth, Hobbes thought it necessary to oblige the sovereign to rule according to certain dictates. Hobbes identifies liberal, pragmatic tactics that must, he believes, be used by any sovereign who hopes to secure peace in a Christian commonwealth. Absolutism is not an end in and of itself; rather civil peace is, and to that end, the endeavour for ever-increasing authority is not only counter-productive, but in order to maintain subjects' peaceful disposition and behaviour, limits on the exercise of authority are required.

In Chapter Five, I will turn my attention to the means of defence, and argue that the essential difference between the requirements for civil peace and defence lies in Hobbes' understanding of power's respective role in practically effecting each. This becomes clear when it is noticed—which it has not adequately been before—that Hobbes describes two types of power: *natural power* and *instrumental power*. When exercised by the sovereign, natural power is that by which submission is ensured and civil peace maintained, and instrumental power is that by which the sovereign governs or uses his subjects in the defence of the commonwealth.

I will argue that the natural power exercised by the sovereign is intended to *prevent* actions on the part of subjects that would otherwise be inimical to civil peace. On the other hand, that which is prescribed for the defence of the commonwealth *drives* and *promotes* subjects' actions. Instrumental power determines the conduct of subjects in a performative sense; that is, subjects must contribute to and perform actions for defence to be effective.

Defence is, moreover, an end which is corporate and runs counter to certain limits on sovereign commands, limits which Hobbes otherwise maintains are consistent and necessary with the endeavour for civil peace.

In Chapter Six I will discuss the means by which Hobbes envisioned that his sovereign can generate and maintain the moral psychology necessary for subjects to submit, and alternatively, to be governed. The two types of power to which subjects are subjected have moral-psychological consequences imposed upon them: one causes them to refrain from acting and to become, essentially, passionless; the other causes them to be used by the sovereign, being made to act on behalf of the commonwealth in its defence, and depends upon commandeering subjects' power and necessarily generating their passions. The two, I will argue, counteract each other, and are the basis for a moral-psychological ambivalence in Hobbes' system, between that which is required for civil peace, and that which is required for defence. Nevertheless, in bringing attention to and magnifying the means of defence in Hobbes' system, I defend Hobbes against the highly influential suggestion that the interpretations of Leo Strauss, Carl Schmitt, Michael Oakeshott, and Richard Tuck make or infer: that his commonwealth is unable or ill-equipped to defend itself.

In Chapter Seven, the question that I scrutinised in Chapters Two to Four—whether there are limits to the exercise of sovereign authority for the sake of civil peace—will be scrutinised again, here in the context of defence. For the sake of civil peace, I will have determined that the sovereign is obliged to refrain from issuing commands which would be likely to undermine the authority or the beliefs upon which authority depends. Hobbes' sovereign is consequently limited in its exercise of authority, which includes being obliged to refrain from making commands to perform actions that would destabilise the otherwise peaceable disposition of subjects.

The question I will pose in Chapter Seven, however, is: are there exercises of sovereign authority, intended for the sake of defence, which will undermine the recognition of the sovereign's authority? While the sovereign has the right to freely exercise its authority for the sake of defence, are there instances or commands which will undermine the recognition of its authority, thereby threatening civil peace?

Recall that I will have argued that the exercise of authority is contingent on its efficacy for civil peace. In Chapter Seven I will argue that this extends to the sovereign's exercise of authority for the sake of defence.

Crucially, I will engage with influential recent interpreters, most notably Deborah Baumgold and Susan Sreedhar, who also acknowledge that the sovereign is limited in terms of defence. Both argue that the limits imposed upon the sovereign's use of subjects in defence of the commonwealth are derived from the rights of subjects; their arguments are derived from the perspective of Hobbesian *subjects*. Sreedhar argues that Hobbesian subjects possess the right to resist being used by the sovereign for the sake of defence¹⁵; Baumgold argues that ordinary subjects—with the notable exception of soldiers—do not have an obligation during peacetime to contribute to the commonwealth's defence¹⁶.

While I will generally agree with these two interpreters that there are moral and legal limits to the use of ordinary subjects, rather than looking primarily at the ways in which subjects might be entitled to refrain from contributing, I think it more fitting to understand the issue according to Hobbes's theory of sovereignty, and will examine the ways in which generating their contribution may counteract and contradict the conditions of civil peace.

¹⁵ Sreedhar, *Hobbes on Resistance* (2010).

¹⁶ Baumgold, *Hobbes's Political Theory* (1988).

There are, I will argue, commands that the sovereign may make that are judged by him to be necessary for defence, yet those same commands would undermine his authority. In other words, I will argue that an important limit to the sovereign's right to defend the commonwealth results from the sovereign's obligation to maintain civil peace, and not ultimately nor primarily, as others have argued, as a result of subjects' right to resist and refuse their contribution.

Importantly, this implies that the ambivalence between that which is required for civil peace and that which is required for defence was intended by Hobbes to be neither a resolvable tension nor an unsupervised agonistic balancing act *between subjects' and sovereign's rights*. Rather, the balancing act is an obligation of the sovereign alone, and the ambivalence is a necessary one contained within Hobbes's theory of sovereignty itself: the balancing act is *between the sovereign's rights and the sovereign's obligations*. It is, Hobbes concedes, a potentially dangerous ambivalence, yet it is to be managed solely according to the sovereign's judgement.

Chapter 1: Hobbesian absolutism

1.1 Introduction

The fundamental question regarding the extent and form of Hobbesian absolutism is whether or not the sovereign's authority is limited. While there have been many debates generated by this question, three in particular have become central. The first two interpret

absolutism in a juridical sense, and are captured well by Susan Sreedhar:

In summary, there are two ways in which the authority of a Hobbesian sovereign could be said to be ‘absolute’ or ‘unlimited’. According to the first, the sovereign’s authority is unlimited if there is no power above him to judge and punish his actions. According to the second, the sovereign is unlimited if there is no limit to the scope of his power, specifically his power to issue commands that bind subjects.¹⁷

Hobbesian absolutism perceived from a juridical perspective, then, is concerned with either (i) sovereignty as an institution which, if it is admitted to be the sole source of positive law, is unlimited in what it can legislate and command¹⁸; or (ii) sovereignty as an institution which may be limited by its accountability to subjects and/or the resistance rights of its subjects¹⁹.

The third prominent debate can be categorized as regarding deontological absolutism; the concern of those engaged in this debate is whether or not Hobbes’s sovereign is morally restrained or morally obliged by the laws of nature and, regardless of juridical absolutism, whether or not the sovereign is accountable to God.²⁰

I will, of course, engage with key elements of these three debates throughout this thesis. However, in keeping with my interpretative focus and aims as outlined in the Introduction, I eventually intend to highlight the *practical* limits imposed by Hobbes’s theory

¹⁷ Sreedhar, *Hobbes on Resistance*, p. 98.

¹⁸ In terms of this first juridical debate, I will agree that yes, Hobbes’s sovereign can be characterized as absolute. I will do so with reference to Deborah Baumgold’s argument later in this chapter, yet add to it in Chapter Two what she largely neglects: the religious implications of this institutional absolutism.

¹⁹ In terms of this second juridical debate, I will argue in Chapters Three and Four that Hobbes’s sovereign is not absolute. However, I will emphasize that the sovereign’s exercise of authority is limited because of its obligation to the natural laws and not *ultimately* because the sovereign is accountable to subjects or because of the agonistic rights of subjects.

²⁰ I will discuss this deontological debate at some length in Chapter Two, and what I perceive to be its intentional irresolvability will occasion a switch in interpretative focus. More specifically, rather than attempting to determine whether or not God is the author of the natural laws, I will argue that the inclusion of both a theistic and a secular source of authority was intended by Hobbes to afford the sovereign with two different rationales to influence subjects’ dispositions to obey.

of sovereignty *itself*. To that end, in this current chapter I intend to highlight an alternative and largely over-shadowed perspective on Hobbesian absolutism.

Each interpreter whom I will discuss in this chapter describes the type and extent of Hobbesian absolutism as being his prescription to his particular understanding of the causes of civil strife. Their shared interpretative assumption is that *the extent to which Hobbes's sovereign is absolute is determined by what Hobbes ultimately considered to be inimical to civil peace*. Hobbes's sovereign, each ultimately argues, is unlimited because limits—to various degrees and forms—allow and cause civil conflict. Limits are therefore understood to both disable the sovereign from effectively fulfilling its purpose and to counter the very reason why the sovereign's possession and exercise of authority is necessary.

The ultimate intention of this chapter, then, is to present the absolutist view of Hobbes's theory of sovereignty as understood by particular interpreters who argue this case in the narrower sense of being a *practical and strategic solution to civil disorder*. While in subsequent chapters I will largely contest their absolutist view of Hobbes insofar as they tie it exclusively to the endeavour for civil peace, I will do so on largely the same interpretive terms.²¹

1.2 Historical context and critical reception

A good starting point is to ask whether or not Hobbes was an absolutist in terms of his

²¹ I will, in Chapters Two-Four, argue that the exercise of sovereign authority is contingent on its efficacy for maintaining civil peace, and yet, and this is where I will differ, that the sovereign is obliged to rule according to the practical, strategic prescriptions of the natural laws. Consequently, this imposes limits on the sovereign's exercise of authority.

own historical context; in order to place him within it, however, it is necessary to first determine what the term ‘absolutism’ meant in that context; a difficult, if not impossible, task. Indeed, the manner in which Hobbes’s contemporaries reacted to him in general is a matter of dispute and has generated a very substantial amount of literature.²² A fine attempt to understand how the term ‘absolutism’ was used in seventeenth-century England is undertaken by James Daly, who in chiding modern historians’ overly broad understanding of its historical meaning, stresses just how ambiguous a term it really was:

When one comes across the notion in a contemporary source, what does the user mean? In what part of the century is he speaking? What party, or faction within a party, does he belong to? Does he mean that a monarchy is a model of its kind? That the king has no superior? Or is not elected? Or cannot be resisted? Does ‘absolute’ refer to the king’s right to occupy the throne, or to the extent of the power which the throne gives him? Does it refer to a particular legal right, or to the form of government? Does it denote a monarch’s right to raise taxes and make law without consent? Or does it only mean that he is trying to enforce a legal right against opposition? Or that he is trying to stretch such a right to questionable lengths? ... Terms like absolutism and absolute monarchy often mean little more than this, that the historian who uses them is thinking of a regime where the king has or would have more power than twentieth-century scholars think a seventeenth-century king ought to have had. That is not a very careful terminology. It risks reading an essentially modern opinion back into historical evidence, a rash form of historical retrospection. To avoid such traps, historians must strive for sharper understanding of a term ‘which is indeed a point rather controverted, than clearly decided by the author, that I have yet met withal.’²³

²² A selection of the best of this literature: John Bowle, *Hobbes and his Critics*, (New York, 1952); Mark Goldie, “The Reception of Hobbes”, in *The Cambridge History of Political Thought*, ed. J.H. Burns (Cambridge, 1991), pp. 589-615; Samuel Mintz, *The Hunting of Leviathan* (Cambridge, 1962); G.A.J. Rogers, “Hobbes’s Hidden Influence”, in *Perspectives on Thomas Hobbes*, ed. G.A.J. Rogers and Alan Ryan (Oxford, 1988); and Basil Willey, *English Moralists* (London, 1965). Quentin Skinner is the intellectual historian *par excellence* of Hobbes’ reception, and amongst his influential early contributions to this subject are: Q. Skinner, “History and Ideology in the English Revolution”, *Historical Journal*, 8 (1965), pp. 151-78; Q. Skinner, “The Ideological Context of Hobbes’s Political Thought”, *Historical Journal*, 9 (1966), pp. 286-317; and Q. Skinner, “Conquest and Consent: Thomas Hobbes and the Engagement Controversy”, in *The Interregnum: The Quest for Settlement, 1646-1660*, ed. G.E. Aylmer (London, 1972), pp. 79-98.

²³ James Daly, “The Idea of Absolute Monarchy in Seventeenth Century England”, *The Historical Journal* 21 (1978), pp. 249-50.

Although he only briefly discusses Hobbes, Daly's assessment of his use of the term 'absolutism' is revealing; it is, he argues, similar in content to the pejorative use of it by the Levellers: that "it meant unlimited, beyond accounting, irresistible, unchallengeable"²⁴. Of course, Hobbes did not use it in a pejorative sense at all; according to Daly, "Hobbes's sovereign had far more power than most people had understood by the term 'absolute', but he was willing to describe it in that term"²⁵. By 'absolute', Daly interprets Hobbes's system specifically as having no notion of limitation²⁶. Although he acknowledges that Hobbesian subjects have a continuing right to resist the sovereign, "the general impact of his theory was in the direction of an awesome state authority, and he did not reject the label of 'absolute' ..."²⁷.

Hobbes's use of the term also, quite remarkably, influenced his contemporaries' use of it. According to Daly, they had a rather "grim reputation of Hobbes", which was in part earned by their association of his theory with "a terrifying sovereignty"²⁸. He notes that "Hobbes chided the king's advisers for denying that the government was absolute, and scoffed at their fear that, if the king won the war, 'his power would be what he pleased, and theirs as little as he pleased, which they counted tyranny'"²⁹. Certain royalist writers amongst Hobbes's contemporaries were indeed "at pains to claim that the king's power was legally limited"³⁰. After Hobbes's use of the term and the connotations he gave to it, many royalists were left not to debate the actual powers of the king, but to determine whether the term

²⁴ Ibid., p. 237.

²⁵ Ibid., p. 238.

²⁶ Ibid., p. 238.

²⁷ Ibid., p. 238.

²⁸ Ibid., p. 238.

²⁹ Daly, p. 239.

³⁰ Ibid., p. 239.

‘absolute’ ought to be used to describe those powers at all³¹.

Contributing to this view of Hobbes in particular, and undoubtedly also to the effect this had on the meaning of absolutism in general, were his contemporary critics. Amongst the numerous modern commentators on the general reactions of Hobbes’s contemporaries to his work, one in particular, John Bowle, has focused on the reasons why and the extent to which Hobbes’s contemporaries viewed him as being an absolutist. Bowle’s treatment is unique in the priority he gives to the attempt to endorse the view that, amongst Hobbes’s contemporaries, there were those who set a precedent for judging Hobbes as an absolutist, while simultaneously emphasising and criticising its practicability.

Bowle emphasises that they were generally fearful and condemning of Hobbes’s absolutism, to the extent that they perceived it to license arbitrary power. Hobbes’s contemporaries attempted to undermine this by questioning whether Hobbes’s state of nature—which they saw as being his primary justification for arbitrary power—was unrealistic.³² The assumption they made is obvious: Hobbes’s argument for what they perceived to be an absolute sovereign in possession of arbitrary power rested on the premise that the state of nature is an actual condition that can only be remedied by such power.

According to Bowle, they also generally agreed that what they perceived to be Hobbes’s support of arbitrary power would be “precarious and inefficient”; that the arbitrary power of Hobbes’s sovereign would defeat the purpose for which such power was granted to it

³¹ *Ibid.*, p. 239.

³² Bowle, *Hobbes and his Critics* p. 201. He notes that of the many who questioned the reality of Hobbes’ state of nature, Eachard and Clarendon gave it the most emphasis and denied the reality of it, both as a fact and as a hypothesis.

in the first place: the self-preservation of subjects³³. Notable amongst these contemporaries were Bramhall, Whitehall and Clarendon, all of whom shared the general opinion of Rosse, who chided Hobbes through Aristotle: "... no commonwealth can be happy or continue long, but where the Prince is as well subject to the law as the people"³⁴. In the same spirit, Gough eloquently scorned Hobbes for thinking "that men are so foolish that they take care to avoid what mischief may be done them by polecats or foxes, but are content, nay think it safety, to be devoured by Lions"³⁵.

The general tenor of the attacks of Hobbes's contemporaries on him, presented here only broadly and very briefly, give us a clear indication of what Hobbes's contemporaries largely perceived Hobbesian absolutism to represent: arbitrary power. While few denied to Hobbes the virtue or necessity of his intended end, civil peace, they derided what they perceived to be his means, absolutism, both as over-compensatory or even as ineffective, assuming that no liberal-minded person would subject themselves to such power.

A few observations can, therefore, be drawn from the contemporary reception of Hobbes, the most important of which are similarly common amongst the selected modern critics of Hobbes's absolutism whom I will discuss later in this chapter. First, the term 'absolutist' is an extremely difficult one to define in the context of the 17th century, and Hobbes's explicit use of it is simply one example amongst many of what it could mean and could be perceived to mean. Second, he was undoubtedly perceived to be an absolutist, and in a pejorative way, whatever precise meaning and content was ascribed to the term in the 17th century. Third, there were amongst his critics those that focused on the practicability of

³³ Bowle, p. 201.

³⁴ Ibid.

³⁵ Ibid, p. 202.

Hobbes's strategy: they granted that Hobbes sought civil peace through absolutism, but thought that (i) he exaggerated the problem, (ii) that his solution was over-compensatory, or (iii) that his system itself would be an ineffective solution to the problem. Finally, the best indication of what they perceived Hobbes's absolutism to imply is what they explicitly feared: the arbitrary exercise of authority.

1.3 Late 20th century characterisations of Hobbes-as-absolutist

1.3.1 Absolute dominion or institutional possession of authority

Hobbes clearly advocates dominion—the possession of authority—as a resolution to two distinct problems. First, Hobbes considers the chief cause of civil war to be when more than one person or institution is recognised to possess authority; “man cannot serve two masters (*L*, 392)”. Second, the foremost obstacle to defending one's commonwealth is a lack of concord, or “the concurrence of many men's wills to one action” (*Elements*, 19, 5). For these two rather straightforward reasons, Hobbes argues, the sovereign must be recognised to be the sole possessor of authority.

That Hobbes advocated absolute *possession* of authority, or in other words, that he depicts the sovereign as the sole institution in possession of authority, is largely uncontroversial. Nor is the claim that civil peace is the intention behind it. However, remarkably little has been made *explicit* in terms of *how* absolutism was intended by Hobbes to practically effect civil peace, or in other words, the strategy of it; the three central debates described above are generally more concerned with the legal, deontological and hypothetical problems presented by Hobbes's arguments.

There should be little doubt that *Leviathan* was intended by Hobbes to be a

prescription for peace; it is a systematic detailing of what is inimical and necessary for the maintenance of a peaceful commonwealth. Central to this broad objective in *Leviathan* is the relationship between authority and obedience. It is evident that Hobbes considered this relationship to be of crucial importance for the maintenance of a peaceful commonwealth; he believed that the proper conceptualisation and implementation of this relationship would lead to peace, whereas an improper understanding and institutionalisation of the relationship would inevitably lead to the condition of war.

Problems arise in this relationship, Hobbes argues, whenever humans are forced to obey one authority rather than another, or are conflicted over the question of to which authority their duty to obey is ultimately owed. Problems arise, therefore, when two or more institutions exist, each claiming to possess authority, and each claiming that obedience is owed to them.

Hobbes's general solution to this untenable situation is fairly straightforward: he proposes an absolute sovereign who is the sole legitimate possessor of authority, and the sole person to whom, or institution to which, all subjects owe their obedience. Put simply, Hobbes's solution proposes the creation of a sole master.

Of the recent literature focusing on Hobbes as an absolutist from a strategic standpoint—understood in terms of institutional absolutism—Deborah Baumgold is highly notable for her excellent discussion of Hobbes which ultimately seeks to show that the extent and character of Hobbes's absolutism must be understood in terms of what he perceived to be the chief threat to civil peace: “Conceiving politics to be a struggle among elites for power, his arguments for absolutism are directed ... at the dual problems of strengthening the sovereign

and discouraging the designs of ambitious rivals”³⁶. His absolutism takes the form of unified sovereignty, and it serves a practical and specific purpose: “his defence of the principle of unified sovereignty consists in a series of related discussions of the political desirability of central control of major state powers”³⁷, because of his assertion that “... the purposes of the state require unified sovereignty”³⁸ and “divided sovereignty produces impotent government”³⁹.

Significantly, Baumgold lays emphasis on the nature of this absolutism and, calling on Kant via Alan Ryan, she describes it as “prescriptive” rather than ‘analytic’. Chief among those whom she identifies as interpreting Hobbesian absolutism as ‘analytic’ is M. M. Goldsmith, who wrote the following:

Hobbes was not trying to show that it was practically better not to divide sovereignty. When he uses that type of empirical argument he signals it. ... Hobbes’s argument for the indivisibility of sovereign powers is couched in no such empirical terms. The rights of sovereignty are ‘incommunicable and inseparable.’ ... Thus the concept of sovereignty is used in an all or nothing

³⁶ Baumgold, *Hobbes’s Political Theory*, p. 60.

³⁷ *Ibid*, p. 65.

³⁸ *Ibid*.

³⁹ Baumgold, *Hobbes’s Political Theory*, p. 66. One cannot avoid the ‘Hobbes-as-monarchist’ debate here, from which I think Baumgold’s is beneficially distinct. Generally speaking, this debate has revolved around either (i) documenting his preference as a historical or biographical fact; or (ii) pointing out that Hobbes clearly states his preference for monarchy in his own texts. For a good overview of those engaged in either of these discussions, see Peter J Steinberger, *The Idea of the State* (Cambridge: Cambridge University Press, 2004) pp.42-44. As for explaining—rather than just asserting—his support for monarchy, I agree with Steinberger (p. 43) “that Sabine’s account has long been the standard view, namely, that those writings were intended ‘to exert influence upon the side of the king. They were designed to support absolute government and in Hobbes’s intention this meant absolute monarchy; all his personal interests attached him to the royalist part” citing George Sabine, *A History of Political Theory* (Hinsdale, Illinois: Dryden Press, 1973). See also, however, Samuel L. Mintz, *The Hunting of Leviathan: Seventeenth Century Reactions to the Materialism and Moral Philosophy of Thomas Hobbes* (Cambridge: Cambridge University Press, 1962). Mintz contends that although Hobbes’s sovereign is absolute, Hobbes “expressed no particular bias in favour of monarchy (p. 13)”. Returning to Baumgold, her treatment of what can be called ‘institutional absolutism’ is largely unique from others, and for my purposes more useful, because her account gives emphasis to the practical and prescriptive rationales behind Hobbes’s preference for monarchy and subsumes it to the overarching idea of ‘unified sovereignty’. Recently agreeing with her is Steinberger: “Hobbes’s preference for monarchy is a governmental preference rooted in considerations of prudence and good judgment ... (p. 43)”.

way: either there is a sovereign possessing all these powers or there is none.⁴⁰

This is a definitional understanding of absolute sovereignty as an analytical claim: sovereignty is equated with institutional absolutism, independent of purpose, contingency or context. While Baumgold concedes that, at a few points, Hobbes does indeed in his earlier works refer to unified sovereignty as a definitional truth, i.e. as an analytic statement, she argues that in all of Hobbes's works, and particularly clearly in *Leviathan* and *Behemoth*, he asserts the opposite: unified sovereignty is an empirical statement to which evidence is relevant. That is, Hobbes's absolutism does not assert that sovereignty is necessarily and logically unified. Rather, Hobbes's absolutism is one which asserts that although sovereignty may be divided, it is not a desirable state of affairs and unified sovereignty is recommended for its practical utility of preventing domestic conflict, the chief obstacle of which is divided sovereignty.

To demonstrate her case, Baumgold focuses on the critique of divided sovereignty in *Leviathan*. Hobbes, she argues, holds there to be a causal connection between divided sovereignty and civil war. Citing Hobbes:

And this division is it, whereof it is said *a kingdom divided in itself cannot stand*; for unless this division precede, division into opposite armies can never happen. If there had not first been an opinion received of the greatest part of *England*, that these powers divided between the King, and the Lords, and the House of Commons, the people had never been divided and fallen into this civil war, first between those that disagreed in politics, and after between the dissenters about the liberty of religion ... (*L*, 116).

Hobbes adds that among those doctrines which weaken a commonwealth, the

⁴⁰ M. M. Goldsmith, "Hobbes's 'Mortall God': Is There a Fallacy in Hobbes's Theory of Sovereignty," *History of Political Thought* 1 (1980), p. 42.

following belongs: “*That the sovereign power may be divided.* For what is it to divide the power of a commonwealth, but to dissolve it; for powers divided mutually destroy each other (*L*, 214)”.

These passages, Baumgold rightly points out, imply that Hobbes asserts the empirical claim that “divided sovereignty is a necessary condition of civil war—absent divided sovereignty, civil war will not occur—and therefore the falsifying case would be civil war in an absolutist state”⁴¹. This is certainly evident in Hobbes’s rhetorical question, phrased most emphatically in the Latin edition of *Leviathan*: “But I ask ... when or where has there been a kingdom free of sedition and civil war, where the power was not absolute” (*OL*, 135).

Alternatively, in the following passage Hobbes appears to imply that “divided sovereignty is a sufficient condition for the occurrence of civil war, a hypothesis that would be falsified by the example of a peaceful society with a mixed constitution”⁴²: “... to erect two sovereigns, and every man to have his person represented by two actors that by opposing one another must needs divide that power which (if men will live in peace) is indivisible, and thereby reduce the multitude into the condition of war, contrary to the end for which all sovereignty is instituted (*L*, 119).⁴³

Baumgold argues from this passage, despite the potential illogic of it, that Hobbes nevertheless conceives there to be a causal mechanism: “divided sovereignty fosters elite conflict and this in turn tends to spread into civil war as elites mobilize the people to fight on

⁴¹ Baumgold, *Hobbes’s Political Theory*, p. 70

⁴² *Ibid.*

⁴³ M. M. Goldsmith (1980) is foremost amongst critics who have pointed out the fallacy in Hobbes’ logic premised on this sufficient condition: “All Hobbes actually shows is that not dividing sovereign power cannot lead to disagreement (and contention) among the holders of the power while division may lead to contention (p. 43)”.

their behalf”⁴⁴. More specifically, she argues that Hobbes is not so much arguing that divided sovereignty institutionalises elite conflict, a point she thinks banal, but rather is arguing that “divided sovereignty lends constitutional legitimacy to bids for power by ambitious elites”⁴⁵. That is, if divided sovereignty was constitutionally legitimate, competing institutions could equally lay claim to the “loyalties of ordinary Englishmen”.

Yet more evidence of this more specific assertion is found in Hobbes’s *Behemoth*. The civil war, Hobbes argues, was in large part a result of a constitutional struggle between the Parliament and King, in which “the true meaning of the Parliament was, that not the King, but they themselves, should have the absolute government (*Behemoth*, p 68)”. “‘Ambition can do little without hands’ and the support of common people hinges on their believing that those ambitious of power have legitimate title to it”⁴⁶. Furthermore, “The ideology of a mixed constitution ... justified Parliament’s claim that it, not the king, should be master ... The people, in short, were ‘carried into’ rebellion by the arguments of an ‘impudent’ Parliament”⁴⁷.

Hobbes’s absolutism, Baumgold concludes, is, therefore, a prescriptive, practical solution to the perceived problem of “institutionalised political ambition”⁴⁸. Accordingly, Hobbes’s absolutism, to meet its purpose, refers specifically to the possession of authority by a single, unified institution that is recognised to be sovereign. Since “rebellions are the product of political ambition provided with an institutional home and hence a claim on the allegiance of ordinary people”⁴⁹, and since unified sovereignty has as its purpose the prevention of rebellion, Hobbesian absolute authority, according to Baumgold, refers specifically and

⁴⁴ Baumgold, *Hobbes’s Political Theory*, pp. 70-71.

⁴⁵ *Ibid.*, p. 71.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, p. 74.

⁴⁹ Baumgold, *Hobbes’s Political Theory*, p. 75.

limitedly to the possession of authority by a single and unified sovereign institution.

Two important consequences of her argument are apparent. First, she emphasises the point that Hobbes's absolutism is prescribed—rather than merely described analytically—for the sake of civil peace, and also claims that it is contingent and, therefore, potentially limited to that purpose. Secondly, she claims that Hobbes's absolutism is not cast in abstract or universalistic terms, and “does not take the form of the proposition that individuals in the abstract should find it in their interest to consent to absolute government”⁵⁰. Rather, since the chief cause of civil war is the division of the institution of sovereignty, manifest by elite conflict, the extent to which Hobbes's sovereign can be said to be absolute is contingent on its efficacy for preventing it. Hobbes's sovereign is absolute, therefore, in the sense of absolute dominion, as institutionally autonomous, unanswerable to and supreme over other institutions. The sovereign, in this description of it, is not only the sole person in possession of institutional authority, but it is the only institution to which obedience is owed.

We should pause briefly here to consider an important distinction that Hobbes makes, and that I have already alluded to, between the possession of authority and the exercise of authority. Note the following passage from *Leviathan*: “and as the right of possession, is called dominion; so the right of doing any action is called AUTHORITY. So that by authority, is always understood a right of doing any act; and *done by authority*, done by commission, or license, from him whose right it is” (*L*, 102).

Also,

And because the end of this institution is the peace and defence of them all, and whosoever has right to the end has right to the means, it belongeth of right to whatsoever man or assembly that hath the sovereignty, to be judge both of

⁵⁰ Ibid, p. 134.

the means of peace and defence, and also of the hindrances and disturbances of the same, and to do whatsoever he shall think necessary to be done, both beforehand (for the preserving of peace and security, by prevention of discord at home and hostility from abroad) and, when peace and security are lost, for the recovery of the same (*L*, 113).

Hobbes's phrase "whosoever has right to the end has right to the means" indicates a distinction between the right to be *in authority*, and the right to *exercise authority*. A helpful, contemporary way of looking at this is presented succinctly in C. W. Cassinelli's essay *Political Authority: Its Exercise and Possession*: "When the governor exercises political authority he performs an overt act aimed at regulating his governed's behavior. In order to perform such an act, he must (as we say) have authority, but his possession is clearly not the same thing as his act"⁵¹.

Applying this distinction to Hobbes, he distinguishes between the possession and the exercise of authority, both of which his sovereign has a right to. The means—the exercise of authority or the making of judgments on how to regulate behaviour—has as its end "the peace and defence of them all". The sovereign is, therefore, said "to be judge both of the means of peace and defence", which would sanction judgements about the regulation of *behaviour* or the performance of *actions* which are amenable to both peace and defence.

The question which now arises, then, is: are *all* of the sovereign's judgements and actions *authorised*? Or, from another perspective, must subjects obey all of the sovereign's commands? It is one thing to say that the sovereign is in sole possession of authority and is the only one to whom obedience is owed; it is quite another to assert that all of the sovereign's actions and commands are authorised and obedience is *always* owed.

⁵¹ C. W. Cassinelli, "Political Authority: Its Exercise and Possession," *The Western Political Quarterly*, Vol. 14, No. 3 (Sept. 1961), p. 637.

In other words, what if the rationale for absolutism is not strictly limited to the domain or to the unified possession of sovereignty, but also to the exercise of authority? If civil peace is the end for which absolutism is justified, does it follow merely that the sovereign must be in sole possession of authority and be solely recognised to be in authority? Or, does it also extend to *how* the sovereign exercises authority? Does the sovereign have an absolute right to exercise authority, i.e. is there no limit to what the sovereign can and may command, and are there no limits to what subjects are obliged to obey? Arguments that assert that the sovereign's right to exercise authority is indeed absolute in this sense, and that simultaneously emphasise that this is prescribed by Hobbes as being necessary to effect civil peace, are presented by John Plamenatz, Preston King, and Charles D. Tarlton, each of which will now be examined.

1.3.2 Absolute exercise of authority

Beginning with Plamenatz, he, like Baumgold, understands Hobbes's argument that authority must be absolute to mean that it is never in people's interest that "supreme governmental authority should be divided", since "if there is more than one maker and enforcer of law, there cannot be real security"⁵². He adds, however, and unlike Baumgold, that it is also never in people's interest "that there should be rules or conventions limiting their obedience to government"⁵³. While the sovereign "must never have more than one centre of supreme authority", nor must the sovereign be obeyed "only on condition that he governs

⁵² John Plamenatz, *Man and Society: Political and Social Theories from Machiavelli to Marx; Volume One: From the Middle Ages to Locke* (Harlow: Longman, 1992), p. 209.

⁵³ Plamenatz, *Man and Society*, vol. 1, p. 209.

according to such and such principles”⁵⁴.

Plamenatz’s interpretation is elegantly simple: if subjects obey conditionally, then particular sovereign commands will be subject to disputes about whether those commands infringe upon the conditions. For “If the sovereign is the final judge in such disputes, conditions might as well not be laid down, for he will interpret them to suit himself. If another authority is set up to decide the dispute, there is danger of civil strife. If the people generally set themselves up for judges, there must be anarchy”⁵⁵.

Therefore, according to Plamenatz, Hobbes’s sovereign is absolute in the sense that it possesses the unlimited right to arbitrate for the sake of civil peace:

Hobbes seems to have believed that all agreement about principles or rules to limit authority is at bottom illusory, lasting only as long as the rules are not applied. As soon as the need is felt to apply them, they are variously interpreted. Unless it is agreed whose interpretation is final, there is always danger to peace ... Hobbes’s argument for absolute government therefore rests on the assumption that, unless supreme authority is undivided, there cannot be a final and generally accepted arbiter in all cases, including disputes about the limits of authority.⁵⁶

Simply put, and like Baumgold argues, the sovereign is the sole possessor of authority. However, Plamenatz adds that the sovereign is free to exercise his authority without limit, and effectively arbitrarily, since any limit on the exercise of the sovereign’s authority would suggest that the sovereign is not the sole possessor of authority. Peace, therefore, requires not only that there be a sole possessor of authority; to be the sole possessor of authority also requires that the exercise of it be unlimited. In other words, to ensure that a sole possessor of authority is obeyed, the possessor’s right to exercise authority must be unlimited.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid., pp. 210-211.

A similar but rather more complex argument—which also interprets Hobbes’s absolutism to extend to the exercise of authority—is presented by Preston King.⁵⁷ Ultimately, King argues, Hobbes presents “an ideal model of obedience to which he supposes we should aspire”⁵⁸, and the way in which Hobbes does so is absolutist in the sense that Hobbes makes a universal recommendation for the concentration of power. Key to this is King’s emphasis of a distinction between the *description* of absolutism and the *norm* of absolutism. Hobbes, he explains in the following passage (and along with Bodin), is remarkable for his support of the latter:

To advance the norm allows us to recommend the movement. Merely to advance the description, by contrast, allows us to condemn the movement, or to remain neutral about it, or (which is very important) to assume an appearance of neutrality while covertly recommending it. A writer who *describes* the character of centralised power is not necessarily to be regarded as an absolutist: he may oppose it. One who recommends centralised power *in some particular context* is not necessarily to be regarded as an absolutist either; he may think the broader claim harmful or unnecessary or impossible. To the extent that Bodin and Hobbes are regarded as describing the movement towards greater centralisation as ‘objectively’ necessary, inevitable and illimitable, they may be regarded as covert absolutists (i.e. they accept morally what they may be supposed—merely factually—to describe). More obviously, to the extent that Bodin and Hobbes directly recommend greater centralisation, in some universal and illimitable manner, they must be regarded as overt absolutists. Their absolutism cannot be reduced to the mere fact that they recommend that power be more highly concentrated at a given centre. They become absolutist, or approximate to becoming absolutists, where or in the degree that they recommend (overtly or covertly) the concentration of power in an *a priori*, which is to say illimitable, fashion.⁵⁹

To what extent, then, does Hobbes recommend the concentration of power in an illimitable and *a priori* fashion? The starting point for King is, as one has come to expect,

⁵⁷ Preston King, *The Ideology of Order: A Comparative Analysis of Jean Bodin and Thomas Hobbes*, (London: Allen and Unwin, 1974).

⁵⁸ *Ibid.*, p. 237.

⁵⁹ *Ibid.*, p. 260.

Hobbes's analysis of the causes of conflict. King reduces them to two: The first he, like Baumgold and Plamenatz, believes is "the desire of several bodies to share sovereign power". The second is "the desire by individuals and sects for free expression of religious and political opinion"⁶⁰.

While the general purpose of the *possession* of unified sovereignty is to eliminate the conflict brought about by divided sovereignty, the essential *function* of sovereignty, or the purpose of the *exercise* of authority "was to state what opinions were or were not seditious, what rules were or were not lawful, and to possess a monopoly of force sufficient to ensure that inadmissible opinions were not disseminated and that rules declared to be law were not ignored"⁶¹.

Aside from the possession of authority, therefore, the sovereign must have an absolute right to exercise authority, or to make obligatory commands, in order to control opinion in favour of civil peace. However, King adds, ensuring obedience requires not just that the commander is authoritative in the sense that there is no other authoritative institution, but also that people are

... convinced that it is *right* to obey the commands issued them. Thus, although commands are essential to order, what is equally essential, after a point, is the belief (on the part of those obeying) that those commands are not unjust ... Hobbes's principal objective is to convince subjects that they ought not to have too many qualms about obeying their rulers no matter (virtually) what these command them to do.⁶²

Hobbes, according to King, thought that the absolute possession of sovereignty is, therefore, insufficient to effect civil order. The absolute possession of the right to exercise

⁶⁰ Ibid., p. 162.

⁶¹ Ibid.

⁶² Ibid., p. 186.

authority is also, however, insufficient. What is also required over and above this is “that the commands of the sovereign, in so far as he remains sovereign, must be read as coterminous with the designation of right and wrong”⁶³.

If King is correct, and the sovereign is tasked with ensuring that his commands are recognised as being coterminous with ‘right’ in a moral sense, the concern then becomes a question of *how* the sovereign can convince his subjects the truth of that.

On the one hand, it may be possible that Hobbes believed no sovereign could ever actually convince his subjects that every exercise of his authority is ‘right’ and, therefore, it is futile to try. If this were the case, this would represent an acknowledgement on the part of Hobbes that his sovereign’s authority is limited, and not absolute, to the extent that subjects will not acknowledge their obligation to obey every command the sovereign may issue. In other words, absolute authority is not possessed “where the controller requires any degree of assent from either co-controllers (actual or potential) or from those controlled”⁶⁴.

Were this the case, we could expect Hobbes to address the issue of what particular commands ought to be avoided because they would be highly unlikely to be considered by one’s subjects as ‘right’ or ‘just’, and thus would undermine the sovereign’s right to exercise authority to the extent that it requires a corresponding belief on the part of subjects’ that every command of the sovereign be obeyed *without* qualm. In other words, Hobbes could be expected to advise that the content of particular commands ought to be contingent on their consistency with effecting civil peace over or alongside the assertion that all commands *per se*

⁶³ Ibid., p. 240. Note the following passage from *Leviathan* which supports King’s interpretation: “It belongeth therefore to the sovereign to be *judge*, and to prescribe the rules of *discerning good and evil*, which rules are laws ... (*L*, 133)”.

⁶⁴ Ibid, p. 261.

are absolute.⁶⁵

This is not, however, the explanation that King provides. The answer, according to King, refers back to his distinction between descriptive and normative absolutism. Since Hobbes is argued to be an absolutist in the sense that he universally prescribes the centralisation of authority as an *a priori* norm, King argues that Hobbes pushes to ceaselessly increase the degree to which the sovereign's right to command is limitless. Conversely, Hobbes pushes to ceaselessly decrease the degree to which subjects' obedience is limited. Why? Because if the sovereign's right to command is to reach as close to absolute as possible, and the sovereign's commands must be viewed by subjects as 'right' to approach that degree of *de facto* absolute authority, the limits to subjects' obedience must increasingly approach nil. Now, if Hobbes's sovereign accepted or was resigned to the reality that his authority *will always be* limited, because there will always be some degree to which his subjects will not recognise his commands as 'right', this realisation would resign the sovereign to refrain from ceaselessly increasing and pushing for constantly greater centralisation; a policy which contravenes what the norm of absolutism prescribes. However, were Hobbes's sovereign to rule according to the norm of absolutism—as King suggests—the sovereign must always *try* to concentrate authority, which requires that the sovereign *try* to eliminate *any and all* opinion and belief amongst his subjects that would infer or instruct that the sovereign's right to exercise authority, and their corresponding obedience, was somehow limited. The extreme of this—and King argues that Hobbes's adherence to the norm of absolutism pushes him to this extreme—is absolute authority in the sense of arbitrary authority: the sovereign is unrestrained in the exercise of its will, and subjects' obedience is absolute in the sense that they cannot

⁶⁵ I will make an argument along these lines in Chapters Three and Four.

disobey. This is what, according to King, Hobbes's sovereign endeavours for: Hobbes's sovereign aims, simply, to be absolute.

To state it from a different perspective, yet consistent with King's, for Hobbes civil peace requires that the sovereign is acknowledged to be the sole arbiter of right and wrong, and the sovereign's commands must be acknowledged to be 'right'. This in turn requires that there are no alternative notions of 'right' and 'wrong' aside from the will of the sovereign. The sovereign must strive to be absolute, then, in the sense that even arbitrary judgments and commands be acknowledged to be 'right'.

It follows, then, that the sovereign's *essential* purpose in exercising his authority is that the product of the exercise—a judgment or an act—itself be absolute. The content and effect matters not, since holding either to scrutiny or standard is in itself contrary to civil peace. The purpose of commanding is to create a command which is absolute; the purpose of commanding is not, therefore, primarily to command something which is specifically conducive to civil peace. The purpose of exercising authority is to issue commands that are recognised to be such on the basis that they are issued by the sole source of authority. The exercise of authority serves to reinforce that there is only one source of authority. Hobbes's attempt to find the conditions in which the *a priori* norm of civil peace is achieved results in the construction of a political system rigged to constantly strive towards an entirely different *a priori* and ideal norm: absolutism.

Put more broadly and simply, like Plamenatz, King argues that Hobbes advanced a closed system of authorisation: the right to exercise authority is absolute in the sense that all exercises of it are authorised by the possessor, for the sole reason that possession of authority denotes the right of exercising authority. It follows from King's argument that the *only limit to the sovereign's exercise of authority is the judgement of the sovereign himself on whether or*

not a particular exercise of authority is authorised, which of course it would be by definition.

This is indeed, if accurate, arbitrary.⁶⁶

In a more straightforward way, Charles D. Tarlton—the last of the Hobbes-as-absolutist interpreters I’ll examine and a stimulating interpreter of Hobbes whose work has been regrettably overlooked by most contemporary Hobbes scholars⁶⁷—argues that Hobbes’s sovereign is absolute because there are no identifiable limits to the exercise of sovereign authority. Rather than trying to determine whether Hobbes is an absolutist by positively ascribing to him absolutist characteristics, Tarlton negatively defines his absolutism by identifying what Hobbes’s sovereign is *not* bound by. The sovereign, he concludes, is left bound only by his own judgement and will, which he possesses the right to freely exercise.

To make the case, Tarlton takes four Lockean limits and compares their relevance to Hobbes’s sovereign, and concludes that none trump the arbitrary will of the sovereign; Hobbes’s sovereign “has absolute authority not bounded by consent, law, individual rights (especially the right of property), or the public good”⁶⁸.

Taking each of these four in turn, consent could be conceived to be a limit on the sovereign’s authority if consent was an actual act of authorisation, with limits the subjects preconceived before consenting, or if consent could be withdrawn. Of course, the act of

⁶⁶ Again, this is precisely what I will argue against in Chapters Three and Four.

⁶⁷ Charles D Tarlton, although not receiving much attention, has nevertheless been a relatively prolific writer on Hobbes: “Levitating Leviathan: Glosses on a Theme in Hobbes,” *Ethics* Vol. 88, No. 1 (Oct, 1977), pp. 1-19; “The creation and maintenance of government: a neglected dimension of Hobbes’s Leviathan,” *Political Studies* Vol. 26, No. 3, (September 1978) pp. 307-327; “‘the Word for the Deed’: Hobbes’s Two Versions of Leviathan,” *New Literary History*, Vol. 27, No. 4, (Autumn 1996), pp. 785-802; “Rehabilitating Hobbes: obligation, anti-fascism and the myth of a ‘Taylor thesis’,” *History of Political Thought* Vol. 19, No. 3, (Autumn 1998), pp. 207-238; “to avoyd the present stroke of death:’ Despotical Dominion, Force, and Legitimacy in Hobbes’s *Leviathan*,” *Philosophy* Vol 74, No. 2 (1999), pp. 221-245; “The despotical doctrine of Hobbes, Part I: The liberalization of Leviathan,” *History of Political Thought* Vol. 22, No. 4, (Winter 2001) pp. 587-618; and “The despotical doctrine of Hobbes, Part II: Aspects of the textual substructure of tyranny in Leviathan,” *History of Political Thought* Vol. 23, No. 1, (Spring 2002), pp. 61-89.

⁶⁸ Tarlton, “*The despotical doctrine of Hobbes, Part II*,” (2002), p. 65.

consent is between subjects—and not between subjects and sovereign—and, therefore, the sovereign is not obliged under the terms of the contract since he is not a consenting party. Could, however, individual subjects withdraw their consent that obliges them to obey the sovereign?

Tarlton writes:

Not only tacit consent, but even a negative vote, would nevertheless bind one totally, and not only a negative vote, but even complete inaction, could oblige, because ‘whether he be of the Congregation, or not; and whether his consent be asked, or not, he must either submit to their decrees, or be left in the condition of warre he was in before; wherein he might without injustice be destroyed by any man whatsoever’.⁶⁹

In other words, not only tacit consent, but even abstention, are considered to signify consent. This prompts the question: “Was one obliged because one had consented, or was one presumed to have consented because one was obliged?”⁷⁰ In either case, consent is always presumed to have been given and it cannot, according to Tarlton, be withdrawn and, therefore, consent cannot in any meaningful way be understood to potentially limit the sovereign’s authority.

As for the rule of law;

Law, for Hobbes, was no social agreement manifest in a fixed rule, it was nothing more nor less than the sovereign’s command, an act of his will. Therefore it followed that the ‘sovereign of a Common-wealth is not subject to the Civill Lawes’. Because he could make laws, he could repeal them; being able to repeal them, he was never bound by them to start with ...⁷¹

As for individual rights, Tarlton specifically discusses property, the right to self-preservation, and the right to private, unexpressed opinions and beliefs. As for property,

⁶⁹ Ibid. p. 66.

⁷⁰ Ibid.

⁷¹ Ibid., p. 67-8.

Hobbes held the following opinion to be seditious: “That every private man has an absolute propriety in his goods; such, as excludeth the right of the sovereign” (*L*, 213). “No subject possessed property, then, ‘exclusive of the sovereign’s right to the use of the same’, while for conquered subjects, the sovereign’s right over their property and lives was boundless. At his own discretion, and in whatever he judged necessary, the sovereign could encroach upon the subjects’ property and ‘levy mony upon the subjects’”.⁷²

Although Hobbes contends it could be considered inequitable, the sovereign could nevertheless “invade the property (and all other rights that came in with the establishment of commonwealth) of his subjects”⁷³.

More generally, according to Hobbes, the liberty subjects have is:

... on the one hand, a permission granted by the sovereign, as ‘in all kinds of actions, [when] by the laws praetermitted, men have the Liberty, of doing what their own reason shall suggest’, or, on the other, in those ‘things, which though command by the Sovereign, he may nevertheless, without Injustice, refuse to do.’⁷⁴

So first, any right the subject has to act freely is entirely conditional on the sovereign’s permission, which the sovereign is entitled to withhold. More promisingly, according to Tarlton, is the second type of right, a right to refuse or resist the sovereign’s command. However, this turns out to be little more than a “‘liberty’ not to kill oneself”⁷⁵. The only command that a subject may disobey, therefore, is:

If the sovereign command a man (though justly condemned,) to kill, wound, or mayme himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing, without which he cannot live, yet hath that man the liberty to disobey (*L*, 142).

⁷² Ibid. p. 69.

⁷³ Ibid.

⁷⁴ Ibid., citing *Leviathan* p. 138 and p. 141 respectively.

⁷⁵ Ibid., p. 70.

Tarlton concludes that ultimately, “There were, on Hobbes’s strict view, no rights, freedoms or liberties worth either mentioning or having everyday significance, except those that derived from the sovereign’s commands”⁷⁶. Accordingly “such liberty is in some places more, and in some less; and is some times more, in other times less, according as they that have the sovereignty shall think most convenient” (*L*, 143).

The last potential limit to the sovereign’s authority considered by Tarlton is the public good, which can be summed up by the following passage which seems to burden the sovereign’s exercise of authority. The sovereign is tasked with the ...

... procuration of the *safety of the people*, to which he is obliged by the law of nature, and to render an account thereof to God, the author of that law, and to none but him. But by safety here 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 commonwealth, shall acquire to himself (*L*, 219).

Tarlton argues, however, that “this undertaking was, then, summed up and completely fulfilled when that sovereign merely clung to every possible strand of his absolute power”⁷⁷. “It is the Office of the Sovereign to maintain those rights entire” (*L*, 219). Laws made by the sovereign, intended for the ‘good of the people’, are incidentally so; Hobbes equates the ‘good of the people’ with the ‘good of the sovereign’: “For the good of the sovereign and people cannot be separated. It is a weak sovereign that has weak subjects, and a weak people whose sovereign wanteth power to rule them at his will” (*L*, 229).

