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Hobbes's Deontological Science of Morals

by

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Introduction

Why another thesis on Hobbes? What more is there to say? After all, Hobbes is an egoist-- indeed, he offers us perhaps the most brilliant exposition of egoism ever wrought. To wit, men are, by and large, asocial selfish brutes, committed to little more than the satisfaction of their own narrow aims and desires. Furthermore, since there is no objective standard by which to measure good and evil or right and wrong, self-interest, the sum total of these aims and desires, is the only viable alternative. Unfortunately, the universally unbridled pursuit of immediate self-interest eventually pits everyone against everyone else so that our natural state becomes one of unremitting strife and discord; a world wherein life becomes the cheapest of commodities. Luckily, upon rational reflection, most Hobbesian individuals will arrive at the prudential realization that their most cherished end, self-preservation, is thus best served by voluntarily abridging their natural liberty through entering into a covenant, the social contract, which, in turn, is to be enforced by an absolute sovereign. The sovereign is then to prevent internecine violence through the creation of a system of positive law; and it is these laws (i.e. the sovereign's commands) which ultimately serve as the moral code for a given commonwealth. Hence, Hobbes is both an uncompromising moral conventionalist and a dyed in the wool legal positivist.

As is well known, the history of ethics is populated by numerous appeals to moral objectivity by such philosophical luminaries as Aristotle, Aquinas, Kant and Mill, to name a few. These appeals have sought to undermine a two pronged attack launched against the concept of moral objectivity by the related, though distinct, doctrines of ethical egoism and cultural relativism; for if either is correct then any hopes for objectivity in morals are conclusively dashed. Importantly, however, egoism and relativism are not to be conflated-- one can be an egoist and not a relativist or vice versa. The brilliance of Hobbes is thought

to be his ingenious articulation of the former possibility. On the standard view, Hobbes grounds his anti-relativistic sentiments, not through seeking out some spurious notion of moral objectivity, but through identifying a set of prudential rules--which, in a moment of rhetorical dexterity, he terms 'Laws of Nature'--that it is always in one's rational self-interest to obey. Hence, Hobbes dispenses with relativism, and its *prima facie* empirical appeal, by forcing men to look inwards and contemplate what kind of interpersonal behavior is necessary if their deepest nightmare, violent death at the hands of their merciless fellows, is to be avoided.

Or so the story goes. Attempts to challenge this position-- which I shall henceforth refer to as 'Ego-Hobbesianism' (and its adherents as 'Ego-Hobbesians')--are most often met with raised eyebrows and rolled eyes. After all, if Hobbes is not an egoist, then who is? As one might surmise, non-standard interpretations of Hobbes's moral theory have not fared well. This thesis will be an attempt to reverse this trend by showing that the success of Ego-Hobbesianism presupposes that one is willing to jettison a large amount of textual evidence; evidence which in fact leads to entirely different conclusions concerning Hobbes's conception of morals. Succinctly, I argue that Hobbes proffers a moral theory which contemporary philosophers would recognize as distinctly deontological in nature. The conceptual basis for this rather radical claim, as articulated throughout the next several chapters, is to be located in Hobbes's notions of human equality, reason, and real goods, his non-consequentialist account of moral obligation, his theory concerning the moral worth of actions and persons, his articulation of the Laws of Nature, and, lastly, his use of the Negative Golden Rule (the NGR) to ground his normative system. These myriad conceptual components comprise Hobbes's deontological science of morals and hence, Hobbes shares several striking affinities with the paradigmatic exemplar of this

approach to morality, Kant. In order to establish that Hobbes theorizes as such about morality requires a deeper analysis of what it means to be a deontologist-- a discussion which I take up in Chapter VIII. Thus, this thesis is not simply of historical importance but of broader interest to the study of the ethical enterprise as a whole in that the essential differences between a deontological understanding of what it means to be moral is brought sharply into focus and contrasted with other competing alternatives, particularly those of the consequentialist (i.e. egoism and utilitarianism) variety.

What must be noted at the outset, and to what most interpreters have heretofore failed to give due weight, is that Hobbes is engaging in both a *theoretical* and a *practical* project. Considered within the former context, Hobbes is pursuing a full blown scientific undertaking-- he has seized upon the Paduan method, so popular with his contemporaries in the physical sciences, as the only rational way in which to justify, conclusively, the foundational principles embodied in the human sciences of morality and politics. Hobbes is attempting to elucidate a complete articulation of human nature through an analysis of its basic components, i.e. the faculties of strength, prudence, passion and reason. This analysis yields, for all to see, the entire spectrum of possible motivations (the reasons why we behave the way we do), of which men are capable. Crucial to my account, is that some of these motivations happen to be of the traditionally moral kind, e.g. a sense of justice. Furthermore, Hobbes's foray into the moral sciences will also produce a set of universal moral principles, the Laws of Nature, binding upon all persons everywhere who possess the requisite amount of reason necessary to grasp them. In turn, Hobbes's moral theory requires him to place certain formal and substantive constraints, albeit weak ones, on the sovereign's legitimate legislative capacities and, therefore, the thesis that Hobbes subscribes to a radical version of legal positivism must be rejected as well.

Nonetheless, it is remiss to conclude that Hobbes is simply preoccupied with some sort of empty theoretical exercise devoid of practical value--he has, after all, reached his philosophical maturity in the seething cauldron of civil strife that was mid-Seventeenth Century England. Thus, Hobbes is at great pains to emphasize that he is also engaged in a project which will bear a bumper crop of practical fruit; the science of morals, if put to proper use, offers a ready cure for what ails the body politic: men who follow the Laws of Nature will find peace. Unfortunately, human nature is by and large constituted in such a way that the requisite integrity to be so motivated is "rarely found" (L 15, 6)[1]. Few and far between are just for justice's sake. What reasons can Hobbes provide to individuals, a great many of whom are bereft of the integrity just mentioned, to induce them to act in accordance with the dictates of morality, i.e. the Laws of Nature? He has no alternative but to resort to rational self-interest, whether as carrot or stick.

Perhaps the following example will suffice to illustrate the point. Imagine what reasons might motivate people to pay their taxes. To be sure, some, although not many, will do so for ostensibly moral reasons, e.g. out of a sense of civic duty, but the vast majority, most probably, will offer an instrumentalist justification. Some will undoubtedly pay their taxes because they wish to receive various government services, e.g. police and fire protection, the interstate highway system, etc., which they perceive to be essential and hence highly beneficial, the fruits of living in a society as it were. Still others will only consent to pay their taxes out of a fear of punishment, e.g. incarceration, the seizure of

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[1](L 15, 6) refers to *Leviathan*, Chapter XV, paragraph 35. This citation system of Hobbes's works will be used extensively throughout this thesis. The abbreviations for Hobbes's works will be as follows: *Behemoth* (B), *De Cive* (DC), *De Corpore* (DeC), *De Homine* (DH), *Leviathan* (L), *Questions Concerning Liberty and Necessity* (LN), *The Elements of Law* (EL) and *Three Discourses* (3D).

one's property by the state, etc. Clearly, if only moral reasons were relied upon in order to induce people to pay their taxes the state would most likely collapse for the simple fact that not enough people would be so motivated, and even those who would otherwise be so motivated might not be upon witnessing free riding run rampant. Nonetheless, this does not mean that such reasons do not exist *per se*. Ego-Hobbesians wrongly assume that he cannot allow for the presence of such reasons-- his psychology can only purportedly permit instrumentalist ones, e.g. the desire for 'commodious living' or the fear of 'violent death', to substantiate his theory of intentional action. Such an account, however, conflicts with what Hobbes actually says, *viz.*, that the problem with the unjust person is that "his will is not framed by the Justice, but by the apparent benefit of what he is to do" (L 15, 11), and furthermore, in seeking to determine the moral worth of particular actions, we look not to the acts themselves, but to the "fountain from whence they spring" (EL 16, 4).

Such statements by Hobbes, and many others of similar ilk, force us to tread carefully when seeking to provide a proper interpretation of his moral theory. Of course, Hobbes does devote a great deal of attention to instrumentalist inducements to obedience but this is simply due to the fact that within the scope of his practical project it is obedience *simpliciter*, and not the moral worth of the reasons that are conducive thereunto, which is at issue. Any reason, self-interested or not, which leads men to adhere to the Laws of Nature is, within this context, perfectly legitimate and, since most people, much of the time, are moved to act out desire for gain or fear of loss, self-interest, particularly self-preservation, becomes a valuable tool to insure that almost everyone at least acts in accordance with morality's strictures. Nevertheless, Hobbes's deontological science of morals must not be conflated with mere prudence. This vein of scholarship, I will argue, is mistaken. In order to avoid the crude misrepresentations so often tortuously

pieced out of Hobbes's works, I endeavor to explore, in greater detail, both the theoretical and practical aspects inherent in his moral and political philosophy.

Interwoven with my attempt to cast Hobbes as an early forbear of deontology is to show that he is a revolutionary forefather of both classical and modern liberalism. Hobbes is often pictured as an illiberal autocrat but I aim to show that this is not really the case; Hobbes in fact provides us with the seed from which the liberal tradition springs, a vigorous commitment to the moral equality of each and every sane, mature individual with the other. This equality is grounded in the faculty of reason which Hobbes believes to be ubiquitous throughout the species (with the exception of 'natural fools', a tiny minority). We are all equal in that each, even those of the "meanest capacity" (L 15, 35), is more than capable of grasping that basic moral principle-- 'Do not do unto others what you would not have them do unto you' --which ultimately ought to govern every aspect of our interpersonal conduct. Hence, Hobbes's requirements for moral agency, unlike those of Plato and Aristotle, as well as their Christian feudal heirs, are minimal at best. No one, for Hobbes, is morally superior to anyone else and therefore the entire conception of natural aristocracy and its counterpart, natural slavery, is intellectual rubbish and ought to be viewed as nothing more than a false *hubris* perpetuated by myth and custom. Hobbes, in uncompromising fashion, explodes this position and with it a foundational tenet of the ancients' moral and political worldview. Ego-Hobbesians and their ilk, however, have paid scant, if any, attention to Hobbes's immensely important contribution to what has now become a standard assumption in Western moral and political philosophy. A further motivation, and justification, for this thesis is thus to correct such a glaring omission and afford Hobbes his proper place in the liberal canon.

In sum, the thrust of this thesis is to overturn a long standing paradigm of Hobbes scholarship-- that Hobbes is the egoist's egoist and an uncompromising legal positivist. In the course of this thesis, I aim to show that neither of these doctrines ought to be ascribed to my subject. Instead, Hobbes, I argue, must be understood as a deontologist if one is to do full justice to the text, and, a crucial corollary to this interpretation is to establish the 'satisfaction conditions' which any moral theory must meet if it is to be deemed deontological. Furthermore, I intend to argue that Hobbes's doctrine of moral equality represents a final and conclusive break with the ancient moral and political tradition which stretches back to Plato and Aristotle. With this in mind, I now turn to Chapter I to set out the fundamental tenets of Ego-Hobbesianism--an exercise which will clarify my opponents' positions and form the point of departure for my own interpretation.

Chapter I. Ego-Hobbesianism.

In almost any undergraduate ethics class (and most graduate seminars on the subject as well), Hobbes is presented as the egoist *extraordinaire*, offering a profound challenge to any one who wishes to defend the view that morality is, in some deep sense, objective. For Hobbes, the argument runs, concepts such as 'obligation', 'right' and 'wrong', 'good' and 'evil', are non-sensical unless one makes an appeal to man's coarser, more vulgar instincts-- namely, his apparently overwhelming predilection for satisfying his most selfish desires and interests. Other regarding behavior, whether altruistic or moral, is only rational if it serves the ulterior ends just mentioned and, therefore, ought never to be undertaken for its own sake-- a position, which if pursued, eviscerates traditional common sense morality. Nonetheless, Hobbes is not a moral relativist: there are certain types of behavior, e.g. keeping one's word, which tend to the satisfaction of one's long term rational self-interest regardless of place, time and circumstance. Hence, Hobbes's conjunction of subjectivism and anti-relativism is taken to be his most enduring contribution to ethics, representing the most fully articulated defense of egoism ever undertaken. Furthermore, given the above, attempts to paint a *non-egoistic* picture of Hobbes are normally dismissed with derision and contempt.

What kind of egoist Hobbes is, however, is still the subject of rigorous debate amongst contemporary Hobbes scholars such as David Gauthier, Jean Hampton and Gregory Kavka. Gauthier argues that Hobbes is a psychological egoist, devoid of any moral theory at all, Hampton claims that Hobbes is both a psychological and a moral egoist, while Kavka contends that Hobbes is not a psychological egoist *per se*, but most assuredly a moral one. In what follows, I will sketch out these differing but similar, in the

sense of viewing their quarry as *some* sort of egoist, takes on Hobbes as comprising what I will refer to throughout the remainder of this thesis as 'Ego-Hobbesianism'. Ultimately, of course, I aim to show that each of these views is mistaken and in conflict with a great deal of textual evidence, but before undertaking such a task the principle of charity requires that I proffer the strongest position possible against my not uncontroversial reading of Hobbes. To this matter I now turn.

A. Gauthier. In the *Logic of Leviathan* (1969) David Gauthier cuts short any attempt to render a reading of Hobbes consonant with moral objectivity by arguing that such an interpretation runs afoul of the latter's avowed psychological egoism. According to Gauthier, Hobbes's rigidly egoistic psychology is a logical consequence of his philosophy of action. On this view, the actions of Hobbesian individuals have their source in motion of which there are two distinct types: vital and voluntary. The former accounts for those processes, e.g. respiration, digestion, etc., which are necessary for a living organism's continued survival, while the latter, exemplified through a creature's capacity to move towards and away from objects of desire and aversion, exists to service the needs of the former. All voluntary actions, then, being the fruit of voluntary motion, can only be rationally explained by reference to the vital motions which they satisfy-- a process through which the creature in question is able to experience pleasure and avoid pain. On this account, human beings become little more than pleasure seeking/ pain avoiding machines or in Gauthtier's words "self-maintaining engines" (Gauthier, 1969 p.10). The life of a Hobbesian agent is characterized by the relentless drive to preserve one's vital motions and ultimately, the desire for self-preservation is not merely the primary motivation for human action it is the *sole* motivation for human action (Gauthier, 1969 p.7). This position is furthered by Hobbes's purportedly instrumentalist conception of

reason (Gauthier, 1969 p.12). On this reading, reason is, practically speaking, inert-- it informs the will, in Humean fashion, of the most efficient means to our self-interested ends. Thus, Gauthier argues, the attempt to deny that Hobbes is a psychological egoist has some very unpalatable consequences-- human actions and the motivations behind them are rendered inexplicable and mysterious.

In turn, Hobbes's psychology entails that the presocial natural state in which men find themselves is one of continuous strife: our ceaseless egoistic desires, an unlimited natural right to pursue them and a scarcity of resources force us to engage in violent competition in order to survive. Indeed, our short term interests are most fully served by randomly attacking our fellows, for, in so doing we acquire whatever goods they may possess (paltry as these may be) and we also forestall potential attacks upon ourselves. This chaotic state is perpetuated by the failure of a significant percentage of the species to recognize their natural equality one to the other. Characteristic of Ego-Hobbesians, Gauthier notes that the equality of which Hobbes writes is to be located in the faculty of strength because, personal survival being man's ultimate goal, "the ability of one man to kill another is the ultimate measure of human equality" (Gauthier, 1969 p.15). For Gauthier, Hobbes's project is to convince men that it is in their long term rational self-interest to abridge their natural right by entering into a covenant, through which a peace preserving uncompromisingly absolute sovereign is instituted

In focusing on Hobbes's moral theory (or the lack thereof), Gauthier concedes that his subject makes use of a wide range of moral concepts (e.g. 'justice', 'obligation', 'laws of nature', etc.) which add a veneer of normative force to his arguments for yielding obedience to an absolute sovereign. Gauthier is quick to claim, however, that scholars who are anxious to ascribe an objective moral theory to Hobbes are operating under a

fundamental intellectual confusion: the failure to distinguish between formal and material definitions (Gauthier, 1969 p.28). Gauthier's distinction between these two types of definitions is best exemplified through considering a concept like 'murder'. Formally defined, murder means 'unjustified killing' but what, in a material (i.e. substantive) sense is to count as an 'unjustified killing' remains an open question even after a formal definition has been rendered. Formal definitions provide us with a conceptual skeleton, which if it is to have any practical import, must be further fleshed out with a certain amount of substantive 'meat'.

In his critique of Hobbes's use of ostensibly moral concepts, Gauthier wants to show, on one hand, that the formal definitions thereof, while subjective, are by no means egoistic. On the other, the material content of these concepts *is* provided through Hobbes's determinedly selfish psychology and, hence, any attempt to offer a non-egoistic interpretation of Hobbes will only be successful in a purely formal, and practically meaningless, fashion. That is, Hobbes's moral concepts are normative in the sense that they are action-guiding but they must not be construed in any thickly objective manner; i.e. as opposed to prudence. To prove his point, Gauthier puts forth a lengthy formal and material analysis of the moral concepts employed throughout Hobbes's works on ethics and politics. For example, the concept 'good' , formally defined, means 'object of desire' but it can only be understood to have any content, for Hobbes, if one takes it to mean 'enhances one's vital motion' (Gauthier, 1969 p.8). As one can see, Hobbes's formal definition of 'Good', while subjective, need not be construed as egoistic while the material content of this concept is purely prudential in nature. Similarly, 'right', as in 'A has the right to do X' , is formally defined as 'X is in accord with right reason.' (Gauthier, 1969 p.31). Again, however, the material definition of 'right'-- 'X is conducive to A's

preservation.' --is fleshed out in a strictly self-regarding manner. The concepts of 'obligation', 'justice' and 'law of nature' receive like treatment. Consequently, based upon his contention that the Hobbesian agent can only be motivated by self-interested concerns, Gauthier is at pains to show that Hobbes's moral concepts can only be genuinely 'moral' in a purely formal sense but without an appeal to Hobbes's psychology, these concepts will be substantively empty.

Thus armed, Gauthier's next move is to argue that Hobbes's Laws of Nature do not create moral obligations. Instead, the Laws of Nature merely enjoin men to place themselves under obligations, there being no need to invoke God (as such Divine Command interpretations are superfluous) since appeals to an individual's self-preservative instincts are enough. Obligations are prudential conventions which human beings institute in order to accomplish the transformation from the state of nature to society and the Laws of Nature themselves are nothing more than rational rules for the maximization of individual self-interest. As Gauthier states, "The Laws of Nature function as rational precepts laying down what reason requires rather than merely permits." (Gauthier, 1969 p.36). Where Hobbes argues that the Laws of Nature are 'eternal and immutable' and always oblige *in foro interno*, Gauthier maintains that what Hobbes has in mind here is rational and not moral obligation (Gauthier, 1969 p.74). Indeed, since Hobbes's psychology rules out the possibility of moral motivations, appeals to rationality are all that he has left to rely on. Thus, free riders such as the fool are not behaving *immorally* but rather *irrationally*. Yet, contends Gauthier, Hobbes's necessary reliance on rational instead of moral obligation results in a very serious problem which threatens to undermine the latter's entire project. This problem rears its head with the case of the fool, ultimately as a consequence of Hobbes's instrumentalist conception of reason, i.e. 'right reason'

requires us to do whatever is most conducive to our desired ends. Thus, what I do with reason, that is whatever is to my advantage, I do with right (Gauthier, 1969 p.62). But, if this is so, the following predicament arises. On one hand, if an individual enters into a covenant it is unjust (i.e. contrary to obligation) not to endeavor its fulfillment. On the other, Gauthier writes:

> If reason dictates the breaking of covenant, showing it to be to my benefit, then I must have the right to do what is contrary to the covenant. But in making the covenant I renounced that right. Therefore, I have the right to do what I have renounced the right to do-- I have the right to do what I have an obligation not to do (Gauthier, 1969 p.62).

As such, Hobbes's moral theory suffers from a deep inconsistency.

Gauthier relies on this 'problem of reason' to argue, forcefully, that any notion of moral obligation (and with it any notion of moral objectivity) must not be ascribed to Hobbes. Attempts to do so will render his system logically incoherent. Genuine moral obligations often require us to forgo acting to our advantage; the dictates of morality and the dictates of prudence do not always coincide. But for Gauthier's Hobbes they must if irrationality is to be avoided. The solution, according to Gauthier, is to scrap the idea that Hobbes offers us any moral theory at all. On the contrary, he must be interpreted as advocating a purely prudential approach. Why? Because "In no system of rational prudence where all reasons for acting must reduce to considerations of what is most advantageous to the agent can moral obligation be introduced." (Gauthier, 1969 p. 97). To salvage Hobbes's system we must accept that obligations which work counter to our interests are not really obligations at all. The sovereign's sword, which ensures that

keeping one's word is always in one's interests, is only the way to make covenants obligatory.[1]

Gauthier seems to believe that Hobbes tacitly endorses this state of affairs. As such, he employs ostensibly moral concepts like 'obligation' and 'justice' as rhetorical devices intended to persuade the reader to accept his potentially unsettling conclusions. On this understanding of the text, Hobbes is not offering us an actual ethical theory but is actually engaging in some deft ideological maneuvering-- his theory provides us with little more than "interest disguised as morality" (Gauthier, 1969 p.91). Man's overriding fixation with his own preservation undercuts any of the concerns that virtuous behavior requires. Morality simply has no place in such a system and, ultimately for Gauthier, Hobbes's psychology dooms any other reading.

B. Hampton. In her work *Hobbes and the Social Contract Tradition* (1986), Jean Hampton articulates an interpretation of Hobbes which in many respects is quite similar to Gauthier's. She agrees that Hobbes must be construed as a psychological egoist, but she departs from Gauthier when she argues that Hobbes does provide an actual moral theory-- act-egoism. That is, that act is right which is most conducive to one's self-interest and one *ought* to act accordingly. She is especially concerned with debunking the belief that Hobbes's occasional lapses into 'deontological prose' provide support for a theory of moral objectivity. Hampton also wants to establish, once and for all, that even though Hobbes cloaks himself in the language of a natural law theorist he is at heart a strict legal positivist and an unreconstructable moral conventionalist (Hampton, 1986 pp.107-10).

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[1] In the rational sense of obligation discussed above.

Hampton begins with Hobbes's method. The results of its analytical application stress the conceptual priority of individuals the result being that society is merely the sum total of the individuals of which it is comprised (Hampton, 1986 p.7). Individuals considered in their natural state posses certain "intrinsic properties" (i.e. certain fundamental desire and capacities) which are geared toward sustaining and perpetuating personal survival (Hampton, 1986 p.8). As such, each individual is wholly and exclusively preoccupied with his or her self-preservation and, a la Gauthier, reason serves this desire to the best of its ability. Hampton also characterizes Hobbes's concept of natural equality among persons as approximate, rather than real, in character. Individuals in the state of nature are more or less equal in strength and prudence. No one individual or class of individuals is naturally dominant. Hence, this 'rough' equality amongst persons, in deadly combination with the presence of the vainglorious-- those who posses a false sense of natural superiority-- and the lack of an objective standard of good and evil, all contribute to the conflict which is endemic to our natural state.

Turning to moral matters, Hampton is at pains to show that Hobbes does cling to a form of psychological egoism. She does, however, take issue with the classic attribution of psychological egoism to Hobbes found in the works of such philosophers as David Hume. Hume maintained that since all desires were intrinsically self-regarding for Hobbes one is logically precluded from assigning any other position to him. Hampton notes that such a view is inconsistent with what Hobbes sets down in *Leviathan* (Hampton, 1986 pp.20-1). There, Hobbes offers definitions of benevolence and pity which leave open the possibility of other-regarding desires.[2] Does this mean that Hobbes is *not* a

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[2] Hampton, however, insists such desires can never provide the foundation for society. Benevolence and pity are "interactive" properties of persons (Hampton, 1986 p.8). In

psychological egoist? No. Following Gauthier, Hampton contends that Hobbes's account of vital motion provides us with an important clue.

Say for example that I, as a Hobbesian agent, am motivated by the desire to behave benevolently and this leads me to aid the destitute. Following from Hobbes's definition the object and content of my desire is other-regarding. But, writes Hampton, all desires for Hobbesian agents are produced by a "self-interested bodily mechanism" (Hampton, 1986 p.23). Human beings, on this view, are biologically programmed to pursue pleasure and avoid pain. Thus, the causal etiology behind my other-regarding desire to help the destitute is purely hedonistic-- I will either take pleasure in my own generosity or escape the pangs of guilt. While the content of my desires may not be egoistic the process through which they are generated is. As such, Hampton claims that Hobbes's desire-based psychology is logically inconsistent with any other sort of objective moral theory. The Hobbesian, she states, "can only act according to duty, not from duty-- indeed, he can only act from desire" (Hampton, 1986 p.32).

Keeping all of the above in mind, Hampton still nevertheless believes that Hobbes is offering a genuine moral theory, act-egoism, and to press her point, she turns to the distinction that Hobbes draws between real and apparent goods (Hampton, 1986 p.34). A real good is one which can be explained by making a correct reference to one's desires, i.e. what that individual desires when acting from a true belief. Hampton considers the example of someone who is ill and desires a cure. Should that person visit an herbalist or take an antibiotic? On one hand, if this person assumes that an herb will cure them they

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other words, they can only be acquired through social interaction with others and as such are not essential but contingent. Society is a condition for the possibility of benevolence and pity-- not the other way around.

are acting under a false belief and as such are only pursuing their apparent good. On the other, by taking an antibiotic they are acting from a true belief whereby their real good (the desire for health) can be achieved. Real goods are therefore higher order desires the satisfaction of which contributes to our self-preservation. Hampton labels this position 'true belief instrumentalism' and succinctly defines it as follows: "Any act is rational if it is one an individual would determine he should take to fulfill his present desires if he had true beliefs." (Hampton, 1986 p.36). People who fail to pursue their real good, that is who improperly pursue their own preservation, are in some sense 'sick' (Hampton, 1986 p.39). Their reasoning process is distorted-- by vainglory or some other unsavory passion --and thus they are incapable of grasping which actions will actually enhance their vital motion.

Thus, on this interpretation Hobbes espouses a thoroughgoing moral subjectivism There is no 'sunumm bonum' and as a result, Hampton argues, Hobbes's moral theory is incompatible with any objective ethical system-- from Aristotelianism to a natural law approach (Hampton, 1986 p.33). For Hobbes, the 'good' can be nothing more than whatever satisfies my desires and the 'right' is merely a handmaiden thereunto. What then of Hobbes's 'science of moral philosophy' as embodied in the Laws of Nature? Hampton writes that the Laws of Nature provide us with causal knowledge about the world by functioning as laws which dictate what actions must be undertaken in order for peace to occur. Peace is a good which all rational individuals hold in common because it is a necessary condition for self-preservation, it being where the "real and apparent good coincide", and anything which contributes to peace, such as traditionally virtuous behavior, must thereby be deemed a good as well (Hampton, 1986 p.46). Importantly, virtues such as charity and justice are not good in themselves but merely because engaging

in such types of behavior, in the appropriate context, tends to maximize an individual's long term self-interest. Or, as Hampton notes, "The Laws of Nature assert a causal connection between co-operative forms of behavior and self-preservation in so far as these forms of behavior effect peace" (Hampton, 1986 p.47).

Specifically, the Laws of Nature are best construed as a system of hypothetical imperatives which mandate the pursuit of real goods, indicating to us that if we desire X then we ought to do Y provided that others are doing Y as well (Hampton, 1986 p.90). Above all, cautions Hampton, one must always remember that Hobbes's Laws of Nature are consequentialist in form and prudential in intent. Any argument which purports to assert that these laws are somehow categorical in nature is conceptually flawed and inconsistent with the text. Nonetheless, Hobbes's subjective moral theory enables him to accomplish a great deal (Hampton, 1986 p.49-50). First, he is capable of explaining how moral principles such as 'keep your promises' can be shown to be true. Such principles, which fall out of the Laws of Nature, are true so long as they accurately state what actions will enhance one's chances of survival. Secondly, Hobbes now has a ready response to the 'why be moral' problem which so often vexes those who advocate an objective moral theory. We ought to be 'moral' in the traditional sense because behaving in such a way, so long as others do so as well, best serves our long term interests. Thirdly, a la Grotius, Hampton maintains that Hobbes's approach, while inherently subjective, is in fact anti-relativistic. She contends that Hobbes believes that he has identified a 'core' of principles which all individuals, regardless of culture, ought to follow because it is in their self-interest to do so. Lastly, through his subjectivism, Hobbes can explain how moral concepts refer. *Contra* the metaphysical morass which many ethical theorists find

themselves in when they make reference to purportedly objective phenomenon such as 'rightness', Hobbes merely has to point to our individually held desires and aversions.

Hampton devotes the rest of her discussion of Hobbes's moral theory to exposing as fraudulent the various 'deontological myths' which occasionally surround the latter's work. Such interpretations of Hobbes's moral theory have often relied on his definitions of 'right' and 'obligation'. Like Gauthier, Hampton purports to show that these concepts, despite being draped in ostensibly moral jargon, are at their core as egoistic as the rest of Hobbes's ethical philosophy. She correctly notes that Hobbes, at least in the state of nature, only understands rights as liberty rights-- that is a right is simply a privilege to act in a particular way but importantly does not extend to a claim on others to respect this right (Hampton, 1986 p.51). Thus, Hobbes purportedly severs rights from duties. When he argues that individuals have rights what he really means is that reason has determined that a particular act is necessary for accomplishing a desired end (Hampton, 1986 p.53). Symmetrically, the lack thereof entails that a potential act is contrary to the demands of rational prudence. Consequently, no deontological residue remains. .

