

Lecture 7.1: Hobbes

NOTE: Be sure to read your Cahn/Markie text (pp. 240-248) for Chapter 13, 14, 15 of the Leviathan reading

Re: The state of Nature (SON)

- H describes people, 1st of all, as they appear in what he calls “**the state of nature**,” which is the condition of people before there was any state or civil society.
- In this SON all humans are **equal** and equally have the right to whatever they consider necessary for their survival. **Equality** here means simply that people are capable of hurting their neighbors and taking what they judge they need for their own protection or self-preservation. For H, differences in strength can in time be overcome and the weak can destroy the strong.
- The “**right of all to all**” which prevails in the SON does not mean that one person has a right whereas others have corresponding duties. The word “**right**” in the bare SON is a person’s freedom “to do what he would, and against whom he thought fit, and to possess, use and enjoy all that he would, or could get.” (NOTE: H would call this this “right” **jus naturale**).
- The driving force in a person is the **will to survive**, and the psychological attitude pervading all people is **fear** – the fear of death, particularly the **fear of violent death**.
- In the SON all people are relentlessly pursuing whatever acts they think will secure their safety. The picture we get of this SON is of people moving against each other – bodies in motion – or the anarchic condition H called “**war of all against all**.”
- BUT we ask H: WHY DO PEOPLE BEHAVE THIS WAY? – H analyzes human motivation by saying that everyone possesses a **2-fold drive**, namely **appetite** and **aversion**. These 2 drives account for our motions to and from other people or objects, and have the same meanings as the words **love** and **hate**. People are attracted to what they think will help them survive, and they hate whatever they judge to be a threat to them. The words **good** and **evil** have whatever meaning each individual will give them, and people will call **good** whatever they **love** and evil whatever they hate, “**there being nothing simply and absolutely so.**”
- In other words, for H, we are fundamentally **selfish** or **egotistical** (i.e., we are concerned chiefly about our own survival and we identify goodness with our own appetites). For H, in this SON there is no obligation for people to respect each other; there is no morality in the traditional sense of goodness and justice. Given this egotistical view of human nature, H thinks that we do not possess the capacity to create an orderly and peaceful society.

- However, for H there are several logical conclusions or consequences can be deduced from our concern for our survival, among these being what H calls **natural laws** (H calls a **law of nature** as **lex naturalis**). Even in the SON, people know these natural laws, which are logically consistent with our principal concern for our own safety.
- A natural law, said H, “**is a precept, or general rule, found out by reason,**” telling us what to do and what not to do. If the major premise is that I want to survive, I can logically deduce, even in the SON, certain rules of behavior that will help me survive.
- The **1st law of nature** is therefore that everyone ought to “**seek peace and follow it**” (Leviathan, chapter 14, para 4). Now this law that urges me to seek peace is natural because it is a logical extension of my concern for survival. It is obvious that I have a better chance to survive if I help to create the condition of peace. My desire for survival therefore impels me to seek peace. From the 1st and fundamental law of nature is derived the **2nd law**, which states that “**a man be willing to, when others are so too, as far-forth as for peace, and defense of himself he shall think it necessary, to lay down his right to all things; and be contended with so much liberty against other men, as he would allow other men against himself**” (Leviathan, chapter 14, para 5). More simply, we should be willing to give up our hostile rights toward other people if they are willing to give up their hostile rights toward us.
- When we act on these first 2 laws of nature we in effect enter into a **contract**, a contract that results in the emergence of what H calls **civil society**.

Re: Obligation in the SON

- If we know these and other natural laws even in the SON, DO WE HAVE THE OBLIGATION TO OBEY THEM? -- H answers that these laws are always binding, in the SON as well as in the civil society. BUT H distinguishes between 2 ways in which these natural laws are applicable in the SON (i.e., **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 putting them in act, not always).
- Thus, it is not as if there were no obligations in the SON; rather, it is just that the circumstances for living by these laws in the SON are not always present. People have a right to all things in the SON not because there is no obligation, but because if a person was modest, tractable, and kept his/her promises “in such time and place where no one else should do so, [he/she] should but makes him/herself a prey to others, and procure his/her own ruin, contrary to the ground of all laws of nature, which tend to nature’s preservations” (Leviathan, chapter 13).
- And even when we act to preserve ourselves, we are not free from rational natural laws, for even in the SON we ought to act in good faith: “If any human pretend somewhat to tend necessarily to his/her preservation, which yet he/she him/herself believe so, he/she may offend against the laws of nature.”