While some of the duties Hobbes lists may seem to limit the sovereign’s authority, “beyond the first one (maintaining his absolute power and discretion) none of the rest even pretended to be deductions from any necessary aspects of the theory of sovereignty ... They

⁷⁶ Ibid. p. 70.

⁷⁷ Ibid, p. 71.

were prudential propositions, indicating just where the sovereign might practically best secure his power by actions at least seeming to aim at the public good”⁷⁸.

Considering each of these four possible limitations—consent, rule of law, rights and the public good—which turn out to be anything but limits according to Tarlton, lead him to conclude that Hobbes’s sovereign is indeed absolute, and absolute in the sense of arbitrary and limitless authority:

... Hobbes’s underlying conclusion here was that all law and policy, including the definition of the sovereign’s own rights and duties, were, technically, solely within the purview of the sovereign’s own judgment and desires. No condition attached to the sovereign, and no limits, because ‘every Subject is by this Institution Author of all the Actions and Judgements of the Sovereigne Instituted [and] it followes, that whatsoever he doth, it can be no injury to any of his Subjects’ nor ought he to be by any of them accused of Injustice’. The sovereign, having defined himself, and having been entrusted with the end of peace, then ‘has the right to the Means [and] to be Judge both of the meanes to Peace and Defence; and also of the hindrances, and disturbances of the same; and to do whatsoever he shall think necessary to be done’.⁷⁹

1.4 Conclusion

This chapter has been concerned with the extent to which Hobbes’s sovereign’s authority may be said to be absolute *for the sake of* civil peace. His contemporary critics primarily viewed his absolutism through their fear of tyranny and arbitrary power: Hobbes was recognised to prescribe his sovereign as a remedy to civil strife, but the authority he granted it was seen to be a licence to exercise authority arbitrarily, which would in the end, believed his critics, actually threaten civil peace.

As for the select few 20th century interpreters who focus on the strategic aspects of Hobbesian absolutism, I first focused on Deborah Baumgold, who interprets Hobbes’s

⁷⁸ Ibid.

⁷⁹ Ibid.

absolutism primarily in terms of the possession of authority, and for a clear reason. Hobbes perceived the chief cause of civil strife, according to her, to be elite conflict; a particular, local and historical problem. Hobbes argued that divided sovereignty lends constitutional legitimacy to bids for power by ambitious elites, and hence undivided sovereignty. This would strip that constitutional legitimacy, thus remedying the problem. Since the chief cause of civil war was the division of the institution of sovereignty, made manifest by elite conflict, the extent to which Hobbes's sovereign can be said to be absolute is contingent on its efficacy for preventing it. Hobbes's sovereign is absolute, therefore, in the sense of absolute dominion: the sovereign, in this description of it, is not only the sole person in possession of institutional authority, but it is also the only institution to which obedience is owed.

Baumgold's argument has an important consequence: if the extent to which the sovereign is absolute is limited to dominion, and if Hobbes's argument for absolute dominion is also contingent on its efficacy for procuring and maintaining civil peace, it suggests that the sovereign's exercise of authority is not intended by Hobbes to be arbitrary. This is indeed what Baumgold argues, and although I have focused on arguments for absolute authority in this chapter, I will examine her arguments concerning the limits to sovereign authority in greater detail in a Chapter seven.

While Baumgold limits Hobbes's absolutism to dominion, there are some that extend his absolutism to the exercise of authority. In this chapter I focused on three noteworthy interpreters that argue this case; I will in chapters three and four, however, present arguments that dissent with these, despite my affinity for their interpretative assumptions and focus.

In these subsequent chapters, I will agree with Plamenatz that while the sovereign does indeed possess the *right* to freely exercise its authority, there are exercises of it that Hobbes believes will threaten civil peace, and he seeks to oblige the sovereign to refrain from

exercising it to that effect in those instances. The sovereign must indeed be seen as the final arbiter, but there are commands, particularly religious commands, which will undermine the sovereign being recognised as the final arbiter and must, therefore, be avoided. While the sovereign has the right to freely exercise his authority, the sovereign is also obliged not to exercise it in those instances where a command will undermine the subjects' recognition of that right. In other words, Hobbes describes a limit on the exercise of sovereign authority: the sovereign may have authority over certain matters, yet Hobbes clearly cites both principles and examples which stress that the sovereign should not exercise his authority over these matters. These restrictions, I will argue, are ultimately derived from the natural laws, in accord with which the sovereign is obliged to rule.

King's mistake is, my subsequent arguments will suggest, that he exaggerates the extent of Hobbes's adherence to a norm of absolutism. In contrast, I will argue that Hobbes's real adherence was to the norm of peace. My interpretation in Chapters three and four will make apparent that Hobbesian absolutism is not an end in and of itself, rather civil peace is, and to that end, the endeavour for ever-increasing authority is counter-productive and cannot, therefore, be accurately described as normative absolutism.

This is evident in Hobbes's limiting the exercise of sovereign authority in those instances where a command may or will threaten civil peace; Hobbes does address the issue of which commands ought to be avoided because they would be highly unlikely to ever be considered 'right' or 'just', and thus would undermine the sovereign's right to exercise authority to the extent that it requires a corresponding belief on the part of subjects' that every command of the sovereign be obeyed without qualm.

This reality is present in a Christian commonwealth, which Hobbes spends a very considerable amount of time discussing. As King well knows, and with which I agree, civil

peace requires the management of subjects' disposition to obey the sovereign. King's interpretation is not particularly holistic, however, and his argument that the exercise of authority serves to reinforce that there is *only one source of authority* fails to take into account the rationale for authorisation that a sovereign must instil in Christian subjects. As I will argue, when the sovereign's authority extends over a Christian commonwealth, the subjects' belief in God complicates the sovereign's management of the disposition of his subjects to obey him. Hobbes attempts, I will argue, to alleviate this complication within the framework of his fundamental objective: the creation of a commonwealth in which choices do not arise amongst subjects between obedience to God and obedience to man. A key consequence of this, and what is at odds with King's interpretation, is that Hobbes clearly asserts the possibility that certain commands may upset the sovereign's authority that the otherwise submissive and obedient Christian subjects recognise. Hobbes advises, indeed obliges, the sovereign to ensure that the content of particular commands be contingent on their consistency with effecting civil peace over, or at least alongside, the assertion that all commands *per se* are absolute. The exercise of authority, therefore, is not unlimited, nor is it independent of its efficacy for civil peace, and most certainly it is not subordinate to a norm of absolutism.

In subsequent chapters I will also challenge Tarlton's interpretation by emphasising the sovereign's obligation to rule according to the natural law, alongside Hobbes's acknowledgement that the *de facto* authority of the sovereign is dependent on the recognition of subjects. The sovereign, I will argue, must maintain peace, and doing so requires adherence to the laws of nature, just as his possession of authority itself is prescribed by the laws of nature. In accordance with this, the sovereign must act *as if* his authority has been consented to, and he is, therefore, in effect demonstrating that his subjects possess a right to self-governance by recognising that his subjects transferred their right to self-governance to him in

order to secure their peace and preservation. In short, the sovereign's exercise of authority is not unlimited, because to exercise it arbitrarily, or to exercise it as if the sovereign had no obligation to rule according to the natural laws, would be to undermine the recognition of his authority, which would lead directly to civil discord.

Moreover, my argument in Chapter Four will question Tarlton by claiming that the right to exercise authority is not absolute in the sense that not all exercises of it are authorised: (i) the sovereign does not possess authority over everything, there is a particular and important domain over which his authority does not extend; (ii) the sovereign is obliged to refrain from exercising his authority in a certain way or to a certain effect; and (iii) competing rights exist belonging to subjects which do indeed frustrate the sovereign's exercise of authority. Ultimately, Tarlton does not fully appreciate the essential role of the natural laws in Hobbes's thought. His account fails to adequately address *why* Hobbes would even bother describing all these potential limits—which Tarlton thinks amount to nothing. As I will argue, however, ruling according to and within these limits is a practical and effective means to maintain civil peace; which is Hobbes's ultimate concern.

Chapter 2 Dominion and the authorship of the Natural Laws

2.1 Civil peace and the “Christian problem”

Problems arise, Hobbes argues, when two or more powers exist, each claiming to possess authority, and each claiming that obedience is owed to them. Hobbes expresses his belief in *Leviathan* that the side-by-side existence of competing authorities is untenable for the following simple reason: “Men cannot serve two masters” (*L*, 392). His general solution to this untenable situation is fairly straightforward: he proposes an absolute sovereign who is the sole, legitimate possessor of authority, and to whom all subjects ultimately owe their obedience.

However, while this solution may be effectively implemented in a secular commonwealth, Hobbes does not believe that this would sufficiently resolve the problem of obedience in a Christian commonwealth. In a Christian commonwealth, Hobbes argues, the two masters are God and man, and one’s duty to obey God may be perceived as taking precedence over one’s duty to obey the sovereign. Hobbes, in fact, identifies this problem as “the most frequent pretext of sedition and civil war” (*L*, 397).

Leviathan’s most explicit passage illustrating Hobbes’s emphasis on this topic is worth citing:

The most frequent pretext of sedition and civil war, in Christian commonwealths, hath a long time proceeded from a difficulty, not yet sufficiently resolved, of obeying at once both God and man, then when their commandments are one contrary to the other. It is manifest enough that when a man receiveth two contrary commands, and knows that one of them is God’s, he ought to obey that and not the other, though it be the command even of his lawful sovereign (whether a monarch or a sovereign assembly) or the command of his father (*L*, 397).

The most common form in which this problem manifests itself is the obedience demanded by both ecclesiastical and civil powers; ecclesiastics invoke the authority of God, which conflicts with the authority of the civil power. From Hobbes's correspondence we learn that insofar as his views regarding the relationship between church and state are concerned,

There is no doubt that he thought the establishment of the truth on this question was of the highest importance in securing peace in England. In 1641 he told the Earl of Devonshire that the dispute 'betweene the spirituall and civill power, has of late more than any other thing in the world, bene the cause of civill warre'.⁸⁰

Hobbes's assessment does not appear to be far off the mark, and even a cursory glance at *Leviathan's* contents reflect his careful attention to the matter:

Events bore out his claim, for disagreements on questions of church government played a large part in bringing about civil war in England in 1642, and debate on this issue remained heated throughout the 1640s and 1650s. It is no accident that far and away the longest chapter in *Leviathan* is the forty-second – 'Of Power Ecclesiasticall'.⁸¹

If the religious aspects of *Leviathan* are taken into full account, it becomes evident that in order to resolve what Hobbes perceived to be the problem of a body politic pulled upon by contending, institutional authorities, he proposes a political-*theological* system in which the two authorities do not come into conflict, and in which both may not lawfully demand obedience. Accordingly, Hobbes, as a preliminary measure, attempts to eliminate the conflict by eliminating competing claims to institutional authority—by granting authority to a sole power, namely, a Christian sovereign⁸². According to Hobbes, Christian sovereigns ought to:

⁸⁰ Johann P. Sommerville, *Thomas Hobbes: Political Ideas in Historical Context* (London: The Macmillan Press Ltd., 1992), p. 113.

⁸¹ Sommerville, p. 113.

⁸² In Chapter three I will argue that Hobbes's "Christian sovereign" is not necessarily a sovereign who is a believing Christian, but rather is meant to describe a sovereign, whether he is a believing Christian or not, of a Christian commonwealth.

. . . have all manner of power over their subjects that can be given to man for the government of men's external actions, both in policy and religion, and may make such laws as themselves shall judge fittest for the government of their own subjects, both as they are the commonwealth and as they are the Church; for both State and Church are the same men (*L*, 372).

If Hobbes's concern was primarily and simply the division of power, as Baumgold suggested it would be, at a glance, conceivable that Hobbes's problem could have been resolved just as well by granting ecclesiastics both spiritual and civil authority. It is evident, however, that Hobbes did not do so due to his scepticism about revelation or supernatural inspiration. The difficulty consists in this:

. . . that men, when they are commanded in the name of God, know not, in divers cases, whether the command be from God, or whether he that commandeth do but abuse God's name for some private ends of his own. [*OL*: Not because there is anyone who does not know that we ought to obey God rather than any man whatever, but because sometimes they do not know whether what is commanded by man in the name of God is really commanded by God, or whether the one who commands abuses the name of God for his own benefit.] For as there were, in the Church of the Jews, many false prophets, that sought reputation with the people by feigned dreams and visions, so there have been, in all times in the Church of Christ, false teachers, that seek reputation with the people by fantastical and false doctrines, and by such reputation (as is the nature of ambition) to govern them for their private benefit (*L*, 397).

The command of a representative of God or an ecclesiastical authority is subject to doubt, for although "God Almighty can speak to a man by dreams, visions, voice, and inspiration, yet he obliges no man to believe he hath so done to him that pretends it, who (being a man) may err, and (which is more) may lie" (*L*, 247).

Therefore, the problem with revelation, for Hobbes, is not a problem with revelation *per se*, but rather with the legitimacy of its agents; whose version of the revealed will of God should be taken as authoritative? Competing versions are precisely what, according to Hobbes, lead to conflicts not only between civil and ecclesiastical authorities but also between

disparate ecclesiastical authorities⁸³.

To remedy this, Hobbes systematically undermines two of the three traditional sources of revelation, that is, prophecy and miracles.⁸⁴ In their place, he attributes solely to the third, Scripture, verifiable and legitimate revelatory content (*L*, 249). In order to prevent alternative, and thereby potentially contradictory, interpretations of Scripture from gaining legitimacy he names the sovereign as the sole authoritative interpreter of Scripture. In addition, since revelation is not perceived by Hobbes to be the problem so much as the question of whose version of God's will is authoritative, the sovereign must be *considered* a true prophet of God. Hobbes writes,

. . . when Christian men take not their Christian sovereign for God's prophet, they must either take their own dreams for the prophecy they mean to be governed by, and the tumor of their own hearts for the Spirit of God, or they must suffer themselves to be led by some strange prince or by some of their fellow subjects that can bewitch them, by slander of the government, into rebellion . . ., and by this means destroying all laws, both divine and human, reduce all order, government, and society to the first chaos of violence and civil war (*L*, 293).

In other words, for the sake of civil peace, the sovereign's interpretation of God's will must be considered authoritative; whether it is true or false, accurate or inaccurate, should be of no political consequence. In any event, it cannot be conclusively known what God's will is.

By including what were traditionally thought of as spiritual powers—traditionally held, in turn, by ecclesiastical authorities—in the authority of a Christian sovereign, Hobbes essentially strips ecclesiastical authorities of their traditional domain. Hobbes stresses,

⁸³ Nor did Hobbes believe that the problem of revelation—essentially challenges made to the sovereign's claim of authority—was confined to challenges from *established* ecclesiastic institutions. Anyone claiming to have special knowledge of God may contend that their knowledge of God's will conflicts with the sovereign's law. If God's authority is perceived to take precedence over the sovereign's, *any* claim of supernatural inspiration may, therefore, potentially conflict with the sovereign's authority.

⁸⁴ Note *Leviathan* chap. xxxvi and chap. xxxvii (in particular xxxvii 6).

however, that the authority which ecclesiastics claim to possess—spiritual authority—is not even a true form of authority: ‘spiritual’ authority ought not to be distinguished from ‘temporal’ authority. He then argues that conflicts between ecclesiastical and civil authorities competing for sovereign authority cannot be resolved by maintaining the distinction between ecclesiastical and civil authority⁸⁵.

Michael Oakeshott, for instance, notes that the authority possessed by Hobbes’s sovereign is “an authority which is not temporal *and* spiritual . . . , but single and supreme. And the association represented in his person is not a state *and* a church, for a true church . . . is ‘a company of men professing Christian Religion, united in the person of one Sovereign’”⁸⁶. Hobbes does not propose a sovereign possessing both civil and ecclesiastical authority, but rather a sovereign possessing simply authority. There is no proper distinction between civil and ecclesiastical authority for Hobbes. If, he argues, the sovereign is considered to possess both civil and ecclesiastical authority, or both temporal and spiritual authority, then the problem remains unresolved despite the sovereign’s dual authority, since “if it be one kingdom, either the *civil*, which is the power of the commonwealth, must be subordinate to the *ghostly*, and then there is no sovereignty but the *ghostly*, or the *ghostly* must be subordinate to the *temporal*, and then there is no supremacy but the temporal” (*L*, 216). Rather, the sovereign must possess simply authority, the exercise of which is not to be divided between civil and

⁸⁵ J. G. A. Pocock, for instance, makes a distinction “between [Hobbes’] philosophical and theological justifications for the exercise of ecclesiastical power by the civil sovereign . . .”, as cited in Springborg, “*Leviathan, The Christian Commonwealth Incorporated*” *Political Studies*, 24 (1976) p. 137. Springborg criticises Pocock’s position that these two justifications are autonomous, and argues, rather that they “interpenetrate” (Springborg, 146). Both arguments assume that Hobbes meant ecclesiastical authority to signify proper authority, which in turn assumes that Hobbes maintained a distinction between ecclesiastical and civil authority.

⁸⁶ Michael Oakeshott, “Introduction to *Leviathan*” in *Rationalism in Politics and Other Essays* (Indianapolis: Liberty Fund, 1991), p. 272.

ecclesiastical or temporal and spiritual jurisdictions.

This is not to say, however, that Hobbes's sovereign does not possess authority that had been traditionally identified or considered to be ecclesiastical or spiritual. Indeed, Hobbes's sovereign does possess authority over those things that had traditionally been in the church's domain. For instance, the sovereign decides which books of Scripture are to be canonical, and is the sole interpreter of the Scriptures⁸⁷. However, Hobbes maintains that what had traditionally been considered ecclesiastical authority is no different than civil authority, and it was an error to consider the two distinct.

Ecclesiastical power, Hobbes argues, which is what "was left by our Saviour to the apostles" (*L*, 336), is "only a power to proclaim the kingdom of Christ, and to persuade men to submit themselves thereunto" (*L*, 336). Persuasion, moreover, is not to be accomplished through "coercion and punishing" (*L*, 337). Thus,

. . . the office of Christ's ministers in this world is to make men believe and have faith in Christ; but faith hath no relation to nor dependence at all, upon compulsion or commandment, but only upon certainty or probability of arguments drawn from reason or from something men believe already. Therefore, the ministers of Christ in this world have no power by that title to punish any man for not believing or for contradicting what they say (*L*, 337).

Notice Hobbes's emphasis upon the inability of coercion to instil belief. In the Latin edition of *Leviathan* (1668), Hobbes adds "But no one can be compelled to believe, either by a command or by force, but only by reason, and arguments drawn either from reason or from something they already believed" (*OL*, 337). Hobbes denies political power as a means of securing belief not only to the "ministers of Christ", but also to the sovereign: "As for the inward *thought* and *belief* of men, which human governors can take no notice of (for God only

⁸⁷ The sovereign as canonical legislator and sole interpreter of Scripture is portrayed by Hobbes in *Leviathan* xxxiii (1) and xxxiii (24) respectively.

knoweth the heart), they are not voluntary, nor the effect of the laws, but of the unrevealed will, and of the power, of God, and consequently fall not under obligation” (*L*, 318). Sovereigns “cannot know whether we believe or not, nor if they knew, change [our belief]” (*OL*, 338). As such, even should a sovereign “forbid us to believe in Christ ... such forbidding is of no effect, because belief and unbelief never follow men’s command” (*L*, 338).

This implies, therefore, that ecclesiastical authority, as traditionally conceived, is not authority proper; this suggests that it is insufficiently binding to be consistent with Hobbes’s definition of authority, “the right of doing any action” (*L*, 102). Hobbes argues that the aim of ecclesiastical action is to “make men believe and have faith in Christ”, yet the tools of coercion and compulsion are unavailable to achieve this end. Only persuasion may be effectively employed to this end. Ecclesiastical authority consists only of a power to employ persuasion and, therefore, is not of “a right of doing any action”, but rather is relegated to a very limited role⁸⁸.

While ecclesiastical authority does not strictly exist for Hobbes, the power possessed by the sovereign may be legitimately exercised over that which was traditionally considered to be under ecclesiastical authority. Although Hobbes’s Christian sovereign can no more influence his subjects’ beliefs through coercion and compulsion than can the church, the sovereign does have authority over the making and enforcement of laws, including religious laws⁸⁹. While the church has no power “by that title of Christ’s ministers, to punish such; but if they have sovereign civil power, by politic institution, then they may indeed lawfully punish

⁸⁸ The role Hobbes has in mind for the Church is mainly an instructional, evangelical one: “The work of Christ’s ministers is evangelization, that is, a proclamation of Christ and a preparation for his second coming, as the evangelization of John [the] Baptist was a preparation to his first coming (xlii, 8).

⁸⁹ In Chapter four I will argue that the sovereign’s exercise of authority in the making of religious laws is limited by Hobbes.

any contradiction to their laws whatsoever” (*L*, 337). Authority over religious matters, therefore, is neither ecclesiastical nor civil authority, but rather sovereign authority. Hobbes argues, again, that this conception and arrangement is necessary. Otherwise there will “follow faction and civil war in the commonwealth: between the Church and State; between spiritualists and temporalists; between the sword of justice and the shield of faith; and (which is more) in every Christian man’s own breast, between the Christian and the man” (*L*, 316).

This prescription substantially changes the dynamics of ecclesiastical and civil authority in terms of Hobbes’s aim to eliminate the dual claims of each, and particularly claims by ecclesiastics to civil authority, ensuring that the sovereign’s authority over religious matters does not conflict with church authorities. In other words, the initial part of Hobbes’s solution to the problem of men being unable to serve two masters is to eliminate the institutional authority of one of the masters, the ecclesiastics. Ecclesiastical authority, however, is only one—albeit significant—manifestation of the fundamental problem: obedience to God versus obedience to man. Ecclesiastical authority claims to be derived from the authority of God, and Hobbes, as we have seen, denies the legitimacy of obeying those who claim to represent God, and denies the legitimacy of trusting another’s version of God’s will. This does not appear to eliminate the authority of God, however. Rather, it severely limits one’s ability to obey God; one cannot know God’s will through traditional means, so what commands are there to obey, besides those of the gate-keeper (i.e. the Christian sovereign) of the only legitimate source of revelation (i.e. Scripture)? In other words, therefore, Hobbes not only strips ecclesiastics of their ability to command obedience, but appears to strip Christians of their ability to choose to obey God over man.

It would appear, then, that to solve what he believed to be the fundamental problem facing a Christian commonwealth—obedience to God versus obedience to man—Hobbes

affirms that the ability to obey God is severely limited. This appearance has led critics of Hobbes to charge him with stripping his Christian commonwealth of the characteristics which make a commonwealth essentially Christian, thereby making its ultimate foundations indistinguishable from the foundations of *any* peaceful commonwealth.

In all this, Hobbes makes an implicit distinction between that which is inimical and necessary for peace in *all* commonwealths, and that which is peculiar to *Christian* commonwealths. Whereas all commonwealths need a sovereign, for example, Christian commonwealths require a Christian sovereign; whereas all commonwealths are threatened by competing authorities, the most acutely dangerous manifestation of this problem is peculiar to Christian commonwealths.

Due to this distinction, a reader of Hobbes is likely to question whether or not Hobbes's Christian commonwealth is Christian in name only; that is to ask if to eliminate the peculiar problems facing a Christian commonwealth, Hobbes eliminates the essential peculiarities which make the commonwealth Christian?

Certain critics of Hobbes argue precisely this; that by eliminating the essential peculiarities of what makes a commonwealth Christian—for example, by eliminating the claims of ecclesiastics to authority, and by eliminating the legitimacy of Christian revelation—what remains of Hobbes's Christian commonwealth is not actually Christian. Rather, they argue that Hobbes's Christian commonwealth is devoid of any meaningful Christian content, and has its foundations in secular, non-religious principles, which Hobbes believed should be common to all commonwealths: the natural laws and natural rights. Hobbes, in other words, thought that to maintain peace in a commonwealth that is Christian it is necessary to eliminate, *in effect*, the authority of God. In God's place he founded his commonwealth upon the natural laws which function independently of God. In this way, his critics argue, Hobbes ensured that

men would not be forced to choose between two masters.

Importantly, however, Hobbes does not eliminate *in principle* the authority of God. In opposition to the above interpretation, there are those that note that Hobbes equated the natural laws with God's laws. Therefore, while Hobbes may have eliminated some traditional attributes of a Christian commonwealth, he ultimately made the foundation of his commonwealth God. God, according to this interpretation, is necessary for the authority of both the natural laws and the sovereign; God is ultimately the authorising agent. It is, therefore, argued that Hobbes maintains the authority of both God and man; men *can*, without conflict, serve two masters, when God is considered the 'true' master.

The above debate, therefore, is essentially a debate over whether or not God is intended by Hobbes to be the actual author of the natural laws. By focusing on this aspect of *Leviathan*, the debate correspondingly assumes that the religious problem—obedience to God versus obedience to man—is overarching. That is, the debate focuses almost exclusively upon which author—God or man—is ultimately to be obeyed⁹⁰. Both sides of the debate, however, are represented in two discernible arguments present in *Leviathan*. Both sides of the debate present evidence from *Leviathan* which indicates either that the natural laws are God's laws, or that they are ultimately based upon secular principles.

In the following sections of this chapter, I will examine both sides of this debate, which focuses on whether or not God is necessarily the author of the natural laws in Hobbes's

⁹⁰ Although generally, the two interpretations are primarily concerned with "the sincerity of Hobbes's often professed belief in Christianity and its status in his overall political-theological scheme" (John W. Seaman "Hobbes and the Liberalization of Christianity." *Canadian Journal of Political Science* 32 (1999) p. 227), both interpretations carry this atheist/theist debate into an area of focus which they perceive to be indicative of their respective positions: whether Hobbes justifies his sovereign's authority ultimately upon secular or religious grounds, and whether or not God is ultimately the author of the natural laws.

Leviathan. It will be noted that the two sides of the debate represent two discernible arguments in *Leviathan*, making it extremely difficult to establish Hobbes's true intent⁹¹.

2.2 Authorship of the natural laws

The debate focuses on whether or not Hobbes ultimately intended God to be the author of the natural laws, and similarly focuses on the natural laws as foundational principles. If the natural laws are taken to be foundational principles, then this focus on God's role in Hobbes's system deserves and warrants due attention: whether or not the natural laws are God's laws will determine the nature of the ultimate authority—theistic or not—in Hobbes's system.

Two general interpretations have offered particular responses to this query. The first maintains that Hobbes based the authority of an essentially civil sovereign on strictly secular, rational grounds to the exclusion of religious, revelatory grounds. That is, Hobbes subordinated revelation to reason in the justification of his sovereign's authority. The second position interprets Hobbes as basing the authority of his sovereign ultimately upon God.

In addition, both interpretations have at their root a more or less explicit acknowledgement of the importance and centrality of natural law to Hobbes's politico-theological system in *Leviathan*. Indeed, any focus on how Hobbes justifies the sovereign's authority must necessarily correspondingly focus on an interpretation of his natural laws. This is so because those natural laws form the basis upon which Hobbes both explains the rationality of, and provides the justification for, individuals consenting to lay down their alienable rights in pursuit of a commonwealth, thereby becoming subjects of a sovereign

⁹¹ This difficulty will prompt a switch in focus, to be discussed in Chapter Three. I will, in that chapter, focus on the natural laws as practical, ruling principles, which in turn, suggests that Hobbes had a practical, instrumental role in mind for the *idea* of God.

power.

It is, accordingly, acknowledged or assumed by both groups of interpreters that the natural laws prescribe the authority of the sovereign. Hence, the fundamental difference between them is not derived from their positions on whether or not the natural laws prescribe the authority of the sovereign, but rather from their positions on the question of whether or not the natural laws prescribe the authority of the sovereign *because* they are God's laws.

2.2.1 Reason and secular authorship

Taking each interpretation in turn, those that argue that Hobbes ultimately made the foundation for his sovereign's authority rest solely upon reason and natural law make two general claims⁹². First, it is argued that by making natural law the ultimate foundation for his sovereign's authority, Hobbes excluded any divine or revelatory source of authority. Secondly, in order to effectively do so, given the circumstances of his time, Hobbes did this in a disingenuous fashion.

According to Basil Willey, for instance, Hobbes was a deist. Hobbes meant to do away with the superstitious Gentile God, and replace Him with the One God; "first mover and designer of the world machine"⁹³. Simply put, "For him the word God is really little but a

⁹² This view, under the umbrella interpretation of characterising Hobbes as an eliminator of Christian authority, can be found in Jan H. Blits, "Hobbesian Fear", in *Political Theory* 17 (1989); David Johnston, *The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation* (Princeton: Princeton University Press, 1986); Paul D. Cooke, *Hobbes and Christianity: Reassessing the Bible in Leviathan* (Lanham: Rowman & Littlefield, 1996); Edwin Curley, "Calvin and Hobbes, or, Hobbes as an Orthodox Christian," *Journal of the History of Philosophy* 34 (1996); Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis* (Chicago: University of Chicago Press, 1963); Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1965); "On the Basis of Hobbes's Political Philosophy", in Leo Strauss, *What is Political Philosophy? And Other Studies* (Westport: Greenwood Press, 1976); Basil Willey, *The Seventeenth Century Background: Studies in the Thought of the Age in Relation to Poetry and Religion* (Garden City: Doubleday, 1953).

⁹³ Willey, p. 118.

symbol of the philosopher's fatigue"; the necessary first mover of causal theory⁹⁴.

Since this view was far from orthodox, however, Willey attributes to Hobbes a disingenuous method shared by other radical Protestant contemporaries: by attacking "Popery" they could, with every appearance of religiosity, "demolish the very foundations of religion itself"⁹⁵. While attacking the institutions of the Church was certainly radical—although it could be more palatably justified by appealing to the Church's apparent deviation from God's will—attacking the truth of Scripture was outright heretical, since Scripture was considered the Word of God. Willey writes, "... the Bible, or rather the contemporary attitude towards it, was perhaps the greatest of all the obstacles to the 'exaltation of Truth'. As the 'Word of God' it could neither be denied nor ignored, and there was therefore no alternative but to 're-interpret' it and to confute the current 'misinterpretations'"⁹⁶. Hobbes was, therefore, forced to re-interpret Scripture in order to achieve his goal of eliminating Christian authority. By simply arguing that reason is the "undoubted word of God" and ought never to be renounced, Hobbes, according to Willey, reveals his clear preference for reason over other, and what he perceived to be less reliable, sources of revelation⁹⁷. When revelation, or Scripture, seems to conflict with reason, the dictates of reason, given exalted status by Hobbes, must take precedence. In fact, Willey argues, Hobbes states that Scripture and reason cannot conflict, since both are sources of revelation; they may merely *appear* to conflict.

Through these means, Willey believes Hobbes successfully undermines the authority of Scripture. Since the sovereign's authority is justified by reason, any challenges to the

⁹⁴ Ibid.

⁹⁵ Ibid., p. 120.

⁹⁶ Ibid.

⁹⁷ Ibid, p. 121.

sovereign's will via some other source of revelation must not take precedence over the sovereign's will. Since reason must be obeyed, the will of the sovereign must be obeyed. "The reverence we owe to Scripture ...", therefore, turns out "... to be yet another aspect of our general obligation to obey constituted authority"⁹⁸.

Leo Strauss follows Willey quite closely in his understanding of Hobbes's intentions for Christianity. On religion, Strauss states that Hobbes's writings were guided by this fundamental question: "On what authority does one believe that Scripture is the word of God?"⁹⁹ He claims Hobbes's response in *Leviathan* is: "On the authority of the teachers whose teaching is permitted and organized by the sovereign power, i.e. one confesses verbally—for thoughts are free—that Scripture is the word of God, because secular authority commands this confession"¹⁰⁰. Like Willey, therefore, Strauss understands Hobbes to subordinate the authority of Scripture to the authority of the sovereign; Scripture has full authority—political and ecclesiastical—only because of the sovereign's will.

Strauss attributes this position to Hobbes's true religious beliefs and their incompatibility with the prevalent beliefs of his time. Hobbes, under this view, held two fundamental attitudes towards religion: one concerned natural religion, and the other concerned positive religion.

According to Strauss, Hobbes in his later life and during the writing of *Leviathan* believed that it was "completely impossible" to have any "natural knowledge of God which is more than the knowledge that a First Cause exists"¹⁰¹. Thus, like Willey, Strauss views

⁹⁸ Ibid, p. 121.

⁹⁹ Strauss (1963), p. 72.

¹⁰⁰ Ibid.

¹⁰¹ Ibid, p. 76.

Hobbes as a deist. Strauss maintains that this belief had two major implications for Hobbes's religious writings. First, he "systematically excluded" both revealed and natural theology from his philosophy. Second,

In order to hide the dangerous nature of this skepticism, to keep up an appearance that he attacked only scholastic theology and not the religion of the Scripture itself, Hobbes fought his battle against natural theology in the name of strict belief in the Scriptures and at the same time undermines that belief by his historical and philosophical criticism of the authority of the Scriptures.¹⁰²

Alongside this motivation for eliminating the authority of Christianity, Strauss attributes to Hobbes another, namely his attitude towards positive religion. Religion, Hobbes says according to this view, "must serve the State and is to be esteemed or despised according to the services or disservices rendered to the State"¹⁰³. A golden mean was reachable for Hobbes, according to Strauss, between atheism on the one hand and superstition on the other, only when it "consists in subordination to the religion which is prescribed by the State and never comes into conflict with the State"¹⁰⁴.

Strauss's interpretation, therefore, argues that Hobbes meant to destroy the divine authority of Christianity and the Bible, and, while not entirely eliminating the authority of Christianity *per se*, placed the power to authorise Christianity in the hands of the sovereign. Strauss's position on this point is very similar to that of Willey, who also considered Hobbes's re-interpretation of Scripture as an attempt to undermine its authority in favour of sovereign authority. Strauss adds to this view by attributing to Hobbes a dual motive; Hobbes was a deist who was sceptical of revelation and, therefore, attempted to eliminate it as a source of

¹⁰² Ibid., p. 76.

¹⁰³ Ibid., p. 74.

¹⁰⁴ Ibid, p. 75. Cf. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1965), p. 198; Strauss writes that Hobbes' scheme "requires for its operation the weakening, or rather, the *elimination* of the fear of invisible powers [emphasis added]".

authority. Moreover, because Hobbes believed religion could disserve the state, he believed that for practical purposes religion should be subordinate to the state.

Others agree with Strauss that Hobbes desired to eliminate Christianity's authority, and while they concur with the original motivation that Strauss attributed to Hobbes, have added to Strauss's arguments. They argue that Hobbes believed the authority of Christian revelation to be incompatible with what he really wanted to found his political system upon: natural rights and natural law¹⁰⁵.

Cooke, for instance, writes that Hobbes ultimately taught

... that the formerly highest authorities—the Bible and God—have been dethroned and replaced by the sovereignty of man ... that human beings are not only free to establish their own moral authorities, they are also alone in the universe and have no choice—they must create their own moral order with no other guide than their own needs. Hobbes did not intend to teach a broad audience that in the liberation of human beings from all authorities they do not themselves create, there is no longer to be any higher support for human lives than the foundation called natural rights. But this is precisely what his teaching indicates, once his treatment of the Bible is revealed for what it is.¹⁰⁶

To summarise this position, it is first argued that by making natural law the ultimate foundation for his sovereign's authority, Hobbes excluded any divine or revelatory source of authority. This interpretation not only argues that Hobbes excluded such sources; it maintains that Hobbes systematically excluded them, this being indicative of an effort on Hobbes's part to eliminate Christian revelation as a source of political or ecclesiastical authority. Hobbes did so, according to this position, because he realised that reason, natural right, and natural law, upon which he truly intended to found his political philosophy, were incompatible with certain doctrines that were central to the Christian faith. His reinterpretation of Christianity and

¹⁰⁵ Refer to footnote seventy-two of this chapter.

¹⁰⁶ Cooke, *Hobbes and Christianity: Reassessing the Bible in Leviathan* (1996), p. 37.

Scripture was, therefore, intended to remedy these incompatibilities, and Hobbes accordingly corrupted Christianity to make it compatible with natural right and law.

Secondly, it is argued that Hobbes did so in a disingenuous fashion. Those that subscribe to this interpretation are sceptical of Hobbes's claims to be a sincere Christian, and make the general assertion that "Hobbes was an atheist who sought to hide his real purpose of eliminating the authority of Christian revelation under a veneer of public piety"¹⁰⁷. Parts III and IV of *Leviathan*, for example, deal exclusively with Scriptural interpretation, and while this interpretation may be heterodox, Hobbes maintains that Scripture does support his political system because the natural laws can be inferred from Scripture. Hobbes also maintains that Scripture is the revealed word of God, and, therefore, both reason and revelation lead to knowledge of the natural laws. To sceptics, however, this is not evidence of Hobbes's sincerity, but rather it is precisely what constitutes Hobbes's veneer of piety.

2.2.2 God and theistic authorship

Those who argue, on the other hand, that Christian principles *are* essential to Hobbes's system take the starting point that while Hobbes does justify the authority of the sovereign by appeal to the natural laws, Hobbes equates those natural laws with God's laws¹⁰⁸. If this is the

¹⁰⁷ Seaman, p. 228.

¹⁰⁸ Examples of this position can be found in Eldon J. Eisenach, *Two Worlds of Liberalism: Religion and Politics in Hobbes, Locke, and Mill* (Chicago: University of Chicago Press, 1981); Willis B. Glover, "God and Thomas Hobbes", in K. C. Brown, ed. *Hobbes Studies*; S. A. Lloyd, *Ideals as Interests in Hobbes's Leviathan: The Power of Mind over Matter* (Cambridge: Cambridge University Press, 1992); F. C. Hood, *The Divine Politics of Thomas Hobbes: An Interpretation of Leviathan* (Oxford: Clarendon Press, 1964); John Hunt, *Religious Thought in England in the Nineteenth Century* (London: Strahan & Co., 1870); Paul J. Johnson, "Hobbes's Anglican Doctrine of Salvation", in Ross, Schneider, and Waldman, eds., *Thomas Hobbes in His Time* (Minneapolis: University of Minnesota Press, 1974); ; A. P. Martinich, *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics* (Cambridge: Cambridge University Press, 1992); Joshua Mitchell, "Hobbes and the Equality of All under the One", *Political Theory* 21 (1993); Herbert W. Schneider, "The Piety of Hobbes", in Ross, et. al. *Thomas Hobbes in His Time* (date); Stephen State, *Thomas Hobbes and the Debate over Natural*

case, they argue, then if Christianity is a crucial and inextricable aspect of his political philosophy, Hobbes could not have intended to eliminate the authority of Christianity. It is, they argue, counterintuitive for a sincere Hobbes to have based his political philosophy on Christian principles, while in the meantime eliminating the authority of those Christian principles. It is also, however, undeniable that Hobbes did indeed put an extraordinary emphasis on natural law and reason in parts I and II of *Leviathan*. It is also apparent that Hobbes bases the authority of his sovereign on them. The challenge for this interpretation, therefore, is to demonstrate that Hobbes did not believe Christianity to be incompatible with natural right and natural reason, but that Christian principles, rather than natural right and natural reason exclusively, provided the foundation of his political system.

This position advances two basic premises which mean to establish that Christian principles are essential to the justification for the authority of Hobbes's sovereign. First, it claims that natural law is the command of God in Hobbes's account. Insofar as the justification for the sovereign's authority is concerned, the natural laws state that the consent of the governed authorises the sovereign's authority. Because the natural laws are God's laws, however, while the sovereign's authority may proximately be a result of his subjects' covenant, the sovereign's authority ultimately is derived from God. God's laws dictate that humans covenant to authorise a sovereign power and, therefore, it is not consent that authorises the sovereign ultimately but the fact that consent was commanded by God.

Law and Religion (New York: Garland Publishing Inc., 1991); A. E. Taylor, "The Ethical Doctrine of Hobbes", in K. C. Brown, ed., *Hobbes Studies* (Oxford: Basil Blackwell, 1965); Howard Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Clarendon Press, 1957); George Wright, "Introduction to 1668 Appendix to *Leviathan*," *Interpretation* 18 (1991); and Cameron Wybrow, "Hobbes as an Interpreter of Biblical Political Thought", in Kim Ian Parker, ed. *Liberal Democracy and the Bible* (Lewiston: Edwin Mellen Press, 1992).

Secondly, it is argued that Hobbes did not understand revelation to be inconsistent with reason or natural law. Rather, reason is the method by which God reveals His law, part of which is natural law. Compared with the other position on this matter—that the will of God is known only through revelation and, therefore, natural law replaces revelation as a source of authority—a fundamental difference between these two interpretations arises, which revolves around their answer to the question of how Hobbes believes God’s will is revealed. Those who characterise Hobbes as eliminating revelation argue that God’s will, according to Hobbes, can only be known through revelation, and since revelation is not conclusive and is often contradictory, Hobbes thought it best to replace revelation as a source of authority with natural law. Those who maintain that Hobbes’s system is consistent and reliant upon Christian principles argue that Hobbes believed God’s will *is* revealed through natural reason and law. It is conceded that Hobbes wished to deny legitimacy to other sources of revelation. Since, however, natural law is the revealed word of God, there is no conflict between revelation and natural law.

Clearly, whether or not Hobbes ultimately rested the authority of his sovereign upon God is closely related to the question of what Hobbes’s religious beliefs were, and what his intent in *Leviathan* was. This question, Samuel I. Mintz points out, similarly preoccupied many of Hobbes’s contemporaries. Offered, at least in part, as a remedy to Hobbes’s secularist interpreters is Mintz’s reminder that Hobbes

. . . was the *bête noire* of his age. The principal objection to him, the one to which all other criticisms of him can ultimately be reduced, was that he was an atheist. He was the “Monster of Malmesbury”, the arch-atheist, the apostle of infidelity, the “bug-bear of the nation”. His doctrines were cited by Parliament as a probable cause of the great Fire of 1666. His books were banned and publicly burnt, and the ideas which Hobbes expressed in them in

his lucid and potent style were the object of more or less continuous hostile criticism from 1650 to 1700.¹⁰⁹

Although the term ‘atheist’ casts a very wide net, two particular implications of Hobbes’s system appear to have sparked this criticism. The way in which Hobbes justified his sovereign’s authority came under attack as supplanting God’s authority and God’s law, and the content of the authority which Hobbes granted his sovereign—particularly what they believed to be ecclesiastical authority—was viewed by his contemporaries as being Erastian in principle and form, which at that time further warranted a charge of atheism.

Many modern Hobbes scholars have sought to reveal what Hobbes’s belief and intent was by comparing Hobbes’s professed belief with what his contemporaries understood to be his belief. I will thereby attempt to answer whether the charges of atheism by Hobbes’s contemporaries do indeed prove an insincere profession of Christian belief on the part of Hobbes. Some modern Hobbes scholars argue that the criticisms of Hobbes by his contemporaries indicate that Hobbes was far from orthodox, which they believe indicates that Hobbes’s profession of Christian belief is doubtful. If accurate, however, this also has a consequence for the validity of any argument maintaining that Hobbes hid his intent behind a veneer of piety. Other modern scholars argue that Hobbes was orthodox, or perhaps heterodox, yet remained Christian, and his contemporaries were too quick to label Hobbes an atheist. Both sets of arguments are used to bolster their respective claims about whether or not God was a necessary part of Hobbes’s system in *Leviathan*. Hence, alongside the aforementioned aim of the following section, I will also discuss the ability of the historical evidence to support such claims.

¹⁰⁹ Samuel I. Mintz, *The Hunting of Leviathan: Seventeenth-Century Reactions to the Materialism and Moral Philosophy of Thomas Hobbes* (Cambridge: Cambridge University Press, 1962), p. vii.

2.3 Historical context and critical reception

A good introduction to the mood of Hobbes's contemporaries is provided by Samuel Mintz's notice of a contemporary anecdote¹¹⁰. In 1668, Daniel Scargill, a Fellow of Corpus Christi College, Cambridge, was expelled from the university for having "asserted several Impious and Atheistical Tenets to the great dishonour of God, the scandal of the Christian Religion and of the University"¹¹¹. Some time after Scargill's expulsion, he was told that provided he made a public recantation, he could be restored to the University. He agreed to do so, and in 1669, he recited the following in the University Church of St. Mary the Great:

Whereas I Daniel Scargill, late Batchelour of Arts, and Fellow of Corpus Christi Colledge, in the University of Cambridge, being through the instigation of the Devil possessed with a foolish proud conceit of my own wit and not having the fear of God before my eyes: Have lately vented and publickly asserted in the said University divers wicked, blasphemous, and Atheistical positions (particularly, that all right of Dominion is founded only in Power: That all moral Righteousness is founded only in the positive Law of the Civil Magistrate ...), professing that I gloried to be an *Hobbist* and an *Atheist*; and vaunting, that Hobbs should be maintained by *Daniel* that is by me. Agreeably unto which principles and position, I have lived in great licentiousness, swearing rashly, drinking intemperately, boasting myself insolently, corrupting others by my pernicious principles and examples, to the Dishonour of God, the Reproach of the University, the Scandal of Christianity, and the just offence of mankind

Wherefore, I do here in the presence of God, Angels, and men, cast my self down in a deep dread of the just judgments and vengeance of God upon the accursed Atheism of this age, acknowledging myself to be highly guilty of the growth and spreading thereof; having contributed what my profane wit could devise, or my foul mouth express, to instill it into others, to confirm them therein.... In a deep sense of that wretched part I have acted in the propagating thereof, I do now abhor my self in dust and ashes, and from the bottom of my

¹¹⁰ Mintz devotes a chapter in *The Hunting of Leviathan* (1962) to the contemporary setting and will be relied upon throughout this present discussion for both his presentation and analysis of rare and informative historical evidence.

¹¹¹ Cambridge University Library, *Baker MSS*, Mn. I. 38, fol. 143, quoted in Mintz (1962), p. 50.

heart, I do disclaim, renounce, detest, and abhor those execrable Positions asserted by me or any other: particularly... that there is a desirable glory in being, and being reputed an Atheist: which I implied when I expressly affirmed that I gloried to be an *Hobbist* and an Atheist.¹¹²

It is evident from this that Hobbes had been—if not officially then certainly widely—deemed an atheist. So as not to misunderstand the charge, however, atheism was at that time a ‘hydra-headed term’.

When [atheism] was not being used as an epithet of abuse having only emotional content, it referred in general to the denial of God’s existence; but it also meant any arguments which tended in that direction, even if only by implication. Hence it was flexible enough to include a variety of doctrines, many of them dissimilar in their premises, but all of them conceived of as leading to the same conclusions and as having the same consequences—the disavowel of the deity and the undermining of Christian faith.¹¹³

An example of the content of such a charge can be found in the following “*Atheists’ Catechism*”, which was appended to an anti-Hobbist diatribe written by Sir Charles Wolsley (1666). Wolsley lists the most common particulars upon which a case for Hobbes’s characterisation as an atheist was largely based:

- Q. Do you believe there is a God?
 A. No: I believe there is none.
 Q. What is the true ground of your belief?
 A. Because I have no mind there should be one.
 Q. What other reason do you give for it?
 A. Because I never saw him.
 Q. If there be no God, how came this world to be?
 A. It made itself by meer chance.
 Q. After what manner was it first pieced together?
 A. By a casual hit of Atoms one against another.
 Q. How came those Atoms so to hit one against another?
 A. As they were eternally dancing about, in an infinite space.
 Q. Whence came the reason of mankind; and all that order and regularity we find in the world?
-

¹¹² Daniel Scargill, *The Recantation of Daniel Scargill publicly made before the University of Cambridge in Great St Maries, 25 July 1669* ([Cambridge], 1669) quoted in Mintz (1962), p. 51.

¹¹³ Mintz, p. 39.

- A. From the meer accidental conjunction of those Atoms.
- Q. What is it that men call Religion?
- A. A politick cheat put upon the world.
- Q. Who were the first contrivers of this cheat?
- A. Some cunning men that designed to keep the world in subjection and awe.
- Q. What was the first ground of it?
- A. Men were frighted with Tales, that were told them, about invisible nothings.
- Q. When did this fright first seize men?
- A. 'Tis very long ago: and (for ought we can find) 'tis as old as the world itself.
- Q. Has this fright upon men been general?
- A. Yes: The whole world, in all ages of it, have been possessed with a fear of nothing.
- Q. What is the great end that every man is to live to?
- A. To please himself.
- Q. How prove you that?
- A. Because there is nothing above him: and so he is his own Law.
- Q. Are men to make any distinction in their actions?
- A. No further, nor upon no other account, but as they please or displease themselves.
- Q. Is there any such thing as good or evil?
- A. No: 'tis a distinction the world hath been couzened with.
- Q. When was that distinction first brought into the world?
- A. 'Tis of the same date with those fables about a Deity; and related wholly to them.
- Q. Is there anything for a man to hope for or stand in fear of, beyond this world?
- A. No, nothing at all.
- Q. What becomes of a man when he dyes?
- A. He returns into his first Atoms.
- Q. What becomes of those Atoms?
- A. They still help to carry on the great round of the world.¹¹⁴

A number of strands of conventional theological doctrine can be found in this passage: scepticism, naturalism, atomism or Epicureanism and, more generally, blasphemy and heresy¹¹⁵. Because, as was noted earlier, the charge of atheism was quite general, if Hobbes could be shown to be in opposition to any one of these particulars, Hobbes could also be identified as an atheist, which, of course, he was.