Hampton also seeks to whittle Hobbes's concept of obligation down to its prudential base. *Prima facie*, Hobbes's view on the way in which obligations bind appears quite objective. He seems to be maintaining that when we enter into a contract we have renounced a liberty right which translates into us having a duty towards the individual with whom we have contracted. In turn, this individual could be said to have a claim right of performance over us which we must respect (Hampton, 1986 p.55). Hampton, however, dismisses this interpretation as grossly inconsistent with the text, contending that it is only plausible if one ignores Hobbes's response to the fool. Since this response consists solely in an appeal to the fool's long term rational self-interest Hampton

concludes that Hobbes shys away from any sort of objectively moral stance. Doing the right thing is ultimately doing the prudent thing-- a claim which Hampton attempts to buttress by invoking Hobbes's assertion that "No man can transferre or lay down his right to save himself from Death, wounds and imprisonment" (L 14, 29). This statement, on Hampton's reading, implies that for Hobbes "contractual obligations exist only in so far as it is in our interest to perform them" thereby rendering him an unflinching moral egoist.(Hampton, 1986 p.56).

Finally, Hampton is concerned to prove that a positivistic legal doctrine is logically entailed by Hobbes's moral subjectivism. Hobbes, on this view, is precluded from being a natural law theorist because the sovereign would then be under genuine moral constraints. But, based upon Hobbes's egoism, there are no such constraints and, indeed, part of the reason why the sovereign is instituted is to impose an objective, albeit entirely conventional, moral order. The sovereign does so through the imposition of civil laws which are to establish the parameters of morally permissible behavior (Hampton, 1986 p.107). Since any command of the sovereign, the argument runs, can count as a law and the laws themselves determine the full content of morality, there is no independent ethical standard through which we can judge the sovereign's actions. The sovereign is therefore beyond moral purview and legal positivism must hold sway.

C. Kavka. In *Hobbesian Moral and Political Philosophy* (1986) Gregory Kavka maintains that Hobbes's fundamental project is the reconciliation of morality with prudence-- a version of Ego-Hobbesianism which differs significantly, but only in degree and not in kind, from the views held by Gauthier and Hampton. First, Kavka rejects the notion that Hobbes is a psychological egoist, arguing that such a position is far too crude to be imputed to him. He must instead be cast as a predominant egoist-- one who accepts

the possibility of altruism but believes its occurrence to be quite rare and extremely restricted in scope. Secondly, Hobbes does espouse a genuine moral theory, rule egoism, whereby an act is deemed 'right' if it falls within the range of certain rules which are themselves justified by an appeal to rational self-interest. Nonetheless, these idiosyncrasies aside, Kavka must still be included in the ranks of Ego-Hobbesians since he clearly believes that Hobbes is both a moral subjectivist and a legal positivist.

Kavka begins with an elucidation of what he takes to be the fundamental structure underlying Hobbes's argument. Hobbes is described as a hypothetical social contract theorist-- one who believe that a social contract is a useful heuristic device to uncover our intuitions concerning the proper nature and role of government. The following schema is supposedly Hobbes's argument in a nutshell:

> 1) Certain social conditions C are undesirable.
> 2) People are X by nature.
> 3) A group of people that are X by nature will be in social conditions C unless they live under social arrangements Y.
> 4) Therefore, *ceteris paribus*, social arrangements should be of kind Y.
>
> (Kavka, 1986 p.32).

In the above, 'C' denotes the unceasing war which characterizes the state of nature, 'X' refers to our predominant egoism, death aversion, and rough equality of strength, while 'Y' designates the laws of nature requiring us to enter into a contract the enforcement of which is left to an absolute sovereign. For Kavka, Hobbes's basic strategy is to establish the soundness of his premises and then to convince the reader to accept the conclusion stated in (4).

Why does Kavka resist the ascription of psychological egoism to Hobbes? Kavka contends that psychological egoism rules out the following three types of actions: 1) self-

destructive, 2) altruistic and 3) moral (Kavka, 1986 p.42). He further writes that Hobbes allows for classes of actions which fall within the range of the first two categories: the vainglorious are certainly self-destructive and Hobbes's definitions of pity and benevolence leave open the possibility for altruistic endeavors.[3] Although Kavka believes that morally worthwhile action (in the sense being opposed to prudence) is still psychologically impossible for the Hobbesian individual, Hobbes's failure to satisfy the first two categories reduces the psychological egoist thesis to a non-starter.

Instead, Kavka invokes his concept of "predominant egoism" to explain Hobbes's pessimistic depiction of human motives and actions (Kavka, 1986 p.64). Predominant egoism asserts that human beings are so constituted that the self-interested motives of an individual normally override the altruistic ones. Specifically, this theory embodies four claims: (1) the "altruistic/personal loss" ratio required to insure that people behave altruistically needs to be quite large (Kavka, 1986 p.64-5), (2) while altruism is theoretically possible, the vast majority almost never engage in it, (3) the circumstances rarely arise where an individual's other-regarding tendencies are sufficient to override her self-interest, and (4) our altruistic desires are severely restricted in scope, being almost exclusively oriented towards close family and friends (Kavka, 1986 p.65). To Kavka, the value of such an interpretation lies in its ability to admit the possibility of altruistic motives (thus remaining true to the text) without committing Hobbes to any sort of objective ethical theory.

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[3]Hampton, one will recall, disputes this claim. She argues that the vainglorious are 'diseased' and as such their self-regarding bodily mechanism is not functioning properly. Altruism is also ruled out through her version of Hobbesian psychological egoism.

In line with Hampton and Gauthier, Kavka, although he proceeds to add his own gloss, also argues that one of the primary sources of conflict in the Hobbes's state of nature is the lack of an objective standard of good and evil. For Hobbes, Kavka maintains, good and evil function as relational concepts-- they do "not apply to objects and states of affairs in themselves but to them as they stand in relation to certain people and their desires" (Kavka, 1986 p.293). In society, the sovereign prevents conflict by setting down common principles of evaluation but, in the state of nature, individuals freely choose their own evaluative standards and view objects as good or evil based upon their subjective preferences and desires. Importantly, Kavka claims, our subjective preferences only lead us to clash when we disagree concerning the relative worth of a particular state of affairs. Disagreements over the value of particular objects will not produce conflict (it is when we both agree that an object is good-- i.e. we both desire an object but only one of us can possess it-- that hostility ensues). If I think object Y is 'good' and you do not then I alone desire object Y and therefore, differences of opinion concerning the worth of particular objects are not, by and large, troublesome. Hence, it is disagreements over the value of states of affairs which actually yield the interpersonal struggle found in the state of nature. If you and I disagree over whether or not state of affairs X is good then conflict between us is likely to spring up because it is in my interest to seek the realization of this state of affairs while it is in your interest to thwart my efforts (Kavka, 1986 p.296).

Kavka stretches the limits of Ego-Hobbesianism, and distances himself furthest from Gauthier and Hampton, when he articulates his reading of Hobbes's moral theory. On this view, Hobbes's moral theory has two distinct purposes: first, it explains why people tend to look upon certain types of actions as virtuous, and second, Hobbes, through his moral theory, is seeking to explain how predominant egoists can be induced to

engage in such actions. That is, Hobbes wants to harmonize the relationship between morality and prudence (Kavka, 1986 p.340). Both tasks can be accomplished by an appeal to 'right reason'. Right reason sets down certain rules-- the Laws of Nature-- which Kavka argues must be interpreted as "moral ought principles" (Kavka, p.309). These rules, justified by an appeal to one's overall best interests, mandate the types of behavior which people ought and ought not engage in. Hobbes is therefore best understood as espousing 'rule egoism'. Ultimately, these rules must have their practical basis in rational prudence or they will otherwise be devoid of motivational force.[4]

On Kavka's account, Hobbes's Laws of Nature have a two part conceptual structure. The first component of a particular law of nature requires us to engage in behavior that has traditionally been taken to be virtuous. In turn, this is always qualified by an implicit reciprocity requirement common to all the laws of nature-- namely, no agent can reasonably be expected to adhere to these laws so long as others choose not to do so. The Laws of Nature thus take the following form: 'Do X, provided that others are doing X as well.' (Kavka, 1986 p.344). This formula accomplishes the crucial task of insuring that warranted defensive violations of these laws is universally permissible while offensive violations remain strictly forbidden. Hobbes's Negative Golden Rule also has a role to play-- it provides a simple synopsis of the moral behavior contained in the natural laws' primary components (Kavka, 1986 pp.347-8).

Kavka now turns to an analysis of rule egoism proper. Rule egoism is a consequentialist moral theory and, as is well known, any such theory determines the

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[4]One will recall that even though Kavka believes that the Hobbesian agent can act altruistically and self-destructively, Hobbes's psychology forbids his being motivated morally. Hence, the role of prudence in Hobbes's moral system.

morality of an action by looking to its consequences. Succinctly, right acts are those which are instrumental in generating a beneficial outcome. When the worth of the outcome in question is assigned on the basis of the well being of particular individuals, such a theory is said to be egoistic in nature. It is, further, a version of *rule egoism* if it justifies particular acts by an appeal to certain principles which in turn are themselves grounded upon an appeal to a prudential meta-rule. According to Kavka, Hobbes's Laws of Nature comprise a set of 'rule egoistic principles' which receive their justificatory force by falling within the scope of the following egoistic meta-rule:

> Each agent should attempt always to follow that set of general rules of conduct whose acceptance (and sincere attempt to follow) by him on all occasions would produce the best (expected) outcomes for him (Kavka, 1986 p.358-9).

. Kavka believes that ascribing rule egoism to Hobbes has several advantages over rival accounts. First, it eludes the motivational difficulties, purportedly inherent in any non-standard interpretation, since, by ultimately appealing to people's long term self-interest, rule egoism can sufficiently induce predominant egoists to toe the 'moral' line. Furthermore, a rule egoistic theory avoids the pitfalls inherent in act-egoism. An act egoistic interpretation of Hobbes's moral theory, such as Hampton's, is much too weak to do the work that must be done if the goals of Hobbes's philosophy of politics are to be realized. Such a moral theory can in no way condemn free riding and, moreover, a great deal of prudential calculations must be undertaken before an agent is able to act (or at least can be said to act rationally) (Kavka, 1986 p.365). Kavka here is relying on a common criticism which is often deployed by rule utilitarians against act utilitarians. Calculating the consequences of our actions on a case by case basis rather than relying on

a set of moral rules is simply too time consuming. Moral decisions of this sort would never get made.

What of Gauthier's 'problem of reason' discussed above? *Contra* Gauthier (and to a lesser extent Hampton), on this reading the Laws of Nature are stringent moral claims which prohibit offensive violations even if such agents believed that these violations would further their interests (Kavka, 1986 p.368). The idea is that adhering to such rules maximizes our overall long term self-interest even if, in particular situations, breaking them would lead to short term gain. Adherence to the Laws of Nature, Kavka contends, will always be worthwhile to the predominant egoist for three reasons. First, these rules lead to "mutually beneficial relations" with other individuals (Kavka, 1986 p.383). Second, they pave the way for us to engage in restricted altruism towards close friends and family. Third, relying on the Laws of Nature enables us to avoid the pangs of conscious associated with unscrupulous behavior. Ultimately, Kavka writes, a rule egoistic moral theory is essential to Hobbes if the latter is to insure that individuals with a predominantly egoistic psychology will be sufficiently motivated to engage in behavior of a traditionally moral kind. The respective demands of morality and prudence will thereby be reconciled.

Lastly, Kavka's view of Hobbes's legal theory is typical of Ego-Hobbesianism. The ascription of the doctrine of legal positivism to Hobbes is taken as a "given" (Kavka, 1986 p.249). The sovereign, through its commands, is the ultimate authority of right and wrong in society, bound only to observe the Laws of Nature for thoroughly prudential reasons. What Kavka is primarily interested in is Hobbes's "mutual containment thesis" (Ibid.). In Chapter 26 of *Leviathan* Hobbes argues that the civil and natural "contain each other" (L. 26 8). The meaning of stating that the civil laws are contained in the natural

laws is quite clear according to Kavka; the natural laws require that we obey any civil law issued by the sovereign. The other half of this thesis-- that the civil laws contain the natural laws-- is not so clear. In other words, Hobbes's purported legal positivism appears to imply that a sovereign command would still be law even if it conflicted with natural law. Kavka attempts to resolve this apparent inconsistency, on the part of Hobbes, by arguing that the civil laws contain the natural laws in all "satisfactory States" (Kavka, 1986 p.250). That is, before entering into a social contract predominant egoists would demand the inclusion of the natural laws in the civil constitution since these laws lead to the maximization of long term self-interest for all parties. Kavka, however, leaves the question open as to what the citizen's options are if the sovereign does in fact institute a law which contradicts the Laws of Nature. In Chapter IX below, arguments are proffered which demonstrate that a better strategy is to reevaluate Hobbes's supposed commitment to legal positivism

In sum, Ego-Hobbesianism is not a monolithic structure-- subtle and not so subtle differences obtain amongst the theorists involved. Gauthier argues that Hobbes is an uncompromising psychological egoist providing his readers with a descriptive theory about what humans are like and not, normatively speaking, what they ought to do. In such a theory, morality has no place. Hampton, although agreeing with Gauthier that Hobbes subscribes to psychological egoism, also claims that Hobbes does indeed put forth a subjective consequentialist moral theory-- act egoism. Lastly, Kavka distinguishes himself by contending that Hobbes's psychology is predominantly rather than purely egoistic and further, that this state of affairs leaves enough logical room for ascribing a relatively strong moral theory to Hobbes, rule egoism. Regardless of their differences, which are much more a matter of degree than of kind, each of these interpreters would agree that Hobbes

is an avowed moral subjectivist and consequently a legal positivist. Any other interpretation, such as the Taylor-Warrender thesis (to be discussed in the next chapter), is simply unfounded-- a result of wishful thinking rather than hard textual evidence.

Chapter II. The Taylor-Warrender Thesis

A little over half a century ago A.E. Taylor published his controversial article "The Ethical Doctrine of Hobbes" (1938) and some years later, Howard Warrender followed suit with his equally disquieting, from the point of view of traditional Hobbes scholars, work *The Political Philosophy of Hobbes* (1957). Both men were subsequently viewed as heretics by traditionalists, the source of their alleged heresy lying in the fact that each resists ascribing a subjectivist moral position to Hobbes. On their interpretation, Hobbes adopts an objective moral stance in the guise of a Divine Command theory-- a position not without textual support, particularly at the end of Chapter XV of *Leviathan* where Hobbes raises a purported difficulty with the supposed 'law like' status of the Laws of Nature. To wit:

> These dictates of Reason, men use to call by the name of Lawes; but improperly: for they are but Conclusions, or Theorems...whereas Law, properly is the word of him, that by right hath command over others. But yet if we consider the same Theoremes, *as delivered in the word of God*, that by right commandeth all things; then they are properly called Lawes (my emphasis) (L 15, 41).

Specifically, both Taylor and Warrender interpret this passage to mean that Hobbes's Laws of Nature can *only* be considered morally binding upon one and all if they are taken to be the divine commands of God. The Deity, on this reading, also plays an important role in Hobbes's political philosophy since only God's "irresistible power" can ultimately account for the obligatory nature of the original contract (L 31, 4). The present chapter is divided into four sections: the first two sections provide a detailed summary, along with specific criticisms, of Taylor's and Warrender's respective positions, the third section canvasses general criticisms against ascribing a thorough going moral theism to Hobbes,

while the final section concerns itself with the role of religion in Hobbes's moral and political philosophy.

A. Taylor. To establish that Hobbes is a Divine Command theorist Taylor proffers a pair of related claims. First, Hobbes's ethics and his psychology must be conceived as two logically distinct systems-- in other words, Hobbes's theory of morality must be sharply distinguished from his theory of motivation and intentional action. Second, our duty to obey civil law is traced back to the laws of nature which function as a binding set of divine imperatives (Taylor, 1938 p.46). Any other reading, Taylor contends, fails to respect the inherent strength of Hobbes's concept of obligation.

To substantiate the prior assertion Taylor argues that Hobbes is engaged in two very distinct projects: on one hand, Hobbes wants to spell out what it means to be a good citizen, and on the other, he is also anxious to provide an account of how self-interested individuals can be motivated to engage in what has traditionally been considered 'virtuous' behavior (Taylor, 1938 p.36). The latter endeavor, according to Taylor, is subsumed under Hobbes's egoistic psychology-- human nature being what it is, naturally selfish individuals, unless properly swayed, will routinely break their word if doing so is to their perceived advantage. Thus, it is a fact of Hobbesian psychology that keeping one's word is closely connected to long term self-interest considerations. Yet, Taylor maintains, the former project is intimately intertwined with Hobbes's moral theory and has little, if anything , to do with his psychology. Indeed, the respective ends of the two projects are ultimately inconsistent with one another since Taylor insists that Hobbes is a deontologist, but the logical distinctness of Hobbes's ethics from his psychology precludes such an inconsistency from causing any undue difficulties. As Taylor writes, "Hobbes's ethical

doctrine proper, disengaged from an egoistic psychology with which it has no logically necessary connection, is a very strict deontology..." (Taylor, 1938 p.37).

In arguing for this interpretation, Taylor cites a great deal of textual evidence, making special reference to Hobbes's conception of a just person (i.e. an individual who keeps his or her word simply because that is what the Laws of Nature require) and his notion of moral intentionality (i.e. morality does not simply prescribe right action but right prior intention as well). Taylor is also particularly enamored of Hobbes's distinction between injustice and iniquity (Taylor, 1938 p.37). On one hand, injustice, as a violation of civil law, only exists once the institution of the sovereign is complete, while on the other, iniquity is defined as any violation of the moral law (i.e.. the Laws of Nature) and as such can occur both within and outside of the state of nature. Taylor argues that Hobbes's reliance on this distinction means that the Laws of Nature and not the sovereign function as the source of moral obligation. Therefore, the reason why one ought to be a good citizen and obey the sovereign is because one has given one's word, the failure to do so being an iniquitous transgression of the moral law-- a state of affairs which certainly gestures in the direction of deontology.

Taylor's second claim, one will recall, is that the Laws of Nature are obligatory due to their status as divine commands. For Hobbes, on this reading, "the natural law is the command of God, and to be obeyed *because* it is God's command" (Taylor, 1938 p.45; author's emphasis). On this interpretation, such divinely delivered dictates serve as the backbone of both Hobbes's deontology and his concept of political obligation, functioning as necessary and sufficient conditions for being obliged. Indeed, argues Taylor, unless the Laws of Nature are cast as such the original contract carries no weight. Our obligation to obey the original contract is stated in the third law of nature which itself

is only obligatory--i.e. an actual law-- if it is understood as a direct command of God.[1] Thus, Hobbes's theism plays a crucial explanatory role in both his moral and political philosophy (Taylor, 1938 p.46). Taylor is also at pains to show that reading Hobbes as a Divine Command theorist entails that the sovereign's power is not unlimited; the sovereign is as morally beholden to the Laws of Nature as anyone else since even the sovereign must answer to God's "irresistible power" (Taylor, 1938 p.42).

B. Warrender. Although he shares with Taylor the opinion that Hobbes is a Divine Command theorist, Warrender resists detaching Hobbes's ethics from his psychology. Such a move, he argues, will only work if the Hobbesian agent can be understood to have the capacity to act out of respect for the law. Unfortunately, any attempt to invoke this capacity "appears to be precluded by (Hobbes's) whole account of motivation and the human will , and the role he gives to reason in this account" (Warrender, 1957 p.87). And, indeed, Ego-Hobbesians have developed a robust line of criticism along similar lines. Thomas Nagel (1959) objects that if one seeks to divorce Hobbes's psychology from his ethics one renders the overall theory explanatorily impotent (Nagel, 1959 pp.74-75). For Hobbes, the argument runs, reason is inert-- the only way we can be moved to action is through desire and desire is squarely located in the domain of psychology. And herein lies the difficulty: if a sharp logical distinction is drawn between Hobbes's psychology and his ethics then there is no way that Taylor can explain how the Hobbesian agent can be motivated to act morally. Hobbes's moral concepts lose all practical force. They become little more than epiphenomenal qualia-- a window dresser's attempt at saving the appearances, as it were --and play no substantial role in Hobbes's

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[1]To support this view Taylor cites the last paragraph of Chapter XV of *Leviathan* which is quoted at length on p.29 above.

philosophy of action. Hampton, following Nagel, notes that as such "morality becomes an intellectual exercise devoid of motivational force" (Hampton, 1986 p.32)

To avoid this quagmire, Warrender adopts a different tack. His strategy is to draw a sharp distinction between the grounds of Hobbes's concept of obligation and the validating conditions thereof (Warrender, 1957 p.14). On Warrender's reading, particular actions, such as those dictated by Hobbes's Laws of Nature, are obligatory because they are willed by God, and the divine will, therefore, is the ultimate ground of moral obligation for Hobbes. Nonetheless, the continued bindingness of an obligation depends upon certain validating conditions, e.g. sufficient security, the sanity of the agent, compatibility with the demands of prudence, etc., derived from Hobbes's implicit reliance on the principle 'ought implies can' (Warrender, 1957 p.23). Hobbes's psychology being what it is, a Hobbesian individual ought to adhere to the demands of rational prudence because, psychologically speaking, that is all he can do. Hence, in claiming that self-interest simply validates rather than grounds our moral obligations Warrender believes that he has successfully eluded the motivational morass implicit in Taylor's account.

Warrender proceeds by taking exception to the traditional interpretation whereby the state of nature is conceived of as a "moral vacuum" (Warrender, 1957 p.26). Not only are covenants purportedly invalid in our natural, pre-societal state, but their very existence is supposedly rendered impossible. Why? Due to their conventional nature, moral obligations can only exist if created and enforced by an absolute sovereign, and since the state of nature is devoid of such an institution, one can readily deduce that the concept of moral obligation therein has no place. In finding this position incoherent, Warrender charges its advocates with inadvertently sliding from "the proposition that there are no valid covenants in the State of Nature to the proposition that there is no obligation to

keep valid covenants in the State of Nature" (Warrender, 1957 p.41). Warrender counters that obligations are derived from the Laws of Nature, as Divine imperatives, and not from sovereign fiat. Again, reminiscent of Taylor, this must be so because the source of our obligation to obey the original contract cannot be the sovereign since this contract creates the very institution in question-- any attempt to paint a purely conventionalist picture of the obligatoriness of the original contract simply begs the question. The sovereign, in simply providing sufficient security to the contracting parties, functions solely as a validating condition of obligation, and never as the ground thereof.

Thus, Warrender contends, for Hobbes, obligations *can and do* exist in the state of nature. The problem is that the incessant strife therein oft times precludes the presence of the requisite validating conditions. As such, obligations in the state of nature have a high probability of being "suspended" rather than "operative" (Warrender, 1957 p.26). An obligation is suspended when it's ground-- i.e. God's will --is present but its necessary validating condition-- i.e. sufficient security --is not. Warrender argues that this distinction is the source of Hobbes's contrast between the *in foro interno* and *in foro externo* obligatoriness of the Laws of Nature. In our natural state the Laws of Nat ure only bind *in foro interno*; i.e. we realize, through the use of reason, that God commands us to endeavor their fulfillment. Based upon the principle of 'ought implies can' we can only consistently act on these laws *in foro externo* once sufficient security measures, in the form of a sovereign, have been provided.

Warrender also offers a unique interpretation of Hobbes's Laws of Nature. Specifically, he asserts that for Hobbes the validity of a law derives from two basic conditions: both the law itself, and the author thereof, must be cognitively accessible to the subject (Warrender, 1957 p.72). Based upon these conditions, Warrender argues, the

Laws of Nature can only be actual laws if one grants their divine origin-- even though these laws are discovered through reason, the argument runs, to be fully binding we must also be acquainted with their author, namely, God. To buttress this claim Warrender relies on the passage from *Leviathan* cited at the beginning of this chapter. Moreover, the Laws of Nature themselves are not to be equated with mere prudential precepts of self-preservation, but must be construed as bona fide moral rules which enjoin us to preserve both ourselves *and* others. As Warrender states, "The Laws of Nature are concerned with the preservation of men in general" and must not be conflated with "maxims of personal success" (Warrender, 1957 p.275).

Importantly, a practical condition to ensure the validity of a law is also necessary: succinctly, for a law to be valid it must fall within the prudentially circumscribed range of possible human motives. Unlike Kant, Warrender contends, Hobbes cannot rely on the concept of duty alone to move us to act. Reason, although it enables us to discern the Laws of Nature, still plays a thoroughly instrumental role in Hobbes's philosophy of mind, since it is exclusively concerned with means never with ends (Warrender, 1957 p.208). Therefore, human beings require the presence of a motivating passion/desire (e.g. the fear of death or the desire for commodious living) if action is to occur. Crucially, since Warrender deems Hobbesian desires as necessarily self-regarding, he is forced to admit that "all obligations must at least be capable of being regarded by the individual as in his own best interest" (Warrender, 1957 p.209). Consequently, self-interest is a validating condition of both obligation and all laws pertaining thereunto. Again, however, Warrender cautions that God alone functions as obligation's sole ground since only on the basis of heavenly fiat can the Laws of Nature acquire the status of genuine laws (i.e. commands which one is required to obey).

As such, it is the Deity who effects Hobbes's much sought after reconciliation between morality and prudence. God's commands, as instantiated by the Laws of Nature, exhaust the content of Hobbes's moral theory but not the role of God in Hobbes's practical philosophy. God, as not only divine legislator but also as divine judge, can readily motivate adherence to the Laws of Nature on the part of decidedly selfish individuals. On one hand, obedience to the Laws of Nature, in combination with sincere faith, provides the key to heaven's gate, while on the other, intentional disobedience may well result in eternal ruin. Therefore, the "lure of salvation" combined with the fear of divine wrath creates a situation whereby everyone's long term interest, the sovereign's included, is best served by following the Laws of Nature (Warrender, 1957 p.276). As Warrender states, for Hobbes, "duty is based on self-interest, in that the reason why men ought to do their duty is that it is associated with a system of divine rewards and punishments" (Warrender, 1957 p.289). Without God, Hobbes's system is devoid of practical import and therefore secular interpretations are bound to completely miss the mark.

Warrender's well crafted account, however, is not immune from difficulties. Clearly, in not divorcing Hobbes's moral theory from his psychology Warrender has avoided the problems raised concerning Taylor's interpretation. Yet, wedding morality so tightly to prudence, as Warrender does with Hobbes, leads to some rather unsavory results if considered with moral objectivity in mind. Warrender's account eliminates the possibility of conflict between duty and interest by rendering such conflicts illusory. Unfortunately, however, the potential for these clashes has traditionally been the hallmark of any moral theory which purports to be objective-- Aristotelians, natural law theorists, utilitarians and of course Kantians all agree that morality often requires us to engage in actions (e.g. promise keeping) which may not be to our own advantage. As Gauthier

notes, "For a sincere deontology to exist what is morally reasonable and what is advantageous cannot completely coincide" (Gauthier, 1969 p.97). Thus, for an ethical theory to be deemed objective in any meaningful sense, the demands of morality must, on occasion, conflict with and override the demands of prudence.

And this observation is one with which Warrender's interpretation cannot remain at ease. Warrender wants to have his cake and eat it too-- he accepts the thesis that Hobbes is an uncompromising psychological egoist and yet still desires to ascribe an objective moral theory thereunto. As such, Warrender faces a dilemma-- either he must admit that morality and prudence do not always see eye to eye in Hobbes's works, thereby leaving himself open to the withering attacks leveled against Taylor, or he must resign himself to viewing Hobbes as a moral subjectivist whose psychology is simply incompatible with any sort of objectivity in morals. Moreover, if Warrender pursues the latter course, then the role of God in Hobbes's moral and political philosophy becomes superfluous: appeals to individual self-interest are more than sufficient (Gauthier, 1969 p.92).[2] Thus, although brilliantly argued, the overall success of Warrender's project is at best moot.

C. General Criticism of the Taylor-Warrender Thesis. A preliminary problem with the theological approach to Hobbes's moral theory discussed above is that atheists are not bound to observe the Laws of Nature. The argument for this claim runs as follows. The Laws of Nature bind men to obedience because they are the commands of God. Atheists, however, do not recognize God's existence and hence His authority. Therefore, God's commands cannot bind atheists. Warrender succinctly summarizes his position when he argues that in Hobbes's system, for atheists, "natural law is no law, and imposes

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[2]Notwithstanding the instrumental roles which Warrender assigns to divine salvation and damnation.

no obligations" (Warrender, 1957 p.83). And Hobbes himself seems to point in this direction when he dismisses atheists as "enemies" rather than "subjects" of God (DC 15, 2) (L 31, 2).

Thus, if in fact atheists are not bound by the Laws of Nature, then Taylor and Warrender have gone a long way towards showing that Hobbes intended his moral theory to be taken as a set of Divine Commands and secular interpretations of Hobbes will suffer accordingly. Nonetheless, textual evidence can also be cited whereby this argument loses much of its force. First, in his discussion of who is and is not bound to observe the Laws of Nature-- i.e. those individuals who have recourse to "total excuses"-- Hobbes excludes only children and the insane (L 27, 23). These individuals are removed from the natural law's purview due to their lack of reason. To wit, "For the Law whereof a man has no means to inform himself, is not obligatory." (ibid). Notably, Hobbes does not excuse atheists-- since presumably atheists have the requisite amount of reason to grasp natural law. Indeed, imagine a society consisting solely of atheists. Would Hobbes allow that the Laws of Nature, even though "eternal and immutable", do not in any way bind said individuals (L 15, 38)? No textual evidence suggests such a conclusion.