- H is aware that anarchy is the logical outcome of egotistical individuals all deciding how best to survive. It would be a horrible condition in which there is “no arts, no letters; no society; and which is worst of all, continual fear, and danger of violent death, and the life of human **solitary, poor, nasty, brutish, and short**” (Leviathan, chapter 13, para 9).
- We should thus avoid this condition of anarchy to the extent that it is in our power. The chief cause of this war is the conflict of individual and egotistical judgments. By following the dictates of the laws of nature though, we should seek peace, renounce some of our rights or freedoms, and enter into a **social contract**. We will thereby create an **artificial person** – the great leviathan – called the **commonwealth or state**.

Re: The Social Contract:

- The **contract** by which we avoid the SON and enter into **civil society** is an agreement between individuals, “as if every human should say to every human, I authorize and give up my right of governing myself, to this human, or this assembly of humans, on this condition, that you give up your right to him/her, and authorize all his/her actions in like manner” (Leviathan, Chapter XV11, para. 13).
- **Two things** are important in this contract. **1st**, the parties to the contract are individuals who promise each other to hand over their right to govern themselves to the **sovereign**; it is **not** a contract between the sovereign and the citizens or people. The sovereign has absolute power to govern and is in no way subject to the citizens. **2nd**, H clearly states that the sovereign can be either “**this human being**” or “**this assembly of human beings**,” suggesting that, in theory at least, his view of sovereignty was not identified with any particular form of government, but he recognized the possible compatibility of his theory of sovereignty with democracy.
- But whatever form the sovereign would take, it is clear that H saw the transfer of right to rule from the people to the sovereign as both **absolute and irrevocable**.
- H was particularly anxious to demonstrate with logical rigor that sovereign power is **indivisible**. Having shown that in the SON anarchy is the logical consequence of independent individual judgments, H concluded that the only way **to overcome anarchy is to make a single body out of the several bodies of the citizens**. The only way to transform multiple wills into a single will is to agree that **the sovereign’s single will and judgment represents the will and judgment of all the citizens**. In effect, this is what the contract says when the people agree to hand over their right to govern themselves.
- The sovereign now acts not only on behalf of the citizens, but as if he/she embodied the will of the citizens – thereby affirming an identity between the wills of the sovereign and citizens. **Resistance against the sovereign by a citizen** is therefore illogical on **2 counts**. **1st**, such resistance would amount to resistance to oneself, and, **2nd**, to resist is to revert to independent judgment, which is to revert to the SON or anarchy. The power of the sovereign must therefore be absolute in order to secure the condition of order, peace, and law.

Re: Civil Law versus Natural Law:

- Civil law begins only when there is a sovereign. This is a logical truism, for in the judicial or legal sense, a law is defined as a command of the sovereign. It follows that where there is no sovereign, there is no law. To be sure, H confirms that even in the SON people have knowledge of the natural law and in a special sense the natural law is binding even in the SON. But **only after there is a sovereign can there be legal order**, because only then is there the apparatus of law in which the power of enforcement is central. For H, without the power to enforce, covenants (contracts) are “**mere words**.” H identifies law with sovereign command, and H makes the additional point that “**there can be no unjust law**.”
- Nowhere does H’s **severe authoritarianism** express itself in more startling form than when he argues that there can be no unjust law. It appears that, for H, **justice and morality begin with the sovereign**, that there are no principles of justice and morality that precede and limit the acts of the sovereign.
- H affirms this in the following passage: “To the care of the sovereign, belongs the making of good laws. But what is a good law? By **good law**, I mean **not a just law: for no law can be unjust**.” H gives **2 reasons** for saying no law can be unjust: **1st**, because **justice means obeying the law**, and this is why justice comes into being only after a law has been made and cannot itself be the standard for law; and **2nd**, when a sovereign makes a law, it is as though the people were making the law, and what they agree upon cannot be unjust. Indeed, the **3rd law of nature** H speaks of is “**that men perform their covenants made**” (Leviathan, chapter 15, para 1), and H claims that this is the “fountain of justice.” Hence, to keep the contract in which you agreed to obey the sovereign is the essence of justice for H.