Of such 'offences', perhaps the most predominant, at least judging by what Hobbes's

¹¹⁴ Sir Charles Wosley, *The Unreasonableness of Atheism Made Manifest* (London, 1866) quoted in Mintz (1962), p. 39.

¹¹⁵ Mintz, p. 40.

critics most vehemently and frequently seized upon, was Hobbes's emphasis on reason above revelation in *Leviathan*. According to Cooke, while it was not an unpopular view among Hobbes's contemporaries, it was at the very root of the atheist charge¹¹⁶. Since Hobbes challenged the various divine sources of revelation commonly held by the orthodoxy, and appears to question the special authority of the Bible, his biblical criticism was viewed as destructive. The widely held position of the time maintained that reason was not the enemy of revelation, for reason was considered to be able to operate "within the boundaries of the principal tenets of Scripture"¹¹⁷. Yet Hobbes seemed to place reason outside of those boundaries and, therefore, his teachings were seen to undermine the Christian faith.

Therefore, in at least this one important doctrinal matter, Hobbes's position appeared noticeably to be outside that of orthodox opinion. Yet to conclude from this that Hobbes was an atheist, as did his contemporaries, is problematic:

The term "Christian orthodoxy" is hard to define and it is therefore difficult to say someone is outside of it. However, although the task of defining it in a precise way may be difficult, indicating what it is *not* is less so. Anglican divines, the Oxford rationalist theologians, Puritan clergymen, and the Cambridge Platonists, among others, were each offended by Hobbes's application of reason to revelation. Reason, as concerns divine revelation, was to operate within certain broad bounds beyond which Christian faith was violated; across the spectrum of faith from Catholicism to Anglicanism to Puritanism, if nothing else at the time could be so named, this may be termed as a kind of limit of orthodoxy and in this important sense Hobbes departed from orthodoxy and, indeed, was well outside of it.¹¹⁸

While Hobbes, therefore, may not have been an orthodox Christian, this does not necessarily mean that his critics were correct in assuming Hobbes was an atheist. The question here revolves around whether someone is or is not a Christian, based upon their

¹¹⁶ Cooke, p. 132.

¹¹⁷ Ibid., p. 131.

¹¹⁸ Ibid, p. 132.

compliance with orthodox doctrine. Hobbes frequently denied that he was an atheist, as the following response of Hobbes to such charges, made in the context of his reply to Wallis, demonstrates:

. . . What kind of attribute I pray you is *immaterial*, or *incorporeal substance*? Where do you find it in the Scripture? Whence came it hither, but from *Plato and Aristotle*, Heathens, who mistook those thin Inhabitants of the Brain they see in sleep, for so many *incorporeal* men; and yet they allow them motion, which is proper only to things *corporeal*. Do you think it an honour to God to be one of these? And would you learn Christianity from *Plato and Aristotle*? But seeing there is no such word in Scripture, how will you warrant [*sic*] it from natural reason? Neither *Plato* nor *Aristotle* did ever write of, or mention an *incorporeal Spirit*; for they could not conceive how a Spirit, which in their language was πνεῦμα (in ours a *Wind*) could be *incorporeal*. Do you understand the connection of *substance* and *incorporeal*? If you do, explain it in English; for the words are Latine. It is something, you'l say, that being *without Body, stands under*----! Stands under what? Will you say, *under Accidents*? Almost all the Fathers of the Church will be against you; and then you are an Atheist. Is not Mr *Hobbs* his way of attributing to God, that only which the Scripture Attribute to him, or what is never anywhere taken but for honour, much better than this bold Undertaking of yours, to *consider* and decypher Gods *nature* to us?¹¹⁹

Notice Hobbes's tongue-in-cheek remark that should Wallis be considered by the "Fathers of the Church" to be an atheist, he is, in fact, an atheist. Moreover, much of Hobbes's criticism of Wallis can be interpreted as an attack on the validity of contemporary orthodoxy. In other words, Hobbes defends himself against the charge of atheism by suggesting that the standard against which he is being judged is itself misguided. He makes the case against the following argument: it is plausible that someone is an atheist if his contemporaries consider him to be one¹²⁰. Even if Hobbes's religious views constituted a radical departure from orthodoxy, which they likely did, this does not necessarily call into

¹¹⁹ Hobbes, *Considerations Upon the Reputation, Loyalty, Manners & Religion of Thomas Hobbes of Malmesbury* (London, 1680) pp. 32-7, quoted in Mintz (1962), p. 42. Wallis's attack was *Hobbius Heautontimorumenos* (London, 1662).

¹²⁰ Martinich, p.32.

question his theism, but merely his commitment to orthodox theism.

Hobbes also has his modern day apologists who agree that his contemporaries were wrong in assuming that his apparent heterodoxy constituted atheism. Some have even argued that Hobbes was indeed within the boundaries of seventeenth-century Anglican doctrinal trends. Paul J. Johnson, for instance, argues that Hobbes and a few of his acquaintances, most notable among them John Hales and William Chillingworth, shared in common “a doctrine of salvation and a theory of Christianity which formed the mainstream of Anglican doctrinal development in the seventeenth century”¹²¹. Anglican thinkers at this time, Johnson outlines, were seeking a middle course between Roman Catholicism and Protestant sects such as the Presbyterians and Independents. To find this course, they concentrated on problems involving interpretative infallibility and differences between the essentials of faith as opposed to accessories. Simply put,

... the Anglicans argued for a simplified Christianity whose essence lay in a very few fundamental doctrines which had been so clearly presented in the Scriptures as to require no interpretation and no special qualifications to understand beyond the simple willingness to read the words without prejudice. Salvation required belief in these doctrines alone; other beliefs, whatever they might be, were matters of indifference. Thus the infallibility of men and institutions was replaced in Anglican thought with the simpleness and clarity of fundamental doctrines.¹²²

In other words, Anglicans were embarking on a course of doctrinal minimalism, and leading this course were Hales and Chillingworth, with whom Johnson claims Hobbes was acquainted, and whose lead Hobbes can be seen to have followed quite closely. Consequently, Johnson argues that Hobbes was not as far removed from mainstream theology—although it had yet to become orthodox—as many have supposed. Yet, if this were the case, why would

¹²¹ Johnson, p. 104.

¹²² Ibid, p. 105.

so many of Hobbes's contemporaries accuse him of atheism? Johnson answers that Hobbes was *a*-theistic:

The simplified essentialist Christianity which he held sharply separated faith from reason and isolated piety from theology. Such a view left Hobbes completely free to construct a metaphysics, a psychology, and a politics in which the idea of God played no functional role and in which the traditional religious issues could be subjected to the severest criticism and finally left in the hands of the secular ruler. To his religiously attuned contemporaries, Hobbes's system would seem to be the product of an atheistic mind.¹²³

In other words, Hobbes left so little of Christianity as essential that his contemporaries thought he had abandoned it. However, while Johnson's argument does support a view in which Hobbes should not be considered an atheist in relation to his contemporaries, it does not adequately demonstrate that Hobbes was either orthodox or mainstream. The theological ideas he subscribed to may have *become* mainstream or orthodox (although many did not), but they were not when he wrote them. As Mintz has suggested, heterodoxy, however unfairly, was believed to warrant a charge of atheism. However, while Hobbes's contemporary critics may have been overly zealous in their charge of atheism, there is little doubt that Hobbes's thought was indeed heterodox.

What, then, are we to make of the historical evidence which suggests that the great majority of Hobbes's contemporaries regarded him as an atheist, or at the very least, outside of the contemporary bounds of orthodoxy? Hobbes's contemporary critics can be viewed either as exaggerating Hobbes's divergence from orthodoxy, and being inflexible on what they considered to constitute that orthodoxy, or as having an ulterior motive. With regard to the former, atheism was, as mentioned earlier, a 'hydra-headed' term which included nearly

¹²³ Ibid., p. 124.

anything that deviated from orthodox opinion. The inflexibility of what was considered orthodox and the resulting exaggeration of labelling Hobbes an atheist is an expected consequence of this. Consider Martinich's appraisal of the term in seventeenth-century England:

In the seventeenth century "atheist" was more readily used as a term of abuse than it is these days, and more often attributed to a person whose philosophical or religious principles entailed atheism in the opinion of the critic. . . . In seventeenth-century England, religious disagreements were more acrimonious than they are in the twentieth century. Religious views were more parochial, partisan, and politically charged. In order to talk informatively about the seventeenth century, it is simply not good enough to rely solely on the distinction between theist and atheist. While there is nothing wrong with this distinction, more fine-grained distinctions are needed in order to understand the disputes between intellectuals in that period. Most attacks of one person against another were highly parochial. Indeed, these attacks, far from indicating that the target of criticism lacked religion, are strong evidence for it.¹²⁴

The second plausible explanation for why Hobbes was described so frequently as an atheist was one offered by Hobbes himself; that his critics were not defenders of the faith, but rather feared losing their ecclesiastical and political power¹²⁵. Mintz agrees, and I along with him, that Hobbes was right in this indictment, but only in a certain sense:

It is clear that he touched his opponents in the sensitive area of power and privilege; and I think it will also be granted that the thirst for power and privilege is a compelling if not a fundamental human motive, and that in the present controversy the powerful interests of clergy, university and common law were heavily engaged and just as vigorously defended.¹²⁶

Like Martinich, however, Mintz does not wish to deny the importance of the religious climate in seventeenth-century England:

... any explanation of their motives is incomplete which attempts to

¹²⁴ Ibid, p. 32.

¹²⁵ Mintz, p. 52.

¹²⁶ Ibid, p. 53.

rationalize away the intensity and depth of their religious belief, the suasive power of religion itself to move them to its defence against what they considered to be the dangerous strictures of an atheist. Again and again the critics return to this point: that if the creeds and practices of the Church are made to subserve the interests of the state, then not only the Church but Christian faith itself will wither away.¹²⁷

Therefore, however passionate the criticisms of Hobbes's contemporaries, they cannot be considered reliable, conclusive sources for settling the question of his theistic sincerity. While it is clear that Hobbes held heterodox opinions and that most of his contemporaries acknowledged this, because heterodox opinions were typically considered to be atheistic, Hobbes was charged with being an atheist. As such, either Hobbes was an atheist by virtue of being considered one by his contemporaries, or, Hobbes was a heterodox yet sincere Christian because he was just Christian enough. The first argument relies on the dubious assumption that "one is what one is charged to be", whereas the second can only conclude that Hobbes wrote heterodox opinions, which appear to be theistic, but cannot state with any certainty whether or not he was a *sincere* Christian.

As such, the criticisms of Hobbes's contemporaries can neither demonstrate adequately that Hobbes's professions of Christian belief are insincere, nor that his professions are truthful. The historical evidence does, however, have a consequence for the argument that Hobbes hid his true religious beliefs behind a veneer of piety, which in turn is used to explain why Hobbes may have only *seemingly* justified the authority of his sovereign by equating the natural laws with God's laws. Those who maintain that Hobbes's system does not 'require' God or Christian principles, and argue, despite his professions of faith, that Hobbes was disingenuous in equating the natural laws with God's laws, commonly provide two explanations as to why

¹²⁷ Ibid.

Hobbes presumably did so: “(i) he cluttered his works with theistic suggestions and pronouncements in order to protect himself from persecution for the atheistic basis of his politics and mechanics; and (ii) he sought to support his political views by appeal to the religious beliefs of his readers.”¹²⁸

These two positions, however, are quite untenable. For instance, Mintz argues:

I doubt that Hobbes's 'theism' was a screen thrown up for his own safety. It is hard to credit such a theory when we remember that Hobbes's *openly-avowed* opinions on the nature of God were profoundly unorthodox and aroused the most intense opposition in their own time. Hobbes must have known that the line between his brand of theism and seventeenth-century atheism was a thin one and that for many of his contemporaries this line did not exist at all. If safety and a peaceful life were his object he would have had to express his opinions far more circumspectly than Professor Strauss would have us believe (44).

I am fully in agreement with Mintz on this point, and this criticism calls into serious question not only Strauss's argument that Hobbes disguised his true beliefs in order to escape harassment, but also his claim that Hobbes wrote with a veneer of piety in order to appeal to his contemporary readers. If that was his true intent, the negative response and the resulting near consensus of his contemporaries is evidence that his veneer was so thin as to be virtually clear. Again, Hobbes must have known that rather than appealing to his readers' religious sensibilities, he was more at risk of offending them with *Leviathan*, and he would have had to disguise his opinions much more thoroughly in order to avoid doing so. The interpretative difficulties which the *Leviathan* presents on the matter of whether or not the natural laws are ultimately God's laws, therefore, are not adequately settled by arguments relying on Hobbes's personal religious beliefs.

¹²⁸ Glover, p. 146-47. Glover claims that “these alleged motives are used as explanations by Leo Strauss (147)”, and certainly, all Hobbes-as-eliminator-of-Christianity interpretations, despite their differences otherwise, share in common an explanation reliant on these motives, whether they use one or both.

2.4 Conclusion

I began this chapter by demonstrating that Hobbes was primarily concerned in *Leviathan* with creating a peaceful, stable commonwealth. This is not possible, he argues, so long as there are competing authorities demanding obedience, and so long as authority is conceived as being of two types: temporal and spiritual, possessed in turn by civil or ecclesiastic institutions. As a remedy, Hobbes ascribes authority to a sole sovereign power. Either Hobbes does so, it is argued, at the expense of true Christianity, or Hobbes's reformulation of Christianity in *Leviathan* is, if only in its fundamentals, to be properly conceived of as Christian. In consequence, it is argued that the political-theological system which Hobbes proposes is either lacking in any authentic Christian content and eliminates any functional role of God in political affairs, or is dependent upon fundamentally Christian principles and the Christian conception of God.

In other words, both sides of the debate examined in this chapter assume that the natural laws are foundational principles, and then proceed to ask whether or not the natural laws are God's laws. One interpretation maintains that the natural laws are not ultimately intended to be God's laws, and thus concludes that God is not ultimately the foundation of Hobbes's system. The other interpretation maintains that the natural laws are ultimately intended to be God's laws, and concludes that God is ultimately the foundation of Hobbes's system.

In the following chapter I will, however, focus on the natural laws not as foundational principles, but rather as practical, ruling principles. Upon examining the sovereign's authority according to this understanding of the natural laws, I will suggest that Hobbes had a practical, instrumental role in mind for the *idea* of God in the commonwealth, apart from God's

undetermined, and perhaps undeterminable, role as the foundation of Hobbes's system.

Recall that Hobbes sought to address the problem faced by those confronted with a choice between obedience to God or man. Hobbes replied that men cannot serve two masters. As I will discuss in the next chapter, however, Hobbes presents a system in which "Man can serve two masters, after all. In serving his sovereign he is serving his God; yet at the same time the service of his God, requiring as it does no manifestations but this one, cannot impede his service to the sovereign"¹²⁹. The idea of God, I will argue, may in Hobbes's view be used by the sovereign to eliminate the perceived choice between obedience to God or man, quite apart from whether or not God is intended by Hobbes to be the actual author of the sovereign's authority.

¹²⁹ Clifford Orwin, "On the Sovereign Authorization," *Political Theory* 3 (1975), p. 38.

Chapter 3 Hobbes's obliged and prudent sovereign

3.1 Introduction

In the debate surrounding whether or not the natural laws are God's laws, as discussed in Chapter Two, the natural laws are predominantly viewed as the foundation for the establishment or generation of a commonwealth. The natural laws are indeed presented by Hobbes in *Leviathan* as the foundation for the generation of a commonwealth and the sovereign's authority. However, they are also presented as rules to be followed for the achievement of peace upon establishment of a commonwealth, enabling the peaceful maintenance of the commonwealth—a role which the aforementioned debate largely ignores.

Hobbes writes that a commonwealth is “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*” (L, 109). This consent is dictated by the second natural law, and it is, therefore, readily apparent how the natural law is the foundation for the establishment or generation of a commonwealth and sovereign authority.

Alongside this, however, the natural laws can also be viewed as guidelines for the preservation of a commonwealth, once established.¹³⁰ That is, once a commonwealth is

¹³⁰ I make this claim without intending to engage in debate over whether or not the instrumentality of the natural laws which Hobbes posits is consistent with traditional natural law teachings. See, for instance, Noberto Bobbio,

established, the natural laws are no less applicable to it. For instance, Hobbes writes that the natural laws, in contrast to viewing them as “conclusions or theorems concerning what conduceth to the conservation and defence of [men]” (*L*, 100), may also be perceived as becoming “proper laws.” When “a commonwealth is once settled, then are they actually laws” (*L*, 174).

By focusing on the natural laws from this latter perspective, as guidelines for the maintenance of a commonwealth, it becomes clear that Hobbes sought to oblige the sovereign to an adherence to the natural laws, as I will discuss in the following sections. When the natural laws are thought of as rules for peace, to be followed after the establishment of a commonwealth, it is evident that Hobbes meant to oblige the sovereign to exercise his authority according to those rules. Moreover, it is evident that Hobbes did so using two rationales: one in which God is the author of the natural laws, and another in which God need not be the author of the natural laws.

This switch in interpretative perspective is justified and occasioned by the inability to persuasively resolve the problem of whether or not the natural laws are intended by Hobbes to be authorised by God and, therefore, the question of the source of the authority of Hobbes’s sovereign also remains elusive. There is another compelling interpretation, however, offered by Michael Oakeshott in his essay *The Moral Life in the Writings of Thomas Hobbes*. He asks:

Thomas Hobbes and the Natural Law Tradition, trans. Daniela Gobetti (Chicago: University of Chicago Press, 1993); Johann P. Sommerville, *Thomas Hobbes: Political Ideas in Historical Context* (New York: St. Martin’s Press, 1992), pp. 28-56, 74-9; Vickie B. Sullivan, *Machiavelli, Hobbes, and the Formation of a Liberal Republicanism in England* (Cambridge: Cambridge University Press, 2004), pp. 83-86; Richard Tuck, *Hobbes* (Oxford: Oxford University Press, 1989), pp. 51-64. I do, however, generally agree with Bobbio’s statement that “What has unleashed the most divergent discussion and has maddened critics, is that Hobbes has called these prudential rules ‘natural laws’. But he has done so only to pay homage to tradition (p. 44)”. While I do not wish to affirm or deny that Hobbes only “pays homage” to the natural law tradition, I certainly do agree that Hobbes’s natural laws are prudential rules.

“Why did Hobbes, in an enterprise designed to elucidate the ground and character of the obligation entailed in living in a *civitas*, run together two strikingly different (and at some points contradictory) accounts of moral obligation?”¹³¹.

Oakeshott is concerned with the two rationales—parallel with those presented in Chapter two—provided by Hobbes for moral obligation; one in which the natural laws are obligatory due to God’s authorship, and another in which the natural laws are obligatory due to some act of human volition. While Oakeshott uses the following interpretation to determine the source of subjects’ moral obligation, it is equally relevant to my concern in this chapter: the sovereign’s obligation.

He characterises the first account as beginning with natural right, focusing on Hobbes’s insistence that “‘every man has a right to everything; even to another’s body’, a right to govern himself according to his own judgement, ‘to do anything he liketh’, and to preserve himself in any manner that he finds expedient”¹³². Reason coexists alongside this right, and its proper role is “to suggest fit means for achieving desired ends”¹³³. Reason is not, however, obligatory; “... nothing is obligatory on account of it being reasonable”¹³⁴. Reason, moreover, is unable to establish knowledge of God; Hobbes “... tells us that by reason we can know nothing whatever about God as the author of a moral law (or about his rewards and punishments in another life), but may know God only as a First Cause”¹³⁵. Natural obligation is not universal; “the obligation to obey the civil authority applies only to a specific class of

¹³¹ Oakeshott, *Hobbes on Civil Association*, (Oxford: Basil Blackwell, 1975) p. 114.

¹³² *Ibid.*, p. 115.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

person and rests upon agreement and acknowledgement”¹³⁶. The authority of natural law “derives from the imprimatur of the civil sovereign” and “the precepts of Scripture are what the civil sovereign says they are”.¹³⁷ That is, both natural law and Scripture are authorised solely by the authority of the sovereign; without this authorisation, they are simply not considered to have obliging force.

Moral obligation, under this account, exists only because of, and is dependent upon, sovereignty. Nothing outside of sovereignty and, therefore, nothing independent of human will or volition, obliges human beings (including, most importantly, the sovereign) to moral conduct.

The second account is very different. First, in the state of nature, “every man has a ‘natural’ obligation to endeavour peace, imposed by a Natural Law which is the command of an omnipotent God”¹³⁸. It is through the faculty of reason which the laws of nature are revealed to us. Reason also reveals to us that God is the author of those laws of nature. Hobbes adds that “... our obligation to civil obedience ... is before all civil law”, which clearly suggests that an obligation to submit to civil authority exists prior to, and independently of, the creation of a civil authority. Moreover, Hobbes “... asserts the independent *authority* of both Natural Law and Scripture, the one based on reason and the other on revelation”¹³⁹.

Moral obligation, under this second account, exists prior to, and independently of, sovereignty. Reason reveals both the content of the natural laws and knowledge of the author of those laws, God. This is also revealed in Scripture, the Word of God. God, therefore, as

¹³⁶ Ibid.

¹³⁷ Ibid., p. 116.

¹³⁸ Ibid., p. 115.

¹³⁹ Ibid.

author of the natural laws, confers authority upon the laws of nature. The natural laws are obligatory due to their nature as the laws of God; God's commands are obligatory.

These two accounts of moral obligation are plainly inconsistent; while one maintains that obligation depends upon sovereignty and thus human will, the other maintains that obligation depends upon God's authorship.

Oakeshott—unlike nearly all preceding and most proceeding—interpreters of Hobbes, ascribes to neither account of moral obligation in Hobbes. Instead, Oakeshott acknowledges that there exist *two* concurrent—but incompatible—accounts in Hobbes. By then questioning Hobbes's intent in providing two opposed accounts, Oakeshott turns away from finding an adequate account of obligation, and instead pursues the likely implication of the inclusion of two opposed accounts: Hobbes *intentionally* provided two accounts. In presuming he did so, Oakeshott opens up the possibility that Hobbes was more concerned that his readers should trust *an* account, *either* account, rather than irrefutably demonstrate *one* reasonable source of obligation. Hobbes, accordingly, is conceived to be entirely opportunistic about the *reasons* why certain behaviour ought to be considered just; his opportunism suggests he is more concerned with *causing* conduct that is presumed to be just. Oakeshott writes, "Hobbes was usually so much more concerned with elucidating adequate motives or 'causes' for what is alleged to be just conduct than with finding adequate reasons for calling it just ..." ¹⁴⁰. Hobbes was less concerned about *why* something is obligatory, and more concerned about *what* should be *considered* obligatory, and what *causes* and *motivates* people to obey this 'what'.

When the natural laws are not viewed as foundational principles, but as ruling principles (or as rules for the exercise of sovereign authority which will cause and maintain

¹⁴⁰ Ibid., p. 92.

obedience), the importance of whether or not God is the author of the natural laws is, therefore, lessened considerably. This is because in either instance, as I will demonstrate, the sovereign is obliged to rule according to the natural laws. When the natural laws are viewed as ruling principles, however, it is evident that Hobbes's opportunism regarding the source of sovereign authority is for the sake of effecting civil peace, which is contingent upon the *circumstances* in which a sovereign finds himself. Hobbes insisted that Christian subjects, in order to believe that they may obey both God and man, must believe that the natural laws are God's laws. Or, from the sovereign's perspective, since the sovereign is obliged to rule according to the natural laws, his subjects' *perception* of whether or not God is the author of the natural laws is more important than whether or not God *is* the author of the natural laws.

I will argue in this chapter that the sovereign's obligation to the natural laws logically entails the management of his subjects' disposition to obey him, and that this requires, according to Hobbes, that the sovereign of a Christian commonwealth encourage a fear of God amongst his subjects alongside a fear of the sovereign. Moreover, the sovereign of a Christian commonwealth is obligated to teach that his authority ultimately rests upon God, and that there is a corresponding Christian duty of subjects to obey their sovereign, whether or not their sovereign is Christian. The fear of God, and the idea of God as the agent whose command obliges must, therefore, be viewed by the sovereign as instrumental, rule-facilitating devices; that is, the sovereign need not necessarily consider God to be the basis of his authority, but rather must understand the idea of God to be a *practically effective* basis for the exercise and maintenance of authority in a Christian commonwealth.

3.2 Natural laws as ruling principles

When such a distinction of perspectives is made, Hobbes's treatment of obligation

becomes much clearer. If the laws of nature are viewed as “conclusions or theorems concerning what conduceth [men] to the conservation and defence of themselves” (*L*, 100), then it can be asked whether obligations to obey the natural laws exist prior to the generation of a commonwealth, which is to say in a condition of war. On the one hand, Hobbes argues that 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” (*L*, 99)¹⁴¹.

Hobbes also writes, however, that the natural laws “are those which have been laws from all eternity” (*L*, 185). Elsewhere he states that “The laws of God, therefore, are none but the laws of nature ...” (*L*, 399). Divine natural laws are laws of nature, “and therefore an eternal law of God” (*L*, 189). They are, moreover, obligatory because of this fact. Hobbes makes a distinction between natural law and positive law, in which “*Natural* are those which have been laws from all eternity, and are called not only *natural* but also *moral* laws” (*L*, 185), while “*Positive* are those which have not been from eternity, but have been made laws by the will of those that have had the sovereign power over others ...” (*L*, 185). If the natural laws are, therefore, divine, then they are eternal. Are they, however, eternally binding?

Hobbes suggests that they are indeed. Divine laws, he argues, are those laws which concern “the natural *duties* of one man to another ...” (*L*, 237).¹⁴² Perhaps the best evidence of this—that if the natural laws are God’s laws then the natural laws are obligatory—is Hobbes’s discussion of Abraham’s covenant with God. Although Hobbes’s focus in the following passage is on whether or not Abraham was obliged to obey God’s positive law due to the covenant, notice the clause in parentheses:

¹⁴¹ *OL*: “The laws of nature oblige *in foro interno*, i.e., their transgression is not properly to be called a crime, but a vice. But they do not always oblige *in foro externo*” (99).

¹⁴² Emphasis added.

This is it which is called the *Old Covenant*, or *Testament*, and containeth a contract between God and Abraham, by which Abraham obligeth himself and his posterity, in a peculiar manner, to be subject to God's positive law (for to the law moral he was obliged before) as by an oath of allegiance (*L*, 273).

Recalling that Hobbes equates natural law with moral law, Hobbes here explicitly states that, prior to their covenant, Abraham was subject to God's divine natural law, as would any potential sovereign and subject be.

Thus, when the natural laws are conceived of as existing prior to the establishment of a commonwealth, if the natural laws are not God's laws, then the natural laws may not oblige *in foro externo*, since if they are not God's laws, there is no authorising agent prior to the establishment of a commonwealth. On the other hand, if the natural laws are God's laws, the natural laws are eternally obliging¹⁴³.

Viewed from the alternate perspective—as guidelines for the maintenance of a commonwealth—the natural laws are presented by Hobbes as “the command of an agent who obliges”¹⁴⁴. That is, after the formation of a commonwealth, the natural laws are presented by Hobbes as the binding commands of an agent. Hobbes writes, “These dictates of reason men use to call by the name of laws, but improperly; for they are but conclusions or theorems concerning what conduceth to the conservation and defence of themselves, whereas law,

¹⁴³ Warrender, noticing this disparity between duties in the condition of war writes “The reason why I *can* do my duty is that I am able ... to see it as a means to my preservation; but the reason why I *ought* to do my duty is that God commands it. The ground of my obligation is therefore God's command (1957, 213)”. Cooke rightly criticises Warrender by asking: if he is correct, “one must wonder what becomes the basis of obligation for all those who are insecure and unbelieving ... Warrender leaves such persons unable to escape the laws of nature unless, of course, they adopt the laws of nature as ... principles of prudence that they are obliged to follow for no other reason than self-interest” (Cooke, 59). However, both arguments assume that Hobbes meant the state of nature to be an actual condition, with consent signifying an actual means of exit. As I will discuss later in this chapter, Thomas J. Lewis argues convincingly that Hobbes's meaning of consent does not imply an act of consent, but rather signifies tacit, hypothetical consent.

¹⁴⁴ Cooke, p. 53, characterising Warrender's premise that “The law imposes obligations because it is the command of an agent entitled to obedience (1957, 231)”.

properly, is the word of him that by right hath command over others” (*L*, 100).

“Him that by right hath command over others”, or the agent who commands, is either God or the sovereign. Alongside this, duties in a commonwealth can belong to both subjects and sovereign. Focusing on the duties of subjects (in contrast to the duties of sovereigns, which I will discuss in the following section), although God does not necessarily always have the authority to command positive law, God does, as previously discussed, always have the authority to command natural law. By virtue of this fact, the natural law is obligatory. Therefore, subjects are answerable to the natural law in a commonwealth if the natural laws are God’s laws.

Likewise, subjects are obliged to obey the natural laws in a commonwealth if the sovereign is the commanding agent. In this case, the natural laws would only be obligatory when “him that by right hath command over others”, or the sovereign, commands that they are law. This interpretation is consistent with Hobbes’s later description of the way in which the laws of nature become “proper law”:

The law of nature and the civil law contain each other, and are of equal extent. For the laws of nature ... are not properly laws, but qualities that dispose men to peace and to obedience. When a commonwealth is once settled, then are they actually laws, and not before, as being then the commands of the commonwealth, and therefore also civil laws; for it is the sovereign power that obliges men to obey them (*L*, 174).

Recall that the laws of nature, if they are considered secular laws, do not oblige *in foro externo* prior to the establishment of a commonwealth. However, after the establishment of a commonwealth, Hobbes argues that they do oblige *in foro externo*, by virtue of the sovereign’s

command¹⁴⁵.

Therefore, whether or not the natural laws are God's laws, subjects of a sovereign are also subject to the natural laws. The question I will address in the following sections is whether or not the sovereign is subject to the natural laws. Since, of course, there exists no proper sovereign in a condition of war, or prior to the establishment of a commonwealth, I will focus on the obligations of the sovereign of an actual commonwealth. As just discussed, under these circumstances, it would be expected that such an obligation would derive from the command of an agent who obliges. I will argue that the sovereign must indeed abide by the natural laws. First I will discuss how Hobbes obliges the sovereign to rule according to the natural laws when the sovereign himself is the agent who obliges. Secondly, I will discuss how Hobbes obliges the sovereign to rule according to the natural laws when they are perceived to be the command of God, that is, when God is the agent who obliges.

3.3 The sovereign's obligation to rule in accord with the natural laws

3.3.1 Secular rationale

In order to appreciate the way in which Hobbes evidently obliges the sovereign to rule in accord with the natural laws, it is first necessary to keep in mind that Hobbes presents the natural laws from the two perspectives just discussed. I am ultimately concerned with demonstrating that the sovereign has an obligation to the natural laws once he is the sovereign

¹⁴⁵ Cooke distinguishes between formal obligation, which is an obligation resulting from the laying down of a right, and natural obligation, which he writes is an "obligation in the way natural law in Hobbes is law—in neither case are they properly so" (Cooke, 55). However, as demonstrated, divine natural law *is* considered by Hobbes to be obligatory *before* the establishment of a commonwealth or the laying down of rights. Therefore, while his distinction stands if the natural laws are conceived of in secular terms, it does not if the natural laws are conceived of as commands of God. Recall the following passage: "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 (100).

of an actual commonwealth and, eventually, how this obligation entails certain restraints on the exercise of sovereign authority. Therefore, I need not examine in any detail here precisely what the sovereign's relationship to the natural law is before the establishment of a commonwealth. Nevertheless, Hobbes does seem to insist that if a sovereign is to abide by the laws of nature, the sovereign must understand the basis for these laws¹⁴⁶. Moreover, Hobbes's description of the laws of nature from both perspectives is, at least in part, intended to affect the sovereign's decision about the nature of his own authority—a decision from which the sovereign's obligation to the natural laws derives.

Two decisions which Hobbes urges the sovereign to make are the decision to treat his subjects as politically equal, and the decision to treat his subjects as if they had, before the establishment of the commonwealth, the right of nature. Thomas J. Lewis, whose lead I will take here, writes "... Hobbes explains that political equality and the right of nature are not empirically discernible human attributes. They are, instead, decisions to think of humans in a certain way—decisions recommended by Hobbes—to be made and to be implemented by the prospective sovereign as he uses man as matter to construct a commonwealth"¹⁴⁷.

Hobbes's understanding of political equality is derived from his description of humans in their natural condition; in strength of body, in prudence, and in their ignorance of God, all men in the natural condition are equal (*L*, 74). Because of this natural equality, Hobbes writes, or because there is so little difference between the capabilities of men, one man cannot "claim to himself any benefit to which another may not pretend as well as he" (*L*, 74). There are, in

¹⁴⁶ Thomas J. Lewis, "Recognizing Rights: Hobbes on the Authority of Mothers and Conquerors" *Canadian Journal of Political Science* 36, 2003, p. 41.

¹⁴⁷ Lewis, p. 41.

other words, “no human attributes that justify one man ruling another”¹⁴⁸.

Hobbes then turns this apparent description of humans into a prudential decision about humans¹⁴⁹. He bases his laws of nature on this factual description of humans as possessing political equality in their natural condition. Yet, in the ninth law of nature, he revisits the factual basis of the natural laws and claims that they may not actually be factual. Hobbes writes “If nature have made men equal, that equality is to be acknowledged; or if nature have made men unequal, yet because men that think themselves equal will not enter into conditions of peace but upon equal terms, such equality must be admitted” (*L*, 97).

Hobbes, therefore, “insists that if peace is to be achieved equality must be admitted no matter what the facts”¹⁵⁰. Men must be treated *as if* they are equal, even if they factually are not. “Hobbes transforms his apparent *description* of humans into a prudential *decision* about humans: a decision to treat humans as if they are politically equal”¹⁵¹. In this manner, Hobbes strongly encourages the sovereign to treat his subjects as political equals for the sake of peace. This prudential decision, moreover, entails that the sovereign also acknowledges the right of nature, the laws of nature, and the idea of consent”¹⁵². This decision obliges the sovereign to abide by the natural laws; the obliging agent is the sovereign himself, as the following will demonstrate.

The right of nature signifies for Hobbes “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 which, in his own judgment and reason, he shall conceive

¹⁴⁸ Ibid., p. 42.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid p. 42.

¹⁵¹ Ibid.

¹⁵² Ibid.

of as the aptest means thereunto” (*L*, 79). To treat men as politically equal is, moreover, to acknowledge their right of nature. “The right of nature spells out the radical implication of Hobbes’s conception of political equality”¹⁵³. In other words, Hobbes derives the natural political equality of men from the natural equality of men in ability. Because no man can claim for himself any benefit that anyone else cannot claim, or because there are no human attributes that justify one man ruling another, this definition of political equality entails the right of nature, or the *liberty* to do anything. Political equality suggests that humans who possess the right of nature “are constrained by no obligation to defer to the will of, let alone obey, any other person”¹⁵⁴.

In addition, Hobbes treats the right of nature as entailing a state of war¹⁵⁵. In this condition, possessing equally the right of nature, “every man has a right to every thing; even to one another’s body” (*L*, 80). The right of nature is, therefore, a restatement of the condition of war; the disposition set by the right of nature is the cause of war. “For as long as every man holdeth this right of doing anything he liketh, so long are all men in the condition of war” (*L*, 80). Again, “... the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary” (*L*, 76).

The means to escape this condition of war are detailed by Hobbes in the first and second laws of nature. These laws state that in order “to obtain security men, who have a right of nature, must find a way to *reduce* the extent of their right of nature so that their rights are no longer co-extensive”¹⁵⁶. It is the fundamental law of nature, according to Hobbes, that men

¹⁵³ Ibid. p. 43.

¹⁵⁴ Ibid, p. 43.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., p. 44.

should seek peace, or a way to avoid this scenario. The condition of war is avoidable only when “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” (*L*, 80). It is only through both the renouncing and transferring of the lion’s share of this right of nature, a share comprising one’s alienable rights, that peace may be secured. This transfer and renunciation of rights is, by Hobbes’s definition, achieved by mutual covenant. The sovereign, the beneficiary of these transferred rights, neither transfers nor renounces his own right of nature; he thereby possesses what amounts to the rights of all of his subjects to self-governance, along with his own right of nature.

However, Hobbes also claims that mutual covenants cannot effectively bring about this institution of sovereign authority. The generation of a commonwealth, with a sovereign at its head, is equivalent to every man saying “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” (*L*, 109). Notice that Hobbes implies that the decision to transfer one’s right to govern oneself is a right; humans have a right to consent, which is their right to decrease their own liberty for the sake of their own self-preservation. This is not intended by Hobbes, however, to signify an *act* of consent. Hobbes writes that it is “as if” every man said this to every other man (*L*, 109).

This implies that “men within a commonwealth are to be thought of by the artificer as if they had established a commonwealth by mutual covenants even though they did not;

indeed, even though they could not”¹⁵⁷. They could not create a commonwealth, Lewis suggests, primarily “because mutual covenants are void if there is any apprehension that one party to the covenant will not abide by the covenant”¹⁵⁸. Such apprehension, of course, is present before the generation of a commonwealth. Hobbes writes,

If a covenant be made wherein neither of the parties perform presently, but trust one another, in the condition of mere nature (which is a condition of war of every man against every man) upon any reasonable suspicion it is void; but if there be a common power set over them both, with right and force sufficient to compel performance, it is not void (*L*, 84).

This essentially presents a “chicken-and-egg” problem: “Hobbes appears to presuppose the prior existence of a common power as a necessary condition for the use of covenants, but he also claims ... that the common power is created by covenants”¹⁵⁹.

Hobbes argues, however, that the establishment of sovereign power is achieved in *two* ways: either by institution or by acquisition (*L*, 110). It cannot actually be attained by institution, however, since covenants made in a state of fear in the absence of a common power are void. Moreover, “commonwealths by institution and by acquisition have the same properties”¹⁶⁰. This would suggest, therefore, that commonwealth by institution is the definition of a commonwealth, while commonwealth by acquisition is the actual means of establishment. That is,

Hobbes explains the rights of sovereignty as if sovereignty were by institution. He is not claiming that such acts of institution have occurred, but he is

¹⁵⁷ Ibid, p. 46.

¹⁵⁸ Ibid., p. 44.

¹⁵⁹ Ibid, p. 44.

¹⁶⁰ Ibid., p. 47. Evidence for this, Lewis argues, is provided by the following three similarities drawn by Hobbes between them: “Both require covenants based on fear: by institution, men’s fear of each other; by acquisition, men’s fear of the victor (1962: 151). Hobbes asserts the rights of sovereignty to be the same in both (1962: 152, 154). Moreover, he insists that if there were a monarch of two nations, one by institution, the other by conquest, he could demand no more of one people than of the other. To do otherwise would be to ignore the rights of sovereignty and there would be no sovereignty in either case, only a state of war (1962: 154-55)” (Lewis, 47).

continuing the analytical task of specifying the elements of the definition of a commonwealth. Accordingly, the properties of a commonwealth by institution are a logical extension of what is entailed by the idea of mutual covenants. Thus, the idea of consent in the form of mutual covenant acts remains the central concept for guiding the creation of actual commonwealths by acquisition.¹⁶¹

If, therefore, acts of consent do not institute a commonwealth or establish a sovereign power, but rather a commonwealth is established through the acquisition of subjects by an already existent power, thereby forming a commonwealth, what role does consent actually play in Hobbes's system? The role it plays is essentially a practical one: "the right to consent based on a natural equality of right is a practically effective basis for political authority ..."¹⁶². More specifically, according to Lewis, it is the sovereign's *recognition* of this right to consent—in contrast to an act of consent—that is a practical basis for the establishment, maintenance, and exercise of authority¹⁶³.

In other words, were the sovereign to decide that he had a right to rule independently of consent, this would demonstrate that his subjects did not possess a right to self-governance, or political equality, or the right of nature. This, in turn, would imply that he was in possession of some human attribute that justifies his authority. This would further imply that there are certain human attributes that justify one man ruling another. This goes against that description of political equality which Hobbes derived from his description of the right of nature. Again, it is Hobbes's contention that men "will not enter into conditions of peace but upon equal terms, [and, therefore,] such equality must be admitted" (*L*, 97). Were Hobbes's sovereign to treat his subjects as unequal—as if they had submitted instead of as if they had

¹⁶¹ Ibid.

¹⁶² Ibid, p. 40.

¹⁶³ Ibid.

consented—peace could not be attained¹⁶⁴. If, therefore, the sovereign acts as if his authority has been consented to, he is in effect demonstrating that his subjects possess a right to self-governance, by recognising that his subjects transferred their right to self-governance to him in order to secure their peace and preservation. The sovereign must accordingly maintain peace, and in doing so requires adherence to the laws of nature, just as his possession of authority itself is prescribed by the laws of nature.

Therefore, “For Hobbes, no matter how a commonwealth comes to exist, the sovereign must decide to treat all subjects as politically equal. He must treat them as if each had the right of nature—a right to everything. Thus he must rule in accord with the laws of nature; otherwise he is not a sovereign and there are no citizens”¹⁶⁵.

Actual commonwealths “must be thought of in this way, even though the problem of trustworthiness precludes men with natural liberty from using covenants. According to Hobbes, an actual commonwealth can be created and sustained only if the sovereign understands the idea of sovereignty as if it were the result of consent in the form of mutual covenants”¹⁶⁶.

Hobbes, through these means, therefore, obliges the sovereign to rule according to the laws of nature—the laws of nature, in this context, being viewed as directives the sovereign can rule according to after the establishment of a commonwealth. Notice, moreover, that

¹⁶⁴ Submission, Hobbes claims, is an act which occurs upon conquest, and not upon institution (xx; 12, 14). Furthermore, Hobbes writes that “in the act of our *submission* consisteth both our *obligation* and our *liberty* ... (xxi, 10)”. Remember, Hobbes does not claim that an act of consent actually occurs. Therefore, because the rights and obligations of a subject are the same whether the commonwealth was generated by institution or by acquisition, an act of submission to one’s conqueror results in the same rights and obligations of a subject *as if* he had consented to his conqueror. That is, the sovereign, upon conquering a people, must *treat* the submissive subjects as if they had consented.

¹⁶⁵ Lewis, p. 48.

¹⁶⁶ *Ibid.*, p. 47.

Hobbes does so without an appeal to God; this is a non-theistic obligation. The agent who obliges is ultimately the sovereign: the sovereign's recognition of his subjects' right to consent and his decision to treat his subjects as politically equal and all that it entails, is in turn what entails his obligation to rule in accordance with the natural laws.

3.3.2 Theistic rationale

Hobbes also obliges the sovereign to an adherence to the natural laws through a theistic obligation, as I will argue next. Specifically, Hobbes obliges the sovereign to observe the natural laws through an appeal to God as the obliging agent¹⁶⁷. Of significance, moreover, is the fact that this rationale also indicates that the sovereign must treat his subjects as if they had consented.

While an assumption of consent binds a sovereign to an adherence to the natural laws, if the natural laws are God's laws, this would also bind the sovereign to adherence. God's laws according to Hobbes—in this context specifically referring to the natural laws as commanded by God, or divine natural law—are binding both before and after any generation of a commonwealth; they are as obliging to humans in a state of nature as they are to subjects of a sovereign and the sovereign himself. Specifically speaking of the obligation of the sovereign, Hobbes writes that the sovereign “is the subject of God, and bound thereby to observe the laws of nature” (*L*, 138).

Important to understanding the sovereign's obligation to the natural laws, when they are considered God's laws, is Hobbes's use of the term iniquity. Iniquity is the word which

¹⁶⁷ This is similar to Warrender's argument, that the sovereign is subject “to the commands of God and must observe the dictates of natural law according to his own conscience, (1957, 155)”. Warrender does not, however, believe that Hobbes based the sovereign's duty to the natural laws correspondingly on a secular footing.

Hobbes uses to condemn an action which is in breach of the natural laws, and injustice or injury are the words he synonymously uses to denote acting in such a way as to break one's covenant or duty or obligation (*L*, 81). In view of this, "they that have sovereign power may commit iniquity, but not injustice, or injury in the proper signification" (*L*, 113). That is, "That he who has the supreme power can act inequitably, I have not denied. For what is done contrary to the law of nature is called inequitable; what is done contrary to the civil law, unjust. For just and unjust were nothing before the state was constituted" (*OL*, 113)¹⁶⁸.

Iniquity is equated by Hobbes as an act on the part of the sovereign which breaches the divine natural law. To illustrate this, Hobbes employs two biblical stories. In the first, Hobbes discusses the story of Jephtha who, upon winning victory over the Ammonites in battle, recalled the vow he made to God to sacrifice the first person he saw after victory, should God allow him that victory. True to this vow, Jephtha sacrificed his daughter, who came to greet her father after the battle¹⁶⁹. Jephtha did not commit an injury to his daughter, Hobbes asserts, since his vow to God obliged him to this act. Nor did his daughter commit any wrongdoing; she was clearly innocent. Hobbes says of this, "therefore it may (and doth often) happen in commonwealths that a subject may be put to death by the command of the sovereign power, and yet neither do the other wrong" (*L*, 139).

Hobbes's second biblical reference to illustrate this principle is the indirect murder of Uriah by David¹⁷⁰. David coveted Uriah the Hittite's wife, Bathsheba, and accordingly sent Uriah to the front of the battle line, to an area in which David knew the fiercest enemy warriors were, and where Uriah would no doubt be killed. Hobbes writes of this,

¹⁶⁸ Notice, too, that Hobbes uses the terms "inequity" and "iniquity" interchangeably here.

¹⁶⁹ Judges 11: 29-40.

¹⁷⁰ 2 Samuel 11.

For though the action be against the law of nature, as being contrary to equity ..., yet it was not an injury to *Uriah* himself; and yet to *God*, because *David* was *God's* subject, and prohibited all iniquity by the law of nature. Which distinction *David* himself, when he repented the fact, evidently confirmed, saying, "To thee only have I sinned" (*L*, 139)¹⁷¹.

In both instances it is clear that the sovereign, in the first example Jephtha and in the second example David, is obliged to rule according to the natural laws because they are God's laws. The sovereign can act injuriously to God, but not to his subjects, and an act injurious to God is synonymous with iniquity, or a failure to rule in accord with the natural laws¹⁷².

Hobbes also treats the right of nature and the right of consent as if they are God-given rights which, therefore, basically divinises his explanation for the sovereign's non-theistic obligation to the natural laws. For instance, Hobbes's treatment of revelation, or supernatural inspiration, is interpreted by John W. Seaman as being an attempt to equate claims to such inspiration with pride. He argues that claiming supernatural inspiration

... entails thinking of oneself as superior to others in God's eyes, which thinking is surely a manifestation of 'great *vaine-Glory*' or extreme pride. Now pride, extreme or not, is a violation of one of the central conditions of civil peace, the ninth law of nature requiring us to esteem others as having an equal natural right to self-governance¹⁷³.

Thus, *both* the theistic and the non-theistic obligations of the sovereign to the natural law may require the sovereign's recognition of his subjects' right to consent. If the right to consent is a God-given right—as suggested by Hobbes's equation of claims to supernatural

¹⁷¹ The reference of David's confirmation of guilt "To thee only I have sinned" is to Ps. 51: 4 (139).

¹⁷² It is useful to note here Hobbes's use of the word 'inequity'. While 'inequity' is the general term used to denote a breach of the natural law, 'inequity', while also signifying a breach of the natural law, refers specifically to a breach of those laws of nature involving equity or equality. Inequity, therefore, in Hobbes's usage, is a form of iniquity.

¹⁷³ Seaman, p. 237. For a more detailed description of Hobbes's apparent divinisation of liberal egalitarian principles embedded in the laws of nature by an appeal to the Bible, as well as other evidence which suggests Hobbes 'found' an equal natural right to self-governance in Scripture, refer to Seaman (1999).

inspiration with pride—then the sovereign’s recognition of that right is a recognition of the natural law as God’s command¹⁷⁴. Not recognising his subjects’ God-given right to consent is the equivalent of an injustice to God, which is an iniquity, which is a breach of the natural law. However, even if Hobbes did not intend the right to consent to be interpreted as a God-given right, he nevertheless maintains that the sovereign is subject to God. Thus, if the natural laws are God’s laws, even if for no other reason than this, the sovereign is obliged to rule according to the natural laws and, therefore, treat his subjects as if they had a right to consent, and as if they had consented.