Atheists, however, are not bound by what Hobbes terms "divine positive laws" (L 26, 39). Such laws are the commands of God directed to a particular people (e.g. the Israelites) and are revealed to them through their sacred texts. Atheists do not recognize the authority of these texts and therefore the laws embodied in them are meaningless a non-sectarian perspective. Nevertheless, simply because atheists repudiate a set of divine positive laws it in no way precludes their falling under the scope of Hobbesian natural law. As Hobbes writes "Unbelief is not a breach of any of his Lawes; but a rejection of them all, except the Laws Naturall" (L 26, 40). Again, the Laws of Nature are grasped

through reason, a secular avenue, and anyone who can reason rightly is bound to obey them. Atheists are, however, derided as 'fools'.[3] They are not guilty of injustice, that is of transgressing the Laws of Nature, but rather of "imprudence" (DC 14, 19, n.). In other words, in failing to acknowledge the existence of God atheists have cost themselves a chance at salvation which can only be achieved by sincere faith and continuos obedience. One must accept Christ as one's savior and one must obey the law because it is the law (EL 25, 10)(DC 17, 2)(L 43, 3). Where atheists are of necessity lacking is in the area of faith, yet this lack of faith in no way undercuts the bindingness of natural law.

What of Hobbes's contention "But yet if we consider the same Theoremes (i.e. the Laws of Nature), as delivered in the word of God, that by right commandeth all things; then are they properly called laws" (L 15, 41)? It clearly lends itself to a Divine Command interpretation of Hobbes's ethics and, as noted, it is invoked by both Taylor and Warrender as the primary textual evidence in favor of their position. On closer inspection, however, the meaning of this passage does not appear to straightforwardly require a theological approach to Hobbes. He does not seem to be implying, as Taylor takes him to be, that "the natural law is the command of God, and to be obeyed *because* it is God's command" (Taylor, 1938 p.45). A different reading, in the form of a hypothetical statement, presents itself. Hobbes does not maintain that 'The Laws of Nature are the commands of God', but he instead implicitly states that 'If the Laws of Nature are considered within a religious context, then they can be taken to be the commands of God'. Hobbes, as I argue below in Section D, is intent upon short-circuiting any sort of religious objections to complying with the Laws of Nature. He is maintaining that the Laws of

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[3]Importantly, Hobbes does not describe atheists as 'natural fools'-- i.e. those, who through some sort of cognitive deficit, cannot attain the use of reason.

Nature bind everyone fast-- including those who view the world from a strictly theological perspective. As Kavka indicates, Hobbes is seeking to insure that the "demands of religion and morality coincide" (Kavka, 1986 p.362).

This reading is further buttressed by the fact that throughout Hobbes's works the discussion of fundamental moral concepts such as duty, right, obligation, law, etc. tend to occur without God receiving nary a mention. If Hobbes were a committed Divine Command theorist one would expect him to invoke the Deity at every turn-- especially where his moral theory is concerned. The fact that at such crucial moments Hobbes remains silent on the issue is quite telling. Moreover, Hobbes's moral epistemology points in a very secular direction-- the Laws of Nature are discovered through reason not revelation. Only reason can provide us with true and certain knowledge-- i.e. "whereas nothing is produced by reasoning aright, but generall, eternall, and immutable Truth." (L 46, 2). In contrast, revelation does not yield philosophical knowledge proper since religious beliefs, by definition, cannot be directly acquired through the rational thought process (L 46, 4). As such, since Hobbes views morality as a "science" (i.e. a systematic body of philosophical truths) revelation can never be the source of moral knowledge (L 15, 40). Thus, the soundness of moral principles drawn from revelation rather than reason is always open to question.

D. The Role of Religion in Hobbes's Moral and Political Philosophy. Clearly, Hobbes attached a great deal of importance to religious matters, as evidenced by the fact that the second two books of *Leviathan*, as well as copious amounts of text in both *The Elements of Law* and *De Cive* are devoted to the subject. Thus, it behooves any interpretation of Hobbes to investigate, at least briefly, the role of religion in his philosophical system. In this section I argue that God occupies a significant position in

Hobbes's metaphysics and nowhere does Hobbes deny, implicitly or directly, the existence of a Divine being. But, as one may have gathered, I in no way intend to support any theistic interpretation of Hobbes's moral and political philosophy.[4] On the contrary, I maintain that Hobbes's lengthy exegesis on religious affairs, particularly scripture, serves essentially two pressing political purposes. First, Hobbes is at great pains to show that his moral theory, as embodied in the Laws of Nature, and the ethical requirements of Christianity, as set down in the Old and New Testament, are compatible with one another. In other words, there is no religious basis for civil disobedience within a society so long as the Laws of Nature are recognized and enforced. Second, a properly disseminated state religion provides the sovereign with a powerful heuristic device to maintain public order and thereby drastically decrease the risk of civil war.

To begin, Hobbes is most certainly not an atheist-- as stated, the Deity plays a crucial role in Hobbes's metaphysics, particularly his strict causal determinism. On this theory, as is well known, every effect has a prior cause and these causes are in turn the effects of still prior causes, and so on. In order to avoid the intellectual unpalatability of an infinite regress God is posited as First Cause (DC 15, 14) (L 12, 6) (L 21, 4). Importantly, God's nature is "incomprehensible" (although Hobbes pays the standard compliments in describing God as omnipotent, merciful, eternal, etc.) and thus His existence cannot be directly known but rather must be inferred (L 12, 7). Hobbes's contemporaries often charged their opponent with atheism and this has lead to some confusion among modern commentators. As Martinich notes, in the seventeenth century,

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[4]In proffering such a position I broadly agree with Strauss's contention that "Hobbes with double intention becomes an interpreter of the Bible, in the first place to make use of the authority of the Scriptures for his own theory, and next and particularly to shake the authority of the Scriptures themselves" (Strauss, 1936 p.71).

the cognitive meaning which we now attach to atheism-- the denial of the existence of God -- was not often fit by its criterion of application (Martinich, 1995 p.32). Individuals were often accused of being atheists if the logical consequences of the philosophical principles which they held led to the denial of God and Hobbes, due to his uncompromising materialism, often fell into this category. Hobbes, however, adopts an opposing tack, sure to stick in the craw of Cartesians, but still theistic in intent. He claims that if God exists (which He does as First Cause), then God must be a body. The term 'substance' only has meaning if it refers to corporeal entities; "Immaterial substance" therefore being a contradiction in terms (L 5, 5). Thus, although Hobbes's position strikes those steeped in the traditional dualistic assumptions of Western religious thought as peculiar, it in no way commits him to atheism.[5]

Turning to moral matters, one is immediately struck by the fact that Hobbes frequently depicts the Laws of Nature as "divine" and as the "eternal laws of God" (EL 18, 1)(DC 4, 1)(L 26, 24). What motivates him to draw such a connection? Clearly, as stated in the previous section, there are valid reasons to believe that Hobbes is *not* offering a Divine Command theory of ethics. A more plausible interpretation is to view Hobbes's close identification of the Laws of Nature with 'God's Laws' as a means by which he can demonstrate that his version of natural law, although derived through reason, is completely compatible with the moral requirements of Christianity. The textual layout of both *The Elements of Law* and *De Cive* provide ample support for this view. In both works, immediately following his discussion of Laws of Nature , Hobbes provides a

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[5]At this point metaphysics bleeds into politics for Hobbes. As Shapin and Schaffer note, Hobbes's materialistic ontology, unlike a dualistic approach, cannot be employed to terrify men into subversion through "the feare of Spirits" (L 18, 16). Materialism thus does not lead to atheism and moreover contributes to civil peace (Shapin and Schaffer,1985 p.92).

chapter which issues a detailed scriptural 'confirmation' of his formulation of natural law. (EL 18, 1-12)(DC 4, 1-24). Since the Laws of Nature function as the 'science of morality' they "ought therefore *to agree with or not be repugnant to the word of God* as revealed in Holy Scripture" (EL 18, 1; my emphasis). Importantly, each natural law, in either work, is supported by a relevant piece of scripture-- Hobbes lists numerous biblical citations which purportedly locate the moral law in reason, show that the moral law is immune to change, require us to keep our covenants, and demand that each recognize his natural equality with others, etc.. Indeed, Hobbes ventures so far as to declare that the Laws of Nature are merely the "moral law taught by the Savior himself" (EL 25, 11). Also, Hobbes is keen to argue that Christ actually introduced no new laws but rather enjoined us to adhere to those laws which are "written in every man's own heart" (L 42, 36). In *Leviathan*, Hobbes forgoes offering scriptural support for each law of nature but he nonetheless identifies natural law with biblical law throughout the latter half of the text (L 26, 24 & 39) (L 33, 1).

Again, Hobbes is not offering a purely religious justification of his moral theory as embodied in the Laws of Nature. These laws are discovered through reason, not revelation and in Hobbes's three major texts on ethics, the primary justificatory work for accepting the Laws of Nature as genuine moral principles is accomplished by the NGR-- 'Do not that to another which thou would not have done to thyself' (EL 17, 9)(DC 3, 26) (L 15, 35). So long as a personal principle of conduct falls within the NGR's purview it can be construed as a law of nature, while the NGR, in turn, is justified by an appeal to 'right reason'. Thus, on one hand, at best, invocations of scripture "rhetorically rationalize", rather than justify, the Laws of Nature; especially if one is confronted, as Hobbes was, with a primarily Christian audience (Farr, 1990 p.177). On the other, a plausible

interpretation of Hobbes's constant linkage of natural with divine law would be that he is seeking to preclude any possible objection to his version of the Laws of Nature on religious grounds-- i.e. that following these laws could result in one's damnation. Hobbes counters these potentially incendiary criticisms by tailoring his doctrine of salvation, as previously noted, to include two things: first, faith in Christ and second, obedience to the Laws of Nature (EL 25, 10)(DC 17, 2)(L 43, 3). Indeed, in *Leviathan*, Hobbes declares that the most single most worthwhile way to worship the Creator is to follow those laws which right reason reveals to us (L 31, 36). Therefore, regardless of one's sect, if one wants to be 'saved', one must adhere to Hobbesian natural law. And furthermore, even within a religious context, the Laws of Nature apply to everyone-- whether Papist or Presbyterian.

From a political perspective, Hobbes's identification of natural and divine law provides the civil sovereign with a powerful tool to instill obedience in its subjects. He again resorts to scriptural citations but this time to lend religious support to his arguments for the absoluteness of sovereign power (EL 25, 4)(DC 11, 6)(L 20, 16-17). Furthermore, Hobbes ingeniously argues that since divine law is nothing more than natural law in a different context and that the natural law requires us to obey civil law, then we must, for religious reasons, obey civil law as well, the end result being that religious justifications of civil disobedience are short circuited (L 43, 5). Moreover, civil sovereigns now become "immediate rulers of the Church under Christ" since only the sovereign has legislative power (EL 26, 10). The separation of church and state need not be invoked, and the sovereign has complete interpretive authority with regard to religious texts as the sovereign's word, becomes, for all intents and purposes, the word of God (DC 17, 17)(L 33, 1). Henceforth, heretics "are none but private men, that stubbornly defend some

Doctrine, prohibited by their lawfull Soveraigns" (L 42, 119). To modern ears, such a position may sound grotesquely authoritarian. But for Hobbes-- who witnessed the constant vying for power amongst Anabaptists, Millenarians, Irish, Scottish, and English Catholics , Puritans and Anglicans, to name only a few-- the secular domination of spiritual authority represented the only way to avert civil war (B p.3). Otherwise, "it would be impossible that peace and religion should stand together" (EL 26, 10). What is interesting about Hobbes's approach is that such domination can be justified on religious grounds through his identification of natural and divine law.

To conclude, excluding Hobbes's metaphysics, religion plays a heuristic rather than a justificatory role in Hobbes's philosophical system. While Hobbes's moral theory must, for practical purposes, be compatible with the prevailing religious scruples of his day, the content of this theory is derived through the secular vehicle of reason. On the political front religion offers the sovereign a valuable tool to insure obedience and prevent civil war. Cast in such an instrumental role, Hobbes's theology cannot do the requisite work for Taylor and Warrender's account to go through. Indeed, in a system where all religious teachings boil down to sovereign fiat there is no longer the logical space available wherein to house a theory of moral objectivity. In such a context, the concept of divine command becomes so impoverished that it does nothing but validate the subjective whims of the sovereign. So, if Hobbes is to be interpreted as offering an objective science of morals, the Taylor-Warrender thesis must be rejected.

Chapter III. Hobbes and Method

The purpose of philosophy, according to Hobbes, is the production of knowledge. Such knowledge is not merely intrinsically valuable; philosophical labor is not some sort of whimsical abstract diversion or a means to satisfy our intellectual vanity for "the end of knowledge is power" (DeC 1, 11). In order to survive we must be able to control and understand our environment. Knowledge for Hobbes is causal in nature-- it involves grasping what causes lead to what effects. Thus, if we desire peace, such a state of affairs will be impossible to attain unless we first cognize its antecedent causes. Philosophy and science, Hobbes uses the terms interchangeably, have as their role the discovery and explication of the myriad cause and effect relationships which constitute the world. How does philosophy accomplish this crucial task? Philosophy, on Hobbes's view, is distinguished from other intellectual endeavors-- e.g. natural and civil history, theology, etc.-- by its reliance on method. Only proper method allows us to acquire causal knowledge.

The method which Hobbes employs is the famed 'Paduan' or resoluto-compositive approach to science.[1] Hobbes views himself as an intellectual revolutionary because he extends this method from the natural to the normative sciences-- namely, moral and political philosophy. Or does he? Leo Strauss (1936) claims that Hobbes merely relies on the Paduan method as a rhetorical ploy to give added weight to his arguments. More recently, another set of objections has been proffered by J.W.N. Watkins (1965) and

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[1]In what follows several synonymous terms are employed to characterize this particular method including, the Paduan method, the method of resolution and composition, the method of analysis and synthesis and the ratiocinative method.

Tom Sorell (1991). These scholars maintain that the application of such a method to ethics and politics is fatally flawed because it cannot account for the essentially normative nature of these endeavors. Hobbes thus viciously violates the naturalistic fallacy or he actually employs a different method when discussing moral and political matters. In what follows I aim to explore Hobbes's use of method and respond to these objections.

A. Hobbes on Philosophy and Method in the Natural Sciences. Hobbes's interest in method was sparked rather late in life. He became exposed to the 'new science' and its method through his keen study of the works of Galileo, Harvey and Kepler as well as his 'discovery ' of Euclidean geometry at the ripe age of forty (Randall, 1961 p.51). Hobbes lays bare his commitment to the Paduan tradition in *De Corpore*-- his definitive treatise on philosophy and science. Therein, philosophy is defined as "such knowledge of effects or appearances, as we acquire by true ratiocination from the knowledge we have first of their causes or generation: And again, of such causes or generations as may be from first knowing their effects" (DeC 1, 3). Hobbes is thus claiming that in order to know a thing, in a philosophical sense, we must first be acquainted with its causal history which is in turn grasped by ratiocination (i.e. reason).

To illustrate his point Hobbes relies on the example of a circle. Say someone sets before us a piece of paper upon which a round enclosed figure has been drawn and then asks us whether or not we see a circle. Based upon the quality of the drawing (e.g. if it appears 'really round') immediate sense experience may then rapidly lead us to infer that we are perceiving a circle. Yet, Hobbes points out that such an inference is unjustified. Immediate sense experience can never inform us, with any degree of certainty, whether or not the round enclosed figure in front of us is in fact a circle. In contrast, say that we are aware that the figure in front of us was produced (i.e. causally generated) through the

proper use of a compass. We then know that "from such generation proceeds a figure, from whose one middle point all extreme points are reached unto by equal *radii*" which satisfies the definition of a circle (DeC 1, 10). In other words, based upon our knowledge of its causal history, we realize, through ratiocination, that the necessary and sufficient conditions for the construction of a circle have been met.

In the above example Hobbes employs three distinct yet interrelated concepts-- causation, ratiocination and definition-- which merit serious discussion if his philosophy of science is to be adequately understood. The first, the relationship between cause and effect, is central to Hobbes's philosophical project. Although labeled as a founder of British empiricism by some historians of philosophy, Hobbes actually offers a very rationalistic conception of causation. To wit, he maintains that a cause is to be understood as

> ...the sum or aggregate of all such accidents, both in the agent and the patient, as concur to the producing of the effect propounded; all of which existing together, it cannot be understood but that the effect existeth with them; or that it can possibly exist if any one of them be absent (DeC 6,14).

Causes are thus necessary and sufficient conditions for the production of their effects. Or, to put it another way, causes and their effects are necessarily connected so that when the appropriate causes are present the effect cannot be understood not to occur (Martinich, 1995 p.429). *Contra* Hume's account, for Hobbes, if the requisite cause of a particular effect is present it is inconceivable that the effect does not follow. All causes produce their effects with "equal necessity" (DeC 9, 13).

Importantly, every cause is an instance of one body transferring motion to another body. The body which is the origin of such motion is deemed the 'agent' and the body which is the recipient of such motion is deemed the 'patient'. A causal relationship between

two bodies ensues when certain accidents (i.e. properties) in the agent affect a change, via the transference of motion, in certain accidents in the patient. The affected change in the patient is referred to as an 'effect' whereas the motion produced by the accidents in the agent, which is ultimately responsible for the occurrence of this change, is referred to as the 'cause'. Within the scope of this relationship Hobbes carefully distinguishes between efficient and material causes (DeC 9, 4). Efficient causes are all of the accidents in the agent which produce the motion that is eventually transferred to the patient. Material causes, on the other hand, are all of the accidents in the patient which are changed due to this transference of motion. Hobbes refers to the combination of the efficient and material causes of an effect as the "entire cause" (DeC 9, 5).

Once an understanding of these relevant concepts is at hand we can begin to construct casual explanations of the physical world. Hobbes gives the example of someone who holds his hands over a fire in order to warm them (DeC 9, 8). In such a case, we say that the fire 'causes' the feeling of warmth to arise in the person's hands that are near the flames. The fire, as a result of the motion of certain accidents inherent within it, produces heat, which is transferred to certain accidents in the person's hands wherein the motion produced affects these accidents in such a way that the sensation of warmth is created--the fire and the person's hands assuming the role of agent and patient, respectively. Motion produced by the accidents in the fire is the efficient cause, while that produced by the altered accidents in the person's hands is the material cause, of experienced warmth. The fire, the person's nervous system, a suitable medium for the transference of motion from the agent to the patient, etc. all function as the necessary and sufficient conditions which bring about the experienced effect.

We must now turn to Hobbes's concept of 'ratiocination' in order to understand how causal relationships are discovered and demonstrated. Hobbes would agree with Hume in that the latter claims that causes and their effects exhibit succession in time and contiguity in space (Hobbes thus rules out the possibility of action at a distance) (DeC 9, 8). He would, however, take issue with Hume's contention that we can know little more about causal relationships between phenomena save for their "constant conjunction" in experience (Hume, 1966 p.68). Empirical regularities are not enough for Hobbes. They reduce the relationship between cause and effect to one of mere contingency (DeC 9, 13). While experience plays an important role, as will be discussed below, the grasping of causal relationships is the work of 'ratiocination' or reason.

Ratiocination is a mechanical faculty of the mind whose essential activity is addition and subtraction (DeC 1, 6). Hobbes here does not merely mean manipulating numbers; addition and subtraction are taken to be core characteristics of the rational thought process and as such can be applied to a wide range of intellectual contexts. For example, with regard to concept formation, complex concepts such as 'man' are formed by adding together simple concepts such as 'body', 'animated' and 'rational' (DeC 1, 7). The process can also be reversed-- a complex concept such as a 'square' can be broken down into its simple components by subtracting away such concepts as 'four sides', 'equality of sides' and 'right angle'. Importantly, given Hobbes's definition of causation, and given his notion of ratiocination, it becomes quite apparent what the connection between them is. As stated above, a cause is "the *sum* or *aggregate* of all such accidents" which are necessary and sufficient for the occurrence of a given effect (DeC 6, 14) (my emphasis). It is through ratiocination, then, that we add together such accidents and thus understand why a particular effect must follow from them.

Ratiocination is therefore essential to grasping causal relationships and, as one might expect, Hobbes explicitly identifies ratiocination with the Paduan method of resolution and composition (DeC 6, 2). Developed over the course of several centuries at the University of Padua, this method emphasizes syllogistic reasoning as the primary intellectual activity which scientists undertake (Randall, 1961 p.50). Causes must be discovered and defined in such a way that they become the middle terms of syllogisms which are then linked with other syllogisms in order to form a body of scientific truths. Hence, all necessary connections between propositions are causal in nature and can proceed in one of two ways-- from effect to cause or from cause to effect (i.e. Resolution and Composition) (Randall, 1961 p.51). Zarabella (1532-89), a predecessor of Galileo and a primary exponent of this method, envisioned a four step process to achieving scientific truth: (1) a particular effect must be observed (2) this complex fact is then resolved into its basic components (3) we examine a potential cause through a process of "mental consideration" in order to clarify whether or not it is necessary and sufficient for the occurrence of the observed effect (4) finally, the effect, through the process of composition, is formally demonstrated to follow from that cause (Randall, 1961 p.57). The Paduan method is really two methods in one-- through resolution it functions as a method of discovery and through composition it functions as a method of demonstration (i.e. explanation). As we shall see, Hobbes essentially appropriates Zarabella's methodological schema *in toto*.

Hobbes introduces his method as the shortest way 'to do' philosophy (DeC 6, 1). Method defines both philosophy's limits and its purpose. The philosophical domain encompasses all 'bodies' that are subject to resolution and composition (DeC 1,13). Within this purview, philosophical activity is an attempt to analyze ordinary experience in order

to discern the universal causal patterns which underlie and create such experience. As opposed to a strict empiricist creed, Hobbes maintains that immediate sense experience functions as an epistemic point of departure rather than an epistemic end all. The transformation from perceptual to philosophical knowledge can only occur if such experience is dissected by reason. In sum,

> The first beginnings, therefore of knowledge, are the phantasms of sense and imagination; and that there be such phantasms we know well enough by nature; but to know why they be, or from what causes they proceed, is the work of ratiocination; which consists... in *composition* and... *resolution*. (DeC 6, 2)(Hobbes's emphasis).

In this passage Hobbes is invoking a distinction, which can be traced back to the *Posterior Analytics*, between knowledge 'that' and knowledge 'why'.[2] Knowledge 'that' is knowledge based upon immediate empirical experience-- it originates in sense, memory and imagination. Knowledge 'why', on the other hand, is the "science of causes" (DeC 6, 1). To truly know something-- to know 'why' that thing is the way it is and not some other way-- requires that we know its cause. And, as stated, causal knowledge is acquired through the ratiocinative method.

Hobbes provides us with an example of what he has in mind when endeavors to explain the cause of light (DeC 6, 14). Implicitly following Zarabella's procedure, Hobbes notes that the process begins with a perceptual observation-- namely the phenomenon of light as experienced by a sentient creature. Such experience is the effect of certain antecedent causal conditions which must be discovered through the method of resolution or analysis (Talaska, 1988 p.212). From the definition of causation given above

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[2]See Aristotle, *Post. An.*, 89b and for a discussion of Aristotle's point see Evans, *The Physical Philosophy of Aristotle*, p.84-5.

we know that within any causal relationship there must be an agent, a patient, and a medium for the transference of motion between the two. Furthermore, we know that the efficient cause of an effect is located in the agent while the material cause is located in the patient. Thus, with regard to light, we must determine which 'accidents' or properties of the bodies involved correspond to the agent/efficient cause, the patient/material cause and the medium of motion. Through analysis, we infer that whenever light is experienced there is a "fountain of light" (e.g. the sun, a candle, etc.), a sentient creature in whom the experience of 'seeing light' is taking place and a "transparent" medium through which motion passes from the former body to the latter (DeC 6, 14).

Each of these suppositions functions as a necessary condition for the occurrence of the experienced effect. Such necessity is grasped conceptually, through a process of 'mental consideration'. On one hand, each supposition must be examined in intellectual isolation from the others and if it is inconceivable that the phenomenon to be explained could somehow occur in its absence then we know that we are on the right track. On the other, if the experienced effect could still be conceived of as existing without the presence of the accident under consideration then we know that said accident plays no causal role (DeC 6, 14). With regard to light, Hobbes argues, it is inconceivable that the perception of light could occur, even if other conditions obtain, unless one has optic nerves (DeC 6, 14). Hence, optic nerves are a necessary condition for the perception of light. Hobbes is thus relying on a set of counterfactual conditionals or 'thought experiments' to determine what accidents are and are not relevant to constructing a causal explanation of a particular phenomenon.

Once the list of necessary suppositions is properly evaluated and cataloged we can turn to synthesis to add these suppositions together in order to demonstrate that the

accidents under consideration are in fact the necessary and sufficient conditions for the production of a given effect. Proper scientific syllogisms comprise the entire cause of the phenomenon to be explained. To return to the example, accidents in the 'fountain of light' are identified as the agent/efficient cause of the motion that affects a change in the accidents of the sentient creature which are identified as the patient/material cause. A syllogism must be constructed to demonstrate what transpires when the phenomenon of light is experienced. Simply put, a particular type of motion originating in an object (e.g. the sun) travels from that object through a transparent medium and stimulates the optic nerves of a perceiver. This stimulation of the perceiver's optic nerves results in a particular perturbation of the perceiver's 'internal vital motion' (i.e. nervous system) which is experienced as the visual sensation of 'seeing light' (DeC 6, 14).[3]

Finally, Hobbes's use of definitions must be addressed. As one can see, Hobbes views science as primarily a conceptual endeavor-- ratiocination rather than experience supplies us with knowledge of the ultimate scientific principles which we invoke to

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[3] Indeed, the modern reader may find it quite odd that Hobbes eschews the experimental method popularized by his contemporary Robert Boyle (whom Hobbes despised both personally and professionally). Hobbes, however, essentially viewed experimentation as a waste of time. As he notes, "If the sciences were said to be experiments of natural things, then the best of all physicists are quacks" (Shapin and Scahfer, 1985 p.128, quoting Hobbes's *Mathematicai hodiernae*, p.229). Laboratory experiments, being in Hobbes's eyes artificial and contrived, were likely to produce bogus claims about the world. In a gesture towards empirical science, Hobbes grants that natural and civil history (the Baconian study of natural and political/social phenomena) are "necessary" components of any scientific enterprise. But, be that as it may, these endeavors can never yield philosophical truths because "such knowledge is but, experience or authority" (DeC 1, 15). For a discussion of Hobbes's place in the history of science see Shapin and Schaffer's *Leviathan and the Air-Pump*.

explain reality. These principles, Hobbes maintains, are nothing more than definitions and definitions function as the cornerstone of Hobbes's philosophy of science (DeC 6, 18). A proper definition according to Hobbes is "a proposition whose predicate resolves the subject, when it may; and when it may not, it exemplifies the same" (DeC 6, 20). Definitions are thus of two types-- the former involves analyzing a complex concept into its core constituents while the latter aims at the clarification of basic concepts which are not subject to further resolution. As an instance of the former type of definition, Hobbes puts forth the complex concept 'man' which, when subject to conceptual analysis, becomes 'a rational animated body' (DeC 6, 19). Hobbes's definition of 'motion' as "the leaving of one place, and the acquiring of another continually" functions as a paradigmatic exemplar of the latter type (DeC 6, 17).

Hobbes refers to these latter types of definitions as "primary" (DeC 6, 19). Through meticulous analysis natural philosophers arrive at definitions for such basic concepts as 'motion', 'body', 'place', etc. In turn, these definitions function as the axiomatic first principles of science. The ratiocinative process is now reversed and we engage in synthesis. Hobbes's scientific ideal is what might be termed a 'grand deduction'. Beginning with the 'first principles of motion' (i.e. geometry) we proceed to deduce the whole of physics, psychology and civil philosophy (which for Hobbes denotes both morality and politics) (DeC 6, 7-10). The end result of science ought to be a long series of logically linked demonstrative syllogisms which, through their explanatory force, exhaust the whole of reality. Whence it follows that knowledge acquired through such a process can be grasped with certainty because beliefs formed as a result of "right ratiocination can neither be false nor doubtful" (DeC 1, 17).

Hobbes, of course, never succeeded in constructing his wholly deductive philosophical system. Nonetheless, armed with his ratiocinative method, Hobbes believed that he could purge philosophy of its absurd metaphysical baggage (whether Aristotelian, Scholastic or Cartesian). By limiting its focus to the discovery and demonstration of causal relationships and to the elucidation of precise self-evident definitions, philosophy can be transformed into a rigorous, well grounded, intellectual discipline. Moreover, with regard to the context of my overall thesis, the fact that Hobbes regards morality and politics as integral components of his philosophical system is of great importance. By extending the method of natural science into the realm of normative science Hobbes casts himself as a true scientific revolutionary. Morality and politics will receive the same critical scrutiny as geometry and physics; in so doing, Hobbes argues, the rigor of the latter will be supplanted in the former. Apropos of this, I now turn to a discussion of Hobbes's scientific grounding of morality and politics.

B. Hobbes's Methodological Foray into the Moral Sciences. Concerning moral and political philosophy, Hobbes notes in Chapter I of *De Corpore* that the purpose of moral science is the production of peace (DeC 1, 11). In turn, the utility of such philosophy is to be measured "not so much by the commodities we have by knowing these sciences, as by the calamities we avoid from not knowing them" (DeC 1, 12). While many of life's tragedies-- e.g. sickness, financial ruin, etc.-- may be beyond our control, Hobbes argues that the greatest tragedy which can befall humanity, civil war, is clearly avoidable given sufficient knowledge and endeavor. The well spring of war lies not in men's ignorance of its effects; the unspeakable horror of such states of affairs is readily observable by even the most dimwitted members of the species. Nor does it lie in lack of endeavor-- no rational person desires civil strife. On this view, war, and especially civil

war, arises because men lack adequate knowledge of its antecedent causes. And, Hobbes declares, we lack such knowledge precisely because up until his time no method was available upon which to ground a viable civil science. Fortunately, the Paduan method, with its emphasis on the prior discernment of cause and effect relationships, is singularly up to the task. As Hobbes states:

> The cause, therefore of civil war is, that men know not the causes neither of war nor peace, there being but few in the world that have learned those duties which unite and keep men in peace, that is to say, that have learned the rules of civil life sufficiently. Now, the knowledge of these rules is moral philosophy. But why have they not learned them, unless for this reason, *that none hitherto have taught them in a clear and exact method*? (DeC 1, 12; my emphasis).

Thus, the Paduan method will enable us to discover what it is about human beings that leads to war as well as those rules which are conducive to peace.

Hobbes proceeds to thoroughly upbraid the ancients for their lack of progress in the moral sciences. He argues that the Greek and Roman masters of ethics did little if anything to effect progress in their domain; rather their futile efforts merely resulted in an increase of "nothing but words" (DeC 1, 12). Even worse, these ancient works can just as easily be employed by evil men to justify their wicked actions as to instruct such men how they really ought to behave if civil peace is to occur. What is conspicuously absent from classical treatises on ethics is a "true and certain rule of our actions, by which we might know whether what we undertake be just or unjust"(DeC 1, 12). This rule cannot be discovered and justified through idle speculation but rather only through the application of the appropriate method. In the Dedicatory Epistle of *De Cive* Hobbes strike a similar cord. Hobbes laments that while the ancients excelled in geometry the same praise cannot be attributed to their work in moral and political philosophy. Indeed, "were the nature of

human actions as distinctly known as the nature of *quantity* in geometrical figures, the strength of *avarice* and *ambition*, which is sustained by the erroneous opinions of *right* and *wrong*... would presently faint and languish" (DC, Dedicatory Epistle, p.3) (Hobbes's emphasis). One can conclude then that Hobbes views himself as a later day Euclid who, method in hand, will deliver axiomatic clarity to the moral sciences. Only then will civil concord and harmony prevail.

As stated above, Hobbes maintains that all 'bodies' which can be effectively resolved and compounded are the proper objects of philosophical inquiry. Hobbes further states that such bodies fall within one of two categories: natural bodies and artificial bodies (DeC 1, 13). On one hand, natural bodies are studied by the natural sciences-- e.g. physics, chemistry, anatomy etc. Artificial bodies (i.e. commonwealths), on the other, are the proper domain of the moral sciences. Within the moral sciences Hobbes further distinguishes between ethics (i.e. physiological psychology), which explores "men's manners and dispositions", and civil philosophy, which delineates the rights and duties of citizens and their sovereigns (DeC 1, 19). As one can see, the first part of the moral sciences is descriptive while only the second is normative. Hobbes is implying that before one can determine what men ought to do one must first understand, from a physiological point of view, what they are actually capable of doing. Thus, human physiology places certain limiting conditions on what rules are to count as morally binding --e.g. given human motivational capacities moral rules requiring martyrdom would be unacceptable for Hobbes. Therefore, the study of physiological psychology (how men *can* and *do* behave)

and civil philosophy proper (how men, especially citizens, *ought* to behave) must go hand in hand if moral progress is to be made.[4]

How does Hobbes apply his method to moral and political philosophy? Hobbes first makes clear that he is not out to study particular commonwealths (e.g. England or France) with their *sui generis* laws and institutions. He is, rather, interested in the concept of commonwealth in general and wants to articulate those laws which all nations must observe (i.e. the Laws of Nature) if their existence is to be sustained (DC, Dedicatory Epistle, p.5). He offers us a hint of how he will proceed in the beginnings of both *De Cive* and *Leviathan*. In the former text, Hobbes draws an analogy between a mechanical device, such as a watch, and a commonwealth. If we want to understand, in the fullest sense of the term, how a watch works we must disassemble it and inspect its springs and gears-- for it is these springs and gears which cause a watch to actually be a watch. Similarly, if we want to understand how a commonwealth works-- i.e. how peace is created and kept-- we must look to its "constitutive causes" (DC, Preface, 3). To this end, Hobbes argues that we must imagine, through a thought experiment, that the political duties and rights which men have in society are "dissolved." (Ibid.). In other words, to examine more closely human nature, in order to apprehend what sorts of behavior are conducive to peace and what sort lead to war, we must imagine how men would act outside of society and beyond the rule of codified law. In the Introduction to *Leviathan* Hobbes compares a commonwealth to a massive automaton which can only be understood if one takes cognizance of its "matter and artificer" (L, Intro., 2). Within Hobbes's

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[4]In subsequent chapters, I argue that this division plays a crucial role in understanding Hobbes's reliance on the principle 'ought implies can'.

'science of causes' men thus function as both the agent/efficient cause and the patient/material cause of the commonwealth.[5]

Hobbes relies on introspective analysis to arrive at not only "the causes of the motions of the minds" but also the "principles of civil philosophy" both of which comprehend the whole of the moral sciences. (DeC 6, 9). To wit, men wish to avoid war and secure peace, doing so requires that they familiarize themselves with the causes of each. As stated, causes are discovered through the method of analysis, and analogous to the case of light, the same methodological technique is here employed to unearth the ground of moral and political philosophy. Proceeding hypothetically, the observed effect or artificial body, society, must be resolved into its basic components, individual persons. These atomistic units reside in a counterfactual situation which Hobbes describes as a 'state of nature'. Again, such a move is necessary if we are to understand adequately how men 'really' are outside of the 'artificial' constraints imposed upon us by society.[6] For example, through a conceptual consideration of men in their extra-societal state we realize that the full equality of one to the other prevails amongst them, that each possesses an unlimited natural right, etc. Furthermore, the denizens of this hypothetical state must themselves be resolved if we wish to arrive at the causal source of those actions and intentions which are ultimately responsible for the presence of either war or peace. Hobbes identifies four basic human faculties-- physical strength, prudence, passion and reason-- which, when taken together, can fully account for human behavior (L 13, 1-2 & 14). At this point, Hobbes turns to synthesis to demonstrate how these faculties, through

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[5]In civil philosophy, the medium for the transference of motion between agent and patient is contractual language. This point will be discussed in depth in subsequent chapters.
[6]It is important to note that for Hobbes, society is *not* some sort of organic whole, but rather, it is a human construct created by and for men.

their specific functions (e.g. the purpose of reason, within a normative context, is to discover and elucidate the Laws of Nature), must interact in order for peace to prevail through the establishment of the commonwealth.[7]

C. Objections and Replies. Numerous objections have been proffered against the preceding interpretation of Hobbes's use of method as related to the moral sciences. To begin, Leo Strauss argues, in *The Political Philosophy of Hobbes*, that Hobbes does not in any way rely on the Paduan method in order to justify his moral and political claims. Strauss maintains that there is a fundamental discontinuity between natural science and politics/morality for Hobbes. Importantly, on this view, the principles of politics are derived through introspection, which, according to Strauss, functions independently of the Paduan method (Strauss, 1936 p.7). Furthermore, Strauss also stresses that the source of Hobbes's inspiration is not the school of Padua but civil history-- particularly as set down in the writings of Thucydides. Ultimately, on Strauss's interpretation, Hobbes's reliance on the Paduan method, at least in the domain of politics, is little more than a pseudo-scientific smoke screen fashioned to sway his readers.

Strauss's position is flawed in two ways. First, if Hobbes does not invoke the Paduan method to elucidate his moral and political doctrines then it is hard to see how Hobbes's position is any better than that of the ancient ethicists which he so vehemently

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[7]As anyone acquainted with Hobbes's works on moral and political philosophy will realize Hobbes does not take the reader along for his resolutive ride. Rather, Hobbes starts with the basic human faculties mentioned above and immediately engages in the compositive method. Such a state of affairs, with regard to Hobbes's theories of morality and politics, simply reflects the fact that "as in most scientific theories, the order in which it is presented is different from the order in which it was discovered" Macpherson, p.29). See also Hobbes's distinction between 'invention' and 'demonstration' in Chapter VI, *passim*, of *De Corpore*.

criticizes in Chapter I of *De Corpore* (Weinberger, 1975 p.1337). He is therefore blatantly contradicting himself.. Moreover, Hobbes explicitly excludes civil history from the realm of philosophical knowledge (DeC 1, 15). Thus, if Strauss is correct in his assessment of Hobbes (i.e. that Hobbes relies on history rather than contemporary science to advance his moral/political theory) then Hobbes, on his own account, is not doing philosophy at all when he engages in the moral sciences.

Second, it is true that Hobbes depends upon introspection to press his point. Indeed, this dependence is made readily apparent when Hobbes, at the outset of *Leviathan*, issues the injunction 'Read thyself' to his audience. Yet, simply because Hobbes relies on introspection does not entail that he has abandoned the Paduan method. Introspective analysis is still analysis. Introspection must be employed once one reaches the level of individual men, achieved through the preliminary analysis of the commonwealth, in order to arrive at the 'motions of the mind' which, in turn, are responsible for human behavior. This is so because one person's psychological states are not directly observable by another. Hobbes forcefully argues this point when he writes

> ...whosoever looketh into himself, and considereth what he doth, when he does *think*, *opine*, *reason*, *hope*, *feare*, &c, and upon what grounds; he shall thereby read and know, what are the thoughts, and Passions of all other men, upon the like occasions. (L, Introduction, 3).

Hobbes therefore maintains that in order to understand what motivates others we must understand what motivates ourselves-- and this understanding is most easily arrived at through introspection.[8]

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[8]One might here object that in drawing such an analogy between ourselves and others Hobbes has unwittingly stumbled into the other minds' problem. Yet, Hobbes could argue that because human beings have a sufficient number of characteristics in common (e.g. language use, the capacity to reason syllogistically, etc.) such an analogy is in fact tenable.

One might argue that Hobbes would be better served by employing a strict synthetic deduction from physics to psychology and morality rather than exposing himself to all the troubles to which an introspective argument from analogy may lead. Indeed, Hobbes himself ostensibly maintains that the ideal philosophical system ought to be constructed along such lines. Yet, Hobbes never constructs such a system. Is his use of method thereby impugned? No. Several reasons why can be adduced. First, Hobbes, in his moral and political writings, is out to capture the widest possible audience. He is consciously appealing to the literate layman rather than a select group of Oxford dons. A purely synthetic deduction requires prior knowledge of physics and geometry and is thus much too complicated to be grasped by the ordinary individual. In contrast, almost anyone can still "attain the principles of civil philosophy, by the analytical method" (DeC 6, 9). Analysis, as opposed to synthesis, relies on our everyday moral and psychological experience. Also, rather than starting with the "poor, arid, and, in appearance, deformed" first principles of science, through analysis, Hobbes can appeal directly to the experiences, desires and fears of his readers (DeC 1, 2). His arguments thereby pack a much greater emotional punch.

Proceeding by analysis rather than a grand deduction also serves another purpose. Most people, according to Hobbes, are vain , lustful individuals with an exaggerated sense of self-worth. We believe ourselves as somehow 'better' than our peers, whom we tend to regard as our moral and intellectual inferiors (EL 14, 4)(L 13, 7). Such a state of affairs is an endless source of strife. Through avarice, ambition and particularly pride many men place themselves above the Laws of Nature. Yet, once we start down the path of introspective analysis, a certain amount of humility sets in (Nerney, p.404). We realize that just as we have desires, fears and the capacity to reason so must others. As such, we

can begin to take cognizance of the basic equality which prevails amongst men. We come to view ourselves as merely 'someone' rather than the 'only one' (ibid.). And, importantly, such a step is crucial if a civilized peace is to obtain. The method of analysis thus also serves Hobbes's practical project.

Hobbes invocation of the analytical method as the scientific ground of moral and political philosophy also helps answer another set of objections leveled against his use of the Paduan method by J.W.N. Watkins and, more recently, Tom Sorell. Watkins (1965), following Peters (1956), maintains that a serious application of Hobbes's method to moral and political philosophy results in an instance of the naturalistic fallacy. In attempting to deduce morality from psychology (and ultimately physics) Hobbes must in effect derive evaluative conclusions from factual premises (Watkins, 1965 p.76). In line with Ego-Hobesianism, Watkins's solution is to claim that the prescriptive 'oughts' which Hobbes sets down are really prudential, rather than moral at their core-- somewhat akin to "doctor's orders" (ibid.). Sorell (1991) advocates the flip side of Watkins argument. He writes that Hobbes employs neither analysis nor synthesis when he attempts to justify his theories of morality and politics (Sorell, 1991 p.21). Indeed, "A civil science that reconstructs the nature of *a certain* commonwealth from the causes of its properties" lacks the requisite normativity which it is supposed to entail (Sorell, 1991 p.17) (my emphasis).[9] Thus, the analytical-synthetical method, when applied to the moral sciences,

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[9]Sorell, for some reason, assumes that Hobbes's method could only be applied to existing commonwealths rather than the concept of commonwealth in general. Sorell argues that Hobbes actually develops a new method for politics whereby "things experienced are dissolved in thought and from the residue an ideal distribution of rights and duties" is elucidated (Sorell, 1991 p.21). Yet, Hobbes clearly notes that his method, which he closely identifies with the capacity of ratiocination, can be applied, not only to particular existents (i.e. 'a certain commonwealth') but to general concepts as well (DeC 1, 8).

comes up empty. It can never enable us to know why we *ought* to behave in a particular way or how the proper commonwealth *ought* to be constructed.[10]

Clearly, the problems raised by both Watkins and Sorell are quite serious. Importantly, however, these allegations concerning the naturalistic fallacy and the lack of normativity only arise if one assumes that Hobbes proceeds synthetically rather than analytically. As stated in the previous section, however, while Hobbes ostensibly maintains that such a grand deduction from physics to morality is possible, he himself never constructs one. Indeed, one can argue, as Gayne Nerney (1985) does, that in preceding by analysis from the general concept of a commonwealth to its constitutive causes, much of the force of the above objections is deflected. The commonwealth is not simply a descriptive concept for Hobbes, but a normative one as well. A well constituted commonwealth is one in which its citizens adhere to the 'rules of civil life'(DeC 1, 9). Being "eternal and immutable"(L 15, 38), these rules (i.e. the Laws of Nature) are thus part and parcel of the "everyday political phenomena" from which analysis takes its point of departure (Nerney, 1985 p.401). The analytical process ceases at the level of individual persons-- at our appetites, aversions and passions. The 'state of nature' whence we arrive at is in fact human nature, not a strictly descriptive concept of nature such as 'extended substance' or 'matter in motion'. The normative element is preserved. As Nerney notes, the concepts we arrive at through analysis--death, vainglory, love, hate, war, peace, reason, etc.-- retain a distinctly normative flavor (Nerney, 1985 p.402). Such concepts are , in Bernard Williams's terms, "ethically thick" (Williams, 1985 pp.129-30). *Contra* Watkins and Sorell, Hobbes is not obliged to smuggle wholesale normative premises into

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[10]Strauss raises similar concerns (Strauss, 1936p.154).

his argument because the requisite normative kernels of such premises are arrived at through analysis in the first place .

Thus, Hobbes appears to be prevented, both practically and logically, from relying on a purely synthetical deduction in order to arrive at his desired normative conclusions. Nevertheless, such a state of affairs does not require Hobbes scholars to devise a new interpretation of Hobbes's methodology concerning his science of morals. The method of analysis, much as it aided in the discovery of the cause of light, will likewise suffice to lay bare the causes of both war and peace. Also, in demanding that his readers proceed analytically, Hobbes forces individuals to take stock of themselves; to realize that they count for no more and no less than their fellow creatures. At this point, synthesis can be employed to proffer a conceptual reconstruction of the ideal yet attainable commonwealth-- a subject which will be extensively addressed in the next chapter.

Chapter IV. Human Nature: Natural Equality and Natural Right

For Hobbes, the proper analysis of human nature holds the key to understanding the causes of both war and peace. Such an analysis will be woefully incomplete, however, if we simply consider men as they appear to us in the everyday context of society. Our study will be corrupted by the multifarious cultural idiosyncrasies which tint our view of the world. For instance, if we dwell in an aristocratic community we may well assume that some men are naturally lords whereas others are naturally underlings. Such assumptions, Hobbes wants to argue, lack a rational foundation for they are arrived at in absence of method. And as such, these cultural prejudices concerning human nature may well perpetuate the strife and insecurity which we so ardently seek to avoid. To grasp the true, natural constitution of human beings requires us to consider men as abstracted from all societal ties and cultural influences-- as atomistic individuals in the context of "meer nature". Such a task can only be accomplished if we rely on the Paduan method.

To recall, Hobbes enjoins us to consider the bonds and obligations which form the basis of any society as "dissolved" (DC Preface, 3). Hence, we arrive at a hypothetical state of nature wherein all individuals are equal, one to the other, and each has a right to everything. To comprehend fully the nature of men further resolution is required. Each individual is then resolved into the four basic faculties- i.e. physical strength, passion, prudence and reason-- which, when taken together, are sufficient to render a complete account of human behavior (EL 14, 1;DC 1, 1;L 13, *passim*). Reasoning synthetically, Hobbes contends that each faculty functions as a crucial component in formulating a causal explanation of why both war comes to pass and how peace is to be secured.

In this chapter I will trace Hobbes's rational reconstruction of society. I begin by briefly summarizing his concept of the state of nature and the heuristic role it plays in his moral and political philosophy. Next, Hobbes's concepts of natural equality and natural right will be subjected to careful analysis and interpretation. Finally, I will follow Hobbes's lead in explaining how these concepts, along with the aforementioned four faculties inherent in each individual, contribute to the occurrence of war and the creation of peace.

A. The State of Nature. In the Dedicatory Epistle of *De Cive* Hobbes argues that there is a certain moral duality inherent in human nature. Every man has the capacity to be both a blackguard and a saint. In his natural state, a man is apt to treat his fellows not unlike an "arrant wolf" (DC Dedicatory Epistle, p.1). Yet the same man, within the context of a rightly constituted society relates to his fellows as a "kind of God" (ibid.). In the former situation, "good men must defend themselves by taking to them for a sanctuary the two daughters of war, deceit and violence: that is...a mere brutal rapacity."(idem. p.2) On the other hand, within the commonwealth, as citizens, men can act towards one another with some degree of "similitude with the Deity; to wit, with justice and charity, the twin sisters of peace" (idem. p.1). Hobbes is thus drawing a sharp distinction between the natural and the social. He is out to puncture the Aristotelian claim that men are naturally social beings among whom communal feeling and brotherly goodwill are essentially inherent character traits. Men are not "born fit" for society-- education (as in 'the school of hard knocks') makes men ready and willing to come together (DC 1, 1 fn). Men by nature are selfish, asocial brutes. Society is not some sort of naturally occurring organism; rather, it is an artificial construct created by and for men. The metaphorical transformation from 'wolf' to 'God' happens as a result of human will and intention.

Individual men, not a natural teleology, form the efficient and material causes of the commonwealth.

Hobbes admits that such an argument is *prima facie* counterintuitive. Indeed, it may strike the reader as a "wonderful kind of stupidity" (DC 1, 1 fn). Yet, the reason for its counterintuitiveness is explained by the fact that everyone currently lives within society's bounds. From this fact, however, people wrongly assume that human society must somehow be a natural state of affairs. To point out the fallacious nature of this assumption, Hobbes enjoins his readers to imagine themselves in a hypothetical state of nature-- to abstract themselves from all social, cultural and familial relations. Through such a thought experiment, he hopes to pinpoint for his audience the real nature of men unsullied by any fraternal sentiments. He relies on this heuristic device to bear both theoretical and practical fruit. From a theoretical perspective, he aims to lay bare the causal genesis of the state, i.e. to explain fully the motivations and limitations of men, the nature of justice and injustice, of obligation and liberty and, subsequently, how civil associations arise and are sustained through covenants. In turn, such theoretical knowledge can be applied within a practical context to prevent anarchy and war. Moreover, in realizing that the state of nature, with all its attendant horrors, is merely a disobedient step away, the prudent citizen, Hobbes believes, will turn a scornful eye towards those who encourage him to break his contractual pledge.

As is well known, Hobbes describes the state of nature as riddled with strife and bloodshed. Before undertaking to explain why he takes this to be the case, it is important to note that he makes certain assumptions about the 'nature', as it were, of the state of nature. First, he informs the reader that, when conceptualizing the natural state of men, it is best to "consider men as if but even now sprung out of the earth, and suddenly, like

mushrooms, come to full maturity, without all kind of engagement to each other" (DC 8, 1). The state of nature is thus populated by mature, solitary individuals each in full possession of those faculties-- strength, passion, prudence and reason-- which all humans share in common. 'Natural fools' (i.e. mental defectives) as well as those persons in their nonage and/or dotage therein have no place. Secondly, the inhabitants of the state of nature share a common means of communication whereby they can indicate their intentions and desires to others and eventually enter into a contract with one another in order to escape the dreadful environment in which they find themselves. Thirdly, the state of nature is neither a Garden of Eden nor a barren wasteland. Rather, much like the actual world, moderate scarcity prevails.

Are these conceptual constraints reasonable? The last assumption is not especially problematic. Clearly, the characterization of the state of nature as conditioned by moderate scarcity does not sorely test the imagination. Hobbes's second assumption, concerning a common means of communication, also passes muster. Importantly, interpreters must *not* confuse a common means of communication with a common language. In Chapter XIV of *Leviathan* Hobbes distinguishes between "Signes of Contract Expresse" and "Signes of Contract by Inference" (L 14, 14). In the former case, contracts are entered into verbally and if Hobbes only recognized this means of instituting contracts then he would be forced to presuppose the existence of a common language in the state of nature, and he would leave himself open to objections concerning the origins of such a language. Luckily, Hobbes also approves of contract formation through 'inference'. That is, parties to a contract can infer that an agreement is being mutually entered into based upon the non-verbal behavior of the participants. Gestures, such as pointing, nodding one's head, etc. and other actions can enable the contracting parties to

communicate their intentions and desires to one another. For example, in order to indicate my desire to seek peace I may set my spear down and step back a few paces. Once others responded in a similar fashion we would be well on our way to realizing that everyone was willing to cease attacking one another so long as others were willing to do the same. As such, even without a common verbal language, contracts could still arise.

Many readers, however, balk at Hobbes's purely atomistic depiction of men in the state of nature as too difficult to conceive. Perhaps the best way to circumvent this conceptual difficulty is to draw out the implications of a point that Hobbes himself makes. Hobbes readily admits that the state of nature is not presently in existence nor has it probably ever been amongst individual members of the species.[1] Nonetheless, he does argue that all independent commonwealths currently inhabit such a state in relationship to each other (DC, Dedicatory Epistle, p.1) And furthermore, the relationships which hold amongst the nations of the world are far from rosy; indeed, they are, for the most part, characterized by mutual fear, distrust, envy and hatred. Thus, an analogy can be drawn between the behavior of individual nations in the actual world and the way that individual men would behave in a hypothetical state of nature. In such a state, each man is a sovereign nation unto himself. He is as unbound and as free to conduct his affairs as any currently existing state. Unfortunately, his fellows are in an identical situation and as such life for individuals in the state of nature will be as treacherous and transitory as the lives of particular states have been throughout human history.

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[1]Although Hobbes, the amateur anthropologist, points to "the savage people in many places of *America*" as an empirical example of what life in such a condition might be like (L 13, 11; Hobbes's emphasis).

In light of these considerations, we can now examine two important facts 'confirmed' through Hobbes's employment of his resolutive thought experiment: first, men in their natural state are equal, one to the other, and second, within this state each man possess an unlimited right to preserve himself as he sees fit.

B. Natural Equality. Hobbes's thesis that men are "by nature equal" permeates his entire moral and political corpus for a variety of reasons (L 13, 1, squib). First, Hobbes must explain why war in the state of nature is interminable. If some men were naturally dominant then, in time, these individuals would eventually seize control and a social contract would be superfluous. Yet, according to Hobbes, this state of affairs will not obtain simply because nature endows no individual, or class of individuals, with the power to subdue his fellows with any degree of permanency. Our inherent natural equality prevents the Darwinian rise of a master race. Indeed, the very refusal on the part of some to acknowledge such natural equality perpetuates the strife endemic to our natural state. A second, and closely related point, is that Hobbes seeks to obliterate the classical claim, proffered by both Plato and Aristotle, that men are somehow unequal and that such inequality is a reflection of a natural social hierarchy. Such a claim, as previously noted, presents a major stumbling block for peace. Hobbes needs to prove that men are genuine moral equals; i.e. that in some fundamental sense no one is better than anyone else. Third, Hobbes's account of equality grounds his right of nature. Unless men are equal, one to every other, an unlimited right of nature makes little sense. If radical natural differences between individuals do exist, as in the classical case of natural rulers and natural slaves, then such differences should translate into a set of special entitlements for those persons who are by nature morally superior to others. Hobbes, however, recognizes no such entitlements. Indeed, in the state of nature, "everyone has a Right to every thing; even one

anothers bodies"(L 14, 4). Finally, if peace is to occur, then everyone in the state of nature must have equal access to the means thereof. In other words, each must posses the requisite capacity to grasp the Laws of Nature, without which the creation of the commonwealth is impossible, since it is these laws which direct us to covenant away our unlimited right of nature so long as others are willing to do the same.

Wherein does such equality consist? As previously stated, Hobbes claims that through the resolutive process we come to realize that every individual possesses four basic faculties-- physical strength, passion, prudence and reason-- and it is within the context of these four faculties that Hobbes's discussion of natural equality takes place. Thus, it is reasonable to assume that one or more of these faculties determines the equal status that Hobbes ascribes to individuals in their natural state. Ego-Hobbesians, one will recall, primarily locate Hobbes's notion of human equality within the faculty of strength and to a lesser degree in prudence (Gauthier,1969 p.19) (Hampton, 1986 p.24) (Kavka, 1986 p.34) . Importantly, such equality is "rough" in nature; it is approximate rather than real. (Kavka, 1986 p.34). *Prima facie*, such an interpretation is enticing, especially when one considers the view that Hobbes espouses in the *Elements* and *De Cive*. In the former text, Hobbes writes that

> ...if we consider how little odds there is of strength or knowledge between men of mature age, and with how great facility he that is the weaker in strength or in wit, or in both, may utterly destroy the power of the stronger...we may conclude that men considered in mere nature, ought to admit amongst themselves equality. (EL 14, 2).

And in *De Cive*, an even stronger slant in favor of a 'rough' reading is given. To wit,

> ...there is no reason why any man, trusting to his own strength, should conceive himself made by nature above others. They are equals who can do equal things one against the other; but they who can do the greatest things,

> namely kill, can do equal things. All men therefore among themselves are by nature equal. (DC 1, 3).

Based on the above, one may readily conclude, as interpreters such as Kavka and Hampton have, that the close similarity which holds amongst men in their intellectual and especially physical faculties is sufficient to place men in a condition of natural equality with each other.

Clearly, viewing Hobbes's concept of natural equality as essentially rough goes a long way towards explaining why no combatants will gain the upper hand in the state of nature. No one is sly enough to outfox everyone and no one is strong enough to subdue everyone. In other words, our evident inequalities are too slight to make much difference in the grand scheme of things. Nonetheless, Hobbes also maintains that each individual in the state of nature possess an "equality of worth" which must be acknowledged through the equal attribution of "benefit and respect" if peace is to come about (EL 17, 2). Yet, it is hard to conceive how mere rough equality of strength generates such an 'equality of worth'. Indeed, one must conclude that the rough or 'quasi-' equality rendered by this interpretation is too impoverished to accomplish all of the tasks enumerated above. Without a more robust version of equality, Hobbes's anti-Aristotelian move will only be partly successful, the right of nature will remain ungrounded, and the Laws of Nature will be inapplicable. What Hobbes requires, as argued by Bernard Baumrin in his article "Hobbes's Egalitarianism: The Laws of Natural Equality" (1989), is "real metaphysical equality; i.e. some kind of identity in the context of difference" (Baumrin, 1989 p.119). Following and expanding upon Baumrin's lead, I will contend that the equality of which Hobbes writes resides in the faculties of prudence and reason

The basis for such an interpretation is to be found in *Leviathan* where Hobbes dramatically departs from his earlier works in choosing to focus on prudence rather than strength as the source of human equality. In order to explain the perpetual war endemic to the state of nature, as well as to provide a springboard for an unlimited right of nature Hobbes is intent upon proving that men have an inherent "equality of ability" (L 13, 3). Such an equality of ability is not to be found in a rough equality of strength. The latter is of course still mentioned-- i.e. "the weakest has strength enough to kill the strongest" (L 13, 1)-- but it quickly drops out of the philosophical picture. Instead, Hobbes zeroes in on prudence where he finds "yet a greater equality amongst men than that of strength" (L 13, 2).

For Hobbes, prudence is the capacity that men have to make calculated choices about the future based upon present and past experience. How then can men be equal in prudence? Before answering this question one should make clear the context in which it arises. That is, Hobbes offers both an exceptionally strong and a somewhat weaker version of a natural equality of prudence depending upon whether or not one is considering hypothetical men in a counterfactual situation such as the state of nature or real men in an actual society. He defines this faculty as nothing more than "Experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto." (L 13, 2). Following from this definition, and *contra* Ego-Hobbesianism, the hypothetical inhabitants of the state of nature share, in the strongest possible sense, an equality of prudential ability. To wit, in this respect, these individuals are identical with one another. Succinctly, this strong notion of prudential equality simply requires exposure to the same experiences over equal amounts of time-- conditions which men in the state of nature readily satisfy since Hobbes directs us to consider such individuals as "sprung out of the

earth...like mushrooms" (DC 8, 1). These individuals share the same horrible experiences within the same temporal framework and each strives to avoid death at the hands of his unaccomadating fellows.