Therefore, once a commonwealth has been established, the natural laws are binding because they are the command of an agent who obliges. Hobbes provides two rationales for the sovereign’s obligation to rule according to the natural laws, following this principle. Hobbes’s secular rationale entails that the sovereign is obliged to rule according to the natural laws because the sovereign himself is the agent whose command obliges. Hobbes’s theistic rationale entails that the sovereign is obliged to rule according to the natural laws because God is the agent who obliges. Importantly, both rationales require the sovereign to act as if his subjects had consented, even though they could not have in actuality.

¹⁷⁴ This is similar to Oakeshott’s comment: “The sovereign, of course, has no obligations to his subjects, only functions; but the law of God is to him (though he has made it himself), no less than to his subjects, a command creating an obligation. And iniquity, which in a heathen sovereign could never be more than a failure to observe the conclusions of sound reasoning, in the Christian sovereign becomes a breach of law and therefore a sin, punishable by God” Oakeshott “Introduction to *Leviathan*” (Oxford: Basil Blackwell, 1975) p.273. I agree with Oakeshott that the sovereign, through his own acknowledgement of the law of God, creates his own obligation to divine natural law. However, I do not believe that it implies that this act of acknowledgement need be made by a Christian sovereign. Instead, this acknowledgement may be made by a non-Christian sovereign for the sake of prudence. Later in this chapter, I will argue that whether or not the sovereign is a true Christian is of no consequence; what is of consequence is that if the sovereign is sovereign of a Christian commonwealth, Hobbes implies that he must teach that both he and his subjects are subject to the natural laws because they are God’s laws.

3.4 Sovereign duties: Equality

These two accounts, which obligate the sovereign, imply corresponding duties. The duties, moreover, are the same in either case—with an important exception to be discussed—and are implied according to either account, but for fundamentally different reasons. For the sake of argument, I will assume for the moment that these two explanations—that the sovereign is obliged to rule according to the natural laws through a recognition of consent, or because they are God’s laws—are mutually exclusive.

Taking each in turn, if the sovereign is obliged to rule according to the natural laws through a recognition of consent, then in his exercise of authority, and in his maintenance of that authority, he must be equitable. Recall Hobbes’s contention in the ninth law of nature that, even if he is mistaken on the fact of natural equality, men must nevertheless be considered equal.

A failure to acknowledge this natural equality, Hobbes argues, is equivalent to a breach of the natural laws (*L*, 97). The consequences should a sovereign fail to acknowledge equality are made explicit by Hobbes in the eleventh law of nature:

*... if a man be trusted to judge between man and man, it is a precept of the law of nature that he deal equally between them. For without that, the controversies of men cannot be determined but by war. He, therefore, that is partial in judgment doth what in him lies to deter men from the use of judges and arbitrators; and consequently (against the fundamental law of nature), is the cause of war (*L*, 97).*

Hobbes states that the observance of this law is called equity (*L*, 97).

In other words, if the sovereign does not treat his subjects—acknowledging them as equals—*equally*, then he is in breach of the fundamental law of nature, which is to seek peace, further suggesting that if he fails to do so, he cannot ensure peace and, therefore, is not a proper or effective sovereign. The sovereign, therefore, must act equitably in his exercise of

authority, in order to maintain his authority, since otherwise the “controversies of men” will be determined by war.

If, on the other hand—and still taking the two explanations as mutually exclusive for the moment—the sovereign is obliged to rule according to the natural laws because they are God’s laws, the sovereign is likewise obliged to be equitable for an additional and fundamentally different reason. The sovereign must still acknowledge his subjects’ right of nature and natural equality and, therefore, treat them equally but not exclusively because if he fails to do so he will be undermining the maintenance of his own authority. Rather, it is because the maintenance of his authority is the command of God. Moreover, if the natural laws are God’s laws, and the natural laws state that equality must be acknowledged and that subjects must be treated equitably, then the sovereign is obliged to do so, with no need of further explanations or consequences of his failure to do so. These explanations and consequences would nevertheless apply, however, since those commands of God that are natural laws are discoverable by reason.

This is made even more evident by examining those instances in *Leviathan* where Hobbes suggests that the right of nature, and a commandment to acknowledge natural equality, has a Scriptural basis. The laws of nature, Hobbes writes, can be reduced to a common principle: “*Do not that to another, which thou wouldst not have done to thyself*” (*L*, 99). This, of course, is an inversion of the ‘Golden Rule’: “Therefore all things whatsoever ye would that men should do to you, do ye even so to them ...”¹⁷⁵ This is the core of the second law of nature: “... 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” (*L*, 80). This, Hobbes

¹⁷⁵ Matthew 7:12 (KJV)

continues, is the “law of the Gospel”: ““whatsoever you require that others should do to you, that do ye to them’. And that law of all men: *quod tibi fieri non vis, alteri ne feceris*”¹⁷⁶ (*L*, 81).

So, too, does this provide the formula for the tenth law of nature: “that at the entrance into conditions of peace, no man require to reserve to himself any right which he is not content should be reserved to every one of the rest” (*L*, 97). In this last passage, it is especially clear that Hobbes uses a biblical basis to establish an acknowledgement of natural equality and, therefore, equitable treatment. The tenth law, recall, follows from the ninth law, which states that people must be acknowledged to have an equal ability of self-governance. The eleventh law, which suggests that a sovereign must “deal equally between” his subjects, since it is derived “from the equal distribution to each man of that which in reason belongeth to him” (*L*, 97) is, therefore, similarly derived from this biblical basis.

Hobbes later argues that of those passages of Scripture which do not differ from the laws of nature, “there is no doubt but they are the law of God, and carry their authority with them ... ” (*L*, 259). Therefore, by including in his description of the natural laws explicit reference to Scripture, or by “finding” the natural laws in Scripture, Hobbes further binds the sovereign to a theistic obligation to rule according to the natural laws, specifically those laws directly related to equality and equity¹⁷⁷.

¹⁷⁶ i.e., do not do to others what you do not want done to yourself (trans. 81).

¹⁷⁷ Seaman, p. 234. Seaman notes that in Hobbes’ other major works, this attempt is made more explicit. “In the *Elements*, Hobbes argues for the scriptural authenticity of the principle of equality of right (the law ‘that men content themselves with equality’) by claiming that it is the foundation not only of natural law but also of the ‘second table of the divine law,’ which claim he takes to be biblically confirmed by Christ’s command, ‘*thou shalt love thy neighbour as thyself*’ (Mt. 22:39). In *De Cive* he appears to reserve Christ’s command for the biblical defence of the law requiring respect for equal inalienable rights, and turns to various other biblical passages to confirm the scriptural presence of the law commanding equality of right. These include the beatitude, ‘*blessed are the poor in spirit, for theirs is the kingdom of heaven*’ (Mt. 5:3), and various strictures against pride

Both of the explanations that Hobbes provides to oblige the sovereign to rule in accordance with the natural laws, therefore, result in the obligation of the sovereign to rule equitably. In the secular explanation, or if the sovereign is obliged to the natural laws through a recognition of consent, both in his exercise of authority and to maintain that authority, the sovereign must rule equitably. Similarly, if the sovereign is obliged to obey the natural laws because they are God's laws, there are two main reasons the sovereign must treat his subjects equitably: (i) the sovereign must maintain his authority because it is God's command that he do so, and thus must act equitably since equity is necessary for the maintenance of authority; or (ii) the sovereign must act equitably simply because it is God's command that he do so.

3.5 Sovereign duties: maintenance of fear

Thus far in this chapter, I have focused mainly on the sovereign's obligation to the natural law, instead of the obligations of subjects. I have demonstrated that after the generation of a commonwealth, the obligations of both sovereigns and subjects derive from the principle that the natural laws are obligatory because they are the command of an agent who obliges. I have also demonstrated that Hobbes accounts for these obligations by appealing to two different rationales: a secular rationale in which the sovereign is the agent whose command is obliging, and a theistic rationale in which God is the agent whose command is obliging.

Due to this obligation to the natural laws, the sovereign must rule equitably. In addition, and as I will discuss, Hobbes argues that the sovereign has an obligation to manage two factors which are crucial in maintaining the sovereign's authority. The sovereign is

or haughtiness in Proverbs (6:16-19; 11:2; 19:5).”

responsible for maintaining a level of fear amongst his subjects, and ensuring that his subjects understand the grounds for his—the sovereign’s—rights. These two factors—subjects’ fear and subjects’ understanding of the grounds of their sovereign’s rights—belong to subjects, yet are said by Hobbes to be the sovereign’s responsibility.

In managing these factors, the sovereign is in effect managing the disposition of his subjects to obey him. The ability of the sovereign to manage these two factors is complicated, however, by the subjects’ belief in God; that is, when the sovereign’s authority extends over a Christian commonwealth. Hobbes attempts to alleviate this complication within the framework of his fundamental objective: the creation of a commonwealth in which choices do not arise amongst subjects between obedience to God and obedience to man.

I will argue that the management of the disposition of subjects to obey requires, according to Hobbes, that the sovereign of a Christian commonwealth encourage a fear of God amongst his subjects, alongside a fear of the sovereign. Moreover, the sovereign is obliged to teach that the basis of his authority ultimately rests upon God, and corresponds to a Christian duty of subjects to obey their sovereign, whether or not their sovereign is Christian. The fear of God, and the idea of God as the agent whose command obliges must, therefore, be viewed by the sovereign as instrumental; that is, as practically effective bases for the exercise and maintenance of authority in a Christian commonwealth.

3.5.1 Fear of the sovereign

Fear of the sovereign plays a particularly crucial role in Hobbes’s system. This is to speak of fear not in the context of the establishment of a commonwealth, i.e. in the institution or acquisition of a commonwealth, but rather specifically in the context of the sovereign’s maintenance of his authority and commonwealth. The third law of nature states that “men

must perform their covenants made”, the breach of which is injustice, and “there must be some coercive power to compel men equally to the performance of their covenants, by the terror of some punishment greater than the benefit they expect by the breach of their covenant” (*L*, 89). By the authority of the sovereign “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 ... ” (*L*, 109). Importantly, “the end of this institution is the peace and defence of them all” (*L*, 113).

Add to this Hobbes’s statements concerning the role of fear in obedience: “Of all passions that which inclineth men least to break the laws is fear” (*L*, 196). Indeed, fear “is the only thing (when there is appearance of profit or pleasure by breaking the laws) that makes men keep them” (*L*, 196). Fear of the sovereign’s power, therefore, is meant to keep subjects to their covenants, or more specifically, to ensure their obedience to the civil laws and their sovereign.

For the laws of nature ... 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. And covenants without the sword are but words, and of no strength to secure a man at all. Therefore notwithstanding the laws of nature ..., if there be no power erected, or not great enough for our security, every man will, and may lawfully rely on his own strength and art, for caution against all other men (*L*, 106).

Hence, it is necessary for the sovereign, through the means of his power and the fear of it, to keep his subjects to “the performance of their covenants and observation of those laws of nature” (*L*, 106).

His authority, moreover, depends upon his ability to do so, since this obedience is necessary for peace. To maintain his authority, therefore, the sovereign must ensure that his subjects fear him. To fulfill his obligation to the natural laws, the sovereign must ensure that

his subjects are in continual fear of his power.

It is also the sovereign's "duty", Hobbes states, in order to procure "the safety of the people" to "which he is obliged by the law of nature", not to "let the people be ignorant or misinformed of the grounds and reasons of those his essential rights, because thereby men are easy to be seduced and drawn to resist him, when the commonwealth shall require their use and exercise" (*L*, 220). Subjects must be taught the grounds of their sovereign's rights because the exclusive fear of their sovereign's power is not a sufficient condition for the maintenance of the sovereign's authority: "And the grounds of these rights have the rather need to be diligently and truly taught, because they cannot be maintained by any civil law or terror of legal punishment" (*L*, 220).

Notice that Hobbes writes the "grounds of these rights" must be taught, and not simply "these rights". Hence, if the sovereign is obliged to maintain his authority, not only must the sovereign ensure that his subjects fear his power sufficiently to "honour their covenants made", but also the grounds of the sovereign's rights must be taught to the subjects.

The ability of the sovereign to manage these two factors is complicated, however, by his subjects' belief in God, that is, when the sovereign's authority extends over a Christian commonwealth. As I will argue below, fear of the sovereign may be threatened or overshadowed when a commonwealth's subjects have a fear of God. This fear of God, of course, presupposes a belief in God, and thus the requisite fear of the sovereign is vulnerable in a Christian commonwealth. Although Hobbes does attempt to diminish the fear of God in *Leviathan*, he does not, however, entirely eliminate it. I will argue that he does not do so because of the practical necessity of it.

Hobbes obliges the sovereign to teach—to the subjects of a Christian commonwealth—that his rights, the sovereign's rights, are based upon God as the agent whose

command is obliging. This conveys to subjects, in turn, that their rights and duties are also based upon God as the agent whose command is obliging. In order to teach this effectively, however, a fear of God amongst subjects is required; it is, of course, necessary to believe in God if one is to believe that God is an agent. The difficulty in this, Hobbes suggests, is that by making an explicit appeal to God, the sovereign may also allow the fear of God to overshadow the required fear of his own power. That is, by using the idea of God as the agent whose command is obliging to maintain his authority, the sovereign may unintentionally support and promote his subjects' fear of God which would, in turn, undermine his authority.

Following an account of this argument, I will examine Hobbes's description of a curious yet crucial liberty which belongs to Christian subjects, which the sovereign must ensure is taught and to which he must conform his actions. Hobbes evidently thought that this liberty was the solution to the paradox that, in practice, his system would create.

3.5.2 Fear of God

“It is impossible,” Hobbes notes, that “a commonwealth should stand where any other than the sovereign hath a power of giving greater rewards than life, and of inflicting greater punishments than death” (*L*, 301). Eternal torment, Hobbes adds, is a greater punishment than the “death of nature” (*L*, 301). The “fear of darkness and ghosts is greater than other fears”, often great enough to “destroy a commonwealth” (*L*, 216). If, therefore, “fear of death” inclines “men to peace”, and the sovereign's authority depends upon his power to meet out this punishment, then the sovereign's authority would be lessened should his subjects fear something greater than death. That is, if forced to choose between obedience to man and obedience to God, subjects would be more inclined to obey God if they feared God's punishment more than they feared the sovereign's punishment.

Jan H. Blits, for instance, argues that Hobbes placed an emphasis on two different fears with an eye to managing them appropriately in civil society; “the common good”, she notes, “requires a common fear”¹⁷⁸. The first is a fear of “spirits invisible”, or superstitions, while the second is a fear of the “power of men”. According to her, Hobbes argues that men

... will not enjoy lasting peace unless in the first place they fear ‘powers visible,’ that is, death at the hands of other men, more than they fear ‘powers invisible,’ that is, hellfire or damnation ... But since men will always choose what seems to them the lesser evil, ‘it is impossible a commonwealth should stand, where any other than the sovereign hath a power of giving greater rewards than life, and of inflicting greater punishments than death.’ Men must therefore fear death as the greatest evil.¹⁷⁹

Blits notices Hobbes’s statement, “For no man can serve two masters; nor is he less, but rather more a master, whom we believe we are to obey for fear of damnation, than he whom we obey for fear of temporal death”¹⁸⁰, and from it concludes that “Hobbes’s political theory rests on the principle that the popular fear of any power higher than the civil authority is destructive of society itself. Piety subverts society”¹⁸¹.

Strauss, like Blits, also noticed the emphasis which Hobbes places on the two sources of fear. He ascribes to Hobbes the belief that “the fear of invisible powers is stronger than the fear of violent death as long as people believe in invisible powers, i.e., as long as they are under the spell of delusions about the true character of reality; the fear of violent death comes fully into its own as soon as people have become enlightened”¹⁸². Strauss then writes that this implies that Hobbes’s scheme “requires for its operation the weakening or, rather, the

¹⁷⁸ Jan H. Blits, “Hobbesian Fear,” *Political Theory* 17 (1989), p. 426.

¹⁷⁹ *Ibid.*, p. 426.

¹⁸⁰ *De Cive*, VI, 11.

¹⁸¹ Blits, p. 427.

¹⁸² Strauss (1965), p. 198.

elimination of the fear of invisible powers”¹⁸³.

Richard Sherlock claims that this problem was the driving force behind Hobbes’s reinterpretation of the Christian notion of an afterlife in *Leviathan*. “In Hobbes’s political philosophy the fear of violent death is the motivating force behind political obedience. However, he argues, the Christian teaching about the world beyond is incompatible with political obedience based on this fear since death would then cease to be the worst evil that could befall a person”¹⁸⁴.

Sherlock argues that Hobbes attempts to change the content of the Christian afterlife in three ways so as to diminish this incompatibility. First, he notices that Hobbes interprets Heaven from Scripture as being a temporal “extension of the earthly commonwealth”¹⁸⁵. Second, Hobbes denies the immortality of the soul and, along with it, denies the Christian doctrine that human souls are resurrected upon death. In turn, Hobbes “claims that the time of the resurrection will be ‘at the last day,’ a time in the future the date or even nearness of which he cleverly avoids stating”¹⁸⁶. This has the effect of reducing the resurrection’s “psychic significance vis-à-vis a very real threat of death at the hands of the political authorities”¹⁸⁷. Third, Hobbes interprets hell as a psychological state from “metaphorical” biblical passages. Avoiding the very detailed specifics of Hobbes’s doctrine, suffice it to say that:

For the wicked, those actually inclined to political discord, there will be no permanent torment nor even a permanent life after death. In both ways the significance of the teaching on hell as a source of discord is reduced. On the one hand the ‘torment’ is not necessarily worse than what we might expect from a violent death at the hands of political sovereign. Secondly, there will

¹⁸³ Ibid., p. 198. Cf. Strauss (1963), p. 75.

¹⁸⁴ Richard Sherlock, “The Theology of *Leviathan*: Hobbes on Religion”, *Interpretation* 10 (1982), p.55.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid, p. 55.

¹⁸⁷ Ibid.

be no eternal life for the wicked to suffer in.”¹⁸⁸

Sherlock notes that there is, however, a weakness to Hobbes’s reinterpretation of the afterlife, since he does not entirely eliminate the afterlife¹⁸⁹. Since the notion of an afterlife is still present—albeit rendered less dangerous by Hobbes—subjects still may fear the punishments of the afterlife more than they fear the punishments of the sovereign. This may not, however, be considered a weakness if it is taken into account that perhaps Hobbes did not wish to—even if he acceptably could—entirely eliminate the fear of God’s punishment¹⁹⁰. Hobbes does certainly diminish the extremity and immediacy of this punishment, but there may be—other than Hobbes’s unwillingness to offend his contemporary readers’ religious sensibilities—a justifiable reason as to why he does not entirely eliminate this fear.

Since Hobbes seems to argue that a fear of God and a fear of the sovereign may conflict, why does he not entirely eliminate the fear of God? This question is crucial in determining the inherent practical value of God—as the agent whose command obliges subjects and sovereigns to the natural law—for maintaining the authority of the sovereign in a Christian commonwealth. The answer is, as I will argue in the following section, that Hobbes believes that a fear of God is necessary to support and ground the use of God as a practically effective means to maintain authority and peace in a *Christian* commonwealth.

3.5.3 Management of subjects’ dual fears

The sovereign must decide, in accordance with his obligation to observe the natural

¹⁸⁸ Ibid, p.57.

¹⁸⁹ Ibid, p.54.

¹⁹⁰ Sherlock argues that Hobbes did not entirely eliminate the afterlife from his system, for “if [Hobbes] argues that there is no life after death he would be denying perhaps the most central belief of the Christianity of his seventeenth century readers (Sherlock, 54)”.

law, which ground for his sovereign rights must be taught to his subjects. Again, recall that according to Hobbes, the sovereign must teach the grounds of his rights rather than simply what his rights are. Furthermore, the sovereign has two choices. In either case, the sovereign's rights and obligations, after the establishment of a commonwealth, derive from the fact that the natural laws are the command of an agent who obliges. Therefore, either the sovereign may teach his subjects that God is the obliging agent, or that he himself is the obliging agent. I will demonstrate below that Hobbes insists that if the sovereign is sovereign of a Christian commonwealth, he must teach that God is the obliging agent.

Heretofore, I have examined the dual rationales which Hobbes provides for the sovereign's obligation to the natural laws. I have also examined some of the implications that follow from each rationale. Thus far, the implications have corresponded; the implications are the same, although the rationales differ. To summarise the secular explanation, the sovereign is obliged to rule in accordance with the natural laws through the recognition of consent; the sovereign must rule equitably, and to maintain his authority, the sovereign must ensure that his subjects sufficiently fear his power and that his subjects know the basis of that authority. If, on the other hand, the natural laws are God's laws, then the sovereign is obliged to rule according to the natural laws by virtue of their being God's laws, and must likewise ensure equity and fear of his own power, and instill in his subjects a knowledge of the basis of his authority.

There are two significant differences in the practical implications of these explanations, however, if we apply these principles to a Christian commonwealth comprising Christian subjects. Hobbes believes that Christian subjects are likely to feel forced to choose between obedience to their sovereign's commands and obedience to what they believe to be God's commands.

Since the sovereign must also teach his subjects the grounds for his sovereign rights, if the sovereign is sovereign of a Christian commonwealth, would it not be prudent, instead of providing simply a secular account of the grounds for his rights, to teach that his rights are grounded in God's law? This would imply that a Christian duty to obey one's sovereign should be taught¹⁹¹.

Hobbes highlights Biblical passages stating just this. Concerning obedience to one's sovereign, Hobbes writes that Scripture exhorts Christians "'to be subject to the higher power [i.e., one's rightful sovereign],' [Paul] saith that 'all power is ordained of God,' and that 'we ought to be subject to [our higher powers], not only for fear of incurring their wrath, but also for conscience sake'¹⁹²" (L, 338). Here Hobbes uses Scripture to validate his claim that a subject must both fear his sovereign's power, and believe that it is his duty to obey his sovereign, in this instance, because it is God's command. Again, according to Paul, Hobbes adds that sovereigns must "'Put men in mind to be subject to principalities, and power, and to obey magistrates'¹⁹³" (L, 338).

To teach that the natural laws are God's laws, therefore, is to teach that Christians have a Christian duty to obey their sovereign¹⁹⁴. Thus, the sovereign of a Christian commonwealth

¹⁹¹ I am not suggesting here what Hobbes' theory of obligation is, or what, *in principle*, obligates subjects to obey their sovereign. This distinguishes my premise from the debate, sparked primarily by Taylor and Warrender, and perhaps given its closest treatment and criticism by Cooke, revolving around what ultimately obligates subjects to obey their sovereign. Rather, I am stating what Hobbes thought should be *taught* to Christian subjects by sovereigns, in order to maintain their authority and further ensure the subjects' obedience. In this respect my argument is proximate to Geoffrey M Vaughn, *Behemoth teaches Leviathan: Thomas Hobbes on Political Education* (Lexington Books, 2002), yet my focus is more on the religious aspects of such teachings.

¹⁹² Romans 13: 1-6

¹⁹³ Titus 3:1

¹⁹⁴ This is not to argue that "Hobbes regarded natural law as applying only to Christians" (Warrender, 226), a view which Warrender attributes to A. E. Taylor and which he opposes. Warrender's criticisms of this view do not apply to my own view, since I do not argue that the natural law applies only to Christians, but rather that the natural law obliges the sovereign of a Christian commonwealth *to teach* his subjects that the natural law is God's law. However, I am arguing that the intent of the sovereign in teaching this would result in his Christian subjects

must teach to his subjects that they have a Christian duty to obey him. However, by obliging the sovereign of a Christian commonwealth to teach that both his and his subjects' rights and obligations have a theistic basis, Hobbes encounters a difficulty. By teaching that the grounds for his and his subjects rights are ultimately derived from God's authorship of the natural law, the sovereign relies upon his subjects' belief in and fear of God to ensure their obedience to him. That is, in order to effectively teach that God is the agent whose command is obliging, it is necessary that subjects believe in, and fear, God. The difficulty that arises from this, however, is that by making an explicit appeal to God, the sovereign may also allow the fear of God to overshadow the required fear of his own power. The sovereign, by using the idea of God as the agent whose command is obliging to maintain his authority, may coincidentally encourage his subjects' fear of God sufficiently to undermine his authority by diminishing their relative fear of the sovereign.

Therefore, while subjects may be taught that their belief in God requires obedience to their sovereign, their obligation to obey the sovereign—based upon a theistic rationale—may conflict with the fear of God that this teaching relies upon.

Hobbes, in the following passage, seems to suggest that a Christian duty to obey one's sovereign can indeed come into conflict with a fear of God and a perceived duty to obey God:

But if the command be such as cannot be obeyed without being damned to eternal death, then it were madness to obey it, and the counsel of our Saviour takes place (Matt. 10:28): 'Fear not those that kill the body, but cannot kill the soul.' All men, therefore, that would avoid both the punishments that are to be in this world inflicted for disobedience to their earthly sovereign, and those that shall be inflicted in the world to come for disobedience to God, have need be taught to distinguish well between what is and what is not necessary to eternal salvation (*L*, 398).

believing that the reason "I should keep valid covenants, is that this principle is natural law and a command of God" (Warrender, 231).

In other words, if a Christian subject fears God more than the sovereign, what reason has a Christian subject to obey his sovereign? Hobbes, as we have seen, accordingly diminishes the immediacy and severity of God's punishment, yet does not entirely eliminate the fear of God. If Hobbes had entirely eliminated the fear of God, we could not expect Hobbes to propose that the idea of God as an obliging agent was useful, since a fear of God depends upon a belief in God, and a belief in God is necessary for a belief that God is an obliging agent.

To ensure that obedience to both God and sovereign does not conflict with a fear of God, Hobbes redefines what is necessary for salvation. Hobbes writes that there are two things, and only two things, that are required for salvation: "faith in Christ and obedience to laws" (*L*, 398). Hobbes adds, "For if the command of the civil sovereign be such as that it may be obeyed without the forfeiture of life eternal, not to obey it is unjust ... " (*L*, 398). Obedience to the laws as a requisite for salvation further reinforces a Christian subject's duty to obey his sovereign.

If there is the potential for a sovereign's command to be contrary to salvation, then Christian subjects who may still "fear not those that kill the body" more than God, may thus choose to obey God rather than their sovereign. Since Hobbes has not entirely eliminated the fear of God, it is very likely that a Christian subject would still fear God's punishment, in whatever form it took, more than death. Since obedience to the laws is a requisite for salvation and, therefore, cannot be contrary to salvation, Hobbes asks if there is any possibility of a sovereign's command disaffecting one's faith. Faith in Christ is, of course, an inward belief, which according to Hobbes cannot be affected by "men's commands" (*L*, 338). Therefore, obedience to one's sovereign could not in any way affect one's belief.

In order to diminish the negative impact upon the sovereign's authority that the fear of

God produces, Hobbes thus makes the requisites of salvation consistent with obedience to the sovereign. This understanding of salvation renders a Christian subject's obedience—in deed—entirely consistent with what is required for salvation. The fear of God, therefore, is not eliminated, but rather the need to fear God's judgment and punishment for obedience to one's sovereign is eliminated. The requisite fear of God—requisite for teaching that God is the agent whose command is obliging—remains intact.

3.5.4 Naaman's freedom

While salvation enables a subject to obey the sovereign in all things without fear of God, there is a doctrine in *Leviathan* which contradicts this. Hobbes accordingly obliges a sovereign of a Christian commonwealth to under-emphasise the following doctrine: consent infers authorship and, therefore, accountability.

Recall that in either instance, whether the sovereign is obliged to the natural laws by a theistic or a secular rationale, the sovereign must treat his subjects as if they had consented. Although humans cannot, by institution, establish a commonwealth, this idea of consent must be acknowledged by the sovereign. If the sovereign of a Christian commonwealth teaches that God is the agent whose command is obliging, then subjects will perceive their duties and rights as deriving from God. One such right is the right to consent. In other words, it may be inferred that if a sovereign must teach his subjects the grounds for his rights, and if he must also treat his subjects as if they had consented, then it perhaps follows that the sovereign must teach his subjects that they had consented.

A Christian subject's knowledge of his right to consent, however, would likely cause that subject to question his duty to obey a sovereign command which he believed to be against the will or word of God. Hobbes describes his doctrine of agency by saying that "... every

subject is by this institution author of all the actions and judgments of the sovereign instituted” (*L*, 112). This doctrine of agency entails that subjects are accountable for *all* of the *sovereign’s* actions. If the sovereign, therefore, commits what his subjects perceive to be a sin, this doctrine of agency would hold his subjects accountable to God. Moreover, if a subject were to obey a sovereign command which the subject perceived to be against God’s will, the subject would believe himself to be accountable to God.

As things stand, however, this is at odds with the intent of Hobbes’s system. Compare, for instance, Hobbes’s notion of salvation with his doctrine of agency: whereas salvation eliminates the need to fear God’s judgment and punishment for obedience to one’s sovereign, this doctrine of agency implies that the subject is responsible for the actions of the sovereign, and if the subject is ultimately responsible, the subject must ultimately be accountable to God. A Christian subject is more likely to obey what he perceives to be God’s will than the sovereign’s commands, since the subject would perceive himself to be accountable to God, and would fear God’s punishment more than that of the sovereign.

To rid his system of the practical consequences of this, Hobbes provides a unique liberty for subjects. Hobbes illustrates the problem, and the resolution of it, with an extreme case: “... what if we be commanded by our lawful prince to say with our tongue, we believe not; must we obey such command?” (*L*, 338). Hobbes’s answer to this is what amounts to a liberty from divine judgment, or Naaman’s freedom: “Profession with the tongue is but an external thing, and no more than any other gesture whereby we signify our obedience, and wherein a Christian, holding firmly in his heart the faith of Christ, hath the same liberty which the prophet Elisha allowed to Naaman the Syrian” (*L*, 338).

Naaman, ordered by his sovereign to bow down to the idol Rimmon¹⁹⁵, obeyed the command, and thereby not only disobeyed God's second commandment, but "denied the true God in effect, as much as if he had done it with his lips" (*L*, 339). However, Hobbes notices Elisha's approval of Naaman's actions, absolving Naaman of any wrongdoing, and that Elisha "bid him *Go in peace*" (*L*, 339).

Hobbes concludes from this

that whatsoever a subject, as Naaman was, is compelled to [do] in obedience to his sovereign, and doth it not in order to his own mind, but in order to the laws of his country, that action is not his, but his sovereign's; nor is it he that in this case denieth Christ before men, but his governor, and the law of his country" (*L*, 339).

Such an act is, therefore, not to be imputed to the subject, "but to the king, i.e., it is an act of the commonwealth, and is to be imputed to the laws, and that it is not he, but his king, who has denied Christ" (*OL* 339)¹⁹⁶.

This liberty is in stark contradiction to the law of agency Hobbes has earlier laid out, that every subject is, by their consent, author of all the actions and judgments of the sovereign they consented to. The passage in which Hobbes discusses Naaman's freedom occurs just lines after Hobbes cites biblical passages which state that men must be put in mind to obey their sovereign (*L*, 338). It is evident that Hobbes, by discussing Naaman's freedom in this context, believed it to be absolutely necessary that the sovereign ensure that his subjects understand this liberty from divine judgment. Indeed, since Naaman's freedom is a doctrine

¹⁹⁵ 2 Kings 5:17-18

¹⁹⁶ In Chapter Three of Hobbes's Latin appendix to *Leviathan* (1668) entitled "On certain objections against *Leviathan*", Hobbes acknowledges that Elisha's bidding "Go in peace" may be interpreted as a dismissal, rather than denoting permission (app. iii, 31). Hobbes, however, further justifies his interpretation by noting that God "easily forgave" even the greatest instance of denial in Scripture, Peter's (app. iii, 32).

which ought to be taught, and is necessary to avoid the conflict of choice between obedience to God and man—which Hobbes thought inimical to peace—it is evident that the sovereign of a Christian commonwealth is obliged to teach his subjects that they have a liberty from divine judgment¹⁹⁷.

Importantly, notice that Hobbes succeeds in eliminating the practical implications of the paradox only if Naaman's freedom is emphasised over a subject's right to consent. Although Naaman's freedom and the doctrine of agency are logically inconsistent, if the sovereign emphasises Naaman's freedom and under-emphasises Hobbes's doctrine of agency, his Christian subjects are far less likely to be aware of the inconsistency. Moreover, recall that Hobbes does not actually argue that an act of consent occurs, only that the sovereign must treat his subjects as if they had consented. Therefore, this may also represent a disparity between that which the sovereign is meant to understand and that which his subjects are meant to understand. That is, while the sovereign is meant to understand that he must treat his subjects as if they had consented, and must ensure that they understand their liberty from divine judgment, perhaps he need not emphasise to his subjects that they had consented. Nor need he teach them that he must act as if they had consented. Nor, in particular, need he teach his subjects the doctrine of agency that institution by consent entails. Instead, the subjects must be taught the requisites of salvation, Naaman's freedom, and that God is the author of the natural laws and the basis of their obligation.

This, in turn, eliminates the fear of God's punishment *only* insofar as it conflicts with a

¹⁹⁷ Herzog notes that Hobbes “is ruthlessly opportunistic about agency, pinning responsibility for the sovereign's actions on the subject when that has good political consequences, on the sovereign when that has good political consequences” Herzog, *Happy Slaves: A Critique of Consent Theory* (Chicago: University of Chicago Press, 1989) p. 108.

subject's obligation to obey the sovereign's command. Hobbes ingeniously reinforces the sovereign's authority—which is partly dependent upon subjects' fear of the sovereign and partly dependent upon subjects being taught the grounds for their sovereign's rights—by maintaining, not eliminating, the fear of God. According to Hobbes's requisites for salvation and Naaman's freedom, whether the sovereign be "Christian or infidel", obedience to one's sovereign does not conflict with the subject's salvation. "Therefore, whoever gives obedience to his Christian king is not prevented from obeying God" (*L*, 409). For the sake of peace, there can "be no contradiction between the laws of God and the laws of a Christian commonwealth" (*L*, 409).

Chapter 4

Limits to the exercise of sovereign authority

4.1 Introduction

In the previous two chapters I have argued that Hobbes, in the *Leviathan*, meant not only to establish a sovereign with both political and what was traditionally conceived of as ecclesiastical authority in order to achieve peace, but also to oblige this sovereign to rule according to those laws which Hobbes contends are prescriptive for peace. This obligation, it will be argued, limits the sovereign's exercise of authority in various ways.

I will focus in particular on how these limitations include the sovereign's toleration of religious beliefs, and in certain circumstances, religious behaviour. I will argue that the specific obligations of a sovereign of a Christian commonwealth—which were discussed in Chapter Three—entail an obligation of the sovereign to be tolerant. That is, that the obligations of the sovereign to rule equitably, to maintain a level of fear of his power amongst his subjects, to teach his subjects that the grounds for his rights are based upon divine natural law and to ensure that his subjects understand their liberty from divine judgment, collectively work to oblige the sovereign to a toleration of religious belief, and in certain circumstances, religious behaviour.

4.2 Religious context of Hobbes-as-absolutist

In the literature concerning the particular question of the extent of Hobbes's sovereign's authority, which also takes into account the religious aspects of Hobbes's political theory, there are two distinct interpretations. One group argues that Hobbes's sovereign has

absolute authority over political and ecclesiastical matters, with no restraints on the use of his power to enforce his will, while the other group argues that Hobbes's sovereign is not entirely 'absolute'; while the authority of the sovereign is nearly absolute, the sovereign's exercise of authority is 'hemmed in' by certain liberal or prudential principles. John W. Seaman describes the debate as revolving "around different understandings of the nature of Hobbes's conception of political authority and its implications for his treatment of religion"¹⁹⁸.

The first, a "Hobbes-as-an-absolutist' interpretation contends that [Hobbes's] political thought entails a defence of the principle of 'absolute sovereignty,' or 'absolute power,' or 'absolute obedience,' and that the purpose of his reinterpretation of Christianity was simply to make it support this principle"¹⁹⁹. Richard Sherlock, for instance, writes that

Hobbes tries to reshape Christian teaching in order to make it an acceptable, even a necessary part of a commonwealth founded on the Hobbesian principle of absolute sovereignty. Since he cannot dismiss religious opinions as something to be outgrown he tries to give an account of the fundamental religious opinions of his age that will allow those beliefs to be placed in the service of sovereign power.²⁰⁰

James Farr argues that Hobbes's reinterpretation of Scripture was intended to have the effect of "exorcising" those "enthusiastic and superstitious strains in Christianity which unglued reason and undermined obedience"²⁰¹. By doing so, he argues, Hobbes meant to "use" Scripture to support "his political philosophy of absolute obedience"²⁰². Similarly,

¹⁹⁸ Seaman, p. 229.

¹⁹⁹ Ibid. See James Farr, "Atomes of Scripture: Hobbes and the Politics of Biblical Interpretation" in Mary G. Dietz, ed., *Thomas Hobbes and Political Theory* (Lawrence: University Press of Kansas, 1990), p. 175; Lloyd, *Ideals as Interests in Hobbes's Leviathan*, pp. 5, 51, 190, and throughout chapter 9; Hilmar M. Pabel, "'Give to Caesar that Which Is Caesars': Hobbes's Strategy in the Second Half of Leviathan", *Journal of Church and State* 35 (1993), pp. 335, 337-38, 343-44, 349 and Richard Sherlock, "The Theology of Leviathan: Hobbes on Religion", *Interpretation: A Journal of Political Philosophy* 10 (1982), pp. 47, 58.

²⁰⁰ Sherlock, p. 47.

²⁰¹ Farr (1990), p. 175.

²⁰² Ibid.

Hilmar M. Pabel argues that Hobbes meant to prove “from Scripture the absolute power of the civil sovereign”²⁰³.

On the other hand, the second interpretation, “a ‘Hobbes-as-a-liberal-absolutist’ view, while not denying that [Hobbes’s] sovereign is absolute in important respects, suggests that there is another significant dimension to his political theory, namely, a pronounced individualism that allows us to regard him as one of the main founders of modern liberalism”²⁰⁴. Those holding this view attempt to demonstrate the presence of liberal principles in Hobbes’s work, for instance, “that Hobbes tolerated a policy of toleration similar to Locke’s, or that his liberalism is manifest in his assault on theocracy, or that his reshaping of Christianity was designed to make it fit with his liberal understanding of the natural rights of masterless man in the state of nature”²⁰⁵.

What I intend to argue in this chapter is not whether Hobbes was a founder of modern liberalism, although my findings might not be in opposition to this assertion, but rather whether or not, and if so, for what reasons, Hobbes’s sovereign is expected to be tolerant of religious thought (orthodox, heterodox, and unorthodox), and more controversially, of certain religious behaviour.

4.3 The limits of sovereign authority

The authority of Hobbes’s sovereign can be understood to be limited in two distinct ways. The first entails a *lack* of authority on the part of the sovereign, that is, what the

²⁰³ Pabel (1993), p. 335.

²⁰⁴ Seaman, p. 229. See footnote 13 of this chapter for a list of Hobbes-as-liberal-absolutist interpreters in the context of religion and toleration.

²⁰⁵ Seaman, p. 230.

sovereign does not have authority over, or what is not in the sovereign's domain. This, of course, would imply that the sovereign is not entirely absolute. The second limitation on the sovereign's authority is not precisely a limit on the sovereign's authority, but rather, a limitation on the *exercise* of sovereign authority. In other words, the sovereign may have authority over certain matters, however, Hobbes clearly cites both principles and examples which stress that the sovereign should not exercise his authority over these matters. These restrictions on the sovereign's authority and the exercise of sovereign authority are ultimately derived from the natural laws, in accord with which, as demonstrated in Chapter two, the sovereign is obliged to rule.

Taking each limitation in turn, what does Hobbes exclude from the sovereign's authority? Recall that in Chapter Two, Hobbes's distinction between thought and action was discussed, and the implications of this distinction for the inclusion of inner thoughts and beliefs as matters within the realm of ecclesiastical authority were outlined. Coercion, Hobbes argues, is a sovereign tool of authority, and thoughts and beliefs are not influenced by coercion²⁰⁶. Coercion, he continues, is not a tool of the church and, therefore, the authority of the church does not include the coercive 'correction' of people's religious beliefs.

Hobbes, recall, also eliminates the distinction between ecclesiastical authority and civil authority. This has the consequence of likewise denying the sovereign the power to coercively attempt to change religious beliefs. While the sovereign has, of course, coercive power whereas the church does not, Hobbes maintains that coercion is not an effective means by which to change the beliefs of subjects. Hence, sovereigns do not have the power to change

²⁰⁶ Coercion is not to be confused with persuasion. Whereas persuasion is a tool which the sovereign has at his disposal to influence his subjects' beliefs, coercion is said by Hobbes to be unable to influence belief. See, for instance, *xlii*, 8.

beliefs through coercive means.

While this signifies an exclusion from the sovereign's power, much more common in the *Leviathan* are instances where the sovereign's *authority* over some matter is affected. These limitations placed upon the sovereign's authority, moreover, are entirely due to the sovereign's obligation to rule according to the natural laws.

In Chapter Three I demonstrated that the sovereign is obliged to rule according to the natural laws, whether those natural laws are considered to be obliging through a recognition of subjects' rights to consent or because they are God's laws. As such, if those natural laws limit in any way the execution of the sovereign's will, the sovereign can be said to be constrained by the natural laws. Seaman effectively summarises the extent to which "the power of a prudent sovereign, a sovereign who wishes to retain its authority over the long run" can be said to be constrained by the laws of nature:

Thus, the *Leviathan's* ninth law of nature calls on the sovereign to treat its subjects as if they have an equal natural right to self-governance . . . Further, the sovereign must treat its subjects as having not just inalienable rights, but a wide range of equal inalienable rights (the tenth law of nature); as having a right to be treated as equal before judges (the eleventh law of nature); and as having—preliminarily, at any rate—equal rights to material goods (implied by the eleventh, twelfth and thirteenth laws of nature).²⁰⁷

If, therefore, the sovereign is obliged to rule according to the natural laws, and those natural laws restrict, for example, inequity, then the sovereign ought not exercise his authority in an inequitable manner. His authority remains absolute, save for the one exception discussed, yet to maintain his authority, the sovereign ought not exercise his authority in such a way as to break the natural laws. It is in this respect, therefore, that the sovereign's authority can be said

²⁰⁷ Seaman, pp. 230-31.

to be ‘hemmed in’ by the natural laws, and in this case specifically, by the law of equity.

For instance, the law of equity, or the eleventh law of nature, states that those who judge between subjects must “deal equally between them” (*L*, 97). Hobbes argues that the breach of this law constitutes a breach of the fundamental law of nature. If, he writes, judges are partial in their judgments, this will deter men from using judges. This reluctance, in turn, “is the cause of war” (*L*, 97). To cause war, of course, is against the fundamental law of nature, which is to seek peace. Therefore, a sovereign is obligated to ensure the impartial judgment of his subjects because failure to do so is inimical to peace.

Thus far, the sovereign does not have the power to coercively affect his subjects’ beliefs, and there is an obligatory injunction against him exercising his authority inequitably. The sovereign is even more broadly restricted in his exercise of authority. That is, although the sovereign may possess the authority to act in some manner, the sovereign is limited in his ability to exercise that authority. Two examples serve to illustrate that the sovereign is limited in this manner by his obligation to abide by the natural laws.

First, the natural laws spell out certain liberties for subjects, and due to the sovereign’s obligation to the natural laws, the sovereign’s exercise of authority is limited by these liberties.

All liberties, according to Hobbes, are derived from the right of nature, which “is the liberty each man hath to use his own power” to preserve his own nature as he sees fit. The right of nature is essentially, therefore, the liberty to do anything. Liberty is never granted—even the sovereign’s liberty is simply a retention of his right of nature—but rather transferred or renounced. What is not transferred or renounced is what is properly understood to remain of one’s liberty.

An important liberty belonging to subjects, therefore, is that liberty which *cannot* be renounced or transferred. The generation of a commonwealth involves the renunciation and

transfer of each individual's rights to the sovereign. According to Hobbes, however, there are rights that are not alienable. The inalienable rights cannot be "abandoned or transferred" (*L*, 82). First, "a man cannot lay down the right of resisting them that assault him by force, to take away his life ..." (*L*, 82). Second, a man cannot lay down the right of resisting those who aim to "wound" or "imprison" him (*L*, 82). Finally, since the purpose of renouncing and transferring rights is "the security of a man's person, in his life and in the means of so preserving life as not to be weary of it", then a man can not "despoil himself of the end for which those signs were intended" (*L*, 82).

These inalienable rights are, therefore, those elements of the right of nature which are still possessed by subjects in a commonwealth, those which are not renounced or transferred "for the preservation of [one's] own nature". Since the right of nature is "the liberty each man hath to use his own power" to attain any and all things as he sees fit, then corresponding to these inalienable rights is the liberty to use one's own power to avoid death, imprisonment, and preservation of life so "as not to be weary of it".

Thus, the obligations of subjects to their sovereign are limited by the implications of the first and second laws of nature: "... while the sovereign has the absolute *right* and *authority* to do whatever it wishes, subjects are not obliged to obey the sovereign in everything, for they cannot be obliged to help the sovereign, as Hobbes makes clear in his explication of the second law of nature, to violate their inalienable right"²⁰⁸. The sovereign's exercise of authority can be seen as limited by the subjects' inalienable rights because the sovereign cannot expect obedience in these matters. The sovereign may have the authority to violate his subjects' inalienable rights, but the exercise of that authority is hampered by his

²⁰⁸ Seaman, p. 230.

subjects' ability and right to resist the sovereign's exercise of this authority²⁰⁹.

A further instance of these restraints on the exercise of sovereign authority, due to an obligation to the natural laws, is provided by Hobbes's discussion of punishment. Teaching subjects the grounds for the sovereign's rights, as discussed in Chapter three, is an obligation of the sovereign as a means to curbing subjects' ignorance and thereby further maintaining sovereign authority. The sovereign is also obliged to maintain a level of fearfulness of his punishment. This obligation is tempered, however, by other obligations which are spelled out in the natural law.

Hobbes writes,

But I have also showed formerly that before the institution of commonwealth, every man had a right to everything, and to do whatsoever he thought necessary to his own preservation, subduing, hurting, or killing any man in order thereunto. And this is the foundation of that right of punishing which is exercised in every commonwealth. For the subjects did not give the sovereign that right, but only (in laying down theirs) strengthened him to use his own as he should think fit, for the preservation of them all; so that it was not given, but left to him, and to him only, and (*excepting the limits set him by natural law*²¹⁰) as entire as in the condition of mere nature, and of war of every one against his neighbour (*L*, 204).

The sovereign, therefore, has every right to punish whomever in whatever way he deems fit. Yet there are limits to the exercise of this sovereign right. What are these "limits set him by natural law"? In one instance, Hobbes argues that the severest punishments should be reserved for those crimes that are most of danger to the public (*L*, 230). Moreover, crimes of infirmity, by which Hobbes means "those which proceed from great provocation, from great fear, great need, or from ignorance whether the fact be a crime or not" (*L*, 230) should

²⁰⁹ Refer to footnote six of the Introduction. I will also explore this particular issue—in the context of defence rather than religion—in Chapter Seven.

²¹⁰ Emphasis added.

often be treated with lenity. Lenity, Hobbes argues, “when there is such place for it, is required by the law of nature” (*L*, 230). Here Hobbes seemingly alludes to the seventh law of nature, which states “*that in revenges (that is, retribution of evil for evil) men look not at the greatness of the evil past, but the greatness of the good to follow.* Whereby we are forbidden to inflict punishment with any other design than for correction of the offender, or direction of others” (*L*, 96).

Hobbes continues, regarding crimes of infirmity: “The punishment of the leaders and teachers in a commotion, not the poor seduced people, when they are punished, can profit the commonwealth by their example” (*L*, 230). In certain circumstances, therefore, such as when a teacher seduces people to a cause which the sovereign deems punishable, the teacher alone ought to be punished. This is so because the reason for punishment is correction, not revenge. Regarding revenge’s relation to the natural law, Hobbes writes “revenge without respect to the example and profit to come is a triumph, or glorying, in the hurt of another, tending to no end (for the end is always somewhat to come); and glorying to no end is vain-glory, and contrary to reason; and to hurt without reason tendeth to the introduction of war, which is against the law of nature” (*L*, 96).