Baumrin illustrates another way in which a Hobbesian equality of prudential capacity can be made manifest-- both within as well as without the state of nature. Accordingly, two creatures are equal if they share a common goal or the same best end *and* each has a sufficient means to achieve such a goal or end (Baumrin 1989 p.120). Men, for Hobbes, possess both characteristics-- with regard to a best end each pursues what so ever he desires and with regard to a sufficient means each has recourse to prudence. On Hobbes's account, our best end boils down to what we desire since our appetites and aversions are all that remain after the idea of a *summum bonum* , e.g. any sort of objective good for which all men ought to strive, is rejected (L 1, 1). Furthermore, prudence is an adequate means to the satisfaction of such ends since it only involves the capacity to make decisions and implement plans of action-- an activity which all members of the species, save for the very young and the severely incompetent, can engage in. Importantly, prudential equality, understood in this manner, is weaker than the definitional variety alluded to above since actual men, unlike their hypothetical pre-societal counterparts, vary in both age and experience. But, be that as it may, Baumrin contends that a Hobbesian equality of prudential ability still prevails amongst both real and hypothetical individuals because "ends are relative to agents, and implementations of plans relative to situation and comprehension" (Baumrin, 1989 p.120). Hence, all men, whether real or hypothetical, share, at least in this weaker sense, a genuine equality of prudential ability.[2] T o believe

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[2]As Strauss also notes, for Hobbes, "In all practical affairs, one man is, in principle, as wise as any other, bent on the perception of his interest and as capable of perceiving that

otherwise, Hobbes maintains, "is but a vain conceipt of ones owne wisdome, which almost all men think they have in a greater degree, than the Vulgar" (L 13, 2).

This equality of prudential ability, combined with a rough equality of strength, plays a major role in Hobbes's explanation of why war in the state of nature will continue unabated until such equality is duly recognized. Indeed, such a war "is perpetual in its own nature; because in regard of the equality of those that strive, it cannot be ended by victory" (DC 1, 13). Also, an equality of prudential ability flies in the face of Aristotle's ethics. Aristotle, one will recall, restricted the good life to those who had the requisite amount of *phronesis*, an intellectual faculty which, on an orthodox reading of the subject, few members of the species adequately possess. Hence, for Aristotle, men are by nature unequal. Crucially, the Aristotelian myth of natural inequality, since it breeds in men a contempt for the abilities of others, is a doctrine repugnant to peace and hence must be dispelled. Hobbes, relying on his concept of equality through prudence, does just that by lambasting Aristotle for assuming that the distinction between "Master and Servant were not introduced by consent of men, but by difference of Wit: which is not only against reason; but against experience." (L 15, 21). Lastly, as mentioned above, a strong sense of natural equality is necessary to ground an unlimited right of nature. From this right it follows that each has the equal liberty to do what he will to insure his own preservation. Yet, an equality of liberty presupposes that men are genuinely equal in some respect; a claim which for Hobbes is satisfied by the faculty of prudence.

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interest as any other." (Strauss, 1936 p.159). Further discussions of natural equality will concentrate on the strong type which exists amongst the denizens of the state of nature.

So far, however, little has been written concerning the applicability of the Laws of Nature to individuals *qua* moral agents. Clearly, for the Laws of Nature to be equally binding upon all and sundry a certain type of equality, beyond that of prudence, must prevail amongst all men-- whether real or hypothetical. Such equality, I will argue, resides in the bare modicum of reason which Hobbes presupposes that all men must possess if the Laws of Nature are to be construed as genuine moral laws. For Hobbes, a law not known is not a law. As he notes, "The want of means to know the Law, totally Excuseth: For the Law whereof a man has no means to inform himself, is not obligatory" (L 27, 22). Thus, equal intellectual access to the Laws of Nature must be guaranteed if these laws are to be operative; i.e. if men in the state of nature are going to understand that in order for peace to occur they must come forth ready and willing to lay down their unlimited right of nature..

Yet, happily for Hobbes, "only Children and Madmen are Excused from offenses against the Law Naturell" (ibid.).[3] That this is so can be seen in Hobbes's discussion of the "one easie sum"-- the NGR-- which takes place, in all of Hobbes's works on moral and political philosophy, immediately following his deduction of his system of natural law (L 15, 35). The NGR, ' Do not do unto another what one would not have done unto thyself', is a "rule for the evaluation of rules" (Baumrin, 1989 p.125). It enables us to determine when in fact a proposed principle of conduct is part and parcel of the Laws of Nature. Knowledge of the NGR is thus sufficient for knowledge of the Laws of Nature and it is precisely knowledge of these laws which in turn makes them binding upon us. Importantly, only a minimum of ratiocinative ability is required to grasp the NGR. Save for the

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[3]Hence, no one in the state of nature is excused from transgressions against the Laws of Nature since therein children and the insane have no place. See above, p.74

exceptions mentioned above, this ability is present in all members of the species including the "rude and unlearned" (DC,3,26) and those of "the meanest capacity" (L 15, 35).

Specifically, then, comprehension of the Laws of Nature confers moral agency upon individuals. Cognizance of these laws means that one can be held responsible for one's actions which in turn makes one morally autonomous. Hobbes here betrays a commitment to a practical aspect of reason which Ego-Hobbesians have heretofore failed to acknowledge. In this context, the role of reason is to subdue the "violent heat" of our passions through voluntary submission to the Laws of Nature in order to constrain our irrational appetites, e.g. vain glory, excessive self-love, avarice, etc.(3D. p.106). Only then can the possibility of peace arise.[4] Moreover, Hobbes's reliance on a minimal rather than a maximal capacity for moral deliberation means that the category of moral agents, and hence moral equals, will be much broader than one finds in the classical literature. In contradistinction to Aristotle, strong deliberative capacities are merely a sufficient condition of moral agency for Hobbes rather than a necessary one. Hobbes thus has a very "thin" concept of moral personhood and a correspondingly expansive concept of moral equality (Kronman, 1980 p.170). Such equality, requiring only the most meager of mental assets, functions as an ethical common denominator amongst men in the state of nature. It enables these men to enter into mutually beneficial contracts on equal terms and to realize that such contracts are equally binding . On the other hand, the lack of equality in this crucial respect would doom Hobbes's project (Kidder, 1983 p.134). Unless the vast majority of men can acquire knowledge of the Laws of Nature, the war which plagues their natural state will continue unabated.

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[4]This point will be discussed at length in the last section of Chapter VII.

C. Natural Right. Undoubtedly, along with the doctrine of natural equality which it presupposes, Hobbes's concept of the right of nature functions as a cornerstone of his moral and political theory. In relation to the explanation concerning the causes of both war and peace, the right of nature occupies a central place. Perhaps the key to understanding this right, and its subsequent significance, is to recognize that it is completely *unlimited.* The sheer reach of its scope is best illustrated in *Leviathan* where Hobbes notes that in the state of nature "every man has a Right to everything; even to one anthers body" (L 14, 4). In their natural state, all men are equally at liberty to do whatever they want, whenever they want, to whoever they want in order to insure their survival.

Ultimately, according to Hobbes, the right of nature is simply that "blameless liberty of using our own natural power and ability" to preserve ourselves (EL 14, 6). Clearly, the key phrase in this definition is 'blameless liberty'. As Hampton notes, the natural right of which Hobbes writes is a classic liberty right (as opposed to a claim right) (Hampton, 1986 p.51).[5] Following Hohfeld's well known distinction, the latter type of right exerts an ethical claim which others have a correlative duty to respect. Thus, if Joe has a right to free speech then everyone else has a duty to honor and acknowledge Joe's right to speak freely. A liberty right, on the other hand, is the freedom or privilege to act in a particular way, but, importantly, it does not exert any sort of claim on others to respect such freedom. Therefore, rather than entailing moral obligations a liberty right signifies the freedom from such obligations-- these rights, from the point of view of claim rights,

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[5]Hampton, of course, argues that Hobbes only recognizes liberty rights regardless of whether one is in the state of nature or in the commonwealth (Hampton, 1986 p.51). In subsequent chapters I will argue that Hampton's claim is too broad. Specifically, I will contend that the original contract creates a set of mutual claim rights which all parties to the contract have an obligation to respect.

are best understood as "no-rights" (Hohfeld, 1919 p.36). For example, say that Molly has a liberty right to plant corn in an unused field. Retaining such a right only means that she is free to plant or not plant corn in the field. No one can require her to do one or the other--they have a 'no-right' where Molly's planting or not planting corn is concerned. Likewise, Molly cannot expect other people to respect her right to plant or not plant corn since a liberty right exerts no such claim. She has a 'no-right' with regard to her exclusive use of the field. Anyone, at anytime, can come along and exercise their own liberty rights and seek to deprive Molly of her use of the field. And from a moral point of view, in doing so, they have done nothing wrong.

Hobbes appears to be implicitly aware of this distinction. As he states in the *Elements*, "But that right of all men to all things, is in effect no better than if no man had a right to anything" (El 14, 10). In other words, our total liberty in the state of nature eviscerates any sort of moral claims which it is incumbent upon ourselves and others to heed. Paradoxically, then, in the state of nature everyone can claim a right to both everything and nothing. What falls out of Hobbes's account of the right of nature is that, *contra* Locke, there is no natural right to private property. Indeed, not only do individuals in this state have no claim to possessions but no one even has the right to property in their own bodies. There is "no Propriety, no Dominion, no *Mine* and *Thine* distinct; but onely that to be every mans that he can get; and for so long, as he can keep it." (Hobbes's emphasis)(L 13, 13). Hence, Hobbes argues, it follows that in the state of nature there can be no justice or injustice, no right or wrong, no concept of theft, murder, etc.. Everyone

may and indeed, ought (in the rational sense of ought), to do everything within their power to preserve themselves.[6]

We must now turn to a careful analysis of the way in which Hobbes derives this all encompassing natural right. In *Leviathan*, Hobbes carefully draws a distinction between 'Right' and 'Law' which he holds to be analogous to the distinction between 'Liberty' and 'Obligation'. He argues that:

> ...RIGHT consisteth in liberty to do, or forbeare; Whereas LAW, determinith, and bindeth to one of them: so that Law, and Right, differ as much as Obligation, and Liberty; which in one and the same manner are inconsistent. (L 14, 3)

Obligations, specifically contractual obligations, involve the transference of rights and thus the forswearing of the corresponding liberties attached to these rights (L 14, 7). For example, if Bill makes a contract with Bob to exclusively supply Bob's department store with shoes, then so long as Bill fulfills his side of the bargain Bob no longer has a right (i.e. is no longer at liberty) to purchase shoes from someone else for the duration of the contract. Thus, for Hobbes, our liberties and hence our rights cease where our obligations begin.

The upshot for the present discussion is as follows. One will recall that Hobbes requires his readers to consider the state of nature as a place where the bonds which tie

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[6]Hobbes tempers the ostensible moral vacuity which this claim seems to entail in a footnote to Chapter I of *De Cive*. Therein he argues that no man can act unjustly in the state of nature since the formal conceptions of justice and injustice presuppose the existence of civil laws, which, by definition, do not exist in such a state. Yet, within the state of nature men may still violate the laws of nature-- specifically, if they exercise their right of nature blindly, that is without their own preservation as their goal. To wit, "But if any man pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so, he may offend against the laws of nature..." (DC 1, 10 fn.). This point will be explored in greater detail in Chapter VI.

men to one another in society are "dissolved" (DC Preface, 3). Its inhabitants have not "engaged themselves in any covenants" (DC 1, 10). As such, the state of nature is devoid of any contractual obligations. No individual therein has laid down a right to anything. Hence, by definition, each inhabitant of the state of nature is in a state of perfect liberty--each has an "equal right unto all things" (DC Preface, 3). Specifically, Hobbes emphasizes that in this war torn pre-societal condition every man, guided by his own reason, is free to pursue his self-preservation by whatever means necessary. For "that which is not contrary to right reason, that all men account to be done justly, and with right" (DC 1, 7). Any action, so long as the agent is sincere in his belief that it is essential to his survival, is justified.

D. War in the State of Nature. Given an adequate understanding of Hobbes's concepts of natural equality and natural right, one can proceed with an analysis of the cause(s) of the perpetual conflict endemic to our natural state. To begin, Hobbes has an interesting concept of war. He forsakes the run of the mill notion that war requires actual combat and strife. The occurrence of such violence is merely a sufficient rather than a necessary condition for war. Rather, war is not simply "the act of fighting; but ... a tract of time, wherein the Will to contend by Battell is sufficiently known" (L 13, 8). Betraying his English origins, Hobbes notes that war is much like bad weather. Unfavorable weather consists not merely when it is raining but also so long as the sky is overcast and gloomy. Likewise, men and nations are in a state of war so long as they are prepared to attack one another. What is important here is not so much the actual hurting but instead the will to hurt. Hence, the state of nature is a state of war not only because men therein are incessantly engaged in combat (although Hobbes, for rhetorical reasons, plays up this

possibility) but also due to the fact that men in such a state are constantly *disposed* to set upon their fellows.

Several factors contribute to the creation of this disposition. Specifically, moderate scarcity, natural equality, Hobbes's subjective theory of value and his unlimited natural right make war in the state of nature a foregone conclusion. The condition of moderate scarcity entails that no one individual can have as much as they want of anything. The prudent man, however, will seek to acquire as many goods as possible since in such a chaotic state a man "cannot be content with a moderate power: because he cannot assure the power and means to live well...without the acquisition of more" (L 11, 2). Yet, combined with this constant striving after a secure portion of a finite supply of resources, is each man's inherent equality of ability. This equality of ability, in turn, gives rise to "an equality of hope in achieving our Ends" and when two men desire the same thing which, due to scarcity, both cannot have they will "endeavor to destroy or subdue one another" (L 13, 3).

Hobbes's axiological subjectivism also plays a crucial role. One will recall, that for Hobbes, men in their natural state have no fixed axiological standard beyond what they presently desire. This standard varies from person to person and can even fluctuate within the same person over time. According to Hobbes, the lack of such a standard in the state of nature gives rise to "Disputes, Controversies, and at last War" (L 15, 40). The problem is best characterized by Kavka. As discussed in Chapter I of this thesis, Kavka argues that it is not disagreements over the worth of particular objects which result in strife but rather disagreements over the relative value of particular states of affairs (Kavka, 1986 p.296). For example, say that, in the state of nature, Joe desires a particular cave and Bill does not. Thus, the cave is a good for Joe whilst Bill remains indifferent. Since Bill does

not care about the cave he and Joe will not come to blows over who gets to live there. Indeed, it is only when men agree over the value of a particular object which they both cannot have that they will attack one another. Thus, on one hand, if Bill and Joe both desired the cave, that is if each agreed that the cave would be a good thing to have, then one would expect that war between the two would erupt in order to settle the question of possession. On the other, say that the cave in question overlooks Bill's thatch hut, leaving him vulnerable to assault from above. Understandably, Bill would interpret anyone's attempt to occupy the cave as a potentially noxious state of affairs. Joe, however, might consider the seizure and occupation of the cave, due to its fine defensive position, as a likely advantageous state of affairs. Bill then seeks to prevent the state of affairs which Joe aspires to put into effect, thereby paving the way for battle between the two.

Unfortunately, when one adds the 'right to everything' to this mix the result is deadly. The lack of any claim rights as far as property is concerned means that each is at liberty to invade others who are equally at liberty to defend themselves No one, so long as they are seeking to preserve themselves, can be accused of acting immorally regardless of what they do. Importantly, the right of nature eliminates any contingency with regard to war in the state of nature. Many interpreters simply assume, based upon Hobbes's rather pessimistic view of human nature, that strife in the state of nature is simply an empirical abstraction-- and if one can show that Hobbes relies on a faulty conception of human nature then the war of each against each need not necessarily take place. Armed with his unlimited natural right, however, Hobbes's thesis concerning war in the state of nature is much stronger than such an interpretation would allow. Regardless of men's temperaments (although Hobbes's conception of most men as predominantly selfish certainly exacerbates matters), the war which infects the natural human condition is "a necessary jural conflict

between people whose *rights* overlap or conflict in some sense with one another until they have been renounced" (Malcolm, 1994 p.535, his emphasis). Thus, the right of nature, by definition, insures that men in the state of nature will be in contention against one another.

Given these factors, Hobbes notes three specific reasons why men in their natural state would persist in making war upon one another: competition for scarce resources, self-defense and vain glory. As Hobbes notes, "The first maketh men invade for Gain; the second, for Safety; and the third, for Reputation" (L 13, 7). The first two reasons are not especially exceptional. Clearly, in their unbridled rivalry each is at liberty to effect what he will and two men who compete for the same object or the realization of opposing states of affairs will, in Hobbes's eyes, necessarily come to blows. Likewise, the denizens of the sate of nature will view each other with extreme suspicion and diffidence and seek to thwart any perceived threats to their erstwhile security by adopting an uncompromising defensive posture. Presumably, such individuals will engage in pre-emptive strikes against one another, reasoning, not without warrant, that in such a perilous state the best defense is truly a good offense.

Nonetheless, it is the third reason, vain glory, that is of particular interest. Competition and self-defense are, to a point, essentially rational grounds for hostility and discord. Vain glory is not. The vainglorious are irrational--for "whatsoever is vain is against reason" (EL 16, 10). These individuals suffer from an exaggerated sense of self-worth-- they falsely believe themselves to be better than their peers and hence assume that they have special entitlements which others do not. As such, these men foolishly deny their natural equality with others. Furthermore, such men invade beyond the requirements of security. They willfully attack another for "trifles, as a word, a smile, a different opinion,

and any other signe of undervalue" (L 13, 7). Overcome by pride, the vainglorious take pleasure in the unnecessary domination of others since such domination further boosts their already over-inflated egos. As one might expect, vainglorious men seriously upset the apple cart in the state of nature. Men consumed with vainglory, not only initiate strife, but also perpetuate this strife due to their refusal to "stoop to equal conditions"(DC 1, 2, fn.). Matters are further complicated by the fact that even though the "wicked (i.e. the vainglorious) were fewer than the righteous (i.e. the unpretentious), yet because we cannot distinguish them, there is a necessity of suspecting, heeding, anticipating, subjugating, self-defending..." (DC Preface, 3). In other words, since the immoderate are no different in appearance from the moderate it is wise to assume that everyone we encounter falls into the former category. Consequently, based upon such an assumption, the majority of men in their natural state are faced with a dilemma-- they might be more than willing to accept equal conditions but to do so would mean certain death at the hands of their vainglorious fellows. So reluctantly, they must opt for war.

E. Peace and the Social Contract. The conditions which precipitate war being made manifest, Hobbes turns his attention to peace. In order to set down the process whereby peace is attained, Hobbes, through the method of synthesis, engages in a rational reconstruction of human nature. The cause of peace is located therein. Each of the faculties discovered through analysis has a specific role to play if the peace process is to be successful. Furthermore, the doctrine of natural equality and the right of nature also get their due. Ultimately, the creation of peace, and simultaneously society, will occur when individuals in the state of nature are driven to enter into a social contract, on equal terms, by laying down their unlimited right of nature. This contract is, in turn, enforced by the iron hand of an absolute sovereign.

The contribution of the faculty of strength to the securing of peace is a negative one. As stated, the rough equality of strength which prevails amongst men in their natural state prevents any one individual from acquiring permanent physical domination over all others-- since the weakest members of the species can always gang up and kill the strongest. The recognition of this fact counts as a preliminary step towards peace. Men, based upon their physical limitations, will realize that peace in the state of nature cannot be forged through force of arms alone. On the other hand, the faculty of prudence provides a more positive addition to the peace process. Prudence, simply put, is the capacity men have to make predictions about the future based upon present and past experience (L 46, 2). It is essentially an inductive faculty. Furthermore, as argued above, Hobbesian natural equality consists in an equality of prudential ability. Considered, in their natural state, as "sprung from the ground like mushrooms" each man in the state of nature has, by definition, the same experience as his fellows (DC 8, 1). Based upon this commonality of experience, every man is equally able (in the strong sense of equality discussed above on p.9) to make the following prediction: unless a different state of affairs is instituted war in the state of nature will continue unabated and the future will be just as miserable as the past and present. Such a realization is crucial if war and strife are to cease.

Due to Hobbes's psychology, however, men, for the most part, cannot be moved to action without a corresponding passion or desire. For Hobbes, a desire, in the broad sense, is simply an endeavor (i.e. an internal motion of the mind) in the direction of or away from an object (L: 6, 1). More narrowly, a 'desire' is an 'appetite', that is, "an Endeavor...towards something" while an 'aversion' is an "Endeavor...fromward something" (L 6, 2). In line with the present discussion, specific appetites and aversions drive us to

seek peace and flee war. The appetite which propels us towards peace is the desire for "commodious living" (L 13, 14). That is, men sour on their miserable experiences in the state of nature and yearn to enjoy the fruits of society (e.g. security, friendship, culture, science, etc.). Thus, the beneficial consequences which result from being a member of a commonwealth function as a carrot to lure men into the fold. Carrots, however, normally have to be supplemented by sticks and Hobbes has his in the form of death aversion. Basically, men strive to escape the state of nature due to their fear of violent death. Death, according to Hobbes, is "that terrible enemy of nature" which all rational men seek to avoid at all costs (EL 14, 6). The state of nature is ultimately a state of mutual fear. Each inhabitant realizes that every other inhabitant could be his "potential murderer" (Strauss, p.17). Thus, our natural state is characterized by the pervasive fear we have of meeting a violent end at the hands of our fellows. Far from condemning such fear, Hobbes sings its praises. The fear of violent death awakens in men an intense hatred of their natural state and as such is the foundation of "all great and lasting societies" (DC 1, 2).

Most importantly, the fear of violent death literally brings men to reason. The terror and hideous anxiety associated with the prospect of a brutal and untimely demise uniquely focuses our cognitive capacities. Accordingly, Hobbes maintains, the faculty of reason performs two essential functions, without which peace will not obtain. First, prompted by prudence, reason enables men in the state of nature to agree upon a 'common good'-- specifically, peace.[7] Peace is a common good because all rational men will on reflection realize that it is a necessary condition for the achievement of any other good.

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[7]The conceptual compatibility of the existence of a good which all men hold in common tames the radically subjective implications of Hobbes's axiology. This point will be further developed in the next chapter.

Moreover, reason further dictates that conduct conducive to peace (i.e. traditionally virtuous behavior) must be deemed good as well. As Hobbes notes in *De Cive* "They therefore who could not agree concerning a present, do agree concerning a future good (*viz.* peace); which is indeed a work of reason" (DC 3, 31). And further: "Reason declaring peace to be good it follows by the same reason that all necessary means to peace be good also; and therefore that modesty, equity, trust, humanity, mercy...are virtues" (Ibid.). Reason, then, enables us to draw causal connections between certain types of behavior and the prevalence of peace.

Second, reason also "suggesteth convenient Articles of Peace" (i.e. the Laws of Nature) whereby men's common good can be attained (L 13, 14). In other words, reason demands that each be willing to "stoop to equal conditions" so long as others are willing to do the same (DC 1, 2 fn.). These conditions are set down by the Laws of Nature which all mature, rational individuals, through availing themselves of a bare modicum of reason (i.e. the NGR), can grasp. Essentially, Hobbes's Laws of Nature direct men to seek peace by laying down their unlimited right of nature. This laying down of right is accomplished by means of a mutually binding contract amongst equals which, once enforced by an absolute sovereign, creates the commonwealth. The vainglorious, those who stand in contempt of reason's dictates, are a formidable obstacle to this process. Such men, falsely believing themselves superior to others, will refuse to enter into a contract on equal terms. Hobbes does not mince words concerning their fate; at best they will be ostracized, thereby denying themselves society's succor, and at worst, they will be hunted down and killed as a threat to peace.

Although Hobbes identifies up to twenty natural laws in his various works on moral and political philosophy it is the first three laws, summarized below, which form the meat of his corpus. These laws, in order of priority, state that one must:

> (1) Seek peace and if peace is not possible then one is at liberty to use all the means of war deemed necessary to preserve oneself.
>
> (2) Lay down one's right to all things so long as others are willing to do so as well. Allow oneself as much liberty as one is comfortable allowing others.
>
> (3) Fulfill one's contractual obligations.

The first law stipulates our fundamental duty-- to seek peace-- and it also contains, in Hobbes's words, the "summe" of our unlimited right of nature which may be invoked whenever conditions are such that peace cannot be attained (L 14, 4). The second law directs us to discharge this fundamental duty through the implementation of a contract whereby we jointly agree to give up our right to everything. We cannot, however, cede the right of nature in its entirety. Hobbes stridently argues that each party to the contract retains a restricted right to self-preservation; namely, the inalienable right of self-defense (L 14, 8). Briefly, we enter into the contract with the goal of furthering our preservation in mind.[8] Yet, in forgoing our right to self-defense we would undermine rather than advance the desired end which drove us to the bargaining table in the first place. Therefore, "A Covenant not to defend my selfe from force, by force, is always voyd." (L 14, 29).[9]

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[8]Importantly, one must not assume that Hobbes's explanation of the reasons of why we enter a contract are necessarily the same as the reasons of why we *ought* to keep a contract. This distinction is crucial to any non-consequentialist interpretation of Hobbes's moral theory and it will be thoroughly developed in subsequent chapters.

[9] Hobbes here is implicitly relying upon a version of the principle 'ought implies can'. One ought not to be expected to give up one's right to self-preservation (at least in its restricted sense) because, psychologically speaking, one cannot do so. All men by a "necessity of nature" seek to preserve themselves (EL 14, 6).

Lastly, the third law requires men to "*performe their Covenants made*" and as such this law serves as the "Fountain and Original of JUSTICE" (L 15, 1-2). Injustice, for Hobbes, arises through the failure to keep one's word. Significantly, as will be argued in Chapter VI, this law entails that all men must satisfy their contractual duties, regardless of whether it is in their interest to do so or not. When taken together, these three "dictates of Right Reason" form the foundation of the commonwealth. Ultimately, then, reason, in conjunction with the aforementioned faculties, supplies men with the capacity to achieve the peace and attendant security which they so desperately desire.

Reason, however, has its limits. Based upon experience, men recognize that lust, envy, greed and other tempestuous passions oft times subvert reason's authority. Simply because men know that they ought to keep their covenants does not necessarily mean that the majority will in fact do so. Thus, to guarantee compliance on the part of all parties to the original contract, an absolute sovereign, who remains in the state of nature, is instituted. The sovereign functions purely as an enforcement mechanism, harnessing men's fear of violent death in order to prevent contractual ruptures.. From a practical point of view, the sovereign insures that adherence, regardless of whether one is morally motivated or not, is in everyone's short- as well as long term interest. So long as sovereign authority is respected, the bonds which unite men in society will remain securely fastened.

To sum up, the overall purpose of this chapter has been to uncover what Hobbes takes to be the causes of war and peace. Both states of affairs, Hobbes concludes, have their wellspring in every man's breast. Men's inherent moral duality, characterized as the interplay between wolf and God, savage and citizen, simply means that the hypothetical state of nature is really human nature writ large. Concepts especially germane to this

exegesis-- the state of nature, natural equality and the right of nature--have been carefully articulated and critically interpreted. Much work, however, remains to be done if my interpretation is to stand. The charges of psychological and ethical egoism leveled against Hobbes by Gauthier *et al* must be substantively explored and subsequently undermined. Specifically, it must be shown that Hobbes's axiological subjectivism, the right to self-preservation, the problem of the fool, etc. do not force Hobbes to espouse some sort of exclusively self-regarding moral instrumentalism. This task will be the focus of the next three chapters.

V. Undermining Ego-Hobbesianism.

To refer to someone as a 'Hobbist' was once an egregious insult. The term connotes a deeply duplicitous individual; one held hostage by his baser, selfish instincts and drives. He violates, intentionally and without remorse, those sacred values thought necessary to preserve not only hearth and home but the very essence of Christendom itself. In short, the Hobbist is a moral monster-- an individual devoid of *conscience*. Having a conscience means being reflectively aware of one's behavior in so far as it impacts on another. A man of conscience is thus capable of placing another's interests before his own and, in consequence, morality can become a worthwhile end in its own right. Importantly, mere weakness of will is not what is at issue here. It is not simply a lack of trying, as it were, which separates the proverbial Hobbist from his ethically enlightened peer. Morally speaking, the Hobbist is not simply unwilling, he is, by definition, psychologically unable to do the right thing for the right reason. His world view prohibits him from seeing his fellows as anything other than a means to his own self-directed ends. He is, first and last, an egoist.

Ego-Hobbesians, although in a much less pejorative manner, continue to cast their subject in a similar light. On the surface, the claim that egoism permeates every level of Hobbes's ethical thought appears to have a great deal of force given that his cynical depiction of men in their natural milieu is by no means morally flattering. Furthermore, Hobbes's ontological commitment to a subjective theory of value seemingly bodes ill for those wishing to reject an egoistic reading. A closer inspection of the relevant texts, however, undermines several of my adversaries' central tenets-- including, most importantly, the belief that Hobbes lacks any meaningful notion of other regarding behavior. For, if Hobbes does countenance the possibility of such behavior then the charge of egoism herein has no place. To buttress this claim, it will be shown forthwith that Hobbes is neither a psychological nor a moral egoist. He is, instead, best understood as a 'tautological' one. Anchoring my attack will be, first, the implicit distinction which Hobbes makes between self-interest and self-preservation, and second, his non-consequentialist theory of moral worth. He thereby allows for the existence of, and goes so far as to describe what it means to be, a man of conscience. Unfortunately, potential sinners usually outnumber potential saints and Hobbes, ever practical, realizes that self-interest is a valuable tool with which to marshal obedience-- a point which will be thoroughly explored in the last section of this chapter. Yet, the logical point of departure is Hobbes's seemingly subjective axiology-- for therein lies the key to the eventual unraveling of Ego-Hobbesianism.

A. Axiology. Ever since the publication of Hobbes's works on moral and political philosophy various interpreters and detractors, both traditional and contemporary, have tended to view his value theory as a paradigm case of extreme relativism. Such a conclusion is quite easy to draw given even a cursory reading of the text. Perhaps the most explicit statement of Hobbes's subjective theory of value is proffered in *Leviathan* where he writes:

> But whatsoever is the object of any mans Appetite or Desire; that is it, which he for his part calleth *Good*: And the object of his Hate and Aversion, *Evill*; And of his contempt, *Vile*, and *Inconsiderable*. For these words of Good, Evill, and Contemptible, are ever used with relation to the person that useth them: There being nothing simply and absolutely so; nor any common Rule of Good and Evill, to be taken from the nature of the objects themselves; (L 6, 7) (Hobbes's emphasis).

In this passage, Hobbes reduces the concepts of good and evil to little more than a function of appetite and aversion. Apparently, nothing possesses intrinsic value. Indeed, in the *Elements* Hobbes even goes so far as to claim that "even the goodness which we attribute to God Almighty is his goodness to us" (EL 7, 3). Such textual evidence in favor of radical subjectivism is taken as the intellectual point of departure for ascribing egoism, be it psychological or moral, to Hobbes.

Why such an apparently uncompromising commitment to a subjective theory of value? Hobbes here is aiming his methodological cannon squarely at the classical ethical tradition which has its roots in Plato and Aristotle. For Hobbes, the Good, per se, does not exist. Notions of the Good, whether transcendent (as in Plato's ultimate form) or immanent (as in the case of Aristotle's *ergon* argument) are dismissed by Hobbes as excess metaphysical baggage--"For there is no such *Finus ultimus* (utmost ayme), nor *Summum*

Bonum (greatest Good), as is spoken of in the Books of the old Morall Philosphers." (L 11, 1; Hobbes's emphasis).

Instead of committing himself to, in his eyes, an outmoded and unjustifiable metaphysics, Hobbes begins with the everyday common sense intuition that people tend to refer to what they desire as 'good'. He then, through the use of the Paduan method, offers a rational dissection of this empirical generalization in order to arrive at the causal etiology of 'goodness'. Simply put, when we resolve such a notion into its conceptual antecedents we realize that sentient creatures such as ourselves embody two types of motion: vital and voluntary (L 6, 1). The former involves those essential bodily processes (e.g. respiration) without which life would not exist and over which we have little if any control. In contrast, the latter is by nature intentional and has its seat in the faculty of imagination-- it presupposes the existence of a "precedent thought" (e.g. my nose itches) whereby our energies are subsequently focused and out of which action may spring (e.g. I actually scratch my nose) (L 6, 1). Hobbes goes on to term those "small beginnings of motion" that anticipate any sort of behaviorally perceptible movement 'endeavors' (ibid.). In turn, endeavors, depending upon whether or not they are towards or away from a particular object or state of affairs become, respectively, our appetites and aversions, and in keeping with his nominalism, Hobbes then aptly concludes that 'good' and 'evil' are simply names we affix thereunto.

In one sense, Hobbes's axiological subjectivism is quite liberating. By rejecting an overpowering teleological conception of value, Hobbes paves the way for the eventual enshrinement of the classically liberal sentiment 'To each his own'. Nonetheless, as Hobbes is quick to grasp, the absence of any sort of standard whatsoever, particularly given the avarice, vanity and general asociability of men in their natural milieu, bodes ill for his

political theory. Due to their ever shifting passions, it is highly unlikely that "all men [will] consent, in the Desire of almost anyone and the same object" (L 6, 6). This is particularly troublesome if one recalls that, according to Hobbes, no one in the state of nature will covenant away their right to everything unless each agrees that the resulting state of affairs would be individually desirable.

How then, given Hobbes's avowedly subjective theory of value, do men arrive at the conclusion that peace is a 'common good'? Hobbes's response is couched in terms of the distinction which he draws between real and apparent goods (EL 17, 14; L 6, 46). A real good is an object or state of affairs which all rational men ought to desire and as Hampton correctly notes, the most important real good for Hobbes is self-preservation (Hampton, 1986 p.34). Real goods are thus the product of rational desires and as such are universal for all members of the species (Gert, 1996 p.165). Again, reason rides to the rescue for Hobbes as a real good is one "which not every man in passion calleth so but all men by reason" (EL 17, 14). What makes a good (e.g. health) a real one? Simply the fact that all rational men thinking rationally ought to desire it. Hobbes, as it were, gets to have his philosophical cake and eat it too. On one hand, his doctrine of real goods does not require an untoward ontological commitment to an unwieldy teleology. On the other, for all intents and purposes, such goods can be viewed as objective since, while what we desire may vary from person to person, the 'Dictates of Reason' do not. Anyone who heeds reason's call will pursue real goods since the attainment of such goods is a necessary condition for the achievement of any other good (i.e. any other object of desire) regardless of one's station or circumstance.

Conversely, as opposed to being products of rational foresight, apparent goods flow from our non-rational/irrational desires and emotions. Apparent goods only "seemeth good" but in the long run they may in fact lead to suffering and self-destruction (L 6, 46). Apparent goods, the pursuit of which occurs when men, swayed by their immediate passions, ignore their future well-being in favor of the fleeting delectations of the moment, are not universal but vary in relation to the particular desires of individuals (Gert, 1996 p.165). For instance, the first drink for a previously sober alcoholic may well prove momentarily delightful but continued drinking will only render him much worse off than he was before. Alcohol, in such circumstances, is a paradigm exemplar of an apparent good.

At this juncture, Hobbes's notion of peace as a good which all men subjectively hold in common can be properly introduced. As Hobbes states "all men agree on this, that Peace is Good" (L 15, 39). "Reason declares peace to be good", as well as the means thereunto (i.e. the Laws of Nature) because all rational individuals thinking rationally will realize that it is a necessary condition for the achievement of any other good-- particularly their continued survival. Without peace, to cite a well worn phrase, our lives would indeed be "nasty, brutish and short" (L 13, 10). Peace is thus a state of affairs which all rational men ought to find mutually desirable since it affords each with the best chances of attaining his overriding goal of self-preservation.[1] To continue to opt for war, as the vain glorious might, even when others are willing to seek peace, is a clear case of someone who is only acting out of concern for an apparent good. In such a context, the desire for violence and bloodshed can only spring from "blind passion" instead of reason (Warrender, 1957 p.211). These individuals, Hobbes vociferously argues, must be dealt with harshly.

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[1] Analogously, the fear of violent death can be characterized as a 'common evil'.

Their pursuit of such apparent goods threatens and may even frustrate the achievement of any real goods. Consequently, the distinction which Hobbes draws between real and apparent goods is particularly noteworthy. It allows him to remain true to the essentially subjective axiology which drops out of his method yet, at the same time, permits him to postulate a value which all rational men hold in common, thereby grounding the basis of political agreement.

The subjectivism inherent in Hobbes's axiology, however, can still provide a foundation for charging him with embracing either psychological and/or moral egoism. Yet, before addressing such charges a final point concerning Hobbes's primarily subjective theory of value must be made. Ego-Hobbesians, particularly Gauthier and Hampton, assume that because Hobbes espouses such an axiology his moral theory must be equally as subjective as well-- even his doctrine of real goods is simply too 'thin' to allow for moral objectivity. Such an assumption, however, is unwarranted. W.D. Ross, for one, has argued that the 'right' and the 'good' are not synonymous concepts. (Ross, 1930 p.3).[2] As such, a separate logical domain can be carved out for each. Thus, so long as it can be shown that Hobbes is *not* some sort of egoist, then his advocacy of an essentially subjective theory of

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[2]Briefly, Ross's argument is as follows: If two terms mean the same thing then one ought to be able to substitute one for the other in any sentence in which either appears with no loss of meaning. For example, 'bachelor' and 'unmarried man'. Yet, when one attempts such a move with 'right' and 'good' the result is less than satisfactory. Consider 'He is a good man.' and 'He is a right man'-- here the substitution of 'right' for 'good' makes little sense. The differences between the two concepts can be further highlighted when one observes that most people, according to Ross, mean by the concept 'right' that which is 'morally obligatory'-- as in 'This act is the right act.' and 'This act is the morally obligatory act.'. Now, however, if one attempts to substitute 'morally obligatory' for all sentential occurrences of the concept 'good' the result is clearly absurd. Hence, 'right' and 'good' are not synonymous terms (Ross, 1930 p.3).

value ought not to prevent one from constructing an interpretation of Hobbes's moral theory as objective at its core.

B. Hobbes's Purported Psychological Egoism. As noted in Chapter I, both Gauthier and Hampton maintain that their subject subscribes to some form of psychological egoism.[3] Before adequately addressing this claim, a precise account of psychological egoism, along with its philosophical implications, must be properly put forth. Perhaps the best way to summarize this doctrine is as follows: psychological egoism holds that all individuals always act in order to satisfy their own selfish desires (see Gert, 1972 p.5-6 and Kavka 1986 p.35 n.). Importantly, psychological egoism is a theory of human behavior which is both "descriptive" and "universal" (Kavka, 1986 p.35). It is descriptive in that it aims to inform us how our psychology is empirically constituted. Specifically, all human desires are self-regarding in content. Likewise, the doctrine of psychological egoism is a universal thesis because it attempts to explain the motivations for any possible action on any possible occasion. Simply put, we act, and can only act, on the basis of self-interested motives and desires. Overall, psychological egoism is best understood as a negative thesis. Certain types of actions, namely altruistic and moral ones, are dismissed out of hand as being incompatible with a wholly self-concerned and self-directed psychology.

Turning to Hobbes, one will quickly realize that the only way in which he can be construed as a psychological egoist is if he fails to recognize the existence of altruistic or moral actions and the non-self-interested motives from which they spring. Gauthier stridently argues that Hobbes does in fact do so--as discussed in depth in Chapter I, the

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[3]In what follows my criticisms of Gauthier will apply with equal force to Hampton.

source of Hobbes's psychological egoism lies in his account of vital and voluntary motion. All voluntary motion, on this reading , originates in the desire to feel pleasure or avoid pain through the enhancement of vital motion, the result being that, at base, the aim of every intentional act is entirely hedonistic. Furthermore, since the capacity to experience pleasure can only be sustained through the continued physical survival of our bodies, every rational human action can be explained in terms of its contribution to self-preservation (Gauthier, 1969 p.10). For Hobbes, Gauthier argues, the desire for self-preservation is not only a sufficient condition for action but a necessary one as well. As such, actions which do not necessarily revolve around self-preservation, e.g. an altruistic one, are theoretically impossible for Hobbes.

Gauthier's interpretation, which may at first appear quite convincing, is at heart little more than a crude rendering of Hobbes's psychology and conflicts with a great deal of other textual evidence. First, a point must be made concerning the physiological basis, for Hobbes, of pleasure and pain: the former results from desire satisfaction, a process through which our vital motions are apparently increased, while the latter arises during periods of desire frustration, through which our vital motions are apparently weakened.[4] Succinctly, pleasure is the introspective awareness that our desires are being satisfied while the presence of pain entails that they are not. Pleasure and pain thus act as our "sense" of good and evil and, as one can see, Gauthier's account is still tenable (L 6,11).

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[4]I employ the phrases 'apparently increased' and 'apparently weakened' to emphasize that Hobbes does not mean that every time we experience pleasure our vital motions are necessarily being enhanced. Rather, the experience of pleasure is simply a sign that our vital motions may ("seemeth to be") in fact be increasing. Hobbes is well aware that not all pleasures (e.g. drugs, smoking, etc.) are, in the long run, going to improve and/or preserve our vital motions, and similarly for pain

The point which must be stressed, however, is that Hobbes is not identifying the good with pleasure (or the evil with pain) nor is he saying that we engage in actions solely for the sake of experiencing pleasure and avoiding pain. The good for each of us is whatsoever we desire. However, we do not always desire pleasure per se but rather we are after the acquisition of particular objects or the realization of certain states of affairs. Pleasure is not the sole object of each and everyone of our desires and, therefore, Hobbes must not be cast as a straightforward psychological hedonist. Instead, he views pleasure as an epiphenomenal by product created through the satisfaction of our wants and appetites. Thus, on a hot and humid summer afternoon I may feel thirsty. If so, and someone places a glass of ice water in front of me, the ice water may then become an object of my desire; that is, it becomes a good for me. When consumed, the water is accompanied by a cool sensation which I find pleasurable. Nonetheless, I did not necessarily drink the water, according to Hobbes, in order to experience such a sensation. I imbibed the ice water in order to quench my thirst. The pleasure which arises is simply a sign (albeit a prized one) that I have attained my good-- i.e. I have satisfied my desire of thirst. For Gauthier's interpretation to be successful the only rational reason why a Hobbesian agent would drink the ice water is because he desired to feel the resulting pleasure. Such a line of argument, however, is inconsistent with Hobbes's views on the matter. Pleasure is *a* good for Hobbes, but not *the* good.[5]

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[5] Hampton stresses that it is not that the Hobbesian agent's desires are exclusively self-regarding but rather the fact that such desires are produced by a "self-interested bodily mechanism" which leads her to characterize Hobbes as a psychological egoist (Hampton, 1986 p.23). Accordingly, she maintains that pleasure for Hobbes is not a desire but nonetheless she still argues that on his account, pleasure is "an experience which we are biologically programmed to pursue" (Ibid.). Unfortunately, Hampton is quite unclear concerning this point. If we are 'biologically programmed' to seek pleasure then it seems to

A second problem with Gauthier's rendition is that it conflicts with what Hobbes actually says in his texts on moral and political philosophy. Therein, Hobbes admits the possibility of both altruistic and moral action. In the case of the former one need look no further than the definition of benevolence which appears in Chapter VI of *Leviathan*. As Hobbes perspicuously states:

> *Desire* of good to another, BENEVOLENCE, GOOD WILL, CHARITY. If to man generally, GOOD NATURE. (L 6, 20; Hobbes's emphasis).

Clearly, Hobbes's concept of benevolence (and its attendant cognates) is by no means cast in a selfish hue. Altruistic behavior *is* possible for Hobbes and occurs when one desires to satisfy a desire (i.e. to achieve a good) of another. This definition makes no reference to self-preservation and indeed, falls outside of the pale of human conduct logically permitted by psychological egoism. Hobbes also argues for the existence of a realm of specifically moral action. Although this topic will be taken up with much greater detail below in my discussion of Hobbes's theory of moral worth, a few examples are all that is necessary to pull the rug out from under Gauthier. For instance, in *De Cive*, in discussing what it means to be morally bound Hobbes contends that "a man is obliged by his contracts, that is, he ought to perform for his promise's sake" (DC 14, 2 n.). Yet, a psychological egoist, by definition, cannot do anything for its own sake, let alone keep a promise. Hobbes's condemnation of wanton cruelty in the state of nature as a "breach of natural law" similarly strikes at a conceptual foundation of psychological egoism (DC 3, 27 n.). Sadism is certainly compatible with such a doctrine. If I derive pleasure from needlessly torturing others, then there is little recourse that a psychological egoist has at

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follow that pleasure is the object of our desires and hence the content of our desires must somehow be hedonistically self-regarding.

his disposal beyond muttering 'to each his own'. Nevertheless, Hobbes prohibits any act of cruelty which does not contribute to peace, thereby setting himself up in opposition to the likes of Gauthier *et al.*

Therefore, Hobbes is not a psychological egoist at all. Instead, following Gert, he is better viewed as a "tautological" one (Gert, 1972 p.7). Tautological egoism bears a formal resemblance to psychological egoism in that both share the view that human beings always act in order to satisfy their desires. The difference between the two is that the former, unlike the latter, implies no empirical consequences. Importantly, tautological egoism does not specify what the content of our desires must be. According to this view, men simply act on their desires and the question of whether or not these desires are self- or other-regarding remains an open one. Thus, for a tautological egoist I may have the desire to act charitably, benevolently, etc. As Gert remarks, Hobbes's tautological egoism is logically entailed by his definition of the will as the "last appetite..., the one that leads immediately to action or omission" (DH 11, 2) combined with the concept of good as "The common name for all things that are desired, in so far as they are desired..." (DH 11, 4). In other words, for Hobbes, all human beings necessarily act on their desires (Gert, 1972 p. 7). Furthermore, since all things which are desired are viewed as a good to the desiring individual then every man seeks what is a good (i.e. object of desire) to him. Crucially, and in line with the description of tautological egoism proffered above, Hobbes never imposes any sort of restriction on the content of our desires. Hence, Hobbes's notions of benevolence and moral worth (i.e. the desire to act justly without regard to reward or punishment) are easily quite compatible with his psychology. Indeed, if one still wants to maintain that Hobbes is a psychological egoist then one must somehow explain

how he arrives at such notions, unless one is willing to accept that Hobbes is blatantly contradicting himself.[6] In sum, the charge of psychological egoism falls flat.

C. Hobbes's Purported Moral Egoism. Simply because Hobbes eludes being cast as a psychological egoist, however, does not mean that he is not a moral egoist. One will recall that both Hampton and Kavka view their quarry in such terms--the former believes Hobbes to be an act-egoist while the latter argues that Hobbes in fact clings to rule-egoism. I will begin by refuting Hampton's thesis and then turn my attention to Kavka.

Hampton bases her account on Hobbes's distinction between real and apparent goods. She claims that he adheres to a moral system which she describes as "true belief instrumentalism"; such a system only being compatible with some form of act egoism (Hampton, 1986 pp.33-57). As discussed in detail in Chapter I, according to the doctrine of true belief instrumentalism a rational act is any act which a person determines as most likely to satisfy their desires given that person is in possession of true beliefs (Hampton, 1986 p.36). In other words, desires which flow from true beliefs, thereby being rationally informed, are worthy of pursuit and therefore ought to be counted as real goods.[7] We ought to seek to acquire such goods because it is in our interest to do so. Based on such a reading, the right becomes little more than a handmaiden to the good. The right act is simply that act which enables us to achieve what we rationally desire. Hobbes's Laws of Nature are nothing more than a set of hypothetical imperatives which provide us with the causal knowledge necessary to achieve real goods (Hampton, 1986 p.90),. Prudence and

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[6]Which, squared circles aside, seems quite unlikely given the high caliber of Hobbes's analytical rigor.

[7]I will be arguing in the last section of Chapter VII that Hampton's 'true belief instrumentalism' is much too weak to accomplish the task she sets for it.

morality do not merely coincide-- they are one and the same thing. Hence, Hobbes is a moral egoist.

The crux of Hampton's reading is dependent upon her contention that for Hobbes, "contractual obligations exist only in so far as it is in our interest to perform them" (Hampton, 1986 p.56). She supports this rather bald claim by pointing to a passage in Leviathan where Hobbes writes "No man can transferre or lay down a right to save himself from Death, wounds and imprisonment" (L 14, 29). Hampton, here, however, is resting too many of her philosophical eggs in one basket and her interpretation is only plausible because she simply ignores the context in which the above passage appears. To illustrate Hampton's error it is necessary to quote Hobbes at length:

> A Covenant not to defend myself from force, by force, is alwayes voyd. For...no man can transferre, or lay down his Right to save himselfe from Death, Wounds, and Imprisonment, the avoyding whereof is the onley End of laying down any Right, and therefore the promise of not resisting force, in no Covenant transferreth any right; nor is obliging. For though a man may Covenant thus, *Unlesse I do so, or so, kill me*; he cannot Covenant thus, *Unlesse I do so, or so, I will not resist, you when you come to kill me*. For man by nature chooseth the lesser evill, which is danger of death in resisting; rather than the greater, which is certain and present death in not resisting. (L 14, 29; Hobbes's emphasis).

Contra Hampton, in this paragraph Hobbes is *not* arguing that we may abrogate our obligations whenever they conflict with our interests but rather only when we are confronted with deadly force or the threat of imprisonment do our obligations cease.[8] Hobbes, as Warrender correctly maintains, is implicitly relying on the principle of 'ought implies can' (Warrender, 1957 p.23). In line with this principle, morality can only demand

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[8]It is important to note that in Hobbes's time imprisonment could in many cases be equated with a death sentence since torture, along with other forms of extreme physical and psychological depravity, were the norm for anyone who might face incarceration.

of us what we are actually capable of doing. For instance, say that I am strolling by a lake and happen to notice that someone is drowning. Most people would argue that I have a basic moral obligation to try to rescue this individual. Indeed, if I am a good swimmer and well versed in lifesaving techniques then most people would argue that, other things being equal, I ought to leap into the water and try to save the person in question. Imagine, however, that I do not know how to swim. Am I still under an obligation to dive into the lake and attempt to save this person's life? Clearly, on any acceptable theory of morality, I am not. I am presumably still obligated to try to do something--e.g. throw them a line--but I am not required to venture in after them. To do so would be suicidal.

In a similar vein, Hobbes argues that 'men by nature choose the lesser evil' of resistance with a chance of survival, no matter how remote, rather than acquiescence and certain death. Hobbes's use of the phrase *by nature* here is extremely important and goes a long way towards undermining Hampton's stated position. Throughout his many works on moral and political philosophy, Hobbes repeatedly argues that men come into this world with an innate drive to preserve themselves (EL 14, 6; DC 1, 7; L 13, 3). Thus, an individual cannot be *obliged* to perform any act which runs counter to his preservation, but, to covenant away one's limited right to self-defense flies in the face of our preservative instincts. Succinctly, I ought not be required to lay down my right to defend myself from force with force because psychologically speaking, it is, for most members of the species, too much to ask. While some may choose to 'turn the other cheek' and become martyrs, the supererogatory must not be conflated with the obligatory. For Hobbes, demanding that individuals sacrifice their right to defend themselves is analogous to expecting an individual who cannot swim to strip down and plunge into a lake after a potential drowning victim.

Hampton, and indeed every defender of Ego-Hobbesianism, is also guilty of assuming that self-interest and self-preservation are synonymous terms in the Hobbesian lexicon. Instead, self-preservation is a species of self-interest. Following Warrender, one must be careful to distinguish between self-interest, as in certain "mundane benefits", versus self-preservation, a concept exclusively concerned with one's "biological and physical survival" (Warrender, 1957 p.200).[9] The point is that for Hobbes, I may not violate a covenant simply because I can get away with it (clearly, free riding without the possibility of getting caught is always in one's self-interest) but rather, I may only violate a covenant if its fulfillment would conflict with my preservation. This position seems to be born out by Hobbes's 'Ransom Case' which appears in all three of his major treatises on moral and political philosophy (EL 15, 13; DC 2, 17; L 14, 18). Briefly, Hobbes argues that if one has covenanted with a kidnapper to be released in exchange for a ransom to be delivered at a later date then if the kidnapper performs first one is obligated to keep one's side of the bargain unless one has evidence that the kidnapper will kill one upon delivery of the ransom. Indeed, in the *Elements of Law*, Hobbes goes so far as to maintain that "covenants of things lawful is obligatory, even towards a thief" so long as they do not run counter to one's self-preservation (EL 15, 13). On one hand, if Hobbes were simply offering a rank endorsement of act egoism one would expect him to urge the kidnapped party to flee and never return once afforded the chance. On the other, it is hard to see how returning to the kidnapper with an armful of cash is in any way conducive to one's self-interest no matter how said interest may be construed. Thus, in short, Hobbes retains,

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[9]Warrender also makes this distinction but it rings rather hallow once Warrender admits that the voluntary acts of all Hobbesian agents must be done out of self-interest. In authoring such an admission Warrender plays directly into Hampton's hands.

from the point of view of traditional non-egoistic morality, a very meaty concept of obligation; one which is not clearly reducible to an agent's best interests.[10]

Kavka's argument that Hobbes is a rule-egoist provides a more interesting case. One will recall that rule egoism is a consequentialist moral theory wherein the right act is one which conforms to a rule that over time has been shown to maximize everyone's long term self-interest. Unlike act egoism, then, where an act is justified by a direct appeal to the principle of self-interest, under rule egoism individual actions are justified because they fall within the scope of a particular rule. In turn, these rules are themselves justified by the principle of self-interest which functions as a meta-rule. The differences between these two theories can best be highlighted by considering the case of promise keeping. According to act egoism, one ought only to keep one's promise if it is in one's self-interest to do so. For instance, I promise to accept a job with a starting salary of $22, 000 a year. If, at a later date, I find a job with a higher salary then according to the act egoist I ought to break my original promise and take the latter position since working at a lower salary is not in my immediate self-interest. The rule egoist is forced to disagree with such a course of conduct. Specifically, I ought to keep my promises because such behavior conforms to a general rule which mandates promise keeping in all but the most perilous situations. The reason why I ought to adhere to such rules is that overall, these rules have been shown to most fully maximize my long term self-interest; even if in particular situations they conflict with my short term goals. Thus, in line with rule egoism I ought to respect my agreement with the first company and accept the position with the lower starting salary.

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[10]Thus, *contra* the interpretation which I am attacking, Hobbes *can* make sense of a conflict between the demands of self-interest and those of morality. Significantly, such conflicts are an important indicator of the presence of moral objectivity within an ethical theory.

Kavka, as one will recall from Chapter I, argues that this version of egoism is most consistent with what Hobbes sets down in the text. The Laws of Nature ought to be understood as a set of 'rule egoistic principles' which prescribe behavior that is most conducive to an agent's long term interests, particularly with regard to the attainment of peace (Kavka, 1986 p.358). Importantly, in ascribing such a moral theory to Hobbes, Kavka is able, among other things, to elude the above proffered criticisms of Hampton's view. On this reading of Hobbes, one's contractual obligations are not simply reducible to a case by case analysis in terms of one's immediate self-interest, the actual idea being that one ought always to keep one's contracts so long as they do not lead to one's imminent demise. As Kavka duly notes, Hobbes only permits defensive violations of the Laws of Nature--if everyone else is adhering to these rules then, morally (i.e. prudentially) speaking, one has no choice but to obey them as well since such obedience is ultimately rewarded with the satisfaction of one's overall interests (Kavka, 1986 p.344). Furthermore, in lieu of such a stance, Kavka can also make sense of the above mentioned distinction between self-interest and self-preservation. Again, while it may be in our direct self-interest to violate a covenant, we ought only to do so if our life is at stake. Keeping one's word, regardless of the immediately negative consequences in terms one's interests broadly construed, leads to "mutually beneficial relations" with other members of society- a goal which all rational individuals ardently ought to pursue if peace is to be secured (Kavka, 1986 p.383).

Such an interpretation clearly strays far from the received view of Hobbes articulated by Gauthier and Hampton. One may wonder why Kavka does not bite the bullet and simply depict Hobbes as an exponent of a conception of morality which is at heart objective. Kavka clings to a rule egoistic interpretation of Hobbes, aside from its

clear advantages over Hampton's act-egoism proposal, because, even though he does not believe Hobbes to be a psychological egoist, he does insist that the latter is a predominant one. In other words, human beings are generally only motivated to act if their interests are at stake and while altruistic behavior is possible, albeit highly unusual, the capacity for moral behavior (i.e. acting without concern for or in opposition to one's interests) is, for all intents and purposes, non-existent. Rational prudence, then, provides Hobbes with the only acceptable alternative upon which to ground a viable theory of morality.

Kavka's account, sophisticated as it is, is not immune from substantive criticism. A rule-egoistic moral theory may well suffer from an internal inconsistency. Analogous to the contention that rule utilitarianism, upon closer scrutiny, actually gives way to act utilitarianism, one could perhaps construct an argument which shows that rule egoism simply collapses into act egoism.[11] Be that as it may, such a state of affairs is not particularly germane, at least in an interpretive sense, to Kavka's thesis. Even if rule egoism ultimately proves to be logically untenable, it is still possible that Hobbes was in fact a rule egoist. Therefore, in order to undercut Kavka, a different tack must be pursued. Namely, it will be shown that Kavka's ascription of rule egoism to Hobbes is impermissible based upon the latter's account of the moral worth of actions and persons. To a discussion of this account I now turn.

D. Hobbes on the Moral Worth of Actions and Persons. As previously mentioned, albeit briefly, above, Hobbes does admit of a realm of specifically moral action. 'Moral action' here is being used in its traditional sense; that is, acts which fall into this category are those which can be undertaken in opposition to, or without regard for, one's

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[11] Such an argument could perhaps be constructed along the lines of what J.J.C. Smart does in his paper "Extreme and Restricted Utilitarianism".

personal interests. Clearly, if the capacity to engage in such acts is what Hobbes would deem 'being moral' then he is committed to neither psychological nor moral egoism. Hobbes's theory of moral worth is propounded in all three of his major works on moral and political philosophy and centers upon his concept of justice. Being just, according to Hobbes, is synonymous with being moral. Broadly, justice is defined as acting in conformity with the Laws of Nature and more narrowly as the keeping of covenants (L 15, 2). Yet, merely because an individual keeps his covenants does not entail that said individual is to be deemed just. For Hobbes, we do not determine the moral worth of actions by looking to the actions themselves or to the consequences of those actions but rather to "the fountain from whence they spring" (EL 16, 4). What matters to Hobbes is the appropriate motive. The just man has a "passion" for justice (EL 16, 4). That is, "*to be just* signifies as much as to be delighted in just dealing, to study how to do righteousness, or to endeavor in all things to do that which is just" (DC 3, 5; Hobbes's emphasis). Thus, Hobbes carefully distinguishes between a just act and a just man. A just act is simply one which conforms with the law. A just man, on the other hand, is one who constantly endeavors that his actions conform with the law due to his respect for the law (EL 16, 4); (DC 3, 5); (L 15, 10). *Contra* Kavka, then, portraying Hobbes as a rule egoist is permissible from the latter's concept of just action. The rule egoist's actions would be counted as just in so far as they conform with the Laws of Nature. Yet, when one investigates *why* the rule egoist acted as he did Kavka's interpretation will fall flat seeing that the rule egoist simply obeys the law out of consideration for his long term self-interest rather than a deep commitment to being just regardless of the consequences.