Since, therefore, the punishment of their teacher can serve as an example, it is not necessary to punish the whole group. Indeed, Hobbes says, it is likely the fault of the sovereign if such a problem should arise in the first place: “To be severe to the people is to punish that ignorance which may in great part be imputed to the sovereign, whose fault it was they were no better instructed” (*L*, 230). If the breach of the seventh law of nature “is commonly styled by the name of *cruelty*”, then not only is the sovereign punishing his subjects for his own failure to maintain his authority through teaching the grounds of his sovereign rights, which is against the natural law, but he is also acting cruelly, which is also contrary to

the natural laws. Therefore, the sovereign is obliged to be lenient under certain circumstances.

The natural laws further limit the sovereign's exercise of his authority to punish when that punishment concerns innocent subjects. The punishment of innocent subjects, Hobbes writes, is against the law of nature for three reasons (*L*, 208). First it is, again, against the seventh law of nature, since it "forbiddeth all men, in their revenges, to look at anything but some future good" (*L*, 208). There can be no good, Hobbes adds, in punishing the innocent. Second, it is against the fourth law of nature, or gratitude, "For seeing all sovereign power is originally given by the consent of every one of the subjects, to the end they should, as long as they are obedient, be protected thereby, the punishment of the innocent is a rendering of evil for good" (*L*, 208). Third and finally, it is against the law of equity, for it is not "an equal distribution of justice" (*L*, 208).

Thus, again, the sovereign is limited in *how* he can maintain sovereign authority. While the sovereign has the authority to punish whomever, and however severely he sees fit, according to the natural laws in accordance with which he is obliged to rule, this authority must be tempered. It is necessary for peace, Hobbes argues, that the sovereign be the sole possessor of the right to punish and, therefore, that right must be laid down by all subjects and retained by the sovereign. However, while the sovereign is the sole possessor of that right, it is also necessary for the achievement of peace that the sovereign be limited in how he may exercise that right. The sovereign may not do those things identified by Hobbes as threatening peace, which would defeat the very purpose of the sovereign's possession of the sole right to punish in the first place.

Hence, the above examples—the inalienable rights and punishment of subjects—demonstrate that the restrictions placed on the sovereign's exercise of authority are due to the sovereign's obligation to the natural laws. The remainder of this chapter will be devoted to

demonstrating that the sovereign's obligation to the natural laws also obliges the sovereign to be tolerant of the inner religious beliefs of his subjects, and in certain circumstances, the religious expression or behaviour of his subjects.

4.3.1 Religious toleration

Religious toleration in *Leviathan* comes in two forms, and each is based upon a different rationale. The first type of religious toleration permits freedom of thought, which Hobbes contrasts with liberty of conscience—which he opposes. Hobbes's defence of this type of toleration is based upon either one of two rationales. One explanation is that Hobbes's sovereign does not have the authority to be intolerant of religious beliefs. This is based on Hobbes's premise that the sovereign cannot affect his subjects' religious beliefs. That is, the sovereign is incapable of affecting his subjects' inner religious beliefs and, therefore, he ought to be tolerant of his subjects' inner religious beliefs. The other explanation is that thoughts and beliefs are inalienable rights, based on the liberty of subjects, which in turn implies that although the sovereign has the authority to be intolerant, subjects have an inalienable right to religious freedom which must be acknowledged by the sovereign.

The second type of religious toleration is a provisional, prudential toleration of religious *behaviour*. This is similarly based upon the limitations of the sovereign's authority. However, I will propose that instead of lacking the authority to be intolerant, the sovereign does possess the authority to be intolerant of religious behaviour. Rather, the sovereign is limited in his *exercise* of authority over religious behaviour due to his obligation to rule in accordance with the natural laws.

The first type of religious toleration has been noted and examined by a number of commentators, most recently by Alan Ryan, John W. Seaman, and Richard Tuck²¹¹. It is, they argue, a toleration of thought and belief, both deriving from and resulting in a freedom of thought and belief. Hobbes argues that “belief or unbelief never follow men’s commands” (*L*, 338), and that “faith hath no relation to, nor dependence at all, upon compulsion or commandment, but only upon certainty or probability of arguments drawn from reason or from something men believe already” (*L*, 337). That is, sovereign coercive power—as opposed to persuasion—has no effect upon the thoughts and beliefs of subjects.

This, it is argued, is either due to Hobbes’s epistemology, or from his understanding of rights. Recall that Hobbes writes “As for the inward *thought* and *belief* of men, which human governors can take no notice of (for God only knoweth the heart), they are not voluntary, nor the effect of the laws, but of the unrevealed will, and of the power of God, and consequently fall not under obligation” (*L*, 318). Subjects, therefore, have no obligation to the sovereign to believe. Now, is this mainly because subjects have an inalienable right to the freedom of their inward belief, or is it mainly because the sovereign does not have the power to influence belief

²¹¹ For the most recent and thorough examinations on Hobbes and toleration, see Alan Ryan, “Hobbes, Toleration, and the Inner Life” in David Miller and Larry Siedentop eds., *The Nature of Political Theory* (Oxford: Clarendon Press, 1983); and John W. Seaman, “Hobbes and the Liberalization of Christianity”, *Canadian Journal of Political Science* 32 (1999). For two discussions on historical evidence which indicates that Hobbes supported a policy of religious toleration in seventeenth century England, see Alan Ryan, “A More Tolerant Hobbes?” in Susan Mendus, ed., *Justifying Toleration: Conceptual and Historical Perspectives* (Cambridge: Cambridge University Press, 1988) and Richard Tuck, “Hobbes and Locke on Toleration” in Dietz, ed. *Thomas Hobbes and Political Theory*, (Lawrence: University Press of Kansas, 1990). It should also be noted that the following present arguments, although not in sufficient detail for my purposes here, that Hobbes was a tolerationist: Eldon J. Eisenach (1981) pp. 61-5, John Hunt (1870), p. 389; Clifford Orwin (1975), p. 40; Warrender (1957), pp. 172-73. A very recent argument that Hobbes’s ‘liberty of conscience’ is deceptive in that it “holds out the possibility of dissent while making it impossible to utilize” has been made by Johan Tralau, “Hobbes contra liberty of conscience”, *Political Theory* v. 39 (December, 2011). However, in the face of my subsequent argument that Hobbes’s sovereign is obliged not to command certain religious behaviour—which in effect grants subjects a liberty of religious expression for its prudential benefit—Tralau’s interpretation becomes far less plausible.

through coercive means?

Alan Ryan, taking the latter position, argues that Hobbes does not offer a morally principled defence of toleration, but rather that Hobbes offers epistemologically principled reasons. That is, “There are things we cannot get people to think, and where we cannot we ought not to try”²¹². Seaman, taking the former position while not dismissing the latter, argues that religious freedom is an inalienable right. Agreeing with Ryan, he argues that although “rulers may *influence* the opinions of their subjects”, the sovereign cannot “change beliefs by coercion”²¹³. There is, however, an added implication in this, as argued by Seaman:

Since interior beliefs or thoughts cannot be commanded by either oneself or others, no one can be understood as being able to transfer a right to command his or her beliefs or thoughts to the sovereign. The implication, clearly, is that liberty of thought or belief is a nontransferable, that is, an inalienable, right.²¹⁴

That Hobbes understands freedom of thought and belief to be an inalienable right is further evidenced, Seaman argues, by Hobbes’s allowance of an exception to subjects’ obligations: “a subject need not obey the sovereign when its commands are ‘repugnant to the Lawes of God’”²¹⁵. People, Hobbes accordingly believes, will be compelled “to retain control over matters having a decisive bearing on their eternal salvation”²¹⁶. Seaman claims that this is essentially recognising, even if only implicitly, an inalienable right to religious freedom²¹⁷.

The primary argument that freedom of thought is an inalienable right, therefore, stems from Hobbes’s assertion that freedom of thought cannot be renounced or transferred since thoughts “are not voluntary”. The transfer and renunciation of rights, Hobbes argues, is a

²¹² Ryan, p. 217.

²¹³ Seaman, p. 242.

²¹⁴ Ibid.

²¹⁵ Ibid, p.243.

²¹⁶ Ibid.

²¹⁷ Ibid.

voluntary act (*L*, 82). Even if, therefore, someone attempted to transfer or renounce their freedom of thought, one would be unable to since thought is not voluntary. Similarly, thoughts do not fall under obligation, just as the inalienable rights do not. One could not, accordingly, be obliged to have any particular thought or belief, just as one could not be obliged to kill oneself.

While thought and belief can, therefore, be considered inalienable, are they rights? Recall the right of nature, which is the liberty to preserve one's own nature and life, and "of doing anything which, in his own judgment and reason, he shall conceive to be the aptest means thereunto" (*L*, 79). Hobbes rhetorically asks much later in the *Leviathan*: "For who is there, that knowing that there is so great danger in an error, whom the natural care of himself compelleth not to hazard his soul upon his own judgment, rather than that of any other man that is unconcerned in his damnation?" (*L*, 466)²¹⁸. Hobbes suggests here that the natural care of oneself, the end of the right of nature, includes the care of one's soul. This is not to suggest that Hobbes believed in the Christian conception of a soul, but rather that Hobbes is being practical. He is asking who, if he believed in God's judgment, would not believe that the natural care of himself included his salvation. Accordingly Christians, Hobbes evidently believes, will prefer to rely, and indeed insist, upon their own personal judgment concerning their spiritual self-preservation rather than another's judgment on their behalf.

This suggests, therefore, that for Hobbes, freedom of thought and belief is a right. As Seaman notes, Hobbes does not oblige a subject to obey the sovereign when the sovereign's commands are "repugnant to the Lawes of God", or the laws of nature. If subjects do not have an obligation to obey the sovereign in some respect, then this implies the retention of a right

²¹⁸ See also *Leviathan*, p. 482.

on the part of subjects. More explicitly, Hobbes seems to add the right to rely upon one's own judgment in matters of personal salvation to the right of nature, by adding spiritual self-preservation as a component of the right of nature.

Hobbes does not, however, *explicitly* state that thought or belief is an inalienable right. Recall also Ryan's assertion that the sovereign does not have authority over thoughts and beliefs because he does not have coercive power over thoughts and beliefs. I do not intend, however, to argue that either one or the other is correct while the other is inaccurate. While Ryan's argument is certainly correct and readily apparent, the argument that Hobbes presents beliefs as inalienable rights, although not as readily apparent, is substantively convincing.

Whatever the rationale, it is clear that Hobbes presents the toleration of inner religious belief as an obligation of the sovereign, deriving from the sovereign's obligation to rule according to the natural laws. One passage in *Leviathan* makes it clear that to be intolerant of inner religious belief is against the law of nature which, therefore, implies an obligation on the part of the sovereign to be tolerant of inner religious belief.

Hobbes argues that an error is made by those who wish

... to extend the power of the law, which is the rule of actions only, to the very thoughts and consciences of men, by examination and inquisition of what they hold, notwithstanding the conformity of their speech and actions. By which men are either punished for answering the truth of their thoughts, or constrained to answer an untruth for fear of punishment (*L*, 466).

Quite clearly, Hobbes is maintaining that a sovereign must not attempt to enforce uniformity of belief through coercive means, and thus there exists for subjects a freedom of thought and belief. He continues the argument with an example:

It is true that the civil magistrate, intending to employ a minister in the charge of teaching, may enquire of him if he be content to preach such and such doctrines; and in case of refusal, may deny him the employment. But to force him to accuse himself of opinions, when his actions are not by law forbidden,

is against the law of nature ... (*L*, 466).

Not only does this passage explicitly state that to be intolerant of inner religious beliefs, or more precisely, to force someone to “accuse himself of opinions”, is against the law of nature, but it also details a tangible limitation on the exercise of the sovereign’s authority. Because of the sovereign’s obligation to the natural law, the sovereign must not “extend the power of the law” to include thoughts and beliefs. Thus the sovereign must not forcefully inquire into his subjects’ inner religious beliefs, nor, by implication, hold people legally accountable for their religious beliefs.

Both explanations as to the reasons for a toleration of thought and belief are based upon a *preexistent* liberty of thought and belief. Whether the sovereign must tolerate religious belief because freedom of thought is not within control of the sovereign’s coercive power, or more categorically because freedom of thought is an inalienable right, freedom of thought is a precondition for toleration of thought; freedom of thought not only results from a tolerance of thought, but the nature of thought as free is the justification for the tolerance of it.

This liberty is not, however, a liberty of conscience. Although the sovereign “cannot compel me to believe” (*OL*, 246), the sovereign “may oblige me to obedience” (*L*, 246). In other words, although the sovereign cannot oblige me “to think any otherwise than my reason persuades me”, the sovereign can oblige me “so as not by act or word to declare I believe him not” (*L*, 246). Seaman argues that this distinction between belief and action, and a subject’s obligation to obey but not to believe, was thought by Hobbes to be necessary for civil peace, since the public exercise of freedom of belief “is exceedingly dangerous to civil order”²¹⁹.

²¹⁹ Seaman, p. 243.

Hobbes goes to great lengths, therefore, to confine the freedom of religion to strictly “the inner realm of private belief”²²⁰.

Ryan similarly maintains this intent of Hobbes, arguing that Hobbes was “extremely anxious to secure uniformity of *profession* in matters of religion”, and that he accordingly divorced public profession from private conviction²²¹. What all of this aims at, Ryan claims, “is to make uniform public worship a political good and not a religious issue in the usual sense, while strongly suggesting that private opinion can be left unfettered”²²². Hobbes’s intention “always is to show that there is no way in which our duty to obey God can conflict with our duty to obey (at any rate Christian) sovereigns”²²³.

To enforce uniformity of belief, as opposed to profession of belief, was believed by Hobbes to be inimical to peace. Evidently, the tolerance of religious belief, according to Hobbes, is one further, very crucial, aspect of maintaining the peace of a commonwealth consisting of Christian subjects. Recall, for instance, that the requisites for salvation were reduced by Hobbes to include only a faith that “Jesus is the Christ”—the *unum necessarium*—and obedience to the sovereign”. Considering that Hobbes thought that each subject would not entrust their salvation to someone other than themselves, Hobbes seemingly compensated by simultaneously reducing the requisites of salvation to the above two conditions, and argued that even should the sovereign attempt to, the sovereign could not affect one’s faith. Hobbes thus ensured that obedience to the sovereign “would never conflict with the requirements of

²²⁰ Ibid.

²²¹ Ryan, p. 200.

²²² Ibid., p. 207.

²²³ Ibid. p. 210.

salvation”²²⁴. As discussed in Chapter three, Naaman’s freedom is further evidence of Hobbes’s attempt to eliminate such conflict.

However, both Ryan and Seaman note that Hobbes *may* have considered allowing the liberty of inner belief “to escape the confines of the private mind and enter the public realm”²²⁵. That Hobbes supports this is suggested in *Behemoth*, where

... he warns that although a state can make people obey, it cannot change their minds if they believe they have ‘the better reason,’ and any attempt at the ‘suppression of doctrine does but unite and exasperate, that is, increase both the malice and power of them that have already believed them.’ The implication, clearly, is that the state should attempt to tolerate various religious creeds when they have taken strong root.²²⁶

Similarly, Ryan, despite adamantly claiming that Hobbes wished to ensure uniformity of profession in matters of religion, writes in conclusion that besides those things that one cannot make people believe and, therefore, ought not to try, “All else is a matter of expediency in that large sense in which the laws of nature bind sovereigns to act expediently rather than selfishly or arbitrarily”²²⁷. If sovereigns are obliged to act according to the natural laws, however, and if those natural laws include a provision for the toleration of religious *behaviour*—not just belief—then the sovereign would be, prudently or provisionally at least, obliged to be tolerant.

In order to demonstrate how the sovereign’s obligation to the natural laws also obliges the sovereign, under certain circumstances, to be tolerant of religious behaviour, it is useful to examine those aspects of the natural law which *intolerance* of religious behaviour may breach. By far the most relevant passage in *Leviathan* which highlights this aspect of the natural laws

²²⁴ Seaman, p. 243.

²²⁵ Seaman, p. 244.

²²⁶ Ibid.

²²⁷ Ryan, p. 217.

seeks to answer a hypothetical question. Hobbes asks whether a member of a different religion ought to be forced into the church of one's own religion. This is posed, moreover, to demonstrate the consistency of Naaman's freedom with Christian teachings. Recall Naaman's freedom: "... that whatsoever a subject, as Naaman was, is compelled to [do] in obedience to his sovereign, and doth it not in order to his own mind, but in order to the laws of his country, that action is not his, but his sovereign's; nor is it he that in this case denieth Christ before men, but his governor, and the law of his country" (*L*, 339). The subject's actions are, therefore, free from God's judgment if the subject obeys the sovereign's commands. Beliefs, of course, are not free from God's judgment. Hobbes now asks his hypothetical question:

If any man shall accuse this doctrine as repugnant to true and unfeigned Christianity, I ask him: in case there should be a subject in any Christian commonwealth that should be inwardly, in his heart, of the Mahomedan religion, whether, if his sovereign command him to be present at the divine service of the Christian church, and that on pain of death, he think that Mahomedan obliged in conscience to suffer death for that cause rather than obey that command of his lawful prince (*L*, 339).

Hobbes asks, therefore, an either/ or question. If a sovereign threatens a true believer with death lest he obey a command which contradicts the subject's beliefs—as in the case of Naaman—should the subject obey his conscience, and thus suffer death, or obey his sovereign despite his belief?

Although the subject has the freedom of Naaman, Hobbes chooses to focus on the legitimacy of the command itself. In either case, Hobbes argues, the sovereign has made a mistake in making the command. If someone were to argue that the subject "ought rather to suffer death," Hobbes argues that this would be equivalent to authorising "all private men to disobey their princes, in maintenance of their religion, true or false" (*L*, 339). That is, Hobbes presents the following scenario: the sovereign commands a subject to do something that is

entirely against the subject's belief, and further threatens to punish the subject with death should he not obey. Now, if Naaman's freedom is not a true Christian principle, then the subject should obey his conscience, disobey the sovereign, and suffer death. If this is considered the 'right' thing to do, however, Hobbes argues that this gives permission to all subjects to disobey the sovereign whenever a disagreement arises regarding religious behaviour. Hobbes believes this, of course, to be an untenable situation.

Just as important, moreover, are the consequences of the sovereign making such a command punishable by death in the first place. In making the command, the sovereign forces the subject into a position in which the subject must decide between his God and his sovereign, a position which I argued in the previous two chapters that Hobbes's system is intended to avoid creating. Consider: if the sovereign makes such a command, and the subject would not obey if he had the freedom not to, then the subject has two choices. Either the subject may decide to be defiant and thus lose his life, or the subject may begrudgingly decide to be obedient. If the subject is defiant of the sovereign command, the sovereign must punish him, which is equivalent to the sovereign publicly acknowledging that 'this subject was more afraid of God than death, so I gave him death'. Or, 'This man did not recognise his liberty from God's judgment and his obligation to obey me'. This puts the sovereign's authority into an adversarial position relative to God's, again forcing the subjects of a commonwealth to question whom they are ultimately obliged to obey.

Such an action on the part of the sovereign defeats the whole purpose and benefit of Naaman's freedom, since it forces subjects to do something they may feel obliged in conscience not to do. If this is not forced, the issue will not arise nearly so often, and certainly not as acutely. It renders inopportune a defiant subject's ultimate demonstration against the sovereign's authority; by becoming a 'martyr' the punished subject publicly questions the

existence of Naaman's freedom, and thus undermines the sovereign's ability to maintain authority.

It is evident, therefore, that Hobbes thought certain commands, or the legislation of certain religious behaviour, could undermine the authority of the sovereign. Since it is the mandate of the sovereign to maintain peace and, to that end, his own authority, this suggests that the sovereign should not command religious behaviour that, when performed, would symbolise or indicate belief of potentially controversial religious doctrines. In fact, the sovereign is obliged not to do so by the natural laws.

This is, importantly, dependent on the natural laws being God's laws. Recall that in Chapter three I demonstrated that if the natural laws are God's laws, then the sovereign is obliged to rule according to the natural laws by virtue of their being God's laws, and must also ensure fear of his own power and instill in his subjects a knowledge of the basis of his authority. Naaman's freedom was also demonstrated to be a doctrine dependent upon the natural laws being God's laws. If the natural laws are not God's laws, then subjects' actions in accordance with sovereign commands cannot be absolved of God's judgment. Accordingly, since the doctrine of Naaman's freedom eliminates the fear of God's punishment insofar as it conflicts with a subject's obligation to obey the sovereign's command, any action by the sovereign which undermines this doctrine is an action hostile to the natural laws.

In other words, since the sovereign is obliged to maintain authority and fear of his own power, should the sovereign be sovereign of a Christian commonwealth, the sovereign is obliged by the natural laws not to undermine the doctrine of Naaman's freedom. By being obliged not to undermine the doctrine of Naaman's freedom, the sovereign is accordingly obliged to avoid commanding religious behaviour that would force subjects to choose between obedience to God and obedience to their sovereign. This would most obviously result in an

obligation to not command public professions of faith.

Going back to Hobbes's defence of Naaman's freedom and his hypothetical question, as just discussed, the sovereign could undermine his own authority in making such a command by making martyrs of defiant subjects. On the other hand, Hobbes argues, subjects could choose to obey the sovereign despite their beliefs. If someone were to argue that faced with such a choice the begrudging subject should be obedient, Hobbes argues that this someone "alloweth to himself that which he denieth to another" (*L*, 339). Such a position is, Hobbes continues, "... contrary to the words of our Saviour 'Whatsoever you would that men should do unto you, that do ye unto them,' and contrary to the law of nature (which is the indubitable everlasting law of God) 'Do not to another that which thou wouldest not he should do unto thee'" (*L*, 339).

Hobbes is arguing that in legislating certain religious behaviour, the sovereign is treating subjects inequitably, which is against the law of nature. Either everyone should be forced to publicly profess their faith, whether implicitly by church attendance, for instance, or explicitly through words, or no-one should be forced to profess their faith. Since the sovereign should not force certain professions because of his obligation to not undermine the doctrine of Naaman's freedom, Hobbes is implicitly arguing that the sovereign should grant subjects the liberty to profess or not to profess in accordance with their own consciences.

Essentially, Hobbes is advancing an argument for the toleration of religious behaviour by arguing that one should not claim a liberty, or from the view of the sovereign, grant a liberty, that one would deny to another. For instance, if two opposing beliefs, A and B, are predominantly held by subjects of the commonwealth, X and Y, respectively, then if the sovereign allowed X to express belief A or even act in accordance with A, he is discriminating against Y. Thus, if the sovereign were to command all subjects, for example, to implicitly

profess some article of faith by performing some public action, the sovereign must consider two groups. There will be a number of subjects who believe in that article of faith, and thus in performing that action, they are allowed their liberty of conscience, or more accurately, they are not being denied their liberty of conscience. There will also be, however, a number of subjects who do not believe in that article of faith, and thus in performing that action, they are being forced to act against their conscience, and are being denied their liberty of conscience. This is, Hobbes's arguments suggest, inequitable and, therefore, against the laws of nature. Again, by arguing "Do not to another that which thou wouldest not he should do unto thee", Hobbes is arguing that from the perspective of the sovereign, the sovereign should not grant a liberty to a subject or group of subjects that the sovereign would deny to another; the sovereign should tolerate those who feel obliged to their consciences in matters for which the sovereign allows others their liberty of conscience. In other words, be tolerant when to be intolerant would require inequity.

This is not to suggest that Hobbes argues that his sovereign should not legislate any religious behaviour whatsoever, for it may be asked, what religious act would not be against someone's conscience? However, rather than stressing the importance of religious behavioural uniformity, Hobbes explicitly acknowledges religious diversity in these arguments. Religious diversity will and does exist, Hobbes seems to be arguing, and a provision is necessary for its toleration should an issue arise that threatens the peace of the commonwealth. Hobbes does not provide, in other words, a general principle of toleration of religious expression; rather, he provides a prudential strategy which is obligatory for the sovereign to employ under circumstances in which intolerance of religious expression would threaten peace. Specifically, toleration of religious expression for Hobbes is a provisional measure in which the sovereign refrains from legislating religious behaviour when doing so

will undermine the maintenance of his authority and breach the natural laws. Hobbes has given every reason why a Christian subject should obey his sovereign, yet Hobbes tempers this by advising a prudent sovereign not to force obedience in certain instances.

It is left to demonstrate how this provision is consistent with the rest of Hobbes's system. Hobbes argues elsewhere that in "whatsoever is not regulated by the commonwealth ...", it is equitable "... that every man equally enjoy his liberty" (*L*, 189). This suggests a means by which the sovereign can be tolerant. If it can be inequitable to legislate a certain religious act because it acknowledges and denies subjects' liberties unequally, then according to this passage, Hobbes implies that by not legislating a certain religious act, by not regulating this aspect of religious behaviour, the sovereign is allowing every subject to "equally enjoy his liberty".

Subjects can have liberties in Hobbes's system besides those that are derived from their inalienable rights: "The Greatest Liberty of Subjects, dependeth on the Silence of the Law" (*L*, 143). Hobbes writes "In cases where the sovereign has prescribed no rule, there the subject hath the liberty to do or forbear, according to his own discretion" (*L*, 143). This liberty is, therefore, subject to change, "according as they that have the sovereignty shall think most convenient" (*L*, 143). In the absence of the sovereign's exercise of authority over some particular matter, there is understood to exist a liberty of subjects to govern themselves on that matter. Strictly speaking, the sovereign does not renounce his authority over that matter. Rather, the sovereign chooses not to exercise his authority over that matter.

Hobbes advises the sovereign elsewhere as to what the laws are to be used for, which somewhat limits what the sovereign should legislate. Hobbes writes, "For the use of laws (which are but rules authorized) is not to bind the people from all voluntary actions, but to direct and keep them in such a motion as not to hurt themselves by their own impetuous

desires, rashness, or indiscretion, as hedges are set, not to stop travelers, but to keep them in the way” (*L*, 229). In the Latin edition of *Leviathan*, Hobbes notes that “the end of laws is not to restrain people from a harmless liberty” (*OL*, 229). If the sovereign were to legislate certain religious behaviour, would Hobbes view this as “restraining people from a harmless liberty”? “A law”, Hobbes contends,

that is not needful, having not the true end of a law, is not good. A law may be conceived to be good when it is for the benefit of the sovereign, though it be not necessary for the people; but it is not so. For the good of the sovereign and people cannot be separated. It is a weak sovereign that has weak subjects, and a weak people whose sovereign wanteth power to rule them at his will. Unnecessary laws are not good laws ...(*L*, 229).

A law, therefore, that is not necessary, is not a good law. Moreover, since the good of the sovereign is equated with the good of the subjects, any law that undermines the authority of the sovereign is to be avoided. This demonstrates more clearly the way in which Hobbes enables a sovereign to tolerate religious behaviour. If a religious law will either cause the undermining of the sovereign authority or breach the law of equity, the sovereign should refrain from making such an “unnecessary law”. The silence that results from that religious behaviour not being legislated corresponds to a liberty of subjects. The sovereign, therefore, does not grant the liberty; more precisely, the sovereign does not deny the liberty.

Recall, moreover, that Hobbes seems mainly concerned with those laws that will force a subject to choose between obedience to God and obedience to the sovereign. If the sovereign were to not make such a law, therefore, the freedom not denied is the liberty not to do something, not the liberty to do something. That is, the sovereign is being tolerant of religious behaviour insofar as the sovereign is not enforcing some particular religious behaviour. What the sovereign does not enforce or legislate corresponds to a liberty for subjects. For instance, rather than forcing the ‘Mahomedan’ into a Christian divine service,

the sovereign would not force any one into a Christian divine service. This corresponds to granting subjects the liberty to choose to attend a Christian divine service or to not attend. Hobbes at the very least, therefore, advises the sovereign to refrain from making religious laws which would result in the sovereign having to be intolerant of those who will likely choose to be defiant in accordance with their consciences. It is, therefore, entirely a provisional, prudential measure, yet when it is enacted, or more precisely when the sovereign refrains from legislating, subjects find themselves with expressive religious freedom.

In conclusion, the result of this scenario, Hobbes adds, is akin to the *modus vivendi* of the early Christians, and is likewise suitable for a Christian commonwealth: “And so we are reduced to the independency of the primitive Christians, to follow Paul, or Cephas, or Appolos, every man as he liketh best. Which, if it be without contention, and without measuring the doctrine of Christ by our affection to the person of his minister ... , is perhaps the best” (*L*, 482).

Chapter 5 The ambivalent Leviathan

5.1 Introduction

In the following three chapters, my attention will turn to Hobbes's theory of sovereignty as one intended to ensure not only the effective maintenance of civil peace, but also the ability of the sovereign to defend the commonwealth. With very few exceptions, nearly all of the interpreters of Hobbes with which I have been concerned so far focus almost exclusively on Hobbes's system as one designed to ensure civil peace. Very few interpreters, however, have problematised or discussed at any length the sovereign's other purpose: defence. I wish to contend that the debate in the literature regarding the extent of Hobbes's absolutism is incomplete, and is so because of a general and pervasive under-emphasis of defence as a crucial aspect of sovereignty's mandate to ensure *salus populi*. By overemphasising civil peace as effectively being the sole purpose of sovereignty, both sides of the general debate—both Hobbes-as-absolutists and Hobbes-as-liberal-absolutists—seek to determine which *one* general strategy of the *two* (absolutism or liberal-absolutism) Hobbes prescribed to procure the *sole end*, i.e. civil peace. However, there are two necessary ends inherent in Hobbes's understanding of *salus populi*, and it has yet to be fully considered how the requirements of defence interact, and counteract, with the requirements of civil peace.

My starting point in doing so is Hobbes's description of power. Generally speaking, claims that Hobbes's sovereign is absolute refer to his sovereign's absolute authority, and those interpreters who focus on the juridical aspects of Hobbes's thought use the word 'power' in a juridical sense: the sovereign is *in power*, in possession of authority. The juridical debate, recall from Chapter One, revolves around either (i) sovereignty as an institution which, if it is

admitted to be the sole source of positive law, is unlimited in what it can legislate and command; or (ii) sovereignty as an institution which may be limited by its accountability to subjects and/or the resistance rights of its subjects.

And as the right of possession is called dominion, the right of doing any action is called AUTHORITY. So that by authority, is always understood a right of doing any act; and *done by authority*, done by commission, or license, from him whose right it is (*L*, 102).

However, it should not be ignored that Hobbes also uses the term ‘power’ in the sense of ‘ability’:

The power of a man (to take it universally) is his present means to obtain some future apparent good ... (*L*, 50).

Most interpreters, because they choose to focus on juridical aspects, use the term ‘power’ in the juridical sense to refer to an institution, or a body authorised to exercise power. In the following discussion, however, I will be referring not to the juridical meaning of power but rather to the other demonstrable meaning that Hobbes ascribed to the word.

I will also differentiate at some length between two *types* of power the sovereign must exercise and which appear in all three of Hobbes’s major works of political philosophy: *Elements*, *De Cive* and *Leviathan*. These two types of power, I will argue, is the source of ambivalence in Hobbes’s system between that which is required for the maintenance of civil peace and that which is required for the defence of the commonwealth. In terms of civil peace, and as I have thus far only alluded to, Hobbes describes sovereign power as playing a necessary and complimentary role to authority. As I have argued, the primary cause of civil strife is competing claims to authority, the failure to recognise a single authority and, ultimately, the confusion amongst subjects concerning whom they are ultimately obliged to obey. The primary obstacle to civil peace, therefore, is the lack of a final arbiter whom

subjects are obliged to obey. The role of sovereign *power* in this, as I will demonstrate, is to enforce sovereign commands and compel obedience. Sovereign power is distinct from authority, yet is necessary to ensure the recognition of, and obedience to, sovereign authority. The exercise of sovereign power is intended to ensure civil peace, and authorised to be used at the discretion of the sovereign to that effect.

On the other hand, and as I will argue, power's role in defence is described in entirely different terms. In order to defend the commonwealth, the sovereign requires the concerted action of its subjects and, therefore, requires the ability to govern its subjects according to its commands. Hobbes, more precisely, describes the sovereign's exercise of instrumental power according to three conceptual schemes: it is conceived of (i) as needing to be generated; (ii) in terms of its intended exercise; and (iii) as authorized to be exercised by the sovereign.

I will also lay emphasis on the sovereign's exercise of instrumental power as having two intended purposes: its primary purpose is to effectively defend the commonwealth; its secondary purpose is to prevent the internal, domestic conflict that can arise from *uncoordinated* attempts to defend the commonwealth. The notice of this secondary purpose is quite significant, because it indicates Hobbes's acknowledgment that the generation and use of instrumental power can disrupt the conditions of civil peace. This warrants the close attention I will pay in Chapter Seven to the particular ways in which Hobbes thought it may do so, as well as what, if any, limits to its exercise Hobbes considered.

5.2 The exercise of two types of power

Hobbes expressly contends that the means to secure civil peace and defence does not merely require the recognition that the sovereign possesses authority; it also does not merely require the recognition that the sovereign possesses the authority to be the ultimate judge of

matters concerning peace and defence; nor does it merely require the recognition that the sovereign possesses the authority to exercise power according to his judgement. The striving for peace and the capability of defence also, necessarily, requires the exercise of power *itself*. “For seeing the sovereign is charged with the end, which is the common peace and defence, he is understood to have power to use such means as he shall think most fit for his discharge” (*L*, 115). Of acute and demonstrable concern to Hobbes was that the regulation of behaviour be practically effective, yet the mere recognition of authority, while necessary, is insufficient; sovereign power must be used.

However—and this in particular is what is most novel about my interpretation—Hobbes describes *two* distinct types of sovereign power, distinguishable by (i) the ends to which they are the means, (ii) their direction, and most consequentially (iii) their effect on subjects. My main claim in this section is that Hobbes’s theory of sovereignty describes the exercise of two types of power: one of which secures peace amongst subjects within the sovereign’s jurisdiction, and the other which constructs and utilises *potential publica*, and thus represents the outward force of the commonwealth. On the one hand, sovereigns must force subjects to *submit*, or yield, to sovereign power; on the other hand, the sovereign must be able to utilise the power of his subjects and *govern* them, or act through them. The exercise of sovereign power must be twofold.

In all three of Hobbes’s major works of political philosophy, these two distinct descriptions of sovereign power are discernable, differentiable by their effect on subjects. To be subject to sovereign power is to be subject to two different expressions of power: one which the subject *submits to*, another which the subject is *governed by*.

The first description of sovereign power is *natural power*, and its effect on subjects is what I refer to as *submission*. Submission entails a conception of power in which power is

exerted *on* some thing. In *Leviathan* it is described as follows: “*Natural power* is the eminence of the faculties of body or mind, as extraordinary strength, form, prudence, arts, eloquence, liberality, nobility” (*L*, 50). What distinguishes it from its counterpart, instrumental power, is not only that it represents one’s “... present means to obtain some future apparent good” (*L*, 50), but rather its conditionality: it is described by Hobbes as zero-sum; “... the power of one man resisteth and hindereth the effects of the power of another power simply is no more, but the excess of the power of one above that of another. For equal powers opposed, destroy one another ...” (*Elements*, XIII, 4).

Since the use of one’s power is only prevented by another’s use of their power, it suggests that the power to attain some thing necessitates freedom from an opposing power. To exercise power freely under this conception, therefore, requires an absence of obstacles. In other words, the condition in which one is free to exercise their power is an environment free of opposing powers.

This freedom is what submission affords: the sovereign is free to exercise his power because his subjects are not free to exercise theirs. The effect of submission is such that it eliminates obstacles to the sovereign’s exercise of his power. Submission to the sovereign is to “... lay by or relinquish [one’s] own right of resisting him ...” (*Elements*, XIX, 10). Submission requires subjects to *yield* to sovereign power and to refrain from *counteracting* the exercise of it.

Hobbes explains divesting one’s natural right in these terms:

When a man divesteth and putteth from himself his right, he either simply relinquisheth it, or transferreth the same to another man. To RELINQUISH it, is by sufficient signs to declare, that it is his will no more to do that action, which of right he might have done before. To TRANSFER right to another, is by sufficient signs to declare to that other accepting thereof, that it is his will not to resist, or hinder him, according to that right he had thereto before he transferred it ... And therefore all that a man doth in transferring of right, is no

more but a declaring of the will, to suffer him, to whom he hath so transferred his right, to make benefit of the same, without molestation (Elements, 15, 3).

Hobbes here describes both relinquishing and transferring one's right as yielding to, non-resistance to, and as non-hindrance with, another's exercise of that right. In *De Cive*, Hobbes describes this as "To have done this simply means ... that he has given up his right to resist" (74) and in so doing "... he cannot use his strength against him" (81).

Sovereign power is described in starkly different terms as well, however:

It is useless for men to keep peace amongst themselves, if they cannot protect themselves against outsiders; and it is impossible to defend themselves if their strength is not united. It is therefore necessary to the preservation of individuals that there be some one Assembly or one man who has the right arm, muster and unite, on each occasion of danger or opportunity, as many citizens as the common defence shall require ... Both swords, therefore, the Sword of war and the Sword of justice are inherent in sovereign power, essentially and from the very nature of a commonwealth (De Cive, 78-9).

I will refer to this second description of power as *instrumental power*, and its effect on subjects I will refer to as *governance*. The power of "the sword of war", or *potential publica*, is conceptualised by Hobbes as *power through*. According to Hobbes the sovereign has "... the right to Use the forces of every particular member" (Elements, 20, 12) because "... sure and irresistible power gives the right of ruling and commanding those who cannot resist" (De Cive, I, 14). The end of the exercise of this power is not, like submission, to prevent obstacles to the use of one's power by eliminating the freedom of others, but rather to *use* the power of others, or to govern them. Subjects of sovereign power are, on the one hand, subjected to its power for the sake of peace amongst those subject to it, and on the other hand, are constitutive of that power and subject to its control for the sake of defence from those *not* subject to it. *Potential publica* is what Hobbes describes as an *instrumental power*, powers which "... are means and instruments to acquire more, as riches, reputation, friends, and the secret working

of God, which men call good luck” (*L*, 50).

Interestingly, he does, at one point, conflate submission and governance:

This submission of all their wills to *the will of one man* or of *one Assembly* comes about, when each of them obligates himself, by an Agreement with each of the rest, not to resist the *will* of the *man* or *Assembly* to which he has submitted himself; that is, not to withhold the use of his wealth and strength against any other men than himself ... This is called UNION (*De Cive*, 72).

Notice here Hobbes equates *not to resist* with *not to withhold use*. They are nevertheless starkly different and this instance of conflation is an exception, not the rule.

Hobbes’s distinction between two causes of subjection further clarifies this:

... those who subject themselves to another through fear either submit to the person they fear or submit to some other whom they trust for protection. Men defeated in war do the first to avoid being killed; the latter is the way the undefeated avoid defeat (*De Cive*, 74).

The attaining to this sovereign power is by two ways. One, by natural force, as when a man maketh his children to submit themselves and their children to his government, as being able to destroy them if they refuse, or by war subdueth his enemies to his will, giving them their lives on that condition. The other is when men agree amongst themselves to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter may be called a political commonwealth, or commonwealth by *institution*, and the former, a commonwealth by *acquisition* (*L*, 109-10).

... the right of all sovereigns is derived originally from the consent of every one of those that are to be governed, whether they that choose him do it for their common defence against an enemy (as when they agree amongst themselves to appoint a man, or an assembly of men to protect them), or whether they do it to save their lives, by submission to a conquering enemy (*L*, 391).

The distinction is evident: Hobbes insists that those who benefit from being governed must nevertheless submit. Those who benefit from submission must nevertheless be governed. The two co-exist in a commonwealth but are not indistinct.

Sovereigns therefore exercise both natural and instrumental power to distinct ends and

to different effect: on the one hand, sovereign power forces subjects to yield in the face of it, thereby preventing the use of their own natural power towards their own ends, which would otherwise frustrate the sovereign's exercise of its power. On the other hand, those natural powers of subjects become instrumental to the sovereign's purposes; a sovereign uses the natural powers of its subjects as instruments: "The greatest of human powers is that which is compounded of the powers of most men, united by consent in one person, natural or civil, that has the use of all their powers depending on his will, such as is the power of a commonwealth ... " (*L*, 50).

The implications of distinguishing between two distinctly different ends of sovereign power are wide reaching and pervasive throughout Hobbes's main works. First, the two ends for which sovereign power is exercised lead to two very different consequences. Submitting requires no action on the part of subjects, whereas to be governed is to be used to perform actions. Submission—conceived of in terms of power—does not prescribe nor determine subjects' performances in any way; it merely prevents subjects from acting in a way which is obstructive or counteractive. The sovereign's exercise of natural power, then, can be said in general to *cause* subjects to refrain from acting in ways that would counteract the sovereign, and in particular to back up commands directed at subjects to refrain from particular actions. The success of a sovereign command requiring subjects to refrain from acting in a certain way, in other words, requires the exercise of natural power.

Governance, however, by its very definition determines subjects' performances. The sovereign's exercise of instrumental power can be said to require and compel subjects to perform commanded actions. The realization of a command to perform a particular action, therefore, requires effective governance. Simply put, sovereign power has two ends, and has two effects: submission entails the prevention of subjects' action, whereas governance requires

subjects' action.

Subjects' mere recognition and acceptance of sovereign authority, therefore, is thought by Hobbes to be insufficient for the attainment of civil peace and the defence of the commonwealth; sovereign power must also be effectively employed. Civil peace requires that subjects' submit, which requires that they (i) recognise the sovereign's authority (as discussed in Chapter three) and (ii) are prevented from acting in ways contrary to peace by being subject to the sovereign's exercise of natural power. This submission ensures a condition in which their conduct does not counteract the peace amongst each other. Defence, however, requires that subjects be governed, which requires (i) also that they recognise the sovereign's authority, but (ii) contribute to the sovereign's exercise of instrumental power, and allow themselves to be governed.

Importantly, these two different (and as I will demonstrate, opposing) concepts of subjection create a pervasive ambivalence: how can subjects' performances be conceived of as being prevented but simultaneously determined?²²⁸ Moreover, does Hobbes's system privilege one conception of agency over the other? It would appear that the answer to this second question is yes; since the sovereign's exercise of instrumental power is dependent on the contribution of subjects, this practically hinders the sovereign's ability to exercise that power²²⁹. As I have also argued, the pursuit of civil peace must tolerate individuality and

²²⁸ This question occasions the focus of Chapter Six, in which I will discuss the ambivalence in Hobbes's system between submission and governance, as manifested in subjects on a moral-psychological level, and which, I will argue, counteract each other.

²²⁹ I will address this in Chapter six, and present an argument which calls into serious question what Schmitt, Oakeshott, Strauss and Tuck assert: that because the exercise of the sovereign's instrumental power is dependent on the contribution of subjects, the ability of the sovereign to defend the commonwealth is cripplingly limited. I will add, however, that although yes, the contribution of subjects is required, Hobbes *does* describe the means to generate instrumental power, and because of this, it is unnecessarily presumptive to assume that Hobbes's

freedom where to be intolerant of it would lead to civil discord. However, I will argue that the necessity of defence and the requirement to govern impose severely on the freedom that Hobbes otherwise thinks necessary to accommodate for the sake of civil peace. This is the source of the ambivalence in Hobbes, and it is required for one apparent reason: Hobbes acknowledges that defence of the commonwealth from foreign nations is desirable and essential, and his sovereign requires the means—instrumental power and the contribution of subjects—to defend it effectively.

5.3 Derivations of sovereign power

The sovereign's exercise of instrumental power, which I will focus on in this section, is depicted according to three conceptual schemes: it is conceived of (i) as needing to be generated; (ii) in terms of its exercise as being prescribed, intended and warranted; and (iii) as being authorized to be exercised by the sovereign.

Hobbes first describes why a subject would submit to the sovereign's exercise of natural power:

The end for which one man giveth up, and relinquisheth to another, or others, the right of protecting and defending himself by his own power, is the security which he expecteth thereby, of protection and defence from those to whom he doth so relinquish it. And a man may then account himself in the estate of security, when he can foresee no violence to be done unto him, from which the doer may not be deterred by the power of that sovereign, to whom they have every one subjected themselves; and without that security there is no reason for a man to deprive himself of his own advantages, and make himself a prey to others (*Elements*, 20, 5).

Personal security, therefore, provides the motivation to submit and is partly the answer as to why one would subject oneself to sovereign power. In return, that promise of security

sovereign is *unable* to generate it.

requires one to not hinder or resist the sovereign's exercise of power.

Security must be assured, however, from not only one threat but two: that of other individuals, and that of other groups. While submission to sovereign power affords security from the threat of other individuals, submission alone is insufficient to protect individuals from the threat of other groups.

At first it is evident: that the mutual aid of two or three men is of very little security; for the odds on the other side, of a man or two, giveth sufficient encouragement to an assault. And therefore before men have sufficient security in the help of one another, their number must be so great, that the odds of a few which the enemy may have, be no certain and sensible advantage (*Elements*, 19, 3; see also *De Cive*, 70, *Leviathan*, 107).

Sufficient numbers to defend oneself through mutual aid, however, is still insufficient:

And supposing how great a number soever of men assembled together for their mutual defence, yet shall not the effect follow, unless they all direct their actions to one and the same end; which direction to one and the same end is that which is called consent. This consent (or concord) amongst so many men, though it may be made by the fear of a present invader, or by the hope of a present conquest, or booty; and endure as long as that action endureth; nevertheless, by the diversity of judgments and passions in so many men contending naturally for honour and advantage one above another: it is impossible, not only that their consent to aid each other against an enemy, but also that the peace should last between themselves, without some mutual and common fear to rule them (*Elements*, 19, 4; see also *De Cive*, 70, *Leviathan*, 107).

Here Hobbes is not merely advocating the need for *potential publica* to be generated, but he is also clearly stressing the importance and necessity of *effectively* exercising it. Submission, or simply yielding to the sovereign's right to exercise its power, is insufficient for common defence; a further requirement is concord, or "the concurrence of many men's wills to one action" (*Elements*, 19, 5).

Hobbes also adds that in order to be exercised effectively, *potential publica* must be exercised exclusively by the sovereign:

It remaineth therefore still that consent (by which I understand the concurrence of many men's wills to one action) is not sufficient security for their common peace, without the erection of some common power, by the fear whereof they may be compelled both to keep the peace amongst themselves, and to join their strengths together, against a common enemy (*Elements*, 19, 6).

A union, or that which possesses *potential publica*, is described by Hobbes not as subjects merely submitting to the exercise of a sovereign's power, merely laying by or relinquishing one's "own right of resisting him to whom he so transferreth it" (*Elements*, 19, 10), but rather each subjects' power contributing to *potential publica* and being used or governed by the sovereign:

... when a man covenanteth to subject his will to the command of another, he obligeth himself to this, that he resign his strength and means to him, whom he covenanteth to obey; and hereby, he that is to command may by the use of all their means and strength, be able by the terror thereof, to frame the will of them all to unity and concord amongst themselves (*Elements*, 19, 7; see also *De Cive*, 72).

Potential publica therefore serves a dual purpose: first it is intended to ensure that mutual aid is *effective* for the adequate defence of the commonwealth; secondly, it also serves to be a sufficient threat to maintain, reinforce and entrench concord, thereby ensuring "the concurrence of many men's wills to one action".

In view of this, it prompts the question: what is *potential publica ultimately* necessary for? The following passages, one from each of his major works, suggest quite plainly that concord is ultimately required for *defence*:

And seeing mutual aid is necessary for defence, as mutual fear is necessary for peace; we are to consider how great aids are required for such defence, and for the causing of such mutual fear, as men may not easily adventure on one another (*Elements*, 19, 3).

... however many come together in a coalition for defence, nothing will be gained if they fail to agree on the best way of doing it, and each one uses his resources in his own fashion. The reason is that, having conflicting ideas, they

will obstruct each other, or if in the expectation of victory or booty or revenge, they do achieve sufficient agreement for an action, they will still be so divided afterwards by differences of purpose and policy or by envy and rivalry (natural causes of conflict), that they will refuse to help each other or to keep peace among themselves, unless compelled to do so by a common fear (*De Cive*, 70).

And be there never so great a multitude, yet if their actions be directed according to their particular judgments and particular appetites, they can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another, and reduce their strength by mutual opposition to nothing; whereby they are easily, not only subdued by a very few that agree together, but also when there is no common enemy, they make war upon each other, for their particular interests. For if we could suppose a great multitude of men to consent in the observation of justice and other laws of nature without a common power to keep them all in awe, we might as well suppose all mankind to do the same; and then there neither would be, nor need to be, any civil government or commonwealth at all, because there would be peace without subjection (*Leviathan*, 107).

What becomes apparent in each of the above passages is that concord is ultimately required for its ability to bring efficiency to *potential publica*. Concord also, however, prevents the internecine, civil conflict that uncoordinated *potential publica* could unleash. *Concord is primarily required to effectively defend the commonwealth, and the commonwealth could dissolve into internecine conflict when forced to defend itself were that concord not present.*

Notice, however, that while both concord and *potential publica* are described as being necessary to ensure *both* defence and civil peace, they are *not both* described as being *generated* for the sake of defence. That is, *potential publica* is not described as being formed, produced or generated for both purposes; i.e. it is not described as being generated to ensure civil peace, but rather defence alone. By itself, independent of concord, it is described as

actually posing a threat to civil peace.²³⁰

Concord, on the other hand, is described as both controlling and directing potential *publica* to good effect for the sake of defence, and in so doing, that control and direction also mitigates the potential for internecine conflict.