Hence, Hobbes's theory of moral worth is stringently non-consequentialist and as such all attempts to label him as some sort of egoist (aside from the purely logical doctrine

of tautological egoism) are ultimately without foundation. Indeed, an exclusive concern for the consequences of one's actions can be seen as a hallmark of injustice. An individual who decides to 'do the right thing' due to the threat of punishment is completely lacking from a moral point of view (EL 16, 4; DC 3, 5; L 15, 10). Such a person, given the chance, would happily commit "unrighteousness by reason of the iniquity of his mind" (DC 3, 5). Furthermore, an agent who keeps his covenants merely because it is in his interest to do so can never be viewed as just (i.e. moral) "because his will is not framed by the Justice, but by the apparent benefit of what he is to do" (L 15, 10). Consequently, neither the positive nor the negative consequences of an action matter in a strictly moral context.[12] A moral man, in Hobbes's eyes, is one who keeps his word because it is his duty to do so. Hobbes's strongest pronouncement on this issue occurs in *De Cive* where he stridently states:

> We also said, that the laws of nature had regard chiefly unto conscience; that is, that he is just, who by all possible endeavor strives to fulfill them. And although a man should order all his actions so much as belongs to external obedience just as the law commands, but not for the law's sake, but by reason of some punishment annexed unto it, or out of vain glory; yet he is unjust. (DC 4, 21).[13]

The implications of this passage are manifest. Actions ultimately have moral worth only if they are done for the sake of the law. Actions done for any other reason may coincide with the dictates of morality but in and of themselves they are devoid of moral worth. In staking out such a position, Hobbes boldly eviscerates a central tenet of Ego-

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[12]Except, of course, when one's self-preservation is at stake.

[13]It is interesting to note that Hobbes believes that some people obey the Laws of Nature out of vain glory. Presumably, such individuals are the self-righteous who enjoy putting themselves atop imaginary soap boxes and act morally not out of respect for the law but rather because it makes them feel superior to others.

Hobbesianism; namely, Hampton's claim the Hobbesian agent "can only act according to duty, not from duty" (Hampton, 1986 p.32).

At this juncture, scholars who insist upon ascribing some sort of egoistic position to Hobbes promptly pounce on the case of the 'foole'. The fool is a short sighted egoist who refuses to keep his side of the bargain. In contractual terms, the fool fails to make good on a covenant following the performance of the first party. Such an individual reasons that the breaking of a covenant is perfectly permissible "when it conduced to ones benefit" (L 15, 4). Hobbes aims to sideline the fool by showing him that the breaking of the original covenant is clearly opposed to his long term self-interest. He deploys three such arguments against the fool. First, Hobbes notes that in general, the failure of a man to keep his covenant usually "tendeth to his own destruction" (L 15, 5). The benefits which actually accrue to us from breaking our word are a product of luck rather than rational foresight since no one has complete epistemological access to the future. Therefore, it is always better to err on the side of caution and render performance where performance is due. Second, it is always in our interests to cultivate worthwhile relations with others--particularly in the state of nature. Yet, the fool, who, given half a chance, breaks his promise showers disfavor upon himself in the eyes of others. If he is sly enough to be admitted into society, once others become aware of his ruse he will be summarily "cast out" therefore forfeiting all of the myriad benefits which society has to offer (L 15, 5). Finally, Hobbes attempts to appeal to the fool's sense of the afterlife by maintaining that anyone who breaks his word denies himself a chance at heaven (L 15, 6). Clearly, each of these lines of argument, although superficially different, is at base an appeal to rational prudence.

Hobbes's response to the fool, couched as it is in the terms of self-interest, leads Ego-Hobbesians to assume that Hobbes is at heart offering an egoistic theory of morality. His theory of moral worth is, on such accounts, reduced to little more than rhetorical window dressing aimed at adding a veneer of moral objectivity to a decidedly subjective ethical stance. Nevertheless, such a conclusion goes too far. Yes, Hobbes does appeal to the fool's long-term self interest. He is encouraging the fool to be prudent (the opposite, as it were, of being foolish). Yet, simply because Hobbes resorts to prudential arguments when dealing with the fool does not mean that Hobbes is espousing a thoroughgoing commitment to egoism. The fool is a die hard egoist. How can one appeal to an egoist except egoistically? Moral appeals will fall on deaf ears. Informing him that his actions, springing as they do from selfish consequentialist considerations, lack moral worth will probably produce little more than a cunning scoff. Practically speaking, Hobbes has no other option but to entreat the fool from a prudential perspective.

Importantly, following Hobbes's theory of moral worth, while the fool may perhaps be induced to make the prudent move and uphold his covenant his act can never be construed as moral for Hobbes. The fool, with his 'what's in it for me' attitude remains a moral pariah. He may be transformed into a prudent individual (one who acts in accordance with the law because it serves his interests to do so) but Hobbes despairs of ever making the fool moral. Such individuals care only for themselves and are incapable of acting for 'the law's sake'. Furthermore, the fool, as well as the prudent man, are by definition unjust for Hobbes. They are motivated solely out of concern for the positive and negative consequences which might happen to befall them. The prudent individual is just that, in so far as he is particularly better than the fool at calculating what these

consequences might turn out to be. Hobbes's sincerely moral man, as stated above, cares little about such things. Rather, he keeps his word simply because he has given it.

E. The Role of Self-Interest. To this point, it has hopefully been established that Hobbes is neither a psychological nor a moral egoist. Instead, textual evidence leads to the conclusion that Hobbes allows for the possibility that human beings can be motivated to act both altruistically and morally. Nonetheless, it is also an inescapable fact that Hobbes appeals to men's sense of rational prudence in order to get his political theory up and running. As noted in the last chapter, men, impelled by their immediate fear of violent death and their long term desire for "commodious living", willingly flee the state of nature through the vehicle of a mutually advantageous contract (L 13, 14). The question now arises as to why Hobbes, if he does proffer a theory of human nature which recognizes the capacity for both altruistic and moral behavior, does not appeal to such capacities in order to lay the foundation for society.

First, let us consider the case of benevolence. In order for society to be constructed on such an other-regarding basis, altruistic conduct would have to be both naturally occurring and unlimited in scope. Hobbes, however, seriously doubts the empirical plausibility of such a notion. As he notes, "For if by *nature* one man should love another, that is, as man, there could no reason be returned why every man should not equally love every man, as being equally man" (DC 1, 2; my emphasis). Clearly, such a state of affairs does not hold between each and every member of the species. Altruism, for Hobbes, is thus "limited"-- primarily to a close circle of family and friends (Kavka, 1986 p.64). Importantly, Hobbes is not precluding the existence of other-regarding behavior but he is denying any sort of widespread inclination for "undifferentiated natural benevolence" (Gert, 1972 p.9). Occasionally, of course, a 'Good Samaritan' may act charitably towards a

total stranger. Yet, the fact that such individuals are held up as moral ideals, which everyone ought to emulate, goes a long way towards proving Hobbes's point. If benevolent action was a universal and every day occurrence then more likely than not it would attract little, if any, undue attention. Likewise, Hobbes in no way denies the existence of moral behavior. A moral man, even though he may enter into a contract to further his self-interest, will keep his word for a very different reason-- because he is under an obligation to do so regardless of the benefits which will accrue to him. But, from a political perspective, a blanket reliance on men to behave morally is also unfeasible because, according to Hobbes, the motivations which inspire men to engage in such conduct are "rarely found" (L 15, 10).[14] Hobbes is thus a "pessimist" (Gert, 1972 p.10). Neither altruistic nor moral intentions are prevalent enough to insure that the state, and hence society, will come into being.

Hobbes nonetheless has a fairly well known solution. At the outset of this thesis it was noted that Hobbes has both a theoretical and a practical project. Hobbes's theoretical project, one will recall, was to explore and explain the full gamut of intellectual and emotional capacities which constitute human nature. In demonstrating that men can actually engage in non-egoistic behavior, whether altruistic or moral, Hobbes has served his theoretical project well. At this juncture, Hobbes's practical project intercedes. Hobbes wants to harness the results of his theoretical labors in order to provide men with a blueprint for the ideal state. Importantly, this blueprint will only be realized if a means can be found to guarantee that the vast majority of men will be sufficiently motivated to keep the original covenant. Practically speaking, however, men are notoriously weak willed

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[14]Hobbes, however, does appear to believe that through a rigorous program of moral education a large class of sincerely ethical individuals can be produced. See Dietz (1990).

creatures. Lust, greed and other unsavory passions insure that almost anyone, at any time, may wind up playing the fool. As such, Hobbes cannot rely on the preponderance of men to behave either benevolently or morally in order to bring the state into fruition. By default, then, Hobbes must appeal to the prudential concern that each man has for his own interests and ultimately his own preservation. Hobbes's move here does not entail, as so many interpreters (e.g. Gauthier *et al*) have assumed, that Hobbes is arguing that men can not or ought not be concerned with anything else. Those guilty of such an unwarranted assumption lose sight of the forest for the trees. Instead, the idea is that only through a concerted appeal to both our short and long term self-interest (whether by carrot or stick) will a large group of anonymous individuals be able to reach a relatively permanent state of concord.

To illustrate this point, imagine if the New York City subway system operated on an honor system. Individuals would be strongly encouraged to pay their fare but no external sanction would exist to act as an enforcement mechanism. Instead, the city would have to count on the internal sanction of morality-- the 'internal court' of conscience in Hobbes's words--to provide the impetus for passengers to allocate the appropriate funds. On Hobbes's analysis, a certain percentage of consumers would do the right thing and pay their fares out of a concern for justice. Unfortunately, however, the percentage of such individuals would be so small that the subway system would collapse due to insufficient revenue. Perhaps the transit authority would make a further appeal to riders' sense of long term self-interest. Potential passengers might be exhorted to remember that if not enough people pay then no one gets to take advantage of the obvious benefits which an efficient subway system has to offer. Many people, then, might be encouraged to adopt a prudent course of action and proceed to pay their fare. Nevertheless, if one were to hazard a

guess, the additional amount of individuals persuaded by such entreaties would still prove too few to keep the system running. Even on the most charitable view, a substantial minority of individuals would adopt a purely short term outlook and opt to 'free ride' thereby dooming the subway. The only way to ensure that enough people will pay their fair share is to set up a coercive enforcement mechanism which will punish those who attempt to ride for free-- thereby creating a situation where it is also in everyone's short term interest to obey the rules.

Such a view certainly casts pessimistic dispersions upon what we think of our fellows. Yet, appealing to men's short term and long term self-interest does not entail an exclusive commitment to egoism. Rather, it simply means that the internal sanction of morality alone is not powerful enough to accomplish the task set down by the demands of a workable political theory.[15] Hobbes realizes that for those individuals not open to moral suasion there exists a motivational gap between what we ought to do and what we want to do. Furthermore, this gap is particularly exacerbated when one is dealing with a collection of individuals who bear little if any relationship to one another. Indeed, if everyone who used the subway system were on intimate terms with one another then the problem would not be nearly so acute. Of course, there might be a few bad apples, but most people would realize that by not paying their fare they would be directly hurting others whom they knew and cared about. Hobbes, however, is not concerned with life on a kibbutz or in a small Amish village. On the contrary, he is focusing on life in a modern nation state; one in which most people are hardly bound together by even the thinnest of ties. Normally, it is

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[15] Nonetheless, this does not mean that Hobbes dispenses with morality within the context of politics. Rather, the sovereign itself is under the moral purview of the Laws of Nature. This topic will be thoroughly discussed in Chapter VIII.

much easier to cheat a stranger than a friend and in a society where most people are strangers the temptations to cheat will be enormous. To minimize this motivational gap, Hobbes must rely on appeals to our basic interests and if necessary invoke the fear of violent death to induce the majority of us to toe the line and keep the social contract. Self-interest thus plays a vital and indispensable, though by no means exhaustive, role throughout Hobbes's moral and political corpus.

In sum, a panoply of issues have been discussed in this chapter. Hobbes's primarily subjective axiology, his purported psychological and moral egoism, his theory of moral worth and the role of self-interest have all been addressed. My principal concern has been to establish that Hobbes has no theoretical commitment to egoism. As such, Hobbes's moral theory may be conceptually decoupled from his value theory. In so doing, enough logical space has been cleared to proffer an interpretation of Hobbes's moral theory as intrinsically non-consequentialist and objective. The next chapter is devoted to this task.

VI. Hobbes and Moral Objectivity: Part I.

Why be moral? Why ought one to do what one ought particularly if what one ought to do runs counter to what one wants to do? This question has vexed Western moral philosophers since Plato. Plato, of course, provides us with his rather well known answer in Book II of the *Republic*. One ought to be virtuous and thus just, since only the properly ordered soul is capable of achieving *eudaimonia*, and the only way for the soul to be properly ordered is if it is governed by the four cardinal virtues of wisdom, courage, temperance and justice. Plato places justice, as the paramount virtue, in the highest class of human goods-- justice is both intrinsically and instrumentally valuable. What Plato has done, and what most moral philosophers have continued to do ever since, is draw a connection between morality and self-interest. The above question assumes that what we ought to do and what it is in our interest to do inevitably will come into conflict with one another. Once one delves beneath the appearances, however, the reality of the situation is quite different. Regardless of the circumstances, even in extreme cases like the Ring of Gyges, Plato is essentially arguing that it always actually pays to be just. This is not to suggest that Plato is an ethical egoist but the point is that for Plato, possessing the virtue of justice both *leads to* and is *an essential component of* the good life; hence, justice's instrumental and intrinsic value. Importantly, the vicious man, in acting unjustly for personal gain, ultimately suffers the greatest personal loss-- he deprives himself of the chance at *eudaimonia* and subsequently of the opportunity to be fully human.

Plato thus seeks to preserve moral objectivity (i.e. the intrinsic value of justice) by wedding it to prudence. I cite Plato since his is the first and perhaps the most famous attempt to consummate such a union. In turn, many moral philosophers, most notably Kant, reject this suggestion, so the argument runs, because at base, morality and prudence

are mutually exclusive concepts and any attempt to bind the former to the latter reduces ethical behavior to little more than rational opportunism, i.e., one ought to do what one ought simply because it is one's duty to do so-- regardless of one's personal wants, needs and desires. So much for Plato and Kant. What about the son of the dissolute vicar of Malmesbury? Ego-Hobbesians provide a ready and well worn reply. Hobbes endorses a position which is diametrically opposed to the one pursued by Kant. In keeping with the Platonic framework, Hobbes is cast as a latter day Glaucon. Glaucon, one will recall, maintained that a man would only act justly if, in so doing, beneficial consequences would accrue to him. On such a view, the only rational reasons for behaving ethically are strictly instrumental and self-directed in nature. Self-interest becomes both a necessary and sufficient condition for acting in ways traditionally viewed as moral.

For Ego-Hobbesians, then, Hobbes's moral theory is nothing more than a tribute to the human capacity for self-love. Indeed, Hobbes does not trouble himself with concerns about the practical viability of moral objectivity-- rather, he dispenses with the entire notion as illusory and hence metaphysically spurious. Moral objectivity, per se, simply does not exist. On this reading, the Hobbesian agent ought, so far as it is in his power, only do that act which is most likely to maximize his long term self-interest. Hobbes is thus the modern intellectual forebear of *homo economicus*-- man as ubiquitous maximizer. Clearly, such a conception of a person is grossly incompatible with any sort of objective moral theory. The purported genius of Hobbes, however, is not his overriding commitment to egoism. Instead, it is seen by Ego-Hobbesians as his keenly resourceful ability to co-opt ethical concepts of a traditionally moral kind (e.g. obligation, justice, the Laws of Nature, the golden rule, etc.) and incorporate them into his overall moral and political theory. On this view, Hobbes drains every ounce of objectivity from such notions

but preserves their normative aura in order to harness the obvious rhetorical dividends of employing such concepts. These concepts, in Hobbes's hands, become hollow shells of their former selves. They retain the veneer of objectivity but their inner core has become decidedly egoistic (Gauthier, 1969 p.28). In so doing, as both Hampton and Kavka note, Hobbes provides a ready response to the question which has heretofore motivated this discussion: men ought to act 'morally' because it affords them the best chance, in the long run, of getting what they want whatever that want, within reason, may be.

As the reader might well suspect, I intend to reject unequivocally such a take on Hobbes's moral theory. Perhaps my radical divergence from Ego-Hobbesianism can best be illustrated through the following example. Let us consider the marriage contract. In a Hobbesian sense, the traditional contract of marriage requires that each party lay down the right to pursue outside sexual relationships. As such, the parties to the contract incur an obligation to be faithful to one another. Now imagine a case where reneging on the marriage contract would be in an individual's self-interest. Let us say that A is far away on business from his wife B. Further, let us say that A is with his boss C who happens to be sexually attracted to A and promises A a much sought after promotion if he will go to bed with her. Let us also assume that A is not really in love with B and thus will feel little if any guilt about cheating on her. He also realizes that due to the distance and isolation involved there is little if any chance that B will find out about this potential tryst.

What should A do? Clearly, it is in his self-interest to cheat on his wife. He will receive a promotion, he will feel no guilt and he will not get caught. According to Ego-Hobbesianism, A ought to cheat. Indeed, since, on this understanding of Hobbes contractual obligations only make sense if they further one's self-interest, no rational reason can be adduced for A's remaining faithful. On the other hand, I maintain the

contrary. So long as A's self-preservation is not being threatened and B is performing her side of the bargain, A has no option, based upon my interpretation of Hobbes's concept of obligation, but to endeavor to fulfill his marital contract. Whether or not A will in fact do so is an open question. But what he *ought* to do, according to Hobbes's moral theory, is obvious. He must remain faithful to his wife. Hence, on my interpretation, Hobbes does subscribe to a form of non-consequentialist moral objectivity. To establish the veracity of this claim will prove to be a rather arduous task. The standard view has well succeeded in shrouding Hobbes's work in an egoistic pall. Dispelling such wrongheaded notions requires a revised interpretation of the key concepts which comprise Hobbes's moral theory-- the nature of contractual obligations, the Laws of Laws of Nature and the Negative Golden Rule (NGR)-- each of which will be dealt with in due course in this chapter and the next.

The present chapter will deal exclusively with Hobbes notion of contracting and the thoroughly objective nature of the obligations thereby entailed. The following chapter will augment Hobbes's understanding of moral objectivity by taking into consideration his account of the Laws of Nature and the justificatory meta-rule behind these laws, the NGR. Lastly, I will sketch an expanded account of Hobbes's concept of reason in order to counteract the claim, of the opposing camp, that Hobbes's view of this concept is purely instrumental in nature and therefore incompatible with any sort of morally objective stance. Before turning to the matter at hand, I must also note that I am not alone in my revisionary quest. Recently, a few scholars, such as Shelton (1992), Van Will (1994) and Gert (1996) have voiced many of my sentiments concerning the standard view of Hobbes. I will draw on these sources, as well as certain novel arguments of my own, to undermine Ego-Hobbesianism.

A. Hobbes on Contractual Obligations. Clearly, the most logical starting point for an investigation into Hobbes's moral theory is his discussion of contracts and the obligations which they entail. Contracts, of course, play a vital role in Hobbes's moral and political theories since they provide men in the state of nature with the vehicle through which they are afforded a chance to escape their sorry lot. In the political and social sphere, the original contract functions as the mechanism which creates the possibility for society while in the moral sphere the contract serves as the source of Hobbes's conception of justice, narrowly construed. In what follows, I will set aside, for the time being, the social/political implications of contracting and instead focus on the foundational position which such activity occupies in Hobbes's moral theory.

To wit, contracts are entered into and obligations are incurred through the laying down of a right; i.e. the "liberty to do, or to forbeare" (L 14, 3). Thus, contractual activity circumscribes one's sphere of morally permissible behavior. An individual who has surrendered a right is bound to do something which he no longer has a right not to do *and* has a further duty not to do something which he formerly had a right to do. One is no longer free to do as one wishes. Hobbes best articulates this process in Chapter XIV of *Leviathan* and it is well worth quoting the particular passage at length.

> To *lay downe* a mans *Right* to any thing, is to *devest* himselfe of the *Liberty*, of hindring another of the benefit of his own Right to the same...And when a man hath... abandoned, or granted away his Right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he *Ought*, and it is his DUTY, not to make voyd that voluntary act of his own: and that such hindrance is INJUSTICE... (L 14, 6-7).

Clearly, several points are at issue here and each must be given its due if any worthwhile interpretive fruit is to be unveiled.

First, one will observe that Hobbes's concept of right or liberty is logically prior to his concept of obligation or duty. That is, men fall under the scope of contractual obligations and the associated duties which these obligations entail by renouncing a right which they antecedently possess. The obligation inherent in a contract is for Hobbes a normatively derivative concept. Men are fundamentally right bearing creatures-- a fact yielded by the Paduan method through the heuristic device of the state of nature. Indeed, as discussed in Chapter IV, the state of nature is a state of complete freedom, wherein everyone has the right to everything, since it is a state devoid of contractual obligation. The relationship between liberty and obligation is for Hobbes a logically complex one. As he notes, the two concepts "in one in the same matter are inconsistent" with one another (L 14, 3). Von Leyden (1982) offers a nice technical analysis. The connection between a liberty right and a subsequent obligation is such that the presence of a right (R) implies the absence of any obligation (non-O) and hence the existence of an obligation entails a former surrender of right (non-R). Furthermore, the laying down of a right (non-R) creates an obligation (O) and the absence of an obligation (non-O) entails a presence of a right (R). Therefore, a right (R) is both a necessary and sufficient condition for the absence of obligation (non-O) and hence R is synonymous with non-O (Von Leyden, 1982 p.66). Thus, one cannot, on Hobbes's terms, be both at liberty to do or forbear X and be obliged to do or not do X because "where liberty ceaseth there beginnith obligation" (EL 15, 9). Obligation is an "absolute impediment" to liberty (Von Leyden, 1982 p.76).

Another striking feature of the above citation is the tight relationship Hobbes cements between the concepts 'obligation', 'ought' and 'duty'. Accordingly, if I am obliged to do X then it follows that I ought to do X and also if I am obliged to do X then it is my duty to do X. The concepts of ought and duty are thus logically embedded in the concept

of obligation. Thus, once one has grasped the full meaning of obligation one cannot believe oneself to be under an obligation to do X and yet believe that one ought not to do X. An analogous state of affairs holds for the notion of duty. Obligation, for Hobbes, is thus an "ethically thick" concept which bears both a descriptive and normative component (Williams, 1985 p.129). Its descriptive component entails the process of laying down a right as discussed in the previous paragraph. Yet, a distinct normative residue remains-- obligations inform us of what, other things being equal, we ought to do. Indeed, as Hobbes boldly claims, to do otherwise, is the ultimate source of "INJUSTICE" (L 15, 2).

Ego-Hobbesians might now respond that all of the above was well and good but since Hobbesian obligation is at base a prudential concept the only 'oughts' which it yields are hypothetical and self-interested in nature. Hobbes, the argument runs, is simply providing us with a set of prudential prescriptions which direct us to behave in certain ways in order to satisfy our selfish desires (Gauthier, 1969 p.36; Hampton 1986 p.90; Kavka 1986 p.358-9). Accordingly, no one, on Hobbes's account, is ever truly morally bound, in the traditional sense of 'moral', to do anything. Hobbes's invocation of the term 'injustice' to describe acts of covenant breaking is nothing more than a sly rhetorical ploy on his part. To show that such a line of reasoning emits a hollow ring it is important to distinguish carefully between three different forces-- logical, moral and physical-- respectively, which are operative within Hobbes's concept of obligation.

From a logical point of view, according to Hobbes, a man cannot make a promise with the prior intention of not endeavoring its fulfillment. To do so is to engage in a self-contradiction. In this sense, Hobbes makes a very Austinian move-- he treats promises, i.e. specifically contracts, in many ways like performative utterances. Following Austin, performative utterances are rather wily grammatical creatures. Such utterances

superficially resemble statements yet they do not admit of being either true or false. A performative utterance is one in which the verb is in the "first person singular present indicative active" such as the 'I do.' in a marriage ceremony or as in 'I promise to pay Leopold ten dollars.' (Austin, 1961 p.235). These utterances are not propositional in nature, per se, in that they are not employed to state something or describe a particular state of affairs so much as they are to *do* something. For example, 'I promise to do X.' does not describe an act of promising (as opposed to 'He promised to do X' or 'Sally promised to do X.') but rather is *constitutive* of the act in question. Uttering such words in certain circumstances is to be taken as the performance of the act itself (idem.). Importantly, Austin also notes that such performances need not necessarily be verbal in nature. Thus, one can perform an act of promising through such non-verbal signs as the nod of the head or the shake of a hand (Austin, 1961 p.237).

Hobbes clearly adopts a similar course when he discusses the ways in which men enter into contracts and covenants. Contracts, by definition, involve a "mutual transference of right" (L 14, 9). Specifically, each party to a contract simultaneously lays down their rights to whatever is to be exchanged. Thus, when two little boys agree to trade particular baseball cards with one another the ensuing relationship is contractual if each immediately relinquishes his respective right (i.e. the liberty to dispose of the card as each deems fit) to his own card in exchange for the sought after card in question. Covenants, on the other hand, involve the idea of future delivery (L 14, 11). That is, one or both parties to an agreement promise to lay down a particular right to something at a set time in the future. Hence, covenants involve a much greater degree of trust than contracts. In keeping with the previous example, if one of the little boys took the other's baseball card without immediately giving him one in exchange but instead promised the latter boy his desired

card after the former had gone home and eaten lunch, then the latter would have to trust the former actually to keep his word and hence the relationship between the two would then be one of covenant. Yet, what is germane to the present discussion is the mechanism through which Hobbesian contracts and covenants are created. On Hobbes's view, much like Austin's, contracts and covenants (hereafter, unless specified, I will use the terms interchangeably) arise through both verbal and non-verbal means. First, men may enter into an agreement through "signes of contract expresse" by uttering such phrases as *I give, I grant, I will that this be yours* or in the specific case of covenants *I will give, I will grant*, etc. (L 14, 13).[1] Secondly, men may also produce binding compacts through "Signes of Contract by Inference" which, Hobbes maintains, involve any non-verbal cues by which the will of the contractor can be made sufficiently known (e.g. setting down a spear and stepping several paces back from the weapon in order to indicate one's willingness to come to terms with another and live in peace). Importantly, for Hobbes, once one has given one's word, either literally or figuratively, one has created a state of affairs which did not previously exist. And, in line with Austin, this state of affairs has been constituted precisely by the performance of a particular verbal/non-verbal act.

As stated above, and as Austin also claims, to promise and then to act as if one is not bound to keep one's side of the bargain is tantamount to contradicting oneself. For

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[1]Importantly, covenant making involves the future rather than the present tense and thus superficially does not adhere to Austin's formula. However, in saying 'I will gladly pay you Tuesday for a hamburger today.' I am, in effect, making a promise and therefore have laid down a right. Specifically, I am obliged to pay you on Tuesday and thus, other things being equal, I am not at liberty not to pay you the money which I owe. As Hobbes notes, even though in the case of covenants "the promise be made by words pointing at the future, (this state of affairs) doth no less transfer the right of future time, than if it had been made by words signifying the present or time past" (DC 2, 10).

Austin, 'I promise' entails 'I ought' and therefore the expression 'I promise but I ought not' is essentially equivalent to the expression 'It is and it is not' (Parry, 1967 p.249). Likewise, in his three major works on moral and political philosophy, Hobbes adduces a similar argument. For Hobbes's clearest exposition on this issue one must turn to *De Cive*. Hobbes begins by noting that injustice and injury is akin to a special type of verbal "absurdity" (DC 3, 3). To wit:

> For he that contracts in that he doth contract, denies that action to be in vain; and it is against reason for a knowing man to do a thing in vain; and if he think himself not bound to keep it, in thinking so he affirms the contract to be made in vain. He therefore who contracts with one with whom he thinks he is not bound to keep faith, he doth at once think a contract to be a thing done in vain, and not in vain; which is absurd (DC 3, 2).

And further:

> ...he who...does or omits that which before he had by contract promised not to do or omit, commits an injury, and falls into no less contradiction than he who in the Schools is reduced to an absurdity. For by contracting for some future action, he wills it done, by not doing it, he wills it not done; which is to will a thing done and not done at the same time, which is a contradiction (DC 3, 3).

For Hobbes, then, false covenanting is a thoroughly self-contradictory enterprise. A contract is simply a binding agreement which entails specific obligations that must, ensuing from the logical force of contracting itself, be discharged. By entering into a contract, and following from the very concept *of* a contract, a rational agent thereby wills its completion and hence the contract is 'not in vain'. Yet, the same rational agent who attempts to 'make void that voluntary act of his own' through the intentional non-performance of his side of the bargain is willing an opposite course of action to the one contained within the contract itself. Hence, his action is also willed 'in vain'. And to will an action both in vain and not in vain is, for all intents and purposes, self-contradictory.

As stated, contractual obligations involve the laying down of right which occurs through the performative use of a particular expression or its inferred non-verbal equivalent. When we enter in a contract the "liberty of non-performance is abolished" (DC 2, 10). One cannot "voluntarily undo what one has voluntarily done" since the logical sphere of voluntary action within this particular context no longer exists (L 14, 7). To do so would require one never to have made the particular utterance in the first place, which is impossible if one has already made it. To attempt to void one's previous behavior through contrary present or future behavior is "self-defeating" (Von Leyden, 1982 p.68).

The presence of such contradictory behavior in the context of contracting is an epistemic sign that things have gone morally astray. Nonetheless, the logical force of Hobbes's theory of contractual obligation does not tell the whole story. Hobbesian contracts also oblige one in a distinctly moral way; that is, for Hobbes obligations posses a peculiarly normative force which can provide us with a sufficient reason to keep them regardless of our broader, selfish interests. To put it another away, Ego-Hobbesians believe that self-interest is both a necessary and sufficient condition for Hobbesian agents to keep their covenants. I , on the other hand, will argue that self-interest is never a necessary condition for Hobbes's notion of covenant keeping and although it may well be a sufficient condition for insuring that most individuals do in fact abide by their covenants, but such individuals, following from my discussion of Hobbes's concept of the moral worth of persons in the preceding chapter, would never be deemed truly moral.

To frame the discussion in modern terms, Hobbes offers a decidedly 'internalist' (in the Falkian sense) view of obligation and the relationship it holds with motivation. Briefly, in his now famous paper "Ought and Motivation" W.D. Falk argues that their are two very different schools of thought concerning how one ought to view the link between morality

and motivation. He begins by offering a definition of a motive as a *causa rationis* for action (Falk, 1986 p.25). That is, a motive functions as an "impelling thought" whereby one will be moved to act in a particular way (ibid.). Specifically, a motive is a

> ...mental antecedent which when attended by a person and in otherwise comparable conditions will invariably be followed by an orientation of his organism toward the action thought of in a way that except for distractions, countermotives and physical impediments will terminate in the action itself (Falk, 1986 p.25).

A motive thus becomes a sufficient reason for a particular action if it overwhelms all relevant countermotives. Importantly, the history of moral philosophy has heretofore been, and continues to be, divided into two opposing camps with regard to how an agent can be understood to be motivated to act morally. On one side are the 'internalists' who argue that morality requires no external sanction to insure that individuals will be disposed to behave in a moral fashion. The very fact that one is under a certain obligation directly entails a corresponding motive to endeavor its fulfillment. Motivation is thus 'internal' to the concept of obligation itself. Falk holds Kant up as a paradigmatic exemplar of this tradition (Falk, 1986 p.29).[2] For Kant, the argument runs, the existence of a duty is intimately intertwined with whether or not one has a motive to do one's duty. In other words, anyone who has a duty could simply do it if he applied himself in that direction. The connection between ought and motivation is thus a necessary one--moral prescriptions and the motivations to act on them flow from an "internal dictate of conscience" (Falk, 1986 p.35). On the other hand, 'externalists' maintain the connection

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[2]Frankena (1965) argues that Kant is in fact an externalist. Although interpretations of Kant are not within the scope of this thesis, it seems hard to imagine who would be classified as an internalist if Kant is not. Hence, I will abide by Falk's interpretation of Kant.

between the two is merely contingent in nature. Morality thus requires an external sanction such as self-interest or a divine command to insure that each individual has a sufficient reason over and above the concept of obligation itself to motivate one to behave morally. Hence, on this view, even if I realize that I am under an obligation the question of why I ought to keep that obligation remains an open one. The presence of some sort of 'external' non-moral sanction therefore becomes a necessary condition if an agent is to be understood as having a genuine motive to act morally.

As noted above, my take on Hobbes will be to place him in the internalist camp, but first, it is important to distinguish, as Gauthier does, the reasons why we make promises and the reasons why we ought to keep them (Gauthier, 1969 p.97).[3] Many, if not most, promises are made for rather selfish reasons. As Hobbes notes, the reasons which impel men in the state of nature to alienate themselves of their unlimited natural right are the "fear of violent death" and the "desire for commodious living" (L 13, 14). Or, a more mundane example might be one wherein I borrow $500 from a friend in order to take a vacation. Clearly, the reason why I made such a promise is for personal gain-- I want to take a trip. Yet it does not follow, from a moral point of view, that simply form the fact that it is in my self-interest to make such a promise that self-interest alone offers any necessary reason for why I *ought* to keep this promise. On an internalist account of

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[3]In a recent work, Stephen Darwall (1995; pp.53-79) agrees, in principle, with this claim. For Darwall, however, Hobbes's internalism does not translate into a full fledged objective ethical theory due to the latter's purportedly instrumentalist view of reason. Specifically, on this reading, Hobbes's theory requires that the concern for self-preservation functions as both a necessary and sufficient condition for rational action. Thus, morality reduces to little more than the means to a certain self-directed end. Clearly, Darwall's interpretation completely ignores Hobbes's theory of moral worth and, aside from this failing, I will also argue, in Chapter VII, that his construal of Hobbes's account of reason as "purely instrumental" is too strong (Darwall, p.61).

obligation the motive that I have for keeping such a promise is because I did in fact make it. And clearly, if this is the case, then we are presented with a theory of morality which is distinctively objective.[4]

As one will recall, Gauthier *et al* believe that the only reason which a Hobbesian has for making, let alone keeping, a contract or a promise is for purely selfish (i.e. external) reasons. If, however, we briefly return to the theory of the moral worth of persons ascribed to Hobbes in the last chapter we will quickly realize that this interpretation is false. The just man keeps his word for strictly non-consequentialist reasons. He is not impelled to do so by the fear of retribution or the desire to enjoy some benefit. Rather, the just man ought and does keep his promise for his "promise's sake" (DC 14, 2 nt.). That Hobbes adheres to an internalist account of morality is clear not only from the definition of obligation he puts forth in *Leviathan* but also by his proclamation that "Covenants oblige of themselves" (DC 14, 2 nt.). In advancing this claim Hobbes is not only pressing the logical implications of covenant keeping (discussed in detail above) but he his also making a crucial normative point. Once one has laid down a right and incurred an obligation one has a sufficient reason to keep one's side of the bargain simply because one in fact has laid down one's right and hence one ought to do so. Externalist concerns, whether selfish or otherwise, are not a contributing factor to the just man's motivation.

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[4]This is not to imply that externalists are necessarily moral subjectivists. Both Bishop Butler and W.D. Ross fall into this category and no one views these philosophers as advocating a subjective ethical position. Nonetheless, it seems, following from what has been said above, that an internalist is precluded from ever advancing, say, an egoistic take on morality. The egoist can always inquire as to why he ought to do his duty even if he understands that a particular act is his duty. The egoist is thus an externalist. On the other hand, for the internalist, once one has cognized that a particular act is obligatory one immediately has a sufficient reason to act in such a fashion regardless of one's other interests.

Covenant keeping is a "dictate of right reason" (DC 2, 1). In other words it is a law of nature which possesses sufficient normative force in its own right to impel the just man to do his duty.[6] The just man acts in a particular way not in spite of the law but because of the law itself. He acts for the "law's sake" not simply in accordance with it (DC 4, 21). The Laws of Nature and the obligations which they entail flow first and foremost from the "internal court, or that of conscience" (DC 3, 27). In sum, this internal court, for Hobbes, is the wellspring of the moral man's motivation to behave justly.

It is also worth noting that Hobbes's concept of justice falls within the purview of the present discussion. As mentioned in Chapter IV, Hobbes offers both a narrow and a broad conception of justice. The latter notion involves the "unfeigned and constant endeavor" to fulfill the Laws of Nature and will be discussed in the next chapter (L 15, 39). The former notion of justice has to do with covenant keeping and actually is entailed by Hobbes's view of injustice. Accordingly, "the definition of INJUSTICE, is no other than *the not Performance of Covenant*. And whatsoever is not Unjust, is *Just*." (L 15, 2; Hobbes's emphasis). Injustice, then, is the violation of one's contractual obligations and acting unjustly is thus acting without right.[7] Logically speaking, as noted previously, to violate a covenant intentionally, and hence to act unjustly, leads to self-contradictory behavior. Yet, in a moral sense, behaving unjustly is a function of one's failure to heed the normative force implicit in Hobbes's concept of obligation. From a moral point of view, one is obliged to do what one ought and if one has laid down a right to act in a particular way then one is obliged, and one ought, not act in such a fashion. To return to the

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[6]Hobbes's Laws of Nature, as noted, will be discussed at length in Chapter VII.
[7]Thus, no actions in the state of nature are unjust, on the narrow understanding of injustice, because such a state is one bereft of contractual obligation.

marriage example it is clear that for Hobbes the man ought not to cheat on his wife. Why? Because it is not in his self-interest? No. On a moral plane, the question of self-interest is superfluous. The individual in question is obliged not to act in a particular way. He must endeavor, other things being equal, to be faithful. To act otherwise is to act without right and subsequently to commit injustice. We are only freed from endeavoring to perform our covenants when the covenant has either been discharged or when we have been released from performing by our fellow convenanter (L 14, 26).

Before turning to the physical force of Hobbes's concept of obligation, it is important to realize that, following from the logical and normative forces of obligation just discussed, Hobbes has implicitly paved the way, *contra* Hampton, for the existence of claim rights. Up to now any mention of rights in a Hobbesian context has been extremely clear cut-- Hobbesian rights are pure liberty rights which allow us the freedom of doing what we will but simultaneously exert no claims upon others to respect this liberty. A claim right, however, exerts a moral claim, or a duty, on others to behave in a particular way towards us and vice versa. Rights thus become correlative with duties. For example, consider the case of a shoe salesman and a buyer. If these two individuals have contracted with each other to exchange a certain amount of shoes for a certain amount of money then the shoe salesman has laid down his liberty right to sell this particular allotment of shoes to anyone else and the buyer has laid down his liberty right to buy shoes form anyone else until the bargain is fulfilled. The shoe salesman thus has a duty to deliver the shoes to the buyer and the buyer has a duty to pay the salesman for the shoes. One could then say that the shoe salesman has a ***right*** to prompt payment and the buyer has a ***right*** to the shoes. Each is exterting a claim over the other and each ought to do his duty to satisfy this claim.

Although he does not invoke the language of claim rights, perhaps to avoid muddying the logical waters, Hobbes is adamant on this point; particularly in the case of covenants where one party has performed first, and so, the first party is *owed* performance by the second. As Hobbes writes "For it is a manifest sign that he which did perform understood it was the will of him that was trusted to perform also" (EL 15, 9). This point is especially forceful when one considers the definition of merit which Hobbes provides in *Leviathan*. To wit, "He that performeth first in the case of a contract is said to MERIT that which he has to receive by the performance of the other; and he hath it as his *Due*." (L 14, 17; Hobbes's emphasis). Consequently, when a first party to a contract performs it is the duty of the second party to perform also; the first party 'merits' reciprocal performance. To add that the first party has a claim right to second party performance seems to follow almost tautologically from Hobbes concept of contractual obligation.[8] In both a logical and a moral sense the second party must live up to his side of the agreement.

So far, the discussion has centered upon the logical relationship which Hobbes elucidates between liberty and obligation as well as the logical and normative forces which Hobbes imputes to the concept of obligation itself. Alas, however, not all men are disposed to behave logically or morally. From a practical point of view, in order for contracts to become operative in a widespread manner, a coercive enforcement mechanism must be put into place. That is, a certain degree of physical force, over and above that to be found within the concept of obligation itself, is required to insure that most men

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[8]Again, since contracts are extremely rare in the state of nature our presocietal state is one in which claim rights do not exist. Importantly, Hobbes does grant the possibility of contracts in the state of nature and if such a contract were made corresponding claim rights would come into being. Nonetheless, as will be discussed below, such claim rights would be of little practical value due to the lack of an adequate enforcement mechanism.

perform as they ought. As Hobbes dourly notes, "Covenants, without the Sword, are but Words, and of no strength to secure a man at all." (L 17, 2). The phrase 'I promise such-and-such.' or the shake of a hand do not supply the physical force necessary to compel men to abide by their agreements. What *is* needed to motivate the majority of individuals is the "fear of some evill consequence" to prevent people from breaking their contractual bonds (L 14, 7). Hobbes is a realist. He understands that some sort of external sanction (i.e. appeals to one's short and long term self-interest) is necessary to insure that agreements easily entered into are not easily ruptured. Nonetheless, Hobbes could only be construed as an 'externalist' in a distinctly *non*-moral fashion.

Theoretically speaking, the presence of an external sanction to insure that men keep their contracts has nothing to do with the logical and normative force implicit in Hobbes's concept of obligation. The problem is a purely practical one. The physical force of an obligation is simply too weak, as it stands, to guarantee compliance on the part of most. Unfortunately, Ego-Hobbesians routinely conflate the theoretical and practical aspects of Hobbes's philosophical project. As I have tried to make clear, self-interest is *not* a necessary condition underpinning Hobbes's concepts of obligation and moral motivation, but it may, and often does, function as a sufficient condition.[9] The tool of self-interest is employed to offer a sufficient guarantee that even if a vast majority of people do not act out of respect for morality they will at least act in accordance with its dictates. And from a societal standpoint this state of affairs is all that is necessary to insure that peace will prevail.

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[9]To recall, this point was thoroughly explored in the last section of Chapter V entitled 'The Role of Self-Interest'.

In Hobbes's practical enterprise the just man plays little role. He will keep his word regardless. He does not keep his word for external reasons but rather for ones which are internal to morality itself. He endeavors to act in accordance with reason. The case of the unjust man, particularly the 'Foole' is just the opposite. The passions, as Hobbes routinely argues, are often rambunctious and ill-behaved. The presence of an unsavory "passion" and the subsequent "weakness of mind" which it induces accounts for why men choose to behave immorally (DC 3, 3) (EL 16, 2). In Falkian terms, the "countermotive" of avarice overwhelms the disposition to behave morally (Falk, 1986 p.25).The Foole is just that-- a fool; someone who while acknowledging that covenant breaking is unjust still proceeds to ask why he ought to keep his covenants if it is not in his interest to do so. In raising such a question the Foole is engaged in "specious reasoning" (L 15, 4). Such a question, from both a logical and a moral point of view, makes no sense. Unfortunately, such individuals are not amenable to either logical or moral suasion. Only carrots or sticks will do. Thus, on a practical level, Hobbes invokes a Platonic argument to show that it always pays to be just. He ushers out a number of reasons external to the concept of morality itself (e.g. the sovereign's wrath, the priceless benefits to be gained from living in society, the fear of divine retribution, etc.) with which to either entice or compel obedience. Such an argument, however, bears only a contingent relationship to Hobbes's theory of obligation. It in no way impugns the objectivity of Hobbes's moral theory nor plays any theoretical role in it. Rather, the need for an external sanction merely makes explicit the practical limits of morality itself.

B. The Bindingness of Obligation. Finally, before turning to the next chapter, I note that I have up to now often used the phrase 'other things being equal' in conjunction with Hobbes's concept of obligation. Yet, one may reasonably ask, what happens when

other things are not equal? In other words, a discussion concerning under what conditions Hobbesian contracts are valid or invalid is in order. First, and crucially for Hobbes, covenants are only binding (i.e. valid) if they result from a voluntary surrender of right. Included within his definition of duty is the imperative "not to make voyd that *voluntary* act of our own" (L 14, 7; my emphasis). Obligations, in order to count as such, cannot be imposed from without but rather must be imposed from within. To be operative, an obligation requires a self-imposed commitment on the part of the obligor. The moral authority of a contract thus rests on the freely given prior consent of the contracting party to lay down a particular right. The shoe salesman example above, in connection with Hobbesian claim rights, can also illustrate the present point-- the contract between a shoe salesman and a buyer is only valid if each has voluntarily entered into it. To inform the shoe salesman, without his prior consent, that he is under a lifetime agreement to sell his shoes to one particular buyer exclusively is, in effect, no contract at all for the reasons just adduced. For Hobbes, voluntarism is thus a necessary condition for the possibility of valid contract making.

Nonetheless, Hobbes allows for a broad understanding of what constitutes voluntary behavior. Hence, contracts "extorted from men by fear" must be construed as voluntary (EL 15, 13). In Hobbes's 'Ransom case' (discussed at length in Chapter V) an individual is informed by a kidnapper that he has two options-- he can either be immediately killed or return on the morrow with a suitable amount of money in exchange for his life (EL 15, 13) (DC 2, 16) (L 14, 26). If this individual consented to such an agreement he would be bound to endeavor its fulfillment because "the covenant of things

lawful is obligatory, even towards a thief" (EL 15, 13).[10] Similarly, if conquered by an invader who holds a sword to one's throat and demands obedience or death, if one chooses the former one is obliged to obey since one's choice was, in effect, voluntary (LN p.184).

To describe such actions as voluntary may strike some as counterintuitive but Hobbes here is in fact on firm philosophical grounds. His notion of voluntary behavior in this context is no different from Aristotle's, whom Hobbes explicitly invokes to justify his position. In his well known example, Aristotle depicts the case of a merchant who is aboard ship in rough seas. The only way the ship can be prevented from sinking, and hence the only way the merchant can save himself, is if he casts his wares overboard. Aristotle argues, and Hobbes concurs, that such an action must be taken to be voluntary. The merchant could have clearly chosen not to heave his goods over the side but only at grave risk to himself. Simply because a situation presents us with particularly unpalatable choices in no way renders the choices made in it involuntary.

Hobbes's argument that voluntarism is a necessary condition for the validity of a covenant flows form his reliance on the principle 'ought implies can'. In line with this principle, morality can only require of us what we are in fact capable of doing. For Hobbes, "*de voluntariis*" and "*de possibilius*" pick out identical domains in the logical geography of obligation (EL 15, 18; Hobbes's emphasis). A credible moral theory cannot require us to do the impossible and Hobbes is well aware of this. Hence, Hobbes's insistence that covenants only bind to the endeavor to perform them and not the actual

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[10] Hobbes notes that once civil society is founded the sovereign may choose to outlaw such covenants and then "he that promiseth anything to a thief, not only may, but must refuse to perform it" (EL 15, 13).

performance of the thing itself- e.g. "No covenant is understood to bind further than our best endeavor" (EL 15, 18). One will recall that for Hobbes an endeavor is an incipient source of voluntary motion which, if free from counter endeavors, will impel us to seek after a particular object of desire and/or to attempt to bring about a certain state of affairs.

The reason why the proper scope of obligation is restricted to an endeavor to act and not the performance of a particular action itself is because the latter is "not in our power" (DC 2, 14). Indeed, covenants only bind to the "unfeigned endeavor of performing as much as possible" due to the fact that "to no more can a man be obliged" (L 14, 24). Thus, if I promise to meet you tomorrow at the Athenian diner for lunch I cannot absolutely guarantee that I will be there at the appointed time. Such a guarantee is beyond my ability to credibly issue. A whole host of obstacles may crop up which would impede my actual performance. I may get stuck on the subway, I may break my leg, there might be an earthquake, etc. Be that as it may, I am still obliged to endeavor my promise's performance and it is upon the basis of endeavor that Hobbes ascribes moral worth. A promise or a contract obliges me not only to endeavor to perform X but also prohibits me from endeavoring not to perform X or endeavoring an action which is contrary to the performance of X, nothing more and nothing less (Von Leyden, 1982 p.76).

Hobbes's claim that ought must imply can also rules out, as *ab initio* invalid, numerous types of potential contractual agreements. First, and foremost, any contract which conflicts with our self-preservation, particularly one which would require us to surrender our right to self-defense, is immediately non-binding (DC 2, 18) (L 14, 28). In a similar vein, covenants which would require us to forgo the essentials of life (e.g. water and food) are likewise dismissed. Covenants to do the impossible, covenants which conflict with a previously made valid covenant, covenants to accuse oneself without the

assurance of pardon, as well as those in which parties have yet to accept its terms are all *ab initio* invalid (L 14, 24-29).[11]

Ego-Hobbesians often attempt to make the further claim that Hobbesian covenants in the state of nature suffer a similar fate (Gauthier, p.36). Indeed, unless this assumption carries weight, the effort by Ego-Hobbesians to cast Hobbes in the role of a thoroughgoing moral conventionalist falls flat. Moral conventionalism presupposes a state of nature where moral obligations not only do not exist but *cannot* exist. Yet to ascribe such a position to Hobbes is textually untenable. To wit:

> If a covenant be made, wherein neither of the parties performe presently, but trust one another; in the condition of meer Nature, ...*upon any reasonable suspicion* it is Voyd: ..For he that performeth first, has no assurance the other will performe after; because *the bonds of words are too weak* to bridle mens ambition, avarice, anger, and other Passions, *without the feare of some coercive power*; which in the condition of meer Nature, where all men are equall, and judges of the justness of their own fears cannot possibly be supposed. And therefore he which performeth first, does but betray himselfe to his enemy. (L 14, 17; my emphasis).

In scripting such a position Hobbes does not mean that such covenants are *ab initio* invalid. Rather, they are 'upon any reasonable suspicion voyd'. Due to the lack of an efficient enforcement mechanism the first party, if they chose to perform, would be simply baring their necks to the second. Such a course of action would be tantamount to suicide and for Hobbes to advocate such a position would be to go completely against the grain of his overarching thesis. Nonetheless, the type of covenant at issue here is one of mutual

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[11]Hobbes also emphasizes that covenants can only occur amongst men-- there can be no valid covenants with "beasts" or God (L 14, 21-2). Covenants with the former are ruled out because animals lack language while covenants with the deity are non-binding because, except in the case of Moses, it is impossible to know whether or not God has accepted the terms attached to the agreement.

trust whereby both parties have yet to perform. In other words, if the first party did in fact perform then following from the logical and normative force of Hobbes's concept of obligation, the second party performance would be due--*regardless of whether or not one is in the state of nature*. Therefore, the logical and normative force of obligation still obtains in our pre-societal state according to Hobbes. To deny this state of affairs, as is the wont of Ego-Hobbesians, is to commit a fundamental misrepresentation of Hobbes's point on this issue. The problem, to reiterate, is again a practical one. The logical and normative force of obligation is insufficient to override, at least on a consistent basis, the 'ambition, avarice and anger' which oft times induces us to break our word. Only the just man can be counted upon to be so motivated as to abide by his agreements whatever the circumstances. Unfortunately, in a situation where one cannot, with any degree of certainty, distinguish ethical individuals from vainglorious fools, acting justly simply puts us at the mercy of our less than trustworthy conniving cohorts-- a state of affairs which Hobbes would never be able to countenance.

To conclude, the goal of this chapter has been to sketch an interpretation of Hobbes's theory of obligation, specifically contractual obligation, as essentially objective. In keeping with the historical tenor with which I first framed this discussion, it has been made apparent that Hobbes is not some sort of Seventeenth Century Glaucon. Indeed, one could argue that, in light of the above, Hobbes actually shares certain affinities with Plato and even deeper ones with Kant. This issue will be raised more forcefully in Chapter VIII where I explicitly compare Hobbes to Kant and maintain that the differences between the two, concerning the nature of morality, are, for the most part, minimal at best. Nonetheless, before engaging in such a provocative project, my interpretation of

Hobbesian moral objectivity must be made whole. So, I now turn to a critical presentation of the Laws of Nature and the Negative Golden Rule.

VII. Hobbes and Moral Objectivity: Part II.

So far, much has been written here concerning Hobbes's theory of the moral worth of actions and persons as well as his concept of contractual obligation. In doing so, I hope to have inflicted a great deal of damage upon Ego-Hobbesianism. The battle, however, remains to be completely joined. To wit, a general theme of this thesis has been that Hobbes views himself as a scientific revolutionary particularly in the 'humane' sciences of morality and politics. He believes that his extension of the Paduan method into such heretofore uncharted territory provides these disciplines with the real possibility that their respective theoretical claims can be adequately justified-- a feat which "no man hath hitherto established" (DeC 1, 7). Simply put, morality for Hobbes is a science on par with physics or anatomy. Indeed, if it were not, then following from Hobbes's understanding of philosophy, ethics would therein have no place. The sum total of morality would amount to little more than ruminations about "daily experience" but, Hobbes vigorously rejects this view and the violence of his rejection follows from the priority of the role which he assigns to reason in ethics (DeC 1,1). For, it is through reason that we are able to discover "a true and certain rule of our actions, by which we might know whether that we undertake be just or unjust" (ibid.). Reason thus equips us with the capacity to acquire moral knowledge-- "the rules of civil life"-- and in so doing ethics becomes worthy of philosophical (i.e. scientific) analysis.

This analysis enables Hobbes to craft a very powerful objective ethical theory the heart and soul of which is comprised of the Laws of Nature and their attendant justificatory principle, the NGR. Ego-Hobbesians, of course, cast a very dim view on the notion that the Laws of Nature (let alone the NGR, which receives almost no mention in the literature) can somehow provide us with a genuine system of morality. Since the

Hobbesian agent is supposedly little more than a metaphorical billiard ball buffeted about by his selfish desires, these laws, in Hobbes's hands, purportedly amount to little more than prudential injunctions to avoid the immediate gratification of one's passions in favor of a long-term approach which offers a considerably higher pay off. On this reading, the Laws of Nature simply provide instrumentally rational individuals with the most efficient means to secure, if they so choose, their exclusively self-regarding ends.

However appealing, such an interpretation must nevertheless be dismissed as false. I intend to argue that the Laws of Nature, along with the NGR, are not simply a set of prudential maxims but rather must be conceived of as the core constituents of a deeply objective ethical system which prescribe a binding set of non-consequentialist moral oughts. In so doing, the now popular belief that Hobbes is some sort of rabid egoist will hopefully be permanently laid to rest. Yet, I would be remiss if I did not address at least one final bastion in which the Ego-Hobbesian may seek refuge. The advocate of the received view still has a potentially troubling objection at his or her disposal: Hobbes's instrumentalist account of reason seriously undermines any non-standard interpretation. That is, if reason is little more than a Humean slave to the passions for Hobbes, and since the content of these is passions is almost exclusively self-regarding, then it would follow that reason and hence morality, would become little more than a tool for the satisfaction of self-interest. Therefore, in the last section of this chapter, I will present arguments to show that Hobbes clings, at least implicitly, to a much richer notion of reason than one for which Ego-Hobbesians give him credit.

A. The Laws of Nature. The Laws of Nature play a crucial role in Hobbes's moral and political philosophy, alternatively being described as principles of self-preservation, as principles for the production of peace and lastly, as principles of natural

equity and justice. The first reading is favored by advocates of the received view, the second by those wishing to impute a utilitarian interpretation to Hobbes (e.g. the later Warrender) and the third forms the basis for casting Hobbes as a harbinger of non-consequentialism (i.e. deontology).[1] Before discussing which description ought to be taken as primary, it would perhaps prove fruitful to list the Laws of Nature, along with exegetical commentary, as they appear in *Leviathan*, the *locus classicus* of Hobbes's presentation of the matter.

In *Leviathan*, Hobbes argues that there are twenty basic Laws of Nature to which the denizens of the state of nature must adhere if the commonwealth is to be created and sustained. The first, "fundamentall" Law of Nature is as follows:

(1) *That every man, ought to endeavor peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps and advantages of Warre.* (L 14, 5).

This law must be understood as 'fundamental', in the sense that it is the first step which men must take if they are to escape the state of nature and achieve their pre-eminent real good (at least in a social and political context)--peace. The first part or "branch" of this law stipulates our basic duty, to seek peace, and the second, provides an important corollary: when others are not doing what they ought, i.e. seeking peace, then we may invoke our most foundational natural right, that of self-defense, doing thereby whatever is necessary for our continued survival.

The question, of course, now arises as to how this law is to become practically operative. How should we go about seeking and securing peace? Hobbes's famous response is that peace will only be achieved if men in the state of nature lay down their all

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[1]The view that Hobbes is a secular deontologist will be advocated in the next chapter.

encompassing right of nature through entering into a contract on equal terms, each allowing himself as much liberty as he is willing to allow others. Hence, the second law of nature, which is "derived" from the first is

(2) *That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe 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 himselfe*. (L 14, 6).

In turn, (2) is practically ineffective without (3) which commands

(3) *That men performe their Covenants made* (L 15, 1).

As Hobbes notes, unless men actively acknowledge this third law, all covenants are "in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre" (ibid.). Also, the third law of nature is the source of Hobbes's narrow conception of justice, namely, that the actions of those men who keep their covenants are to be understood as just.(ftnt narow and broad) Broadly, for Hobbes, there is a tight practical and logical link between these first three laws because the latter two, that we ought to enter into a contract and further, that we ought to keep said contract, are necessary conditions for the effectiveness of the former. In other words, unless men make and abide by covenants the normative requirement to 'seek peace' will be rendered pointless.

The next several laws mentioned by Hobbes are relatively free standing, essentially prescribing how one ought to treat (or avoid treating) one's fellows if one wishes to be treated (or escape being treated) decently (indecently) by them. In so acting, a great deal of potential conflict and strife can be readily averted. They include

(4) GRATITUDE-- *That a man which receiveth Benefit from another of meer Grace, Endeavor that he which giveth it, have no reasonable cause to repent him of his good will.* (L 15, 16).

(5) COMPLEASEANCE-- *That every man strive to accommodate himselfe to the rest.*(L 15, 17).

(6) PARDON-- *That upon caution of the Future time, a man ought to pardon the offenses past of them that repenting, desire it.* (L 15, 18).

(7) *That in Revenges, Men look not at the greatnesse of the evill past, but the greatnesse of the good to follow.* (L 15, 19).

(8) *That no man by deed, word, countenance, or gesture, declare Hatred, or Contempt of another.* (L 15, 20).

The next set of laws (9)-(14) deserve particular attention due to their explicit