Accordingly, (i) Hobbes grants his sovereign the right to exercise instrumental power because not having that right would render his commonwealth defenceless; and (ii) Hobbes grants his sovereign the right to exercise instrumental power because without a single source of commands there could be no concord, without which, the means of defence could be disruptive of civil peace.

5.4 ‘Authorized’ vs. ‘intended’ exercise of instrumental power

At this point, it has hopefully been made clear that Hobbes authorizes the sovereign’s exercise of instrumental power due to its necessity, its practicability, and its effectiveness in relation to defence. Moreover, it is apparent that Hobbes authorized the sovereign to do so because only he can bring concord, thereby coordinating *potential publica* to effectively meet its intended purpose.

However, while this is clear, what is also clear is that Hobbes’s sovereign is authorized to exercise its instrumental power to whatever ends it deems fit, and therefore is authorized to exercise it *beyond* its intended purpose. The authorized exercise of sovereign power appears to denote that *any* exercise of it is *permitted*.

And because the end of this institution is the peace and defence of them all,

²³⁰ This acknowledgment by Hobbes occasions my discussion in the first part of Chapter Seven, in which I describe the potential conflict that Hobbes perceived could arise between *generating potential publica* and the consequent adverse effect of that generation on the conditions of civil peace.

and whosoever has right to the end has right to the means, it belongeth of right to whatsoever man or assembly that hath the sovereignty, to be judge both of the means of peace and defence, and also of the hindrances and disturbances of the same, and to do whatsoever he shall think necessary to be done, both beforehand (for the preserving of peace and security, by prevention of discord at home and hostility from abroad) and, when peace and security are lost, for the recovery of the same (*L*, 113).

For seeing the sovereign is charged with the end, which is the common peace and defence, he is understood to have power to use such means as he shall think most fit for his discharge (*L*, 115).

In the following passage, Hobbes succinctly encapsulates the above:

And forasmuch as they who are amongst themselves in security, by the means of this sword of justice that keeps them all in awe, are nevertheless in danger of enemies from without; *if there be not some means found, to unite their strengths and natural forces in the resistance of such enemies, their peace amongst themselves is but in vain.* And therefore it is to be understood as a covenant of every member to contribute their several forces for the defence of the whole; whereby to make one power as sufficient, as is possible, for their defence. Now seeing that every man hath already transferred the use of his strength to him or them, that have the sword of justice; it followeth that the power of defence, that is to say the sword of war, be in the same hands wherein is the sword of justice: and consequently those two swords are but one, and that inseparably and essentially annexed to the sovereign power (*Elements*, 20, 8).

What was originally described as the practicable means by which to defend the commonwealth is now thereby freed from the pursuit of any *particular* ends. What is left is the means—instrumental power—not constrained to any ends. It certainly has an intended purpose, yet the sovereign is authorised to use it at his discretion. Hobbes here is seemingly divorcing the purposeful, intended, specified use of sovereign power from being the basis for its right or authority to be exercised by the sovereign. It appears that Hobbes's ultimate concern in regards to defence—his sovereign's ability to *effectively* exercise sovereign instrumental power—trumps the *justifiable* use of it, or any principle the exercise of it can be held account to. Recall Plamenatz's argument in support of Hobbesian absolutism in terms of

civil peace: “If there is more than one maker and enforcer of law, there cannot be real security,” and the sovereign must not be obeyed “only on condition that he governs according to such and such principles”.²³¹ In much the same manner, for defence to be effective, *potential publica* must be harnessed and steered, which requires concord; and concord, ultimately, requires that there be only one source of command.

The sovereign’s exercise of instrumental power is therefore akin to the possession of a hammer: its intended purpose is to hit nails and it therefore may be said to inherently possess a *suggested or recommended limit* to its use, yet neither its *perceived usefulness* nor its *actual use* may be limited to that purpose. The sovereign is not just authorised to use the power to do *X*, he is simply authorised to use the power. The other side of this coin, however, is that the sovereign is not *required* to use it to procure any particular end *besides* defence and civil peace. Although the sovereign is not required to use it for anything other than its intended purpose, any use beyond its intended purpose is for the sovereign alone to decide.

Hobbes, knowingly or not, appears to be heeding Francisco de Vitoria’s advice that “A prince is not able and ought not always to render reasons for the war to his subjects, and if the subjects cannot serve in the war except they are first satisfied of its justice, the state would fall into grave peril”²³².

This is not to say, however, that there are no potential limits to what the sovereign may exercise his instrumental power *for*, and moreover, how that would consequently affect a Hobbesian sovereign’s relationship with foreign nations. However, to repeat what I emphasized in the Introduction, in this thesis I am limiting my concern to the ambivalence

²³¹ Plamenatz, *Man and Society*, p. 209.

²³² Vitoria, *On the Law of War*. Edited by Ernest Nys, (Washington : The Carnegie Institution of Washington, 1917), p. 176.

within Hobbes's theory of sovereignty, between that which is required for civil peace and that which is required for defence, and whether there are any limits imposed—by the sovereign's obligation to endeavour for civil, domestic peace—on the sovereign's *intended* exercise of instrumental power.²³³

To that end and within that scope, Hobbes's insistence that the sovereign's right to exercise instrumental power ensures concord has a very interesting implication: while concord is primarily necessary for defence, it also prevents the potential civil discord arising from the lack of such concord. This clearly represents an acknowledgment on the part of Hobbes that the defence of the commonwealth may disrupt civil peace, and this is what I intend to focus on in the following two chapters. The purpose for which Hobbes grants his sovereign the authority to exercise instrumental power is not simply to defend the commonwealth from foreign nations; it is also intended to protect the internal stability of his commonwealth while either defending or being prepared to defend against foreign nations.

5.5 Conclusion

Suggesting that Hobbes conceives of sovereign power in two distinct ways for two different purposes—natural power intended to be exercised to effect civil peace, and instrumental power to be exercised primarily to effectively defend the commonwealth—implies an ambivalence in Hobbes's system between that which is required for civil peace, and that which is required for defence. The ambivalence become apparent and occasions the focus of Chapter Six, where I will expand on the implications apparent in Hobbes's description of these two on a moral-psychological level. The effect of natural power (submission) and the

²³³ Refer to ft. seven in the Introduction.

effect of instrumental power (governance), I will argue, counteract one another.

The arguments of this chapter also suggested that Hobbes's description of the purpose of the sovereign's exercise of instrumental power is not defence alone; it has a secondary purpose, which is to prevent the potential civil disorder which the defence of the commonwealth may cause if it is not coordinated. This is very significant, I think, for it represents an acknowledgment by Hobbes that both generating and exercising instrumental power may be disruptive of the conditions of civil peace. In Chapter Seven, I will discuss in more detail and in particular how Hobbes perceived that the generation and exercise of instrumental power may upset civil peace, and present an argument that the limits to the authorised exercise of instrumental power are a result of the sovereign's obligation to maintain civil peace, and not primarily, as others have argued, as a result of subjects' rights to refuse their contribution.

Chapter 6

The moral psychology of generating potential publica

6.1 Introduction

In this chapter, in addition to arguing that the sovereign has the authority to exercise instrumental power, I will demonstrate that Hobbes describes the means by which to generate that power. Recall that I have briefly differentiated between authority and the non-judicial concept of power in Hobbes, and cited the following definitional passages from *Leviathan*:

... the right of doing any action is called AUTHORITY. So that by authority, is always understood a right of doing any act; and *done by authority*, done by commission, or license, from him whose right it is (*L*, 102).

The power of a man (to take it universally is his present means to obtain some future apparent good ...) (*L*, 50).

Despite this clear distinction, there have been a few interpreters who have conflated the terms, such as C. E. Vaughn who argues that Hobbes's sovereign is absolute in the sense of sole and total control over subjects' actions; others, such as Wolin and Tarlton, do not conflate the terms, but nevertheless see the absolute authority of Hobbes's sovereign as a necessary condition for the desired achievement of absolute power. We now have the terminology to better describe this: Vaughn, Wolin and Tarlton describe Hobbes's sovereign as having or approaching absolute *instrumental* power.

In what is probably the most explicit version of this argument, C. E. Vaughn claims that Hobbes's "... government thus set up must have absolute power, or sovereignty, over the actions of the governed; and the latter, by their own act, have lost not only the power, but even

the right, to question or resist”²³⁴. Or, restated: “After running over the ‘twelve points’ of sovereignty—they may all be summed up in the one phrase, *power arbitrary and unlimited* ...”²³⁵. ‘Power’ is certainly not used in the sense of ‘institution’ here, but rather in the sense of ‘control’. Here we have a definition of ‘absolute’ sovereignty that includes the sole and total control over subjects’ actions.²³⁶

Sheldon Wolin holds a similar but subtly different view. His argument is that Hobbes’s system is one which represents a ‘culture of despotism’, which he defines as a project which attempts to create “... a social mentality and practice that enables power to operate unhindered”²³⁷. Wolin, however, makes a distinction that Vaughn’s argument downplays. While he characterises Hobbes’s system as attempting to create a culture of despotism, he acknowledges that his ‘absolute’ sovereign has absolute authority, which is not the same as, but is a necessary condition for, absolute power: “Although absolutism is the necessary condition for the maximization of power, it is not sufficient by itself”²³⁸. While not conflating the two terms ‘authority’ and ‘power’, Wolin nevertheless sees the absolute authority of Hobbes’s sovereign as a necessary condition for the achievement of the desired end: absolute power.

Following Wolin in this regard is Charles D Tarlton, a stimulating interpreter of

²³⁴ C. E. Vaughan, *Studies in the History of Political Philosophy; Before and After Rousseau, Volume 1 From Hobbes to Hume*; (New York: Russell & Russell, 1960), p. 25.

²³⁵ C. E. Vaughan, p. 27.

²³⁶ This concept is certainly not foreign to Hobbes’s texts. In *Leviathan*, for instance, Hobbes describes the right of kings as presented in 1 Sam: 11-17, concluding that: “This is absolute power, and summed up in the last words ‘you shall be his servants’ (L, 133).

²³⁷ Sheldon Wolin, “Hobbes and the Culture of Despotism,” in *Thomas Hobbes and Political Theory*, ed. Mary Deitz (University Press of Kansas, 1990), p. 17. I find Wolin’s treatment of Hobbes in this chapter of Deitz’s edited volume more concise and conscientious on this particular matter, i.e. absolutism, than in his more general interpretation of Hobbes in chapter eight of *Politics and Vision: Continuity and Vision in Western Political Thought* (Princeton University Press, 1960).

²³⁸ Wolin (1990), p. 20

Hobbes whose work has been regretfully overlooked by most contemporary Hobbes scholars²³⁹. Arguing that Hobbes advances a ‘despotal doctrine’, he states that “... for Hobbes, viable government always and necessarily constituted a system of absolute, arbitrary and unlimited political power”²⁴⁰. Like Wolin, Tarlton suggests that Hobbes’s absolutism is not limited to authoritarianism, but rather extends to power, and he is well aware of, and combative towards, the notion that Hobbes argued for “a jurally absolute but practically limited rule”²⁴¹. He makes three overarching claims, all of which refer to absolutism as absolute power:

First, Hobbes’s theory explicitly and repeatedly granted an absolute and unaccountable magnitude of power to his sovereign. Second, the underlying character of that sovereign’s power was utterly arbitrary. Third, not only was it an absolute, arbitrary and unaccountable power that Hobbes created, but it was at the same time intended to be exercised by a ‘Hobbesian man’²⁴².

This interpretation, however, has been largely overshadowed by a far more influential one—made most compellingly by Michael Oakeshott—that is, on the surface, rather straightforward: the exercise of Hobbesian sovereign power is limited by the contribution of subjects, upon which it entirely depends.

Hobbes’s system, according to Oakeshott, is one which limits the use of sovereign power because that power is conditional on subjects’ contribution to it; subjects must use their natural power as a contribution to the pursuit of a common object of will. The sovereign’s exercise of power, to put it simply, is conditional on subjects’ compliance. It also thereby protects individual freedoms for the simple practical reason that subjects can refuse to

²³⁹ Tarlton, “The despotal doctrine of Hobbes, Part II”, (2002), p. 65.

²⁴⁰ Ibid. p. 61.

²⁴¹ Ibid., p. 61, citing Richard Flathman, *Thomas Hobbes: Skepticism, Individuality and Chastened Politics* (Rowman and Littlefield, 1993), p. xiii.

²⁴² Tarlton (2002), p. 63.

contribute their power to the pursuit of a common object of will. The essence of Oakeshott's interpretation is: "It is precisely because authority relationships are *not* tied to a conception of the common good, stand on no extrinsic end, that they circumscribe the use of power and protect individual freedom"²⁴³.

Concerning power, as Ian Tregenza notes,

One of the implications of the distinction between transactional and practice-based association is to divorce authority from power. He rejects the view that authority is simply legitimized power. For Oakeshott authority and power are distinct. Rules are not considered legitimate and therefore subscribed to because to do otherwise results in punishment, rather, they oblige solely by virtue of their acknowledged authenticity. Power on the other hand is the coercive apparatus employed by the authoritative office to ensure compliance. Power backs up authority but in no way is it identical to it.²⁴⁴

As Tregenza also perceptively notes, however, "The only way a Sovereign's authority can become effective is if a sufficiently large number of individuals are inclined to subscribe to the terms of the contract: 'for the Sovereign's power is only the counterpart of his subjects' disposition to obey (RP 347)' ... Despite being juridically absolute the Sovereign's practical ability to govern is in fact potentially very weak"²⁴⁵.

As Stephen Gerencser observes, however, Oakeshott barely mentions power:

Oakeshott's only significant comment on power is when he notes that the founding institution "is a covenant not merely to transfer a right ... but to be continuously active in supplying the power required to exercise it—for the Office can have no resources of its own". Over and over again in *Leviathan* Hobbes maintains that it is power that ensures that promises are kept, contracts are maintained, and covenants are valid ... For Oakeshott's purposes, however, the importance of *Leviathan* is not that it is a consideration of power, but that it is a reflection upon what exercises of power by whom are authoritative. In any event, while Hobbes writes often not only of the authority of the

²⁴³ Ian Tregenza, *Michael Oakeshott on Hobbes: A study in the renewal of philosophical ideas* (Exeter: Imprint Academic, 2003), p. 109.

²⁴⁴ Tregenza, p. 112.

²⁴⁵ Ibid. P. 108.

sovereign, but also of the significance of its power, Oakeshott passes by this latter dimension of Hobbes's argument.²⁴⁶

Note too that this conceives of sovereign power as only *natural* power; Oakeshott does not discuss the exercise of *instrumental* power. Oakeshott's account, by overlooking or ignoring instrumental power, would render Hobbes's sovereign so weak that the sovereign would be effectively unable to defend the commonwealth.

Oakeshott writes,

... there was no lust for government in Hobbes: the *Leviathan*, he thought, must be omnipotent, but he never imagined it omniscient. Intoxication with the opportunity which great power gives for doing great things was no part of the character of this *Leviathan*, whose limited but essential office was to be guardian of the peace. It was to operate, not arbitrarily, but by rule of law, and whatever was not forbidden was to be allowed. Supreme power was never more narrowly hedged or more finely directed to a special purpose, while being left its necessary supremacy unimpaired.²⁴⁷

For all that I agree with Oakeshott, I disagree with this: that Hobbes's *Leviathan* is simply the "guardian of the peace". Rather, it is also significantly the guarantor of defence and, to this end Hobbes's *Leviathan* does require "great power". Oakeshott is right to point out that the sovereign's exercise of instrumental power is dependent on his subjects' contribution to it, but he doesn't problematise this in the context of defence; rather, he focuses on how this dependency confirms that it is a civil association. I will assert in this chapter that one cannot presume that Hobbes intended the contribution of subjects to *beneficially limit* his instrumental power. The reason why will become obvious: in order to defend the commonwealth, Hobbes's sovereign must be able to generate the means to do so, and his description of how that may be generated involves the psychological influence of subjects towards collective

²⁴⁶ Stephen Gerencser, *The skeptic's Oakeshott* (New York: St Martin's Press, 2000), p. 120-21.

²⁴⁷ Michael Oakeshott, 'A Reminder from "Leviathan"', *Observer* (29 July, 1951), p. 4.

action. Rather than interpreting Hobbes's sovereign as being unable to generate *potential publica*, then, the consequences of *being able to* must be considered.

Corresponding to and preceding from this influential argument—that the sovereign's power is dependent upon subjects' contribution to it—is another: the sovereign is effectively unable to generate *potential publica* because the exercise of his natural power affects subjects in a psychological manner which would prevent their use. In short, there has been made a general claim that the sovereign's exercise of power renders the subjects ungovernable. Recall that in Chapters three and four I discussed the practically effective means by which Hobbes advises a prudent sovereign to ensure civil peace: a Hobbesian sovereign must be both feared and recognised to be the sole person in possession of the right to exercise authority. I laid significant emphasis on the role of fear in Hobbes's system; I spoke of it not in the context of the establishment of a commonwealth, i.e. in the institution or acquisition of a commonwealth, but rather specifically in the context of the sovereign's maintenance of his authority and commonwealth. Recall also that the third law of nature states “men must perform their covenants made”, the breach of which is injustice, and “there must be some coercive power to compel men equally to the performance of their covenants, by the terror of some punishment greater than the benefit they expect by the breach of their covenant” (*L*, 89). By the authority of the sovereign, “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 ...” (*L*, 109). Importantly, “the end of this institution is the peace and defence of them all” (*L*, 113).

Add to this Hobbes's statements concerning the role of fear in obedience: “Of all passions that which inclineth men least to break the laws is fear” (*L*, 196). Indeed, fear “is the only thing (when there is appearance of profit or pleasure by breaking the laws) that makes men keep them” (*L*, 196). Fear of the sovereign's power, therefore, is meant to keep subjects

to their covenants, or more specifically, to ensure their obedience to the civil laws and their sovereign.

For the laws of nature . . . 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. And covenants without the sword are but words, and of no strength to secure a man at all. Therefore notwithstanding the laws of nature . . ., if there be no power erected, or not great enough for our security, every man will, and may lawfully rely on his own strength and art, for caution against all other men (*L*, 106).

Hence, it is necessary for the sovereign, through the means of his power and the fear of it, to keep his subjects to “the performance of their covenants and observation of those laws of nature” (*L*, 106).

His authority, moreover, depends upon his ability to do so, since this obedience is necessary for peace. To maintain his authority, therefore, the sovereign must ensure that his subjects fear him. To fulfill his obligation to the natural laws, I argued, the sovereign must ensure that his subjects are in continual fear of his power.

Now, a number of influential interpreters of Hobbes have noticed that the recommended and requisite fear of the sovereign’s power is ultimately advocated by Hobbes to be the *psychological cause* of peaceable conduct which is both conducive to civil peace and corresponds to a moral psychology that is intended to moralise fear. This moral psychology—best described by Leo Strauss and characterised as the morality of the bourgeoisie—is argued to be characterised by Hobbes as generating the ideal disposition amongst subjects to effect civil peace. This bourgeois morality and its corresponding political psychology was, so the argument goes, proposed by Hobbes as a counter to aristocratic virtues, the moral psychology of which was a chief cause of civil strife because it valorised self-governance, resistance, and opposition.

This, I will agree, is most certainly accurate. Hobbes does indeed describe fear of the sovereign's power as generating the necessary disposition amongst subjects that ensures peace and obedience. Moreover, I will argue that the natural power of the sovereign is described by Hobbes as the means by which to effect this amenable disposition. However, the key interpreters of this branch—namely Strauss, Oakeshott, Schmitt and marginally Tuck—assume that the exercise of power—without differentiating between natural and instrumental—renders the effective exercise of *potential publica* impossible. They correctly notice that the sovereign's power requires the contribution of its subjects, but by simultaneously over-emphasising natural power and its effect—submission—they do not sufficiently notice nor account for instrumental power and its effect—governance. They thus presume that Hobbes's sovereign is unable to govern, unable to generate *potential publica*, and ultimately, would be unable to effectively defend the commonwealth. The generation of the disposition amongst subjects to remain peaceful, therefore, is thought to preclude the ability to generate the disposition to govern and use subjects for the purpose of defence. Each of these influential interpreters, in one way or another, have understood Hobbes's political system as preventing, or rendering impossible, the exercise of *potential publica*.

I will argue, however, that Hobbes does indeed describe the means by which his sovereign can effectively generate *potential publica*. Most importantly, I will argue that the psychological means Hobbes describes of generating this—civil honour—require not only that the sovereign overcomes the otherwise peaceful disposition of its subjects, but also counteract this otherwise peaceful disposition. The sovereign's two types of power, in general effect, pull his subjects in two opposing directions which create an ambivalence, not only in the minds of his subjects, but pervasively throughout Hobbes's political system as well.

6.2 Fear and the moral psychology of submission

Numerous interpreters, focusing on the moral psychology of Hobbes, have concluded that for the sake of civil peace, glory and honour must be removed as both moral and psychological sources of volition amongst subjects; amongst these, Leo Strauss and Michael Oakeshott stand out for their influence, careful attention to textual detail, and originality. I have argued elsewhere that Oakeshott's interpretation of Hobbes, particularly in terms of Hobbes's morality, was formed in large measure by both his sympathy for Strauss's account and by his perception of it as the principal rival to his own²⁴⁸. For my purposes here, however, I will describe the similarities and differences between the two in terms of their respective interpretations of Hobbes's moral psychology. Both, I point out, focus less on finding adequate reasons for Hobbes to call something just, then they do on discovering what Hobbes believed *caused* just conduct. Moreover, both agree that the human conduct Hobbes wished to find sufficient cause for is the endeavour for peace. Both, in other words, focus on and generally agree upon what Hobbes identified as the *conditions* for civil obedience.

Oakeshott begins his excellent essay *The Moral Life in the Writings of Thomas Hobbes* by claiming "In considering the writings of a moralist the first thing to be ascertained is ... the understanding he has of the nature of human beings"²⁴⁹. According to Oakeshott, Hobbes's image of the nature of human beings rests upon two postulates: "the postulate of 'natural appetite' or passion, and the postulate of 'natural reason'"²⁵⁰.

Examining Hobbes's postulate of natural appetite, Oakeshott attributes to him a belief

²⁴⁸ Jonathan Boyd, "The Lion and the Ox: Oakeshott's Engagement with Leo Strauss on Hobbes", *History of Political Thought*, vol. xxix, no. 4, Winter 2008.

²⁴⁹ Oakeshott, *Hobbes on Civil Association*, (1975) p. 78.

²⁵⁰ *Ibid*, p. 79.

that the characteristic difference between men and animals is “... the competitive nature of human appetite and passion: every man wishes to out-do all other men”²⁵¹. Hobbes is said to assert that “Man, whose Joy consisteth in comparing himself with other men, can relish nothing but what is eminent”²⁵². Oakeshott characterises this postulate as implying that

... the greatest pleasure of a human being, what most of all stimulates the vital movement of his heart, is the consciousness of his own power; the spring of his natural appetite is not what the present world offers him, but his desire for precedence, his longing to be first, for glory and to be recognized and honoured by other men as pre-eminent.²⁵³

Man, according to Hobbes, is thus fundamentally driven by pride; “His supreme and characteristic passion is Pride; he wishes above all else to be convinced of his own superiority”²⁵⁴. So important is this wish to be *convinced*, that one may—when reality threatens to demonstrate otherwise—believe oneself to be superior to others despite all evidence to the contrary. Pride may, therefore, degenerate into vain-glory: “... the mere supposition of glory ‘for delight in the consequences of it’”²⁵⁵. In so doing, in revelling in a false-sense of superiority, one actually “... loses ground in the race for precedence”²⁵⁶.

Pride has a partner: fear. They are linked in the thought of Hobbes by the following rationale which Oakeshott identifies: “Any creature of imagination engaged in maintaining his superiority over others of his kind must be apprehensive of not being able to do so”²⁵⁷. Fear is provoked by the dread resulting from the realisation that one may be denied felicity as a result

²⁵¹ Ibid, p. 81.

²⁵² Ibid, from Hobbes, *Elements of Law*, I, ix, 21.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Ibid, p. 82.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

of “falling behind in the race”²⁵⁸. This dread reflects the ultimate fear, the fear of death. It is not simply death, however, that human beings fear. It is much more inextricably coupled with pride:

... the ultimate fear in man is the dread of violent (or untimely) death at the hand of another man; for this is dishonour, the emblem of all *human* failure. This is the fear which Hobbes said is the human passion ‘to be reckoned with’; its spring is not the mere desire to remain alive in adverse circumstance, nor is it a mere aversion from death, least of all from the pain of death; its spring is aversion from shameful death.²⁵⁹

Oakeshott, therefore, understands Hobbes’s postulate of natural appetite as constituting a tension between pride and fear. This tension also *defines* the ‘ambivalent relationship’ between human beings:

They need one another, for without others there is no precedence, no recognition of superiority, no honour, no praise, no notable felicity; nevertheless every man is the enemy of every man and is engaged in a competition for superiority in which he is unavoidably apprehensive of failure.²⁶⁰

Oakeshott then moves on to examine Hobbes’s second postulate, that of natural reason. Reason as Hobbes understood it, according to Oakeshott, “... is generated by the passion of fear itself”²⁶¹. He explains “... fear of the mischances that may befall him in the race awakens man from his dreams of vain-glory (for any belief in continuous superiority is an illusion) and forces upon his attention the true precariousness of his situation”²⁶². One wishes to be released permanently from their fear of shameful death; reason suggests the race for precedence must be modified:

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid, p. 86.

²⁶² Ibid.

The consequence of natural appetite is pride and fear; the ‘suggestion’ and promise of reason is peace. And peace, the product of the mutual recognition of a common enemy (death) is to be achieved only in a condition of common subjection to an artificially created sovereign authority ...²⁶³

Oakeshott, therefore, views Hobbes as desiring survival above standing first; as he puts it, “... proud men must become tame men in order to remain alive”²⁶⁴. Hobbes is portrayed as interpreting human life as a tension between pride and fear—where pride is a passion for honour and fear is an apprehension of dishonour—while reason suggests a resolution²⁶⁵.

Oakeshott’s understanding of Hobbes’s depiction of human nature in this respect is virtually parallel to Leo Strauss’s; consider that it is in the first chapter of *The Political Philosophy of Hobbes* that Strauss discusses Hobbes’s conception of human nature—a chapter entitled ‘The Moral Basis’. At the very least, Oakeshott is in concord with Strauss regarding the necessity of first ascertaining the role of human nature in the writings of a moralist.

Not only do they share the same starting point, but both emphasise the same key elements of Hobbes’s understanding of human nature. Strauss similarly summarises human life in Hobbes as primarily constituting a tension between pride and fear²⁶⁶; he emphasises the element of shame in the fear of death, and he assigns precisely the same origin and task of reason that Oakeshott does²⁶⁷.

More significantly, the two share an important premise: Hobbes sought in human nature the existence of, or potential for, psychological characteristics which could be relied

²⁶³ Ibid, p. 87.

²⁶⁴ Ibid.

²⁶⁵ Ibid, p. 82.

²⁶⁶ Leo Strauss, (1963), p. 18. It is interesting to note Oakeshott’s gradual incorporation of Hobbes’s depiction of human nature as interpreted by Strauss, from his review article in which he first paraphrases Strauss’s interpretation (*Hobbes on Civil Association (1975)* pp. 137-8), to his *Introduction*, where Oakeshott’s own presentation resembles closely his early paraphrase of Strauss (pp. 33-6).

²⁶⁷ Strauss, (1963) p. 16.

upon to *cause* just behaviour. Strauss's depiction culminates in the claim: "... fear is thus considered the sufficient motive for all right behaviour ..."²⁶⁸ Oakeshott's focus on causes is slightly different, but the same in essence: rather than identifying a definitive account of obligation in Hobbes, as does Strauss, Oakeshott sought to explain—without recourse to an ultimate reason which would justify obedience—how Hobbes identified the *conditions* for civil obedience. Oakeshott first settles on Hobbes's account of morality; not on why one is obliged to be moral, but rather on how Hobbes expressed morality, or in other words, what Hobbes said to constitute morality. Oakeshott then pays close attention to Hobbes's distinction between "the sufficient causes for human conduct" and "the reasons which may be given in justification of it". The "human conduct" which Hobbes wishes to find "sufficient cause" for is the endeavour for peace. The "sufficient cause" Hobbes identifies, according to Oakeshott, is the "... fear of shameful death: fear prompts reason and reason discloses what must be done to avoid the circumstances which generate fear"²⁶⁹.

Strauss then argues that by making the fear of violent death the basis for morality, Hobbes "... denied the moral value of all virtues which do not contribute to the making of the State, to consolidating peace, to protecting men against the danger of violent death, or, more exactly expressed, of all virtues which do not proceed from fear of violent death"²⁷⁰. Because of the tension between fear of violent death and pride, Hobbes identifies vanity as "the root of all evil"²⁷¹. Strauss attributes to Hobbes the belief that because vanity "... hinders man from perceiving his true situation", that is, because pride obscures one's fear of violent death, pride,

²⁶⁸ Ibid p. 113.

²⁶⁹ Oakeshott, (1975), p. 119.

²⁷⁰ Strauss, (1963) p. 18.

²⁷¹ Ibid, p. 111.

and all that is associated with it, is the obstacle to be overcome to ensure men endeavour for peace²⁷².

Strauss summarises:

As fear is thus considered the sufficient motive for all right behaviour ... it is impossible to approve any virtues which do not arise from fear, fear of violent death, and whose essence consists in the conquest or denial of fear. Once Hobbes has fully elucidated his conception of fear, he cannot but reject aristocratic virtue. For 'fear' and 'honour' are irreconcilable: 'fear can hardly be made manifest, but by some action dishonourable, that betrayeth the conscience of one's own weakness.' Honour ... is finally directly opposed to justice and therefore to virtue in general.²⁷³

The endeavour for peace, which the fear of violent death compels, is viewed by Strauss, and rightly so, to exhibit prudence. Accordingly,

The criticism of aristocratic virtue thus, in the last analysis, means the replacement of honour by the fear of violent death. And even though one may characterize Hobbes's morals as utilitarian morals, it is only with the important limitation that these morals are based on the fear of violent death, on a passion which is not in itself prudent, but which *makes* man prudent.²⁷⁴

It is this connection with prudence, the making of men who are prudent, which Strauss relies upon to label Hobbes's new moral attitude a 'bourgeois morality'. The 'concrete significance' of Hobbes's moral attitude is that "... the ideals set up in his political philosophy are precisely the ideals of the bourgeoisie"²⁷⁵. That is,

His morality is the morality of the bourgeois world. Even his sharp criticism of the bourgeoisie has, at bottom, no other aim than to remind the bourgeoisie of the elementary condition for its existence. This condition is not industry and thrift, not the specific exertions of the bourgeoisie, but the security of body and soul, which the bourgeoisie cannot of itself guarantee.²⁷⁶

²⁷² Ibid.

²⁷³ Ibid, p. 113.

²⁷⁴ Ibid, p. 116.

²⁷⁵ Ibid, p.118.

²⁷⁶ Ibid, p. 121.

The state of nature, or rather the *belief* in the state of nature, reinforces the fear of violent death which this bourgeoisie morality requires to be maintained. Hobbes, therefore, "... 'prefers' these terrors of the state of nature because only on awareness of these terrors can a true and permanent society rest. The bourgeois existence which no longer experiences these terrors will endure only as long as it remembers them"²⁷⁷.

Oakeshott, however, questions this aspect of Strauss's argument. Recall that both agree that the fear of violent death is the 'sufficient cause' for the endeavour for peace. Oakeshott agrees with Strauss, moreover, that Hobbes does elaborate "the morality of the tame man" or a bourgeois morality: "... pride, even when it does not degenerate into vain-glory, is too dangerous a passion to be allowed, even if its suppression somewhat dims the brilliance of life"²⁷⁸.

However, Oakeshott identifies another line of argument in Hobbes's thoughts, and despite not being extensively elaborated by Hobbes, Oakeshott insists it is "... enough to push our thoughts in a different direction"²⁷⁹. Oakeshott elaborates:

In this line of thought the just disposition is still recognized to be an endeavour for peace and what is sought is still emancipation from the fear of violent and shameful death at the hands of other men, but the desired condition is to be attained, not by proud man, awakened by fear, surrendering his pride and becoming (by covenant) tame man, but by the moralization of pride itself.²⁸⁰

The line of argument that Oakeshott explores, therefore, runs counter to that of Strauss; Oakeshott argues that men need not necessarily be 'tamed' in order to endeavour peace. Oakeshott considers whether Hobbes's psychological account "... can accommodate the man

²⁷⁷ Ibid, p. 122.

²⁷⁸ Oakeshott, (1975) p. 120.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

in whom pride occupies a greater place than fear”²⁸¹. Such a man, in order to remain consistent with Hobbes’s psychology, would on account of his vulnerability and weakness, be his own best friend. On account of this vulnerability, he is “... subject to the fear of finding himself shamed and dishonoured and even killed”²⁸². However, perhaps this man’s preponderant passion is not fear, but rather pride. In other words, this man does not exhibit the bourgeois morality. He is a test to Strauss’s thesis that the bourgeois existence which no longer experiences the fear of violent death will endure only so long as it remembers the fear.

Oakeshott continues the portrayal:

... he is a man who would find greater shame in the meanness of settling for mere survival than in suffering the dishonour of being recognized a failure; a man whose disposition is to overcome fear not by reason (that is, by seeking a secure condition of external human circumstances) but by his own courage; a man not at all without imperfections and the illusion of his achievements
 ...²⁸³

and adds:

Now, a man of this sort would not lack stimulus for the vital movement of his heart, but he is in a high degree self-moved. His endeavour is for peace; and if the peace he enjoys is largely his own unaided achievement and is secure against the mishaps that may befall him, it is not in any way unfriendly to the peace of other men of a different kind. There is nothing hostile in his conduct, nothing in it to provoke hostility, nothing censorious. What he achieves for himself and what he contributes to a common life is a complete alternative to what other may achieve by means of agreement inspired by fear and dictated by reason; for, if the unavoidable endeavour of every man is for self-preservation, and if self-preservation is interpreted (as Hobbes interprets it), not as immunity from death but from the fear of shameful death, then this man achieves in one manner (by courage) what others may achieve in another (by rational calculation).²⁸⁴

This man, therefore, understands his vulnerability, yet does not fall prey to vain-glory.

²⁸¹ Ibid, p. 121.

²⁸² Ibid, p. 120.

²⁸³ Ibid.

²⁸⁴ Ibid, p. 121.

Although he does not allow the fear of shameful death to overcome his pride or courage, his actions in no way jeopardise the endeavour for peace. His pride does not jeopardise the fear of others of shameful death; nor do the means by which he endeavours for peace jeopardise the larger endeavour for peace by his community. He avoids shameful death through courage, and not through timidity²⁸⁵.

To support the existence of such a character, or at least the possibility of such a character, in the writings of Hobbes, Oakeshott cites the following passage: “That which gives to human actions the relish of justice Is a certain Nobleness or Gallantness of courage (rarely found), by which a man scorns to be beholden for the contentment of life, to fraud or breach of promise. This justice of Manners, is that which is meant, where justice is called a virtue”²⁸⁶. Nobleness, or courage, is what binds this man to keep his promises, and not the fear of shameful death. Hobbes notes that a man may be motivated to his word by “... a glory or pride in appearing not to need to break it”²⁸⁷.

Simply put, therefore, both Oakeshott and Strauss focus on the psychological cause Hobbes believed could be relied upon to prompt subjects to remain peaceful. That cause, ultimately, is the fear of shameful death. A slight difference emerges between the two, however; whereas Strauss argues that all the passions which counteract fear must be fully diminished, Oakeshott argues that Hobbes does allow that, for a very few subjects, honour and pride will be sufficient to prompt them to moral—that is peaceable—conduct. Both, however, identify the fear of shameful death as either the only, or at least the far dominant,

²⁸⁵ Luke O’Sullivan interestingly focuses on Oakeshott’s life-long preoccupation with the issue of character. See O’Sullivan, *Oakeshott on History* (Exeter: Imprint Academic, 2003).

²⁸⁶ Oakeshott, (1975) p. 121.

²⁸⁷ *Ibid*, p. 122.

effective psychological cause of peaceful conduct which Hobbes asserts. What are, however, the implications of this for defence?

Strauss more clearly teases out the implications of this for defence, and since Oakeshott is so similar in the relevant details of interpretation, the same implications can be made on his behalf. Arguing that in Hobbes's earlier works he identified honour—the counteracting passion to fear—as a virtue, Strauss notes the following passage in *Elements* which “unequivocally co-ordinat[es] honour (aristocratic virtue) and war”²⁸⁸:

The sum of virtue is to be sociable with them that will be sociable, and formidable to them that will not. And the same is the sum of the law of nature; for in being sociable, the law of nature taketh place by the way of peace and society; and to be formidable, is the law of nature in war, where to be feared is a protection a man hath from his own power; and as the former consisteth in action of equity and justice, the latter consisteth in actions of honour.²⁸⁹

Even more explicitly, Hobbes writes: “The only law of actions in war is honour”²⁹⁰. Strauss claims, however, that although Hobbes identified aristocratic virtue and honour as a virtue in his earlier work (*Elements*), his analysis of honour as the law of war remains the same throughout his later works, including in the *Leviathan*. That is, while Hobbes held honour to be inimical to peace throughout his work, he dropped its status as a virtue of any kind in his later work:

It is therefore all the more striking that the express characterization of honour as *virtue* (i.e. in war) occurs only in the earliest exposition. It is true, in *De cive* courage is still called virtue, but no longer in connexion with honour; moreover, in the *Leviathan* and in *De homine* courage itself is completely omitted. In place of the triad ‘honour, justice and equity’, we have more and more the two concepts ‘justice and charity’. Thus the more Hobbes elaborated his political philosophy, the further he departed from his original recognition

²⁸⁸ Strauss, (1963) p. 49.

²⁸⁹ *Elements*, Pt. I, ch. 17, 15.

²⁹⁰ *Elements*, Pt. , ch. 19, 2.

of honour as a virtue, from the original recognition of aristocratic virtue.²⁹¹

Thus the important conclusion for our purposes here is that for Strauss—and Oakeshott also, by proximity in argument—since fear and honour in the thoughts of Hobbes are viewed to be fundamentally irreconcilable, and “since honour as virtue of war is identical with valour, the negation of honour as a virtue means the negation of valour as a virtue”²⁹². In other words, the psychological cause of civil peace (fear of shameful death) and the morality that is based on and consistent with it (bourgeois morality) is privileged to the exclusion of what Hobbes believes to be the psychological cause of war and thus defence (honour) and the morality that is based on and consistent with it (aristocratic virtue). It is implicitly asserted, then, that Hobbes precludes the moral psychology necessary for the defence of the commonwealth; the moral psychology required for civil peace, in other words, would render the subjects of a commonwealth effectively unable to defend themselves.

I will generally agree with both of these accounts by arguing that the exercise of Hobbes’s sovereign’s natural power is meant to affect subjects to the same effect. That is, the way Hobbes describes the sovereign’s exercise of natural power as affecting subjects is the same in effect as Strauss’s and Oakeshott’s description of the psychological cause of a peaceful disposition amongst subjects. I will argue that the exercise of sovereign natural power causes the submission of subjects by instilling a fear of the sovereign’s power, which counteracts honour and is meant to ensure the prevention of subjects’ performances. However, I will follow this agreement with a disagreement: I disagree with both Strauss and Oakeshott who believe that Hobbes does not equip his sovereign with the means to generate a

²⁹¹ Strauss, (1963) p. 50.

²⁹² Ibid., p. 114.

psychological disposition that would enable the sovereign to use his subjects, and which would overcome their fear of shameful death. Hobbes not only demonstrably does so, I will argue, but he does so precisely because of the need for this ability, and for this psychological disposition, to effectively defend the commonwealth.

6.3 Carl Schmitt and *potential publica*

A second important and influential argument which interprets Hobbes's sovereign as lacking the means to effectively defend the commonwealth due to a dearth of subjects' otherwise necessary contribution to it, is made by Carl Schmitt. In effect, his argument reaches the same implicit conclusion as those of Strauss and Oakeshott, albeit due to a different rationale. In *The Concept of the Political* he writes:

To the state as an essentially political entity belongs the *jus belli*, that is, the real possibility of deciding in a concrete situation upon the enemy and the ability to fight him with the power emanating from the entity. ... The state as the decisive political entity possesses an enormous power: the possibility of waging war and thereby publicly disposing of the lives of men. The *jus belli* contains such a disposition. It suggests a double possibility: the right to demand from its own members the readiness to die and unhesitatingly to kill enemies.²⁹³

This right of the sovereign is dependent on the disposition of subjects to die and kill on command of their sovereign, and on behalf of their commonwealth. Schmitt talks not of a mere obligation, but rather of a disposition to do so which subjects must possess in order to make effective the capabilities of the political entity to wage a war. According to Schmitt, however, this disposition is lacking in Hobbesian subjects. In Chapter five of *The Leviathan*

²⁹³ Carl Schmitt, *The concept of the political*, translation, introduction, and notes by George Schwab ; with Leo Strauss's notes on Schmitt's essay ; translated by J. Harvey Lomax ; foreword by Tracy B. Strong (Chicago: University of Chicago Press, 1996), p. 46.

in the state theory of Thomas Hobbes, entitled “The sovereign-representative person dies of the separation of inner from outer”, Schmitt writes,

... when public power wants to be only public, when state and confession drive inner belief into the private domain, then the soul of a people betakes itself on the ‘secret road’ that leads inward. Then grows the counterforce of silence and stillness ... Public power and force may be ever so completely and emphatically recognized and ever so loyally respected, but only as a public and only an external power, it is hollow and already dead from within²⁹⁴.

What Schmitt identifies in Hobbes is that although the sovereign power requires the ability to exercise public power, Hobbes cripples his sovereign from effectively doing so because of the passive resistance he permits. By separating the inner lives of subjects from the will of the state, Schmitt accuses Hobbes of thereby alienating subjects and impeding their potential contribution. According to Schmitt, Hobbes’s sovereign is unable to harness *potential publica* because he is prevented from instilling sources of agency in subjects which overcome the fear of death and which are required for defence and conquest. Hobbes, Schmitt criticises, disabled his sovereign by failing to give him the means to effectively *use* his subjects.

Like Strauss and Oakeshott, therefore, Schmitt focuses on what is required for the maintenance of civil peace: in the cases of Strauss and Oakeshott, the fear of shameful death and a bourgeois morality would counteract the disposition required for subjects’ contribution to public power; in Schmitt’s case, the sovereign cannot rely upon subjects’ contribution to public power because of their retention of private judgment and subsequent alienation from the public will. As I have mentioned, I will partly agree with Strauss and Oakeshott, and I will

²⁹⁴ Carl Schmitt, *The Leviathan in the state theory of Thomas Hobbes : meaning and failure of a political symbol*; foreword and introduction by George Schwab ; translated by George Schwab and Erna Hilfstein ; foreword by Tracy B. Strong (Chicago: University of Chicago Press, 2008), p. 61.

also do so with Schmitt. I agree that instrumental power—which is required for defence—does require the contribution of subjects. I further agree that Hobbesian subjects are described as being affected in a way that would disable or counteract that effective contribution. I will, though, point out that this counteraction is a result of the exercise of sovereign *natural* power. I will also add, however, to contradict the uniformity of their three arguments, that Hobbes nevertheless describes the means to generate *instrumental* power, which relies upon instilling a sense of honour in subjects. Thus, while this counteracts the fear of shameful death, it is nevertheless asserted by Hobbes, and creates a necessary ambivalence in the psychology of subjects caused by the opposing means by which it concurrently ensures both civil peace and defence.

6.4 Sovereign natural power and submission

While Richard Tuck paints, in my mind, the most accurate picture of Hobbes's psychological account of submission, he nevertheless appears to agree with Strauss, Oakeshott and Schmitt on this: that submission, in Hobbes, precludes use.

Tuck, in an unfortunately under-appreciated essay entitled *The Utopianism of Leviathan*, focuses upon how Hobbes envisioned subjects submit to sovereign power.²⁹⁵ Recall that submission entails a conception of power in which power is exerted *on* something. This type of power is described by Hobbes as zero-sum; "... the power of one man resisteth and hindereth the effects of the power of another power simply is no more, but the excess of the power of one above that of another. For equal powers opposed, destroy one another

²⁹⁵ Richard Tuck, "The Utopianism of *Leviathan*" in Sorell and Foisneau, ed. *Leviathan after 350 Years* (Oxford, Clarendon Press, 2004).

...”²⁹⁶. Since the use of one’s power is only prevented by another’s use of their power, it suggests that the power to do some thing necessitates freedom from an opposing power. To exercise power under this conception, therefore, requires an absence of obstacles. In other words, the condition in which one is free to exercise their power is an environment which is free of opposing powers.

This freedom is what submission affords; the sovereign is free to exercise his power because his subjects are not free to exercise theirs. Submission, in other words, eliminates obstacles to the sovereign’s exercise of his power. Submission to the sovereign is to “... lay by or relinquish [one’s] own right of resisting him ...”²⁹⁷. Subjects *yield* to sovereign power.

This is what submission is *in effect*. But *how* precisely does Hobbes envision submission to occur? How does sovereignty induce submission? Interestingly, Hobbes argues that upon consideration of the sovereign’s power, an emotional state will be produced which amounts to submission. This is resultant from Hobbes’s explanation of the source of passions. As Richard Tuck puts it, on behalf of Hobbes: “Our entire emotional life ... extraordinary as this might seem, is in fact a complicated set of beliefs about the best way of securing ourselves against our fellow men ... in the end reducible simply to a set of ideas about our own relative safety from other people’s power”²⁹⁸.

This is best explained in Hobbes’s *Elements*, and it is well worth taking some time to fully explain it. Hobbes argues that an appetite “... is the beginning of animal motion toward something which pleaseth us ...”²⁹⁹. The pleasure which is conceived to result from the

²⁹⁶ *Elements of Law*, VIII, 3.

²⁹⁷ *Elements of Law*, XIX, 10.

²⁹⁸ Tuck, “The Utopianism of *Leviathan*”, p. 132.

²⁹⁹ *Elements*, VII, 5.

attainment of an object, in this respect, *precedes* the appetite. An appetite is produced towards the attainment of an object not for the achievement itself, but rather for the pleasure one *expects* or conceives to receive from the attainment of it.

The term conception must here be delineated from the term passion. Whereas conception refers to a “motion and agitation of the brain”, a passion is a continuation of that motion “to the heart”³⁰⁰. From conceptions proceed “every one of those passions which we commonly take notice of”³⁰¹. Importantly, “... whosoever therefore expecteth pleasure to come, must conceive withal some power in himself by which the same may be attained”³⁰². The implicit corollary, of course, is that if one is *unable* to conceive of such power, that which follows the conception—a passion—will not arise.

Additionally, Hobbes names these conceptions of power “honour”³⁰³. Pleasure is, therefore, ultimately dependent upon, and proceeds from, honour. So too do appetites proceed ultimately from honour, from one’s conception of their ability to attain some thing.

Since the initiators are conceptions of power, Hobbes’s next step is to identify signs by which power is conceived. “The signs by which we know our own power are those actions which proceed from the same ...”³⁰⁴. In other words, we know our own power by recognising signs which proceed from that power. However, note that Hobbes’s sentence is not yet complete; he adds “... and the signs by which other men know it, are such actions, gesture, countenance and speech, as usually such powers produce ...”³⁰⁵. Hobbes hereby adds a *comparative* element to conceptions of power: the signs of my power are conceived by not

³⁰⁰ *Elements*, VIII, 1.

³⁰¹ *Ibid.*

³⁰² *Elements*, VIII, 3.

³⁰³ *Elements*, VIII, 5.

³⁰⁴ *Elements*, VIII, 5.

³⁰⁵ *Ibid.*

only myself but by others.

Passions are, therefore, based upon conceptions of power which are in turn based upon comparison. He writes

... and the acknowledgment of power is called HONOUR; and to honour a man (inwardly in the mind) is to conceive or acknowledge, that that man hath the odds or excess of power above him that contendeth or compareth himself. And HONOURABLE are those signs for which one man acknowledgeth power or excess above his concurrent in another.³⁰⁶

The conception of one's own power is made *by comparison*. One compares the signs of one's own power—by which a conception of one's own power is made—with the signs of power of others. Thus, while honour itself is an acknowledgement of power, and may be conceived as belonging to oneself and another, *to honour* is inherently comparative: to acknowledge or conceive that another is more powerful than oneself. To honour is to acknowledge that another's power represents an obstacle to the use of your own power.

Submission to sovereignty is readily explained in these terms. Submission to sovereign power is preceded by *honour*; one must conceive the sovereign's power as being vastly greater than one's own to submit. To submit is essentially to deny oneself the liberty to act³⁰⁷, i.e. creating an inability to act which correspondingly increases the sovereign's freedom to act. "And because it is impossible for any man really to transfer his own strength to another, or for that other to receive it; it is to be understood: that to transfer a man's power and strength, is no more but to lay by or relinquish his own right of resisting him to whom he so transferreth it"³⁰⁸.

This notion of submission as yielding—ceasing to prevent another's exercise of their

³⁰⁶ Ibid.

³⁰⁷ *Leviathan*, XXI, 10.

³⁰⁸ *Elements*, XIX, 10.

power—is evident in Hobbes’s description of various signs of honour. Each symbol exemplifies *giving way*, of removing oneself as an obstacle:

The signs of honour are those by which we perceive that one man acknowledgeth the power and worth of another. Such as these: To praise; to magnify; to bless, or call happy; to pray or supplicate to; to thank; to offer unto or present; to obey; to hearken to with attention; to speak to with consideration; to approach unto in decent manner, to keep distance from; to give the way to, and the like; which are the honour the inferior giveth to the superior.³⁰⁹

How Hobbes believed submission will occur is equally evident: the elimination of obstacles to the exercise of sovereign power is achieved by the cessation of subjects’ passions. The awe inspired by the power of the sovereign forms a conception of power within the minds of the subjects from which they infer that they cannot *expect* to fruitfully exercise their power in the face of it. One renounces his right of nature because he realises that, in the face of sovereign power, the exercise of that right is futile. The acknowledgment that it is futile leads to resignation, and ultimately, the cessation of passion itself.

Tuck argues “If Hobbesian man were to live according to the laws of nature, he would not only renounce his individual judgment to his sovereign, but would live a strikingly passionless life ...”³¹⁰.

In his short commentary on Tuck’s essay, Tom Sorell makes the remark “... the ideal commonwealth can only work if passionate human beings can be turned into something like *passionless* citizens”³¹¹. Sorell then asks the crucial question: “How can a theory aim at changing people psychologically to the degree Tuck suggests Leviathan does, and not ask a

³⁰⁹ *Elements*, viii, 6.

³¹⁰ Tuck (2004), p. 134.

³¹¹ Tom Sorell, “Introduction” in Sorell and Foisneau, ed. *Leviathan after 350 Years* (Oxford, Clarendon Press, 2004) p. 4.

very great deal in return?”³¹².

The problem is—as Strauss and Oakeshott overlook, and Schmitt contends that Hobbes believes—Hobbes *does* ask a very great deal in return. In the following passage, Hobbes presents the problem:

And forasmuch as they who are amongst themselves in security, by the means of this sword of justice that keeps them all in awe, are nevertheless in danger of enemies from without; *if there be not some means found, to unite their strengths and natural forces in the resistance of such enemies, their peace amongst themselves is but in vain.* And therefore it is to be understood as a covenant of every member to contribute their several forces for the defence of the whole; whereby to make one power as sufficient, as is possible, for their defence. Now seeing that every man hath already transferred the use of his strength to him or them, that have the sword of justice; it followeth that the power of defence, that is to say the sword of war, be in the same hands wherein is the sword of justice: and consequently those two swords are but one, and that inseparably and essentially annexed to the sovereign power.³¹³

A similarly telling passage reinforces this dual power:

This submission of all their wills to the will of one man or of one Assembly comes about, when each of them obligates himself, by an Agreement with each of the rest, not to resist the will of the man or Assembly to which he has submitted himself; that is, not to withhold the use of his wealth and strength against any other men than himself ...³¹⁴

Here Hobbes conflates the two: *not to resist* is equated with *not to withhold use*. Whereas it is clear what Hobbes believes is required as an additional element of subjection beyond submission—a means must be found to *use* the subjects—there is a problem: in submission, the emotional life of the subjects has been subjected to the awe of sovereign power which discourages action. Thus far subjection consists exclusively of yielding to sovereign power; there is nothing yet to suggest the sovereign’s *ability* (apart from the *right*)

³¹² Ibid.

³¹³ *Elements*, xx, 8, my italics.

³¹⁴ *De Cive*, v. 7.

to use, harness and commandeer the power of subjects. By what means, and to what extent, can the sovereign use submissive subjects? As the arguments of Strauss, Oakeshott and Schmitt implicitly ask, in what meaningful way may a Hobbesian sovereign be said to possess the ability to use his subjects if his subjects have no source of volition from which to act?

No-one, in my opinion, has posed the problem more elegantly and simply than the eighteenth-century social and political thinker Bernard Mandeville, who noticed that the power of the state requires both submission and governance. He wrote:

There is great Difference between being submissive, and being governable; for he who barely submits to another, only embraces what he dislikes, to shun what he dislikes more; and we may be very submissive, and be of no Use to the Person we submit to: But to be governable, implies an Endeavour to please, and a Willingness to exert ourselves in behalf of the Person that governs ...³¹⁵

This is, in essence, the basis of Oakeshott's, Strauss's and Schmitt's critique: Hobbes's sovereign lacks the ability to govern, and Hobbesian sovereignty is conceived to be exclusively concerned with submission. I would propose, alternatively, that sovereignty as conceptualised by Hobbes is concerned with *both* submission *and* governance. Submission and governance have distinct ends; governance is an inextricable element of sovereignty, and this is, although largely overlooked, clearly evident in Hobbes. I am proposing here that the notion of sovereignty—as included in its greatest 17th century articulation—*included* an art of governance *and* entailed the means by which to pursue collective enterprise. Not only did Hobbes articulate the necessity of the sovereign possessing the power to govern, and grants his sovereign the authority to govern, he most interestingly suggested the *means* to do so—civil honour—to which I will now turn.

³¹⁵ Bernard Mandeville, *The Fable of the Bees: Of Private Vices, Publick Benefits*, ed. F.B. Kaye, (Indianapolis: Liberty Fund, 1988) volume II, p. 184.

6.5 Sovereignty and governance

Recall that the power which governance represents is conceptualised by Hobbes as *power through*. The end of the exercise of this power is not, like submission, to prevent obstacles to the use of one's power by eliminating the freedom of others, but rather to *use* the power of others.

According to Hobbes, the sovereign has "... the right to Use the forces of every particular member"³¹⁶ because "... sure and irresistible power gives the right of ruling and commanding those who cannot resist"³¹⁷.

The problem is with the *how*; the sovereign may have the authority to exercise both types of power, yet is, as it currently stands, *unable* to. As Hobbes acknowledges, "... it is one thing to say, I give you the right to command whatever you wish, another to say, I will do whatever you command"³¹⁸.

The question of how to govern, or the means by which to ensure governance, is answered by Hobbes in terms of *civil* honour. By way of introduction, it is helpful to compare two directions of honour; from the inferior to superior (which indicates submission), and from the superior to inferior (which indicates governance). Recall that the signs of honour which indicate that an inferior honours a superior signify *giving way*. Honour in the reverse direction is signified as follows:

But the signs of honour from the superior to the inferior, are such as these: to praise or prefer him before his concurrent; to hear him more willingly; to speak to him more familiarly; to admit him nearer, to employ him rather, to

³¹⁶ *Elements*, xx, 12.

³¹⁷ *De Cive*, i, 14.

³¹⁸ *De Cive*, vi, 13.

ask his advice rather; to like his opinions; and to give him any gift rather than money, or if money, so much as may not imply his need of a little: for need of little is greater poverty than need of much.³¹⁹

Rather than *giving way*, each of these symbols indicate encouragement, respect and recruitment, and at the bottom, symbolise A's acknowledgment that B is useful to A.

Whereas submission, therefore, requires an inferior to yield to a superior, governance requires that an inferior be used wilfully to achieve a superior's ends. Whereas submission affords the sovereign the freedom to use his power without obstacles, governance affords the sovereign the use of those who are subject to his power.

So, whereas the honour a subject pays a sovereign involves conceiving of the sovereign's power as preventing the exercise of one's own power, the honour a sovereign pays a subject involves conceiving of the subject's power as useful to the achievement of the sovereign's ends. In the former, power is conceived of in terms of the freedom to use it; the way in which one conceives of power is in respect to how another *impedes* the use of it. In the latter, power is conceived of in terms of what can *be used* to achieve ends.

This suggests an important relationship between honour, or conceptions of power, and *worth*. Hobbes writes, "Those things which please us *as the way or means to a farther end*, we call PROFITABLE; and the fruition of them, USE; and those things that profit not, VAIN"³²⁰. That which is honourable is that which is conceived to be useful.

Thus, "... according to the signs of honour and dishonour, so we estimate and make the value or WORTH of a man"³²¹. Since the signs of honour are those which we take to indicate *honouring*, and to honour is to acknowledge another's *power* or *ability* to achieve

³¹⁹ *Elements*, viii, 6.

³²⁰ *Elements*, vii, 6 (my italics).

³²¹ *Elements*, viii, 5.

some end, to evaluate the value or worth of a man based on whether or not he is honoured is to judge his worth upon his ability. Hobbes adds, “For so much worth is every thing, as a man will give for the use of all it can do”³²².

Whereas the psychological imperative related to submission is how to make men submit and *give way* to the exercise of sovereign power, the question related to governance is how to make men *useful* and *contribute* to the exercise of sovereign power. Recall that the means to make men submit was influencing their conception of power in such a way that rendered them *passionless*. The means by which to govern men, suggested Hobbes, is to redirect their passions in such a way that they become instrumental.

Ambition and longing for honours cannot be removed from men’s minds, and sovereigns have no duty to attempt to do so ... If we saw a consistent pattern on the part of those who administer sovereign power of distinguishing with honours and punishing the factious and branding them with contempt, there would be more ambition to obey than to oppose ... It is their duty, I say, to encourage obedient citizens ... for it is the only way by which public power [*potential publica*] ... can be preserved.³²³

So with the citizens: they would be without initiative if they did nothing except at the law’s command.³²⁴

So that of civil honour the fountain is in the person of the commonwealth, and dependeth on the will of the sovereign, and is therefore temporary and called *civil honour* ... and men honour such as have them, as having so many signs of favour in the commonwealth, which favour is power.³²⁵

Public power, reliant on the instrumental power of subjects, is to be harnessed by honouring subjects for their usefulness. Recall that, according to Hobbes’s account of political psychology, passions proceed from conceptions of power. It is evident that Hobbes

³²² Ibid.

³²³ *De Cive*, xiii, 12.

³²⁴ *De Cive*, xiii, 15.

³²⁵ *Leviathan*, x, 36.

believed that if subjects conceived of their power in terms of sanctioned instrumentality, the necessary supporting passions would emerge. Glory, pride, and other emotive passions would, in a sense, be reconstructed; worth would be reconstituted on the basis of their *sanctioned* instrumental value, rather than on their self-judged value. Not only, therefore, does the sovereign estimate the worth of a man according to the signs of honour, but the sovereign also *makes* the worth of a man accordingly³²⁶.

It is also very important to note that this prescription is present in *Leviathan*; recall that Strauss argues that by this later work, Hobbes had stripped honour of its status as virtuous, and that his “criticism of aristocratic virtue thus, in the last analysis, means the replacement of honour by the fear of violent death”³²⁷. This is quite simply not the full case. Hobbes, it must be noted, does at points strip honour of its moral standing; consider: “Nor does it alter the case of honour, whether an action (so it be great and difficult, and consequently a sign of much power) be just or unjust; for honour consisteth only in the opinion of power” (*L*, 54). Hobbes then cites two illustrations of the factual, empirical claim that honour is not ultimately a matter of morality but rather of power.

Therefore the ancient heathen did not think they dishonoured, but greatly honoured the Gods, when they introduced them in their poems committing rapes, thefts, and other great, but unjust or unclean acts: insomuch as nothing is so much celebrated in *Jupiter*, as his adulteries; nor in *Mercury*, as his frauds and thefts, of whose praises, in a hymn of *Homer*, the greatest is this: that being born in the morning, he had invented music at noon, and before night stolen away the cattle of *Apollo* from his herdsman (*L*, 54).

Also amongst men, till there were constituted great commonwealths, it was thought no dishonor to be a pirate or a highway thief, but rather a lawful trade, not only amongst the Greeks, but also amongst all other nations, as is manifest by the histories of ancient time. And at this day, in this part of the world,

³²⁶ *Elements*, viii, 5.

³²⁷ Strauss (1963), p. 116.

private duels are and always will be honourable, though unlawful, till such time as there shall be honour ordained for them that make the challenge. For duels also are many times effects of courage; and the ground of courage is always strength or skill, which are power; though for the most part they be effects of rash speaking and of the fear of dishonor in one or both the combatants, who, engaged by rashness, are driven into the lists to avoid disgrace (*L*, 55).

However, as discussed in Chapter One, and as I agreed with Preston King, "... the commands of the sovereign, in so far as he remains sovereign, must be read as coterminous with the designation of right and wrong"³²⁸. The sovereign, once a commonwealth is instituted or acquired, becomes the sole arbiter of just and unjust, right and wrong, moral and immoral. Were the sovereign's concern civil peace exclusively, Strauss would be far closer to being correct that Hobbes removed any moral content from honour. Honour is indeed spoken of by Hobbes as counteracting the fear of shameful death, which is the disposition most likely to effect civil peace. However, due to the need for defence, which requires *potential publica*, in turn requiring governance and honour, the sovereign, as the 'fountain of honour', *moralises* honour. Honour is indeed an 'opinion of power'. However, insofar as that opinion is the sovereign's, honour, once again, becomes a moral virtue. Honour, once a threat to civil peace, is now recast as *civil* honour and becomes a *civil* virtue.

Clear evidence of this is found in *Behemoth*, where Hobbes makes a distinction between the virtues of ordinary subjects—which fundamentally entails simple "obedience to the laws of the commonwealth"—and what he calls "royal virtues":

The virtues of sovereigns are such as tend to the maintenance of peace at home, and to the resistance of foreign enemies. Fortitude is a royal virtue; and though it be necessary in such private men as shall be soldiers, yet, for other men, the less they dare, the better it is both for the commonwealth and for

³²⁸ King, 240. Note the following passage from *Leviathan* which supports King's interpretation: "It belongeth therefore to the sovereign to be *judge*, and to prescribe the rules of *discerning good* and *evil*, which rules are laws ... " (*L*, 133).

themselves. Frugality (though perhaps you will think it strange) is also a royal virtue: for it increases the public stock, which cannot be too great for the public use, nor any man too sparing of what he has in trust for the good of others. Liberality also is a royal virtue: for the commonwealth cannot be well served without extraordinary diligence and service of misters, and great fidelity to their Sovereign; who ought therefore to be encouraged, and especially those that do him service in the wars (Behemoth, 44-5).

Crucially, “*In sum, all actions and habits are to be esteemed good or evil by their causes and usefulness in reference to the commonwealth ...*” (Behemoth, 45, italics added).

Fortitude, or courage, is clearly described as a royal virtue—or civil virtue—and is so because it is useful for the defence of the commonwealth.

Consider also Hobbes’s crucial discussion of honour and *ignominy* in Chapter xxviii of *Leviathan* entitled “Of Punishments and Rewards”:

Ignominy is the infliction of such evil as is made dishonourable (or the deprivation of such good as is made honourable) by the commonwealth. For there be some things honourable by nature: as, the effects of courage, magnanimity, strength, wisdom, and other abilities of body and mind. Others made honourable by the commonwealth: as, badges, titles, offices, or any other singular mark of the sovereign’s favour. The former (though they may fail by nature or accident) cannot be taken away by a law; and therefore, the loss of them is not punishment. But the latter may be taken away by the public authority that made them honourable, and are properly punishments; such are degrading men condemned of their badges, titles, and offices, or declaring them incapable of the like in time to come (*L*, 206-7).

Hobbes here, as in the passage from *Behemoth*, clearly uses the terms ‘evil’ and ‘good’ to describe the honours emanating from the sovereign; subjects are to be justly proud of being honoured, and ashamed of being dishonoured. Consider also that “Of the Rights of Sovereigns by Institution”, the ninth through twelfth capture perfectly Hobbes’s moralisation of honour for the sake of defence. The ninth right is the making of war and peace as the sovereign thinks best; the tenth a reminder that “the sovereign is charged with the end, which is the common peace and defence, he is understood to have power to use such means as he

shall think most fit for his discharge” (*L*, 115). Hobbes then turns to discuss honour’s role; it is no coincidence that Hobbes does so *directly* after asserting the sovereign’s right to the means of defence:

Eleventhly, to the sovereign is committed the power of rewarding with riches or honour, and of punishing with corporal or pecuniary punishment or with ignominy, every subject according to the law he hath formerly made (or if there be no law made, *according as he shall judge most to conduce to the encouraging of men to serve the commonwealth*, or determining of them from doing disservice to the same (*L*, 115, italics added).

And the final right of sovereigns:

Lastly, considering what values men are naturally apt to set upon themselves, what respect they look for from others, and how little they value other men, from whence continually arise amongst them emulation, quarrels, factions, and at last war, to the destroying of one another, and *diminution of their strength against a common enemy*, it is necessary that there be laws of honour and a public rate of the worth of such men as have deserved (or are able to deserve) well of the commonwealth ... But it hath already been shown that not only the whole *militia*, or forces of the commonwealth, but also the judicature of all controversies is annexed to the sovereignty. To the sovereign therefore it belongeth also to give titles of honour, and to appoint what order of place and dignity each man shall hold, and what signs of respect, in public or private meetings, they shall give to one another (*L*, 115).

Recall that whereas Strauss argues that all the passions which counteract fear must be fully diminished and considered immoral, Oakeshott argues that Hobbes does allow that, for a very few subjects, honour and pride will be sufficient to prompt them to moral—that is peaceable—conduct. Both, however, identify the fear of shameful death as either the only, or at least the far dominant, effective psychological cause of peaceful conduct. Against Strauss, Hobbes clearly—even and notably in *Leviathan*—asserts honour’s virtue. Against Oakeshott, it is far more evident that Hobbes held honour to be a civil virtue, than it is to believe that Hobbes thought personal honour was merely *not necessarily* an obstacle to civil peace.

Moreover, Oakeshott's characterisation of a rare personality type, which may not necessarily make one afraid of shameful death but which would nevertheless lead one to conduct oneself peaceably, can be better recast. A subject whose preponderant passion is not fear but pride is not primarily described by Hobbes to be a peaceful subject; rather, a prideful subject, seeking civil honour, is a *useful* subject.

My objection to Tuck is that although I agree that Hobbes's subjects appear to be rendered passionless through submission, Hobbes nevertheless details a means by which to reconstruct their passions such that they be made use of by the sovereign.

Turning back to Schmitt, who claims that Hobbes's sovereign does not possess the means by which to govern, again, I answer that Hobbes details a theory of civil honour which is meant to instill in the subjects the spirit by which to defend and conquer upon the sovereign's orders. In Chapter two, recall, Hobbes's distinction between thought and action was discussed, and the implications of this distinction for the inclusion of inner thoughts and beliefs as matters within the realm of ecclesiastical authority were outlined. Coercion, Hobbes argues, is a sovereign tool of authority, yet thoughts and beliefs are not influenced by coercion. Coercion, he continues, is not a tool of the church and, therefore, the authority of the church does not include the coercive 'correction' of the religious beliefs of people.

Hobbes, recall, also eliminates the distinction between ecclesiastical authority and civil authority. This has the consequence of likewise denying to the sovereign the power to coercively attempt to change religious beliefs. While the sovereign has, of course, coercive power, whereas the church does not, Hobbes maintains that coercion is not an effective means by which to change the beliefs of subjects. Hence, sovereigns do not have the power to change beliefs through coercive means.

It is this non-coercive realm of inner belief upon which Schmitt bases his critique of

Hobbes; Hobbes cripples his sovereign from effectively exercising public power because of the passive resistance he permits. By separating the inner lives of subjects from the will of the state, Schmitt accuses Hobbes of thereby alienating subjects and impeding their potential contribution towards the sovereign's will. According to Schmitt, Hobbes's sovereign is unable to harness *potential publica* because it is prevented from instilling sources of agency in subjects which overcome the fear of death and which are required for defence and conquest. Hobbes, Schmitt criticises, disabled his sovereign by failing to give him the means to effectively *use* his subjects.

While Hobbes's sovereign is indeed unable to *coerce* beliefs in his subjects that would instill a source of volition that the sovereign can depend upon, enabling him to use them, I have just detailed the means by which the sovereign *can* nevertheless *persuade* and instill this source of volition. It is, more accurately, much more than mere persuasion. As I have detailed, Hobbes believed that if subjects conceived of their power in terms of sanctioned instrumentality, the necessary supporting passions would emerge. Glory, pride, and other emotive passions would be, in a sense, reconstructed: worth would be reconstituted on the basis of their *sanctioned* instrumental value, rather than on their self-judged value. The sovereign, as Schmitt argues, may not indeed be able to coerce the beliefs of subjects that would otherwise compel them to contribute to the purposeful ends of the commonwealth. The sovereign has, however, potentially far greater power: the sovereign not only estimates the worth of a man according to his service to the commonwealth; the sovereign *makes* the worth of a man accordingly.

Chapter 7: Defence and the authorised exercise of instrumental power

7.1 Introduction

In the previous chapter, I argued that while the sovereign's exercise of instrumental power does indeed depend upon the contribution of subjects, Hobbes nevertheless details the means by which his sovereign can overcome the psychological disposition preventing their use, and which, although conducive to civil peace, otherwise represents an obstacle to defence. I argued that one cannot, therefore, presume that Hobbes intended the dependency on the contribution of subjects to necessarily, and beneficially, limit the sovereign's exercise of instrumental power. The reason for this is obvious: defence. Before too rashly interpreting Hobbes's sovereign as unable to generate *potential publica*, therefore, the consequences of being able to govern need to be considered. While the exercise of natural power—which renders subjects akin to becoming passionless and, therefore, effectively unable to act—the exercise of instrumental power is made possible by instilling civil honour in the minds of subjects in order to use them. This, however, clearly counteracts the psychological effects of natural power. Therefore, we may now ask, does it threaten the conditions of civil peace?

Hobbes's own statement of the problem is written in the Review and Conclusion of *Leviathan*: “And amongst the passions, *courage* (by which I mean the contempt of wounds and violent death) inclineth men to private revenges, and sometimes to endeavor the unsettling of the public peace. And *timorousness* many times disposeth to the desertion of the public defence” (*L*, 489).

Hobbes, however, casually refers to it as not presenting an insurmountable problem.

He adds: “Both these, they say, cannot stand together in the same person ... To which I answer that these are indeed great difficulties, but not impossibilities. For by education and discipline they may be, and are sometimes, reconciled ... ” (*L*, 489). Specifically, there is no “... repugnancy between fearing the laws and not fearing a public enemy ...” (*L*, 489).

As discussed in the previous chapter, key influential commentators on Hobbes have either explicitly or implicitly settled on the opinion that, nevertheless, there is indeed a problem: psychologically speaking, the very thing that causes civil peace—fear of shameful death and the exercise of sovereign natural power—prevents that which is required for defence—a sense of civil honour and governance.

We ought now discuss the plausibility of the corollary premise: do the means by which Hobbes describes generating *potential publica*—civil honour—by its very definition counteract the disposition otherwise required for civil peace—fear of shameful death? Rather than presuming that Hobbes’s system implies a nearly insurmountable problem of generating *potential publica*, I now wish to study—having previously demonstrated that the sovereign can indeed generate it—how this may conflict with the conditions of civil peace within a commonwealth. I will do so in two main ways: I will discuss (i) how the means of generating instrumental power conflicts with civil peace and (ii) how the authorised exercise of instrumental power conflicts with civil peace.

It is important to note, as I will review, that influential and recent interpreters who do acknowledge the instrumental power of the sovereign also generally argue that it is limited. While I will agree, I will do so not only on different grounds, but will also argue that it is not a resolvable tension—as these interpreters suggest—but, within Hobbes’s system, it is an entrenched, necessary and yet insoluble one. I have already argued that interpreters who have characterised Hobbes’s sovereign’s ability to generate instrumental power as crippling

limited, have done so without adequately acknowledging the detailed means by which Hobbes describes it *can* be generated, as I discussed in the previous chapter. In this chapter, I will argue against interpreters who focus exclusively on the limits to its exercise *from the perspective of subjects*, and who do so by either arguing that (a) subjects have a right to resist being used by the sovereign for the sake of defence or (b) ordinary subjects, with the notable exception of soldiers, do not have an obligation during peacetime to contribute to the commonwealth's defence. While acknowledging the sovereign's ability and right to commandeer subjects, these interpreters suggest that the rights of subjects are agonistic and limiting to the sovereign's corresponding right to command them for the sake of defence.

However, as I have demonstrated, Hobbes has described the means by which the sovereign is able to overcome the general psychological dispositions of subjects in order for them to contribute to defence. In so doing—as I will argue in this chapter—Hobbes has also described the psychological and practical means by which to overcome the legal and moral claims subjects may have to resist or refuse their contribution. That is, while subjects may not have an obligation to contribute, and may indeed have a right to resist their use, a Hobbesian sovereign must nevertheless be *able* to compel subjects to contribute. This clearly requires being correspondingly able to effectively *overcome* or render *inadequate* subjects' moral or legal objections. The psychological motivation Hobbes encourages the sovereign to employ to that end is, in other words, also represents a practically effective means by which to overcome the moral or legal objections of subjects.

While I generally agree with these interpreters that there are moral and legal limits to the use of ordinary subjects, rather than looking primarily at the ways in which subjects may be entitled to refrain from contributing, I think it more fitting to understand it according to Hobbes's theory of sovereignty (rather than according to his theory of subjects' rights), and to

look at the ways in which generating their contribution may counteract and contradict the conditions of civil peace. I look at it, as I have done throughout this dissertation, from the sovereign's perspective, upon whom, ultimately, the obligation to manage and balance all of this rests. I look at the requirements of defence, therefore, not primarily in the *de jure* sense of sovereign commands *contra* subjects' rights, but rather in the *de facto* sense that the requirements of defence itself are considered by Hobbes as potentially disruptive of the conditions of civil peace.

In other words, the limits to the authorised exercise of sovereign instrumental power are a result of the sovereign's obligation to maintain civil peace, and not primarily, as others have argued, as a result of subjects' rights to refuse their contribution.

7.2 Limits to generating instrumental power

7.2.1 The uniformity of passions and Hobbesian roles

It is important to briefly qualify the practical ability of Hobbes's sovereign to generate instrumental power absolutely. Plamenatz writes, "For power, as Hobbes knew, is never unlimited. No man or body has ever stood, or could in the real world stand, to other men in such a relation that whatever he or it commanded they would do"³²⁹. King provides a similar reminder:

Where political organisation persists, political power or authority can no more be made absolute than it can be absolutely destroyed ... It is not absolute (i.e. entirely concentrated in one locus) where the controller requires any degree of assent from either co-controllers (actual or potential) or from those controlled. In every social organisation someone influences or controls someone else and

³²⁹ Plamenatz, *Man and Society*, p. 208.

no ruler rules without some degree of assent from the ruled or from co-rulers ... Political absolutism is impossible in so far as it recommends a 'complete' concentration of power. To restrict our concern to political absolutism, we can see that it is built around a recommendatory exaggeration. In the strict sense, it is plain that power cannot be made absolute; hence it is foolish to wish it so.³³⁰

To say, then, that the sovereign's ability to exercise instrumental *power* is absolute, is to say that the sovereign can depend upon the contribution of *all* of its subjects. This is a scenario which both King and Plamenatz assert is impossible, not just in Hobbes's system, but matter-of-factly due to the practical impossibility of *always* being able to rely upon *all* subjects contributing. It would be prudent to heed King and Plamenatz's *prima facie* observation here, and a careful reading of Hobbes suggests more specifically that, as Hobbes understood it, the sovereign's absolute instrumental power is indeed limited in this way. Hobbes's acceptance of this is evident from two specific Hobbesian arguments: (i) Hobbes's conception of the passions are not uniform across individuals and exceptions to contributions depend upon, and may be limited by, character, and (ii) expectations of contribution to sovereign instrumental power are assigned to different groups of subjects; that is, subjects are assigned different roles.

Two interpreters in particular have added most to our understanding of these rationales, Deborah Baumgold and Gabriella Slomp. First, Baumgold critiques the preoccupation amongst many Hobbes scholars with determining a uniform psychological foundation.³³¹ Her brief review covers J. W. N. Watkins and M. M. Goldsmith, who both assume uniformity in human nature, C. B. Macpherson, who characterises Hobbesian man as innately desiring power without limit along bourgeois lines, and Michael Oakeshott, who, as

³³⁰ King, *The Ideology of Order*, p. 260-1.

³³¹ Baumgold, *Hobbes's Political Theory*, p. 81.

we have seen, also asserts that although an aristocratic figure may not necessarily counteract the conditions of civil peace, Hobbes nevertheless thinks the passion to be reckoned with in most cases is fear. The interpretative remedy to this preoccupation is, Baumgold believes, implicit in this dismissive statement of Gauthier's: "No doubt a detailed analysis of their arguments [*L*, Chapters 22-25, 28] is unnecessary to an understanding of the structure of Hobbes's political theory, [although] their general character casts an important light on what Hobbes deemed to be the nature of the society to which his theory applied"³³².

Baumgold, however, thinks it is indeed necessary to analyse these chapters of *Leviathan*, and on their basis, wishes to question "... the assumption that everyman is the principal subject of Hobbes's arguments, and the related notion that the power of a Hobbesian sovereign hinges, in the first instance, on the support of ordinary citizens, Hobbism becomes first and foremost a theory about the obligations and motivation of individuals more or less abstractly conceived"³³³.

Instead, she notes that Hobbes "counts on special offices, or roles, for the performance of civic functions. In the notable instance, only soldiers, those who have enlisted or taken impressment money, have a strong obligation to fight for the state"³³⁴. Importantly, she rightly notes that "... cowardice, for example, excuses a subject from having to fight"³³⁵.

Gabriella Slomp similarly questions the universal psychological nature of Hobbesian man by specifically examining the changing role of glory in Hobbes's works.³³⁶ She asserts—based on the different treatment Hobbes gives the passions between the *Elements of Law* and

³³² Gauthier, *The Logic of Leviathan*, p. 139.

³³³ Baumgold, *Hobbes's Political Theory*, p.82.

³³⁴ Ibid.

³³⁵ Ibid.

³³⁶ Gabriella Slomp, *Thomas Hobbes and the political philosophy of glory* (London: Macmillan, 2000).

both *Leviathan* and *De Homine*—that “... on the whole Hobbes seems to be no longer convinced that glory is the fundamental universal motivation. Therefore the existence of non-glory-seekers is consistent with the general tenor of *Leviathan*, whereas their presence was inexplicable and contradictory in the context of the psychological theory of the *Elements of Law* and *De Cive*”³³⁷. Her convincing argument holds that, in *Leviathan*, glory is just one of many motivating passions, and importantly, it is not the common ultimate motivation of all people³³⁸. Glory, therefore, “is no longer the *genus*, or ultimate source of all passions and desires, but becomes a *species*, or an instance of human passions”³³⁹.

Inferred by these two arguments, therefore, the expectations of subjects’ contributions would be expected to be contingent on their different motivations, their various characters and their assorted roles within the political system. I agree with this, and what this means in the context of defence is that although the sovereign is incapable of generating *absolute* instrumental power, the extent to which the sovereign can generate it is a matter of degree, dependent on the characters of subjects, and also as attested to by the varying roles (whether chosen or assigned), his subjects are described as fulfilling. Due to Hobbes’s acknowledgment that limits to the generation of instrumental power are a matter of degree, one cannot assume, however, that the sovereign is *incapable of generating an impressively significant amount of instrumental power*, the need for which would most obviously present itself during a time of war.

To summarise, the insightful interpretations of Slomp and Baumgold concerning the non-uniformity of Hobbesian subjects’ passions, and the various roles subjects may assume

³³⁷ Ibid., p. 92.

³³⁸ Ibid., p. 92.

³³⁹ Ibid., p. 91

within Hobbes's system, represent the most convincing arguments for believing that Hobbes acknowledged the impossibility of generating absolute instrumental power. Therefore, both the characters of Hobbesian subjects and the fact that their roles differ, limit the generation of instrumental power. Note that it is a matter of degree and not a matter of either/or; while the interpreters discussed in the previous chapter assume in the main that the very fact that the sovereign's exercise of instrumental power is dependent upon subjects' contribution *necessarily* severely limits the ability of the sovereign to generate it, these two more subtle interpretations by Slomp and Baumgold persuasively suggest, however, that the extent to which the sovereign is able to generate instrumental power is a matter of degree. Sovereign instrumental power can be generated to a greater or lesser extent, dependent specifically on the different characters and roles of subjects. Their arguments do not refute the ability of the sovereign to generate instrumental power; instead, truer to Hobbes's intent, they refine the parameters and degrees of how the dependency on subjects' contribution may limit its generation without necessarily preventing it.

It is also important to note here that this does not yet suggest that the sovereign lacks the absolute *authority* to commandeer all subjects. True, the means to generate such power are described and authorised, even though Hobbes acknowledges that it is not possible to generate it absolutely, but also importantly—and this has yet to be discussed adequately in the literature—despite the fact that it may counteract the conditions of civil peace. While Hobbes importantly acknowledges the practical impossibility of generating absolute instrumental power, in making this acknowledgement, he does not necessarily concede the occasional need to generate near-absolute instrumental power, nor does he concede the right of the sovereign to attempt to generate it to a near-absolute degree. I will now argue that this authorised exercise of instrumental power, while necessary, does simultaneously conflict with the

conditions of civil peace.

7.3 Introduction to the authorised exercise of instrumental power

In Chapter Three I discussed the two ways in which Hobbes obligates his sovereign to rule according to the natural laws, and what that obligation generally requires. To briefly review my argument, according to Hobbes, once a commonwealth has been established, the natural laws are binding because they are the command of an agent who obliges, and Hobbes provides two rationales for the sovereign's obligation to rule in concurrence with the natural laws according to this principle. Hobbes's secular rationale entails that the sovereign is obliged to rule according to the natural laws because the sovereign himself is the agent whose command obliges. Alternatively, Hobbes's theistic rationale entails that the sovereign is obliged to rule according to the natural laws because God is the agent who obliges.

Importantly, the sovereign's decision regarding which of these two rationales he ought to teach and instil in his subjects is contingent on their respective practical effectiveness for maintaining civil peace, which in turn is contingent upon the prior beliefs of subjects. However, whichever rationale it is grounded upon, I argued, the sovereign is in either case obliged to (i) rule equitably and (ii) manage his subjects' disposition to obey him. To do otherwise, Hobbes argues, would be to invite civil disobedience, civil disorder and, ultimately, defeat the very purpose of sovereignty itself. In other words, when the sovereign does not rule in accord with the natural laws, the sovereign is in effect *mismanaging* his subjects' disposition to obey him and hence undermining his own authority, an act which the sovereign is duty bound to refrain from doing.

Accordingly, as I argued in Chapter Four, the authority of Hobbes's sovereign can be understood to be limited in two distinct ways. The first entails a *lack* of authority on the part

of the sovereign; that is, what the sovereign does not have authority over, or what is not in the sovereign's domain. The second limitation on the sovereign's authority is a limitation on the *exercise* of sovereign authority. In other words, the sovereign may possess authority over certain matters, however, Hobbes clearly cites both principles and examples which stress that the sovereign should not exercise his authority over these matters. These restrictions on the sovereign's authority and the exercise of sovereign authority are ultimately derived from the natural laws, in accord with which the sovereign is obliged to rule.

Now, this is Hobbes's argument as it pertains exclusively to civil peace; we must now add to it the authority to exercise instrumental power for the sake of defence. The first limitation—a lack of authority—is not evidently relevant here; as I argued in Chapter five, the sovereign certainly and clearly does possess the right to freely exercise sovereign instrumental power as he deems fit. However, as for the second type of limitation—a limit to the exercise of authority—the exercise of it for the sake of defence becomes acutely pertinent.

Upon the establishment of a commonwealth, the sovereign is obliged to rule according to the natural laws; such an obligation necessarily requires an acknowledgement of their truth. Were the sovereign to violate the natural laws, he not only denies his obligation to rule in accord with them, he also challenges the truth of their content. To breach one rule is to challenge the validity of all the others.

As I argued in Chapter Four, the natural laws spell out certain liberties for subjects, and due to the sovereign's obligation to the natural laws, the sovereign's exercise of authority is limited by these liberties. All liberties, according to Hobbes, are derived from the right of nature, which "is the liberty each man hath to use his own power" to preserve his own nature as he sees fit. The right of nature is essentially, therefore, the liberty to do anything. Liberty is never granted—even the sovereign's liberty is simply a retention of his right of nature—but

rather retained, transferred or renounced. What is not transferred or renounced is what is properly understood to remain of one's liberty.

An important liberty belonging to subjects, therefore, is that liberty which *cannot* be renounced or transferred. The generation of a commonwealth is conceived of as involving the renunciation and transfer of each individual's rights to the sovereign. There are, according to Hobbes, however, rights that are not alienable. The inalienable rights cannot be "abandoned or transferred (L, 82)". First, "a man cannot lay down the right of resisting them that assault him by force, to take away his life . . . (L, 82)". Secondly, a man cannot lay down the right of resisting those who aim to "wound" or "imprison" him (L, 82). Lastly, since the purpose of renouncing and transferring rights is "the security of a man's person, in his life and in the means of so preserving life as not to be weary of it", then a man cannot "despoil himself of the end for which those signs were intended (L, 82)."

These inalienable rights, therefore, are those elements of the right of nature which are still possessed by subjects in a commonwealth, those which are not renounced or transferred "for the preservation of [one's] own nature". Since the right of nature is "the liberty each man hath to use his own power" to attain any and all things as he sees fit, then corresponding to these inalienable rights is the liberty to use one's own power to avoid death, imprisonment, and preservation of life so "as not to be weary of it".

Thus, the obligations of subjects to their sovereign are limited by the implications of the first and second laws of nature. The sovereign's exercise of authority can be seen as limited by the subjects' inalienable rights because the sovereign cannot expect obedience in these matters. The sovereign may have the authority to violate his subjects' inalienable rights, but the exercise of that authority is hampered by his subjects' right to resist the sovereign's exercise of this authority.

It is important to note, however, that this agonistic relationship is due to choices made *by the sovereign* and not *principally* agonistic. Were the sovereign to violate these rights, the sovereign would in effect be denying their inalienability. However, because the natural laws in general must be affirmed for the sake of civil peace, the sovereign is obliged to rule in accord with them. As I argued, then, the exercise of sovereign authority is limited by the sovereign's obligation to rule according to the natural laws, from which *follows* the sovereign's affirmation of subjects' inalienable rights.

However, as the remainder of this chapter will discuss, the natural laws and the affirmation of subjects' inalienable rights are *not* a practically effective means by which to ensure the other purpose of sovereignty: defence. The sovereign's authorised exercise of instrumental power, I will argue, necessarily requires breaching the obligation to rule according to the natural laws.

Whereas I suggested, in Chapters Three and Four, that for the sake of civil peace the sovereign is obliged to refrain from making commands which would needlessly undermine or thwart that purpose, defence is an altogether different purpose which, I will argue, *requires* the sovereign to make commands that *will* undermine the maintenance of civil peace.

Recall that in Chapter Four I argued that the sovereign's obligation to the natural laws also obliges the sovereign, under certain circumstances, to be tolerant of religious behaviour, and to do so I examined those aspects of the natural law which *intolerance* of religious behaviour may breach. To command and to enforce certain religious behaviour, I concluded, not only risks the ability of the sovereign to maintain his authority through the management of his subjects' disposition to obey him, but also constitutes a form of inequitable rule. Hobbes's sovereign must, accordingly, refrain from legislating religious behaviour that would needlessly threaten the peaceful maintenance of the commonwealth.

In the context of defence, however, the difference between tolerating religious behaviour and tolerating subjects' resistance to contributing to the sovereign's exercise of instrumental power is this: whereas intolerance of religious behaviour would constitute a breach of the natural laws and commanding religious behaviour is *not necessary*, subjects' contribution to the defence of the commonwealth *is necessary*, and tolerating their resistance would limit the necessary authority of the sovereign to exercise instrumental power.

Moreover, I will assert that while both purposes are necessary yet also counteract one another, Hobbes's system provides no resolution to this and instead represents an entrenched and insoluble ambivalence which is inherent in his theory of sovereignty. I will present an argument that conceives of this ambivalence as neither a result of an imbalance between subjects' rights *contra* sovereign's rights, nor of an agonistic counter-balance between the two. Instead, I will assert that it is a necessary ambivalence within Hobbes's theory of sovereignty *itself*—albeit a potentially and, acknowledgedly, dangerous one—and is to be managed solely according to the sovereign's judgement.

What ultimately limits the authorised exercise of instrumental power, I will argue, is the simultaneous obligation to ensure civil peace. Recall that the sovereign's affirmation of subjects' 'inalienable' rights is practically effective means by which to ensure civil peace. However, if the sovereign judges that the defence of the commonwealth requires revoking these inalienable rights and in their stead obliges subjects to risk their lives on behalf of the commonwealth's defence, he is free to do so and indeed, has the right to suspend even the contravening *inalienable* rights of subjects. One cannot presume, therefore, that subjects' rights are what limits the sovereign's exercise of instrumental power; more accurate is to say that the assertion of subjects' rights are a practically effective means of ensuring civil peace, but if defence requires it, these rights may be revoked since they are practically ineffective,

and present an obstacle, for the defence of the commonwealth.

Integrated into this argument is a comparison of Hobbes's theory of sovereignty during what can be called peacetime, with its exception, war. Evident from this comparison are: (i) in war, the higher the degree to which the sovereign must command the contribution of subjects, the more it will disrupt the conditions of civil peace; (ii) the requirements of defence conflict with the requirements of civil peace in both peace and war; and (iii) in peacetime the requirements of civil peace are paramount, yet nevertheless, the sovereign's necessary preparedness for war may counteract civil peace.

At the same time, recall that I have argued that the exercise of authority is contingent on its efficacy for civil peace. I will now subsequently argue that this extends to the sovereign's exercise of authority for the sake of defence. This, however, limits the authority of the sovereign to effect defence because (i) it is not contingent on its efficacy for defence *in isolation*, the obligation of the sovereign to rule according to the natural laws for the sake of civil peace do not suddenly lose their primacy, and therefore, (ii) the limits to the exercise of instrumental power are due in a large part to the impact that exercise may have on the conditions of civil peace. There are, in other words, commands that the sovereign may make that are judged by him to be necessary for defence, yet those same commands would undermine his authority, otherwise requisite for civil peace.

7.4 Hobbes's theory of sovereignty in war

In war, to ensure the commonwealth is able to defend itself, and as I argued in Chapter Five, the sovereign is described as being both able to generate, and authorised to exercise, instrumental power. Following from this, it is evident that a Hobbesian sovereign must enact five key practically effective measures: (i) affirm the obligation of subjects' to contribute; (ii)

command their contribution and concord; (iii) mitigate subjects' fear and motivate their courage by bestowing honours; (iv) value the worth of subjects according to their ability, inevitably resulting in inequitable treatment; and (v) punish subjects' resistance or refusal to contribute to defence.

The first measure is made clear in *Leviathan*:

And when the defence the commonwealth requireth at once the help of all that are able to bear arms, every one is obliged, because otherwise the institution of the commonwealth, which they have not the purpose or courage to preserve, was in vain (*L*, 143).

In the Latin edition of *Leviathan*, Hobbes phrases it even more emphatically: "... all citizens, each person who either can bear arms or contribute something, however little, to victory, is obliged to military service" (*OL*, 143).

In the Review and Conclusion of *Leviathan*, Hobbes reiterates and adds to this:

To the Laws of Nature declared in Chapter 15, I would have this added: that every man is bound by nature, as much as in him lieth, to protect in war the authority by which he is himself protected in time of peace. For he that pretendeth a right of nature to preserve his own body cannot pretend a right of nature to destroy him by whose strength he is preserved; is a manifest contradiction of himself. And though this law may be drawn by consequence from some of those that are there already mentioned, yet the time require to have it inculcated and remembered (*L*, 490).

Closely linked to this first measure is the second: when war requires it, the sovereign is to command subjects' contribution and ensure concord. Recall from Chapter five the importance Hobbes places on concord, evident in the following passage:

And be there never so great a multitude, yet if their actions be directed according to their particular judgments and particular appetites, they can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another, and reduce their strength by mutual opposition to nothing ... (*L*, 107).

Also cited in Chapter Five, recall Hobbes's theory of sovereignty as it pertains to the authority of the sovereign to exercise its power for the sake of defence:

And because the end of this institution is the peace and defence of them all, and whosoever has right to the end has right to the means, it belongeth of right to whatsoever man or assembly that hath the sovereignty, to be judge both of the means of peace and defence, and also of the hindrances and disturbances of the same, and to do whatsoever he shall think necessary to be done, both beforehand (for the preserving of peace and security, by prevention of discord at home and hostility from abroad) and, when peace and security are lost, for the recovery of the same (*L*, 113).

The sovereign, as the following passage clearly indicates, does not simply have the right to defend the commonwealth; the sovereign requires the *ability to make war* "as he shall think it best". It ...

... is annexed to the sovereignty the right of making war and peace with other nations and commonwealths, that is to say, of judging when it is for the public good, and how great forces are to be assembled, armed, and paid for that end, and to levy money upon the subjects to defray the expenses thereof. For the power by which the people are to be defended consisteth in their armies; the strength of an army, in the union of their strength under one command; which command the sovereign instituted therefore hath, because the command of the *militia*, without other institution, maketh him that hath it sovereign. And therefore, whoever is made general of an army, he that hath the sovereign power is always generalissimo (*L*, 114).

Quite clearly, therefore, the sovereign's right to exercise instrumental power must actually and effectively be exercised when required to defend the commonwealth. Moreover, the decision of when, and to what extent, the coordinated contribution of subjects is required for that end is the sovereign's alone.

The third measure, overcoming fear and motivating courage by bestowing honours, pertains to the means of generating the required amount of instrumental power (and the number of subjects needed) that the sovereign judges to be necessary. This was, recall, covered in Chapter Six and is nicely encapsulated by the following passage from *Leviathan*:

Lastly, considering what values men are naturally apt to set upon themselves, what respect they look for from others, and how little they value other men, from whence continually arise amongst them emulation, quarrels, factions, and at last war, to the destroying of one another, and *diminution of their strength against a common enemy*, it is necessary that there be laws of honour and a public rate of the worth of such men as have deserved (or are able to deserve) well of the commonwealth ... But it hath already been shown that not only the whole *militia*, or forces of the commonwealth, but also the judicature of all controversies is annexed to the sovereignty. To the sovereign therefore it belongeth also to give titles of honour, and to appoint what order of place and dignity each man shall hold, and what signs of respect, in public or private meetings, they shall give to one another (*L*, 115).

The fourth measure is a consequence of the third: honouring subjects for their utility and success in defending the commonwealth. Since not all subjects will be equally useful or able, by honouring those who are more so, the sovereign is in effect treating them unequally in comparison by judging them less useful or less able.

The fifth and final measure—punishing subjects’ resistance to their commanded contribution to assist in the defence of the commonwealth—is evident from the eleventh “right of sovereigns”:

... to the sovereign is committed the power of rewarding with riches or honour, and of punishing with corporal or pecuniary punishment or with ignominy, every subject according to the law he hath formerly made (or if there be no law made, according as he shall judge most to conduce to the encouraging of men to serve the commonwealth, or deterring of them from doing disservice to the same) (*L*, 115).

To summarise, the key point I wish to draw from these five measures is not that they are merely sovereign rights; they are, in a time of war, requirements. The sovereign is required to effectively defend the commonwealth, and to do so in a time of war he must (i) assert the obligation of subjects’ to contribute; (ii) command their contribution and concord; (iii) mitigate subjects’ fear and motivate their courage by bestowing honours; (iv) treat subjects unequally on the basis of their utility to defence; and (v) punish subjects’ resistance to

contributing to defence.

Note, however, that each of these measures, while necessary for defence, conflict with or counteract the conditions of civil peace. In other words, Hobbes's theory of sovereignty during war contradicts and counteracts Hobbes's theory of sovereignty during peacetime. In order to effectively maintain peace within a commonwealth, the five key measures to defend the commonwealth are precisely the opposite of those required during peacetime, as I'll discuss in the proceeding section; in peacetime, the sovereign must (i) assert subjects' right to withhold their use (inherent in their right of nature); (ii) refrain from conscription; (iii) instill fear (thereby overcoming their personal honour); (iv) treat subjects equally; and (v) refrain from punishing subjects' refusal to contribute.

7.5 Hobbes's ambivalent theory of sovereignty in peacetime

7.5.1 Conscription and resistance

To determine whether Hobbesian subjects possess the right to withhold their use for the defence of the commonwealth—during peacetime—the following passage is crucial:

Upon this ground a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse without injustice, as when he substituteth a sufficient soldier in his place; for in this case he deserteth not the service of the commonwealth. And there is allowance to be made for natural timorousness, not only to women (of whom no such dangerous duty is expected) but also to men of feminine courage. When armies fight, there is, on one side or both, a running away; yet when they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably. For the same reason, to avoid battle is not injustice, but cowardice. But he that enrolleth himself a soldier, or taketh imprest money, taketh away the excuse of a timours nature, and is obliged, not only to go to the battle, but also not to run from it without his captain's leave. And when the defence the commonwealth requireth at once the help of all that are able to bear arms, every one is obliged, because otherwise the institution of the commonwealth, which they have not the purpose or courage to preserve, was in vain (*L*, 143; *OL*, 143).

Amongst the recent literature to discuss this matter, Sreedhar's sensitive interpretation of this passage is highly influential and notable. There are a number of important liberties of subjects measured here, which Sreedhar summarises well:

(1) a subject can avoid conscription without injustice if he pays another to take his place; (2) if a drafted subject flees the battlefield out of fear, he is dishonorable but not unjust; and (3), if all are needed to fight, then the excuse is lost³⁴⁰.

Sreedhar accurately draws the important implications: in a time of war when the contribution of all subjects is necessary, there is no right to refuse one's contribution. On the other hand,

... if such a contribution is not necessary—that is, if the sovereign's ability to provide for the defence of the commonwealth is unaffected by the refusal—then there is a liberty to disobey. As long as he provides a substitute to take his place in battle, the conscripted soldier “deserteth not the service of the commonwealth³⁴¹”.

Such disobedience is morally permissible, she argues, because it does not affect the sovereign's ability to provide for the common defence³⁴². She concludes, and this is where I will ultimately disagree, that “an individual draft-dodger or deserter does not threaten political stability, and so can be excused without consequence³⁴³”.

However, for the sake of argument let us approach this—as I have throughout—from the sovereign's perspective, and discuss the sovereign's choice (for the decision belongs to the sovereign alone) whether to assert or deny subjects' ‘liberty of timidity’ in the same way as I did ‘Naaman's freedom’. Rather than looking at it from the perspective of subjects' right to

³⁴⁰ Sreedhar, Susanne. *Hobbes on Resistance: Defying the Leviathan* (Cambridge: Cambridge University Press, 2010) p.81

³⁴¹ Ibid, p. 82. See also Gabriella Slomp, “Thomas Hobbes, Carl Schmitt, and the Event of Conscription” *Telos* 147 (2009) pp. 149-65.

³⁴² Ibid.

³⁴³ Ibid, p.84

resist or their obligation to obey, let us look at it from the perspective of the sovereign and the pragmatic logic behind either asserting or violating the liberty.

If a Hobbesian sovereign were to threaten to punish a timorous subject lest he obey a command which would threaten his life—and which would simultaneously deny a subjects' 'liberty of timidity'—should the subject (i) resist and consequently suffer punishment at the hands of the sovereign, or (ii) begrudgingly obey his sovereign, despite the risk to his life in so doing?

Let us, therefore, presuppose that the sovereign has commanded either general conscription (which some subjects of timorous nature would be caught up in) or commanded a specific, timorous subject to fight. If such a subject, in defiance of such a command, were to assert his 'liberty of timidity', he would clearly be disobeying the sovereign's command and the sovereign would be forced to choose between permitting this disobedience—and in so doing generally affirming subjects' 'liberty of timidity'—or punishing this disobedience—in so doing generally denying the 'liberty of timidity'.

In either case, I will argue, it is evident that Hobbes believed—according to the requirements of maintaining civil peace—that the sovereign has made a mistake in making the command in the first place *insofar as* and *because* it is disruptive of civil peace.

Ultimately, in issuing a conscription order during peacetime (rather than, as a Hobbesian sovereign otherwise should, relying solely on enlistment), the sovereign is forcing the subject into a position in which he must choose between his own self-preservation and obedience to his sovereign. However, Hobbes's system, and as I have discussed at length in Chapter three, is intended to reconcile these two.

Unlike other commands, though, a conscription order puts the subjects' life at risk and, therefore, a subjects' choice in the face of such a command is not so much between his own

self-preservation and obedience to his sovereign, but rather becomes a gamble between who is more likely to take his life: a foreign enemy in battle, or one's own sovereign (whose capital punishment one could expect from disobeying the order).

Now, instilling honour in subjects is the means by which the sovereign can overcome this fear of violent death *for some subjects* and hopefully in *sufficient numbers*, thereby overcoming their appeal to their right of self-preservation (for these honour-driven subjects *feel not* the need to assert their right of self-preservation).

For those other subjects who *do feel* the need to preserve their lives, the 'liberty of timidity' is a legal right permitting them to do so. Moreover, to deny them that right would be to deny the inalienable right of self-preservation, as demonstrated in Chapter three. It is derived directly from the first two natural laws and so the sovereign, in denying it, would simultaneously deny the very basis and purpose of his authority. Were a timorous subject to disobey a conscription order, and were the sovereign to punish the subject for doing so, this would be equivalent to not only denying the 'liberty of timidity' but would undermine the inalienable right to self-preservation itself.

Therefore, during peacetime, the sovereign's perspective correlates with Sreedhar's account of the subjects' perspective. From the subjects' perspective, there is indeed a 'liberty of timidity' they can appeal to. From the sovereign's perspective, punishing the resistance of subjects to conscription would represent a denial of that liberty, which would be simultaneously disruptive of civil peace. Such a liberty must, therefore, be respected.

7.5.2 Conscription and begrudging obedience

However, and this is where Sreedhar's account becomes problematic, Hobbes also asserts precisely the opposite of her reading. While she asserts—and there is no denying that

Hobbes asserts it as well—that there is an affirmed liberty of timidity, Hobbes also asserts in a subsequently ‘added’ law of nature (in the “Review and Conclusion” of *Leviathan*) precisely the opposite: “that every man is bound by nature, as much as in him lieth, to protect in war the authority by which he is himself protected in time of peace” (*L*, 490). The caveat “as much as in him lieth” cannot be interpreted as an exception based on character or timorousness; it is, instead, a particular caveat to the prior premise “that *every man* is bound by nature” and, therefore, is far more likely to be intended as a physical exemption from such an obligation. Hobbes importantly adds: “For he that pretendeth a right of nature to preserve his own body cannot pretend a right of nature to destroy him by whose strength he is preserved; it is a manifest contradiction of himself” (*L*, 490). This directly contradicts the rationale for the ‘liberty of timidity’ in the first place: that it is meant to reconcile, and not force the choice between, the right of self-preservation and one’s obedience to the sovereign when that would threaten one’s own life. It is entirely possible that Hobbes here is referring to defending one’s sovereign from internal enemies during a civil war³⁴⁴. However, this does not mitigate the implications for the ‘liberty of timidity’ in war, either civil or foreign. Whether the threat to the sovereign and the commonwealth come from an army within, or from an army without, to not defend one’s sovereign in order to preserve one’s own life is to deny sovereignty’s necessary role in preserving one’s own life in the first place. Hence, “every man” has a preceding and natural obligation to fight to protect one’s sovereign and one’s commonwealth.

This poses to Sreedhar’s account some problematic questions, however. Why would Hobbes extend this obligation to “all men”, deny what he otherwise affirms (the liberty of

³⁴⁴ Hobbes adds that “... though this law may be drawn by consequence from some of those that are there already mentioned, yet the times require to have it inculcated and remembered (*L*, 490).

timidity) and risk, in so doing, the peaceful maintenance of the commonwealth? Why would he blatantly contradict the carefully constructed reconciliation between subjects' rights of self-preservation and the sovereign's duty to defend the commonwealth, meant to avert the dissolution of the commonwealth while still being prepared to defend it?

Sreedhar's account implies that the reconciliation is brought about by striking a systemic, agonistic yet somehow harmonious balance—between the subjects' rights of self-preservation and the sovereign's duty to defend the commonwealth—by providing an *absolute exemption* during peacetime to the subjects' contribution that could be appealed to by timorous subjects without fear of punishment. However, this exemption—the liberty of timidity—is evidently *not absolute* during peacetime: there is a corresponding *natural obligation* to contribute to the commonwealth's defence applicable to all subjects.

Moreover, because it is not an absolute exemption it cannot be described as an entrenched or constitutional tension between subjects' and sovereign which is somehow maintained in balance *without* supervision. In other words, Sreedhar's account suggests that the ever-present 'liberty of timidity' during peacetime entrenches an agonistic, yet somehow balanced, relationship between the subjects' right of self-preservation and the sovereign's duty to protect the commonwealth. I contend, however, that Hobbes's assertion that the 'liberty of timidity' is *not* necessarily absolute during peacetime suggests that it is not an entrenched or constitutional resolution. Her overarching argument is that "Hobbes's commitment to uniting enlightened self-interest with political obligation requires that his theory includes retained rights"³⁴⁵. However, Hobbes's theory of sovereignty insofar as it is concerned with effecting defence clearly does not 'require' retained rights; in fact Hobbes asserts precisely the opposite.

³⁴⁵ Sreedhar, p.90

More accurately, the affirmation of the ‘liberty of timidity’, and the corresponding *denial* of it, reflects Hobbes’s intent to make the choice of whether to assert either the liberty or the contrary obligation to be *overseen and managed* by the sovereign and is, therefore, entirely contingent on the sovereign’s judgement.

That being said, due to the sovereign’s obligation to rule according to the natural law, the sovereign would be, during peacetime, obliged to assert this ‘liberty of timidity’ for reasons I have already discussed. Recall, it is meant to reconcile, and not force the choice between, the right of self-preservation and one’s obedience to the sovereign when that would threaten one’s own life. However, because Hobbes asserts both the ‘liberty of timidity’ and the obligation of subjects to defend the commonwealth, this enables the sovereign to judge—with no small amount of risk involved—which of the two to assert. Hobbes’s sovereign would base this judgement on the degree and extent to which subjects’ contribution is required to defend the commonwealth, and as I have previously demonstrated. In other words, although the ‘liberty of timidity’ is necessary to preserve civil peace, Hobbes nevertheless enables the sovereign to revoke that liberty when the sovereign judges it to be restrictive and counter-productive to the defence of the commonwealth.

I mentioned that there is ‘no small amount of risk involved’, and the risk is this: the sovereign, having the authority to conscript according to his own perception of foreign threats, has the right and option to appeal to and enforce every physically able subject’s natural obligation to contribute to defence. Now, conceivably and legitimately, the number of conscripts the sovereign deems he needs could reach such a number that the conscription order extended to those who lacked the courage to fight and had not consented prior by enlisting as soldiers and thereby renounced their ‘liberty of timidity’.

Recall from previous chapters that a key rationale which Hobbes provides for the

restraint on the sovereign's exercise of authority arises from the sovereign's obligation to rule equitably. Commanding a public profession of faith, for instance, that not all subjects in conscience ascribe to, may result in inequity. Some subjects would sincerely believe what they were being commanded to profess, while others would not believe what they were being commanded to profess. By enforcing the command, therefore, the sovereign would be allowing some subjects their liberty of conscience, while denying it to others. This is, Hobbes argues, inequitable; even though it is a command that applies equally to all, in the sense that all must obey it, it is also, according to Hobbes, potentially inequitable in the sense that some subjects are permitted their liberty of conscience while others are denied it. Since Hobbes insists repeatedly that the sovereign must not act inequitably, for inequity is a form of iniquity, a restraint on the sovereign may be derived from this: the sovereign should not grant to one subject or group of subjects a liberty that the sovereign would deny to another. Or to restate this, tolerate those who feel obliged to their consciences in matters which the sovereign allows others their liberty of conscience. In other words, be tolerant when to be intolerant would require inequity.

In the case of conscription, this same logic of equity applies. Crucially, what Sreedhar fails to account for is the inevitable phenomenon of begrudging obedience. If the sovereign conscripted a large number of subjects, inevitably amongst them would be: (a) those who were not prior soldiers but who nevertheless had no expressed objection to being conscripted; (b) those who lacked the courage to fight and would consequently resist the conscription order; and (c) those who lacked the courage to fight yet would begrudgingly obey the conscription order. Group A poses no significant problem; groups B and C, however, create the potential for inequity.

Were the sovereign to deem the current militia insufficient for the defence of the

commonwealth, a conscript order would be the obvious Hobbesian solution. Now, a general conscript order could allow for the refusal of some subjects based on their ‘liberty of timidity’, and thus group B would be exempt and there would be no group C.

However, what if, following the conscription order, the sovereign deemed the current militia, plus the addition of group A, to still be insufficient? The sovereign would then have to resort to what I have already argued he has the right to do whenever he deems it necessary: deny subjects their ‘liberty of timidity’ and affirm their natural obligation to defend the commonwealth. This could, moreover, be enforced by capital punishment, since “a man that is commanded as a soldier to fight against the enemy ...his sovereign have right to punish his refusal with death” (*L*, 142). Herein lies the problem: if at this point, the sovereign allowed resistance to go unpunished, no subject that had not yet obeyed would have reason to do so now. The sovereign would be forced to punish resistance because these remaining subjects have already demonstrated that for them, there is no motivation sufficient aside from avoiding the sovereign’s last resort: punishment. In so doing, however, the sovereign pushes the remaining non-contributing subjects into groups B and C.

If the sovereign were to then allow resistant conscripts their ‘liberty of timidity’ after he threatened punishment, he would be denying it to others who would not have obeyed if that clemency had been acknowledged beforehand. If we were to agree with Sreedhar, in that those who resist conscription in peacetime are *always* immune from punishment, the begrudgingly obedient subjects would feel unequally treated to say the very least. This, of course, is precisely what the sovereign is obliged to not do or allow. Recall from Chapter four, Hobbes argues that from the perspective of the sovereign, the sovereign should not grant a liberty to a subject or group of subjects that the sovereign would deny to another.

Unlike religious commands, however, which Hobbes deemed ultimately unnecessary

and potentially disruptive of civil peace, commands made for the sake of defence are indeed necessary. The sovereign's mandate to defend the commonwealth does require commands that will nevertheless counteract and undermine the sovereign's authority, otherwise required for civil peace. Again, the essential difference between exercising authority for the sake of civil peace, and the authorised exercise of instrumental power is this: for the sake of civil peace, commands which are deemed in conflict with the natural laws limit the sovereign's exercise of authority and are deemed *unnecessary*; for the sake of defence, certain commands that will disrupt the internal peace of the commonwealth, and are in violation of the natural law, are nevertheless deemed *necessary*.

Sreedhar, therefore, is wrong to conclude that what ultimately limits the sovereign's exercise of instrumental power during peacetime is a result of subjects' 'liberty of timidity', for the simple reason that the 'liberty of timidity' in and of itself is not absolute in peacetime. As Sreedhar acknowledges, it is revocable during wartime. However, the stark contrast Sreedhar draws between peacetime and war is not an objective one; it is instead a subjective decision to be determined by the sovereign alone and in accord with his own judgement. Additionally, the sovereign also determines the degree to which subjects' contribution to defence is required. This determination, moreover, is based not on an objective standard, but rather is based on the sovereign's own perception of whether the commonwealth is at peace or war, or somewhere in between.

This does not mean, however, that there are no limits to the sovereign's exercise of instrumental power; rather it suggests that any such limits are not implied by the 'liberty of timidity' being absolute during peacetime. Limits are instead due to the obligation of the sovereign to rule according to the natural laws for the sake of civil peace. The sovereign, ruling in accord with the natural laws, has an obligation *to not conscript* when it is not

necessary, for to do so would deny subjects their inalienable rights, which as I have argued before, would threaten the conditions of civil peace. The sovereign's affirmation of subjects' 'inalienable' rights are, recall, practically effective means by which to ensure civil peace.

However, if the sovereign judges that the defence of the commonwealth requires revoking these 'inalienable' rights and in their stead obliges subjects to risk their lives on behalf of the commonwealth's defence, he is free to do so. One cannot presume, therefore, that subjects' rights are what limits the sovereign's authorised exercise of instrumental power; more accurate is to say that the assertion of subjects' rights are a practically effective means of ensuring civil peace, but if defence requires it, these rights may be revoked since they are practically ineffective, and present an obstacle, for the defence of the commonwealth.

What ultimately, therefore, limits the authority of the sovereign to exercise instrumental power, is not the rights of subjects. Rather, although the sovereign must defend the commonwealth, he must simultaneously endeavour to do so *without needlessly or subsequently causing civil disorder*. What ultimately limits the authorised exercise of sovereign instrumental power, therefore, is the sovereign's obligation to ensure civil peace.

7.6 *Leviathan's* soldier

Deborah Baumgold shares Sreedhar's focus on the potential threat to civil peace implied by subjects' rights *contra* the sovereign's rights in the context of defence. Like Sreedhar, she heeds the too-often overlooked passage xxi, 16 of *Leviathan*. From it, Baumgold concludes that "... only soldiers, those who have enlisted or taken impressment

money, have a strong obligation to fight for the state”³⁴⁶.

Baumgold’s argument can be summarised as follows: (i) soldiers have stronger obligations than ordinary subjects; (ii) the act of consent which confers this stronger obligation onto soldiers is signified by remuneration; (iii) these different obligations of soldiers and ordinary subjects protect the right of ordinary subjects to resist, while the stronger obligations of soldiers enable the sovereign to defend the commonwealth without interfering with the conflicting rights of ordinary subjects; and (iv) the agonistic relationship between subjects’ rights and sovereign rights is, therefore, circumvented³⁴⁷.

Baumgold’s larger interpretative point is that this protects ordinary subjects from being obliged to fight for either competing elites or on behalf of a unified commonwealth. I agree, but I nevertheless wish to assert that this attempt causes problems of its own, which Baumgold overlooks. The problem, ascertainable from Hobbes’s own comments, is that a militia, while necessary, may nevertheless pose a threat to the general security of a commonwealth. This forces us to view the role of the militia in Hobbes’s system in a rather different way; rather than viewing a militia as exempting ordinary subjects from contributing to defence and, therefore, conducive to civil peace I, while not denying this aspect, assert that at the same time the preparedness for foreign wars which a militia affords may very well counteract the conditions of civil peace.

More specifically, Baumgold’s assertion that ordinary subjects retain their inalienable rights and have weaker obligations, while soldiers have a stronger obligation to fight on behalf of the state, may not be, as would follow from her account, believed by Hobbes to be a

³⁴⁶ Baumgold, (1988) p.82.

³⁴⁷ Ibid. p.87-89

sufficient measure to prevent civil disorder.

Instead, Hobbes recognises and describes that although the preparedness for war that a militia affords is necessary, it may nevertheless disrupt the internal conditions of civil peace. I will focus, therefore, not on the higher vs. lower obligations of subjects and soldiers, but rather on the methods available to a Hobbesian sovereign to effect adequate defence—of how to ‘cause’ soldiering—and these are what I will argue may ultimately counteract civil peace.

7.6.1 The necessity of a militia for the defence of a commonwealth

The importance of the sovereign’s control over the militia is explained in *Leviathan*, Chap xviii, 12, cited earlier in this chapter, and additionally so in *Behemoth*, one of the major themes of which is the necessity of the sovereign’s control over the militia; a point Hobbes forcefully and repeatedly makes:

... the power of the militia, ... is in effect the whole sovereign power. For he that hath the power of levying and commanding the soldiers, has all other rights of sovereignty which he shall please to claim (*Behemoth*, 80).

... so stupid they were as not to know, that he that is master of the *militia*, is master of the kingdom, and consequently is in possession of a most absolute sovereignty (*Behemoth*, 98).

.... I make account that the legislative power (and indeed all power possible) is contained in the power of the *militia* (*Behemoth*, 102).

Nor is it simply the sovereign *right* that is of paramount importance; the sovereign must have the *ability* to defend the commonwealth, which entails the practically effective control of the militia: “The King had these things indeed in his right; but that signifies little, when they that had the custody of the navy and magazines, and with them all the trained soldiers, and in a manner all his subjects ...” (*Behemoth*, 27). For “... when they have laid the burthen of defending the whole kingdom, and governing it, upon any person whatsoever,

there is very little equity he should depend on others for the means of performing it; or if he do, they are his Sovereign, not he theirs”.

In following with my general interpretative approach, I wish to identify *how* Hobbes advises the sovereign to effectively control and maintain a militia. I have identified three methods, all of which, interestingly, concern fiscal and remunerative measures: (i) remuneration as a sign of honour; (ii) remuneration as compensation; and (iii) the sovereign’s sole right and ability to levy taxes. Each of these means, however, are acknowledged by Hobbes to simultaneously counteract the conditions of civil peace.

Taking each in turn, Hobbes, in *Leviathan*, includes remuneration as a sign of honour or sovereign favour, since “... in commonwealths, where he or they that have the supreme authority can make whatsoever they please to stand for signs of honour ...” (*L*, 53). Amongst these, “Covetousness of great riches and ambition of great honours are honourable, as signs of power to obtain them. Covetousness, and ambition of little gains or preferments, is dishonourable” (*L*, 54). Importantly, “Riches are honourable, for they are power. Poverty, dishonourable” (*L*, 53).

However, to honour or show favour towards one group of subjects (for instance, soldiers) over another (ordinary subjects) based on their relative utility, though of course necessary to motivate soldiers, reintroduces into the public realm pride, arrogance, and ultimately, inequality. Consider the following passage where Hobbes discusses the sovereign’s role in rewarding subjects who serve the commonwealth:

In like manner it belongeth to the office and duty of the sovereign to apply his rewards always so as there may arise from them benefit to the commonwealth, wherein consisteth their use and end; and is then done, when they that have well served the commonwealth are, with as little expense of the common treasure as is possible, so well recompensed as others thereby may be encouraged, both to serve the same as faithfully as they can ... (*L*, 230).

However, while honouring a subject through remuneration is motivational and necessary, it also has its negative effects. The essence of the problem is this: it promotes, and rewards, ambition. On the one hand, the sovereign must reward such ambition. On the other hand, this causes inequality and also puts the sovereign in a position where he is vulnerable to extortion from popular subjects.

Concerning the inequality this would inevitably result in, Hobbes reminds his readers:

The inequality of subjects proceedeth from the acts of sovereign power, and therefore has no more place in the presence of the sovereign ... than the inequality between kings and their subjects, in the presence of the King of kings. The honour of great persons is to be valued for their beneficence and the aids they give to men of inferior rank, or not at all. And the violences, oppressions, and injuries they do are not extenuated, but aggravated by the greatness of their persons, because they have least need to commit them. The consequences of this partiality towards the great proceed in this manner. Impunity maketh indolence; insolence, hatred; and hatred, and endeavor to pull down all oppressing and contumelious greatness, though with the ruin of the commonwealth (*L*, 227).

Simply put, the sovereign, by turning useful subjects into “great” subjects, might very well engender partiality, which eventually leads to ruinous consequences.

Hobbes also emphasises that the sovereign must not be perceived to be dependent on and subsequently *buying* a popular subjects’ loyalty.

To buy with money or preferment from a popular ambitious subject, to be quiet and desist from making ill impressions in the minds of the people, has nothing of the nature of reward (which is ordained, not for disservice, but for service past), nor a sign of gratitude, but of fear ... (*L*, 230).

In the Latin ed., Hobbes adds to this passage in parentheses “... moreover, the commonwealth is king of the children of pride, and is so made that he ought not to fear”. This suggests that, while the sovereign must honour subjects’ utility, the sovereign must be acutely cautious not to be seen as honouring an ambitious subject so much so that the signs of honour conferred appear to be a sign of fear, since this does not “... tend to the benefit, but to the

damage of the public (*OL*, 231).

Inevitably, conferring signs of honour upon useful subjects will also lead ambitious subjects to strive for such honours, and their numbers will surge:

It is a contention with ambition, like that of *Hercules* with the monster *Hydra*, which, having many heads, for every one that was vanquished there grew up three. For in like manner, when the stubbornness of one popular man is overcome with reward, there arise many more (by the example) that do the same mischief, in hope of like benefit (*L*, 231).

The ‘mischief’ Hobbes is referring to here is, I believe, best described as extortion. A sovereign who has rewarded and honoured a subject so much so that the sovereign is perceived to *need* that subject, is vulnerable to extortion from that subject. This is quite evident in *Behemoth*, where Hobbes makes the same allusion to Hercules and Hydra:

... I have observed often, that such as seek preferment, by their stubbornness have missed of their aim; and on the other side, that those princes that with preferment are forced to buy the obedience of their subjects, are already, or must be soon after, in a very weak condition ... For Hercules at first did not cut off those heads, but bought them off; and afterwards, when he saw it did him no good, then he cut them off, and got the victory (*Behemoth*, 72).

Hobbes concludes:

And though sometimes a civil war may be deferred by such ways as that, the danger grows still the greater, and the public ruin more assured. It is, therefore, against the duty of the sovereign, to whom the public safety is committed, to reward those that aspire to greatness by disturbing the peace of their country, and not rather to oppose the beginnings of such men, with a little danger, than after a longer time, with greater (*L*, 231).

The obvious problem is, therefore, that on the one hand the sovereign must honour subjects for their utility, which is necessary at the very least for defence; on the other hand, however, such honouring may disturb the peace. Note, too, that Hobbes does not prescribe any practical solution to this; it is simply presented as a worrying, yet necessary, ambivalence left for the sovereign to manage.

The insoluble character of these problems, and the interminable attention and prudence required to simply manage them, is equally evident in Hobbes's discussion of commanders of the militia:

A commander of an army in chief, if he be not popular, shall not be beloved nor feared as he ought to be by his army; and consequently, cannot perform that office with good success. He must, therefore, be industrious, valiant, affable, liberal and fortunate, that he may gain an opinion both of sufficiency and of loving his soldiers. This is popularity, and breeds in the soldiers both desire, and courage, to recommend themselves to his favour, and protects the severity of the general, in punishing (when need is) the mutinous or negligent soldiers. But this love of soldiers (if caution be not given of the commander's fidelity) is a dangerous thing to sovereign power, especially when it is in the hands of an assembly not popular (*L*, 232).

So what advice does Hobbes offer? Merely this: "it belongeth, therefore, to the safety of the people, both that they be good conductors, and faithful subjects, to whom the sovereign commits his armies" (*L*, 233).

As for the second of Hobbes's fiscal measures to control and maintain a militia—remuneration as compensation—Hobbes's use of the word "vendible" is highly suggestive in this passage:

... when the stubbornness of one popular man is overcome with reward, there arise many more (by the example) that do the same mischief, in hope of like benefit; and as all sorts of manufacture, *so also malice increaseth by being vendible* (*L*, 231 italics added).

The fiscal motivation just discussed concerns ambition, insofar as remuneration is a sign of honour. However, conferring honours via remuneration also creates a market culture: "For in a market where honour and power is to be bought with stubbornness, there will be a great many as able to buy ..." (*Behemoth*, 72). This would reach downwards and, when applied not to particularly popular subjects but more generally to soldiers and ordinary subjects, will attract those of a mercenary character. The incentive to fight on the sovereign's

behalf may not always be, as conceded by Hobbes, civil honour but rather necessity, profit or simple greed. The mercenary character of such soldiers would make them ripe for recruitment by wealthy malcontents and ambitious contenders of sovereignty. In *Behemoth*, Hobbes identified this as one of the seven chief causes of the civil war:

... there were a great number that had either wasted their fortunes, or thought them too mean for the good parts which they thought were in themselves; and more there were, that had able bodies, but saw no means how honestly to get their bread. These longed for a war, and hoped to maintain themselves hereafter by the lucky choosing of a party to side with, and consequently did for the most part serve under them that had greatest plenty of money (*Behemoth*, 4).

Consideration of these first two measures foreshadows the importance of the third: the sovereign's sole right to levy taxes, so justified by the necessity of it to maintain control over the militia. While the sole source of honour needs to stem from the sovereign, the sole right to levy taxes also belongs to the sovereign, thus depriving anyone else in the commonwealth from that ability or right to command soldiers, either by bestowing honour upon them, incentivising mercenaries or, more generally, by affording potentially seditious and popular subjects their own soldiers, munitions and ships.

Recall, it

... is annexed to the sovereignty the right of making war and peace with other nations and commonwealths, that is to say, of judging when it is for the public good, and how great forces are to be assembled, armed, and paid for that end, and to levy money upon the subjects to defray the expenses thereof. (*L*, 114).

The subject of taxation in the context of defence—indeed of taxation as being necessary and primarily justified in terms of defence—is clearly stated in *Leviathan*:

To equal justice appertaineth also the equal imposition of taxes, the equality whereof dependeth not on the equality of riches, but on the equality of the debt that every man oweth to the commonwealth for his defence (*L*, 227).

However, and for instance, listed amongst the “diseases of a commonwealth” is,

... the difficulty of raising money for the necessary uses of the commonwealth, especially in the approach of war. This difficulty ariseth from the opinion that every subject hath of a propriety in his lands and goods, exclusive of the sovereign's right to the use of the same (*L*, 217).

These reluctant subjects who are unwilling to contribute “to their own defence, make it necessary for their governors to draw from them what they can in time of peace, that they may have means on any emergent occasion, or sudden need, to resist or take advantage on their enemies” (*L*, 118), despite the fact that for many, “every little payment appeareth a great grievance” (*L*, 118).

In *Behemoth*, this theme is picked up again by Hobbes.

And though it be prudence also in private men, justly and moderately to enrich themselves, yet craftily to withhold from the public or defraud it of such part of their wealth, as is by law required, is no sign of prudence, but of want of knowledge of what is necessary for their own defence (*Behemoth*, 44).

While taxation is necessary for defence to enable the sovereign to effectively defend the commonwealth (beyond merely having the right to), Hobbes acknowledges that it nevertheless leads to resentment on the part of subjects. And, once again, this is stated as a necessary yet insoluble problem to be solely managed by the sovereign in an advisedly prudent and cautious fashion.

To quickly summarise the above, while I agree with Baumgold for the most part, she nevertheless pays insufficient attention to how, during peacetime, Hobbes's sovereign's preparedness to defend the commonwealth through maintaining and controlling a militia necessarily counteracts the conditions of civil peace. Her interpretation, therefore, in seeking to reconcile the particular conflict between the rights of subjects and the rights of sovereigns that defence occasions, pays insufficient notice to how Hobbes's resolution of that conflict presents another: Hobbes concedes that the maintenance of a militia itself may counteract his

stated conditions of civil peace.

Hobbes's awareness of this problem, moreover, indicates that he thought the requirements of defence *will* present an intractable problem because a militia is nevertheless necessary. Generally speaking, therefore, the requirements of defence represent a necessary and entrenched ambivalence with the conditions of civil peace.

7.7 Conclusion

Having now discussed the issue of whether or not there are limits to the authorised exercise of instrumental power, I have shown that there are indeed, but they are a result of the sovereign's obligation to maintain civil peace, and not primarily, as others have argued, as a result of subjects' rights to resist their contribution. The contribution of subjects to the commonwealth's defence is entirely dependent upon the sovereign, upon whom the obligation to manage and balance all of this rests.

Were the sovereign to violate the inalienable rights of subjects, the sovereign would in effect be denying their inalienability. However, because the natural laws in general must be affirmed for the sake of civil peace, the sovereign is obliged to rule in accord with them. As I have argued, therefore, the exercise of sovereign authority is limited by the sovereign's obligation to rule according to the natural laws, which simultaneously requires the affirmation of subjects' inalienable rights.

However, the natural laws and the affirmation of subjects' inalienable rights are *not* a practically effective means by which to ensure the other purpose of sovereignty: defence. The sovereign's authorised exercise of sovereign instrumental power, I have argued, necessarily requires breaching the obligation to rule according to the natural laws.

While both purposes are necessary yet also counteract, there is in Hobbes's system no

resolution to this, which represents an entrenched and insoluble ambivalence inherent in his theory of sovereignty. This ambivalence is neither a result of an imbalance between subjects' rights *contra* sovereign's rights, nor of an unsupervised agonistic counter-balance between the two. Instead, it is a necessary ambivalence within Hobbes's theory of sovereignty *itself*—albeit a potentially, and acknowledgedly, dangerous one—and is to be managed solely according to the sovereign's—ideally, prudent and practicable—judgment.

Conclusion

Reviewing my arguments of Chapters One to Four, my basic intent had been to demonstrate how Hobbes's primary concern in *Leviathan*—the maintenance of a peaceful commonwealth—leads him to limit the authority of his “absolute” sovereign by ensuring that the sovereign abide by select dictates of rule. Hobbes creates a number of principles, the natural laws, which he believes must be adhered to in order for his objective—civil peace—to be achieved. Hobbes accordingly obligates his sovereign to rule in accord with them, and this obligation, in turn, entails a limit on the sovereign's exercise of authority. While the obligation entails certain rules or principles of sovereign action, it also entails certain limits or restraints. These restraints which the obligation entails, since they are derived from the natural laws—which are those principles that Hobbes believes to be requisites for peace—may in turn be described as being necessary dictates of rule for the maintenance of a peaceful commonwealth. In other words, a proper interpretation of Hobbes must acknowledge that “We needn't attribute to Hobbes the hysterical view that sovereign authority is so fragile that a single limit, a single exception, would shatter it”³⁴⁸.

Of particular interest to Hobbes, moreover, is the necessity of these restraints on sovereign power for the peaceful maintenance of a Christian commonwealth. The peculiarities present in a Christian commonwealth must be taken into account, thought Hobbes, and to achieve the peaceful maintenance of a Christian commonwealth, additional restraints on sovereign power are required. Most notably, the sovereign must tolerate all purely private religious thought and belief, and the sovereign must refrain from legislating

³⁴⁸ Herzog, p. 81.

religious laws which could potentially force Christians to act in opposition to their belief.

I began by establishing that Hobbes, in the *Leviathan*, was indeed primarily interested in creating a prescription for a peaceful commonwealth. By noticing what Hobbes stated to be the fundamental obstacle to peace, it became clear that both the secular and religious aspects of the *Leviathan* must be taken into account. Hobbes believed that conflict most frequently arose due to the people choosing between obedience to God and obedience to man. It is, therefore, evident that the substantial religious content of *Leviathan* must not be ignored should one wish to further understand how Hobbes sought to create the principles which, when enacted, would ensure the existence of a peaceful commonwealth.

Since Hobbes believed this problem—the choice between obedience to God or man—to be the fundamental obstacle to peace, much of the *Leviathan* is devoted to its resolution. The problem that arises from this choice, according to Hobbes, is due mainly to the relationship between obedience and authority. Subjects of an authority, he argued, have a duty to obey the commands of that authority. However, if one is unsure of who the ultimate authority is, God or man, then one would likewise be torn as to whom one ultimately had a duty to obey.

Accordingly, I demonstrated the way in which Hobbes sought to eliminate this conflict, mainly by highlighting his arguments which stripped ecclesiastics of their authority, and also his arguments which denied the legitimacy of all but one source of Christian revelation.

The pressing question that these arguments prompt, to which many commentators have responded, is whether Hobbes eliminated God as a foundation for political authority, or whether Hobbes, despite curtailing the ability of men to obey God instead of their fellow man, maintained God as the foundation for political authority. In other words, in response to the

question “obey God or man” did Hobbes, reply “obey man instead of God” or, rather “obey God and man”?

While this question is certainly relevant to whether or not Hobbes was an atheist, Hobbes’s ‘true’ answer has little bearing on the political implications of his system. The relevance of this question to the practical application of Hobbes’s system is diminished when the assumption which prompts the question is put into its proper context. Those asking this question assume that the natural laws are foundational principles; they argue that if the natural laws can be demonstrated to be equated with God’s laws by Hobbes, then it may be concluded that Hobbes’s system has a theistic foundation. Conversely, if the natural laws can be demonstrated to function independently of God, then it may be concluded that Hobbes’s system only appears to have a theistic foundation. However, the natural laws are also presented by Hobbes as ruling principles, principles that a sovereign must abide by in order to achieve the peaceful maintenance of a commonwealth.

From this perspective, and from a practical standpoint, regardless of whether or not the natural laws are God’s laws, the sovereign is obliged to rule in accord with them. Specifically, Hobbes provides two rationales, one secular and one religious, which both obligate the sovereign to abide by the natural laws. Whether or not the natural laws are sincerely intended by Hobbes to be equated with God’s laws makes virtually no practical difference to the sovereign’s obligation under the natural laws.

This obligation, it was argued, entailed two major requirements for the sovereign’s exercise of authority. First, the sovereign must rule equitably, and second, the sovereign must manage his subjects’ disposition to obey him. In a Christian commonwealth, I argued, this second requirement entails two things. First, the sovereign of a Christian commonwealth must encourage a fear of God amongst his subjects alongside a fear of the sovereign. Second, the

sovereign of a Christian commonwealth is obliged to teach that the basis of his authority ultimately rests upon God, which is to teach that God is the author of the natural laws and implies a Christian duty of subjects to obey their sovereign.

The fear of God, and the idea of God as the agent whose command obliges must, therefore, be viewed by the sovereign as instrumental; that is, as practically effective bases for the exercise and maintenance of authority in a Christian commonwealth.

This notion of God, and of His relationship to the natural laws, is in stark contrast to that proposed by those who assume that the natural laws are mainly foundational principles. Where they ask “Does Hobbes eliminate the authority of one of the masters—God or man?” or “Does Hobbes make obedience to the two masters consistent?”, it is very plausible that Hobbes was more immediately concerned with the management of Christian subjects’ perception of whom they are ultimately obliged to obey. The focus, in other words, of my arguments differs from that of the predominant strains of interpretation. Rather than focus on whether or not Hobbes intended God to be the ultimate foundation for his system, I have chosen to focus on Hobbes’s belief that the fear of God, and the idea of God as the author of the natural laws, is actually required for the peaceful maintenance of a Christian commonwealth composed of Christian subjects. Whether or not God *is* the author of the natural laws is of less importance to Hobbes than the maintenance of a peaceful Christian commonwealth, whose subjects, he believed, must perceive that there exists no conflict between obedience to God and man.

In this chapter, the extent of the restraints imposed upon the sovereign was examined. First, the sovereign does not possess the authority to coercively affect his subjects’ thoughts or beliefs. He can, and may, attempt to do so through persuasion, but he is powerless to coercively change beliefs. Much more common, I argued, are instances where the sovereign’s

authority is limited by restrictions on its exercise spelled out in the natural laws. The sovereign, for instance, must rule equitably, and many restraints on the dealing out of punishments are inferred by Hobbes from the natural laws.

While these restraints are common to all commonwealths, there are particular restraints which apply to a Christian commonwealth, which also indicates the extraordinary extent to which the exercise of sovereign authority is contingent and limited due to religious concerns. The first type of religious tolerance that is apparent in Hobbes's *Leviathan* is a tolerance of thought and belief. The sovereign must tolerate thought and belief, Hobbes argues, because thought and belief are, by nature, free. Accordingly, Hobbes argues, they are not amenable to change by coercion, and thus the sovereign does not possess the power to change them through coercive means. Since the sovereign cannot, he ought not try.

The sovereign's tolerance of thought and belief is also argued to result from the liberties of subjects. This explanation argues that thoughts and beliefs are inalienable rights, based on the natural liberty of subjects, which in turn implies that although the sovereign has the authority to be intolerant, subjects have an inalienable right to religious freedom which must be acknowledged by the sovereign.

Whatever the rationale, it is discernible in *Leviathan* that Hobbes intended the sovereign to be tolerant of his Christian subjects' thoughts and beliefs. Likely more contentious, however, is my claim that Hobbes obliged his sovereign to tolerate certain expressions of religious belief; that the sovereign must refrain from being intolerant of certain religious behaviour.

I argued that the sovereign has this obligation for two main reasons, both arising out of the sovereign's obligation to the natural law. First, due to the sovereign's obligation to maintain peace, the sovereign of a Christian commonwealth is required to teach his subjects

that God is the author of the natural laws, and that they, in turn, have a Christian duty to obey their sovereign. One of the necessary doctrines for this teaching to be effective is the doctrine of Naaman's freedom: God will not hold a subject accountable for those actions which are in obedience to the sovereign. This doctrine, Hobbes argues, alleviates the conflict between obedience to God and man.

However, were the sovereign to command a subject to act in a way that, in conscience, the subject believes to be against God's will, the sovereign, Hobbes argues, unnecessarily puts his authority at risk. The sovereign's authority is at risk because were the subject to defy the sovereign's command, the subject publicly renounces the validity of Naaman's freedom. Jeopardising the legitimacy of Naaman's freedom in a Christian commonwealth must, Hobbes argues, be avoided. To avoid this, moreover, is a relatively simple task; the sovereign should not command religious behaviour that would symbolise or indicate belief of potentially controversial religious doctrines. In other words, the sovereign is obliged to avoid commanding religious behaviour that would force subjects to choose between obedience to God and obedience to their sovereign. This would most obviously result in an obligation to not command public professions of faith.

The second rationale which Hobbes provides for this restraint on the sovereign's exercise of authority arises from the sovereign's obligation to rule equitably. Commanding a public profession of faith, that not all subjects in conscience ascribe to, may result in inequity. Some subjects would believe what they were being commanded to profess, while others would not believe what they were being commanded to profess. By enforcing the command, therefore, the sovereign would be allowing some subjects their liberty of conscience, while denying it to others. This is, Hobbes argues, inequitable; even though it is a command that applies equally to all, in the sense that all must obey it, it is also, according to Hobbes,

potentially inequitable in the sense that some subjects are permitted their liberty of conscience while others are denied it. Since Hobbes insists repeatedly that the sovereign must not act inequitably, for inequity is a form of iniquity, a restraint on the sovereign may be derived from this: the sovereign should not grant to one subject or group of subjects a liberty that the sovereign would deny to another. Thus the sovereign should also not tolerate those who feel obliged to their consciences in matters for which the sovereign allows others their liberty of conscience. In other words, be tolerant when to be intolerant would require inequity.

To command and to enforce certain religious behaviour, therefore, not only risks the ability of the sovereign to maintain his authority through the management of his subjects' disposition to obey him, but also constitutes a form of inequitable rule. Hobbes's sovereign must, accordingly, refrain from legislating religious behaviour that would needlessly threaten the peaceful maintenance of the commonwealth. The sovereign's restraint, moreover, translates into a liberty: where the law is silent, Hobbes states, subjects have liberty. This further translates into a freedom of religious expression—not generally speaking, but rather a liberty to express or not to express one's religious beliefs on particular matters, matters on which the sovereign has refrained from legislating behaviour.

Hobbes does not provide, it must be noted, a general principle of toleration of religious expression; rather, Hobbes provides a prudential strategy which the sovereign is obliged to use under circumstances in which intolerance of religious expression would threaten peace. Specifically, toleration of religious expression for Hobbes is a provisional measure in which the sovereign refrains from legislating religious behaviour which would otherwise undermine the maintenance of his authority and breach the natural laws. Again, Hobbes has given every reason why a Christian subject should obey his sovereign, yet Hobbes tempers this by advising a prudent sovereign not to force obedience in certain instances.

For peace to be maintained in a Christian commonwealth, therefore, Hobbes believed that a measure of tolerance must be embraced by the sovereign. Without the sovereign's tolerance of both religious belief, and in some instances, of religious expression, a Christian commonwealth cannot be, Hobbes believed, a peaceful one. The sovereign of a Christian commonwealth must maintain a delicate balance between his subjects' disposition to obey him and their fear of God—a balance which Hobbes thought would quickly evaporate should the sovereign, through intolerantly enforcing an unnecessary religious law, force his subjects to reconsider their duty to obey him.

In Chapters Five to Seven, I turned my attention to the purpose of defence. An apt description of the tension in Hobbes's system between that which is required for civil peace, and that which is required for defense, is, I think, provided by the following lengthy passage taken from Michael Oakeshott's *On Human Conduct*, discussing the influence war has had on the perceived and real character of states in European history. I include it, despite its length, because of its unfortunate obscurity:

Briefly it may be said that a modern European state at war, whatever the strength of its disposition to retain its character as civil association, is indisputably turned in the direction of association in terms of a substantive purpose. In war itself, the latent or not so latent ingredient of managerial lordship in the office of the government of a modern state comes decisively to the surface and is magnified, and what had hitherto been no more than contrivances for collecting revenue, for safeguarding the sources of revenue, or for maintaining civil order become devices for controlling the use of resources and for removing substantive choice from the conduct of subjects. *In war the status of 'subject' recedes before that of agent and role-performer in an enterprise, and the word 'public' loses its meaning as considerations of civility to be subscribed to by cives in pursuing their chosen satisfactions and comes to stand for the now compelling corporate purpose of the association.* And what is plenary in a condition of actual war is merely somewhat diminished in the intervals between wars. War in a modern European state is the enemy of civil association; belligerence is alien to civil association. Secondly, war and military preparation imposes this character upon a state

more or less completely, not in proportion to its destructiveness, but in proportion to the magnitude of the claims it makes upon the attention, the energies, and the resources of its subjects; and the wars of modern times have been progressively more demanding in this respect. Hostilities which in the fourteenth century destroyed everything that lay in their path but were otherwise experienced only in the demands of tax-collectors and left to impoverished subjects the management of their own affairs, by the twentieth century have become occasions for the almost total mobilization, management, and direction of their attention, their energies and their resources in pursuit of a single purpose. Thirdly, a modern European state which has in any significant degree surrendered its character as civil association in favour of some non-military idiom of enterprise association and the office of whose government has become a notably managerial engagement, or a state in which the character of civil association has never decisively emerged, in (in the conditions of modern Europe) inherently belligerent; its already purposeful disposition invites that of a state at war. And finally, what is learned in war is remembered when hostilities subside. The model of a state understood as association in terms of a substantive purpose and of its apparatus of ruling has always been sought and found in the image and organization of a state bent upon conquest or of a city besieged the common vocabulary of purposive 'rule' is military. Thus, although it may be difficult to find any modern European state recognizably the counterpart of Sparta in antiquity (that is, a state whose reputed purpose is itself war), the condition of almost continuous warfare in modern times has familiarized Europe with the spectacle of states significantly, if intermittently, transformed into enterprise associations; and this has been the chief nourishment of the belief that a state is properly to be understood in these terms.³⁴⁹

My intention in this thesis was to identify the ambivalence between the purpose of civil peace, and the purpose of defense, which exists in Hobbes's theory of sovereignty. This same broad ambivalence is captured well in the above passage, which identifies an ambivalence between civil and enterprise association. While Oakeshott claimed this ambivalence exists in the history of modern European states, I broadly did so within Hobbes's theory of sovereignty itself. I did so not in order to speculate on Hobbes's influence on the development of the modern European state, interesting as that may be. Rather, I argued that the inherent

³⁴⁹ Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975).

ambivalence of his theory of sovereignty is the aspect of his thought most relevant and consequential for understanding the role of defense in his political thought as a whole.

Hobbes's conception of the role of power—in a non-juridical sense—was, I argued, essential to understanding this. Hobbesian subjects are subject to two types of sovereign power: natural power which causes their submission, and instrumental power which requires their contribution. While the sovereign's exercise of natural power is intended to prevent actions on the part of subjects that would otherwise be inimical to civil peace, the sovereign's exercise of instrumental power is intended to be used for the defense of the commonwealth and requires the contribution of subjects.

Insofar as Hobbes's description of the practical ability of the sovereign to generate instrumental power, I argued against influential interpreters who, while noticing the effect of natural power, paid little heed to instrumental power. The insufficient attention to instrumental power leads to a misconception that Hobbes's moral-psychological theory prevents the use of subjects and would, therefore, render his commonwealth effectively unable to defend itself. I argued, however, that Hobbes's sovereign is described as being able to generate instrumental power, and although that ability counteracts the moral-psychology of submission, Hobbes's sovereign so conceived would nevertheless have the ability to commandeer subjects' power and thereby defend the commonwealth.

Insofar as the natural/instrumental distinction applies to the authorized exercise of it, I argued against notable interpreters who focused exclusively on the limits to its exercise from the perspective of subjects, and who did so by either arguing that (i) subjects have a right to resist being used by the sovereign for the sake of defence; or (ii) ordinary subjects, with the notable exception of soldiers, do not have an obligation during peacetime to contribute to the commonwealth's defence. I argued instead from the perspective of the sovereign, and

concluded that the limits to the authorized exercise of sovereign instrumental power are instead a result of the sovereign's obligation to maintain civil peace. Hobbes's sovereign, to borrow a nice phrase from Tom Sorell, has a 'burdensome freedom': "the burdens of securing what Hobbes calls 'peace' are great"³⁵⁰.

³⁵⁰ Tom Sorell, "The burdensome freedom of sovereigns" in Sorell and Foisneau, ed. *Leviathan after 350 Years* (Oxford: Clarendon Press, 2004).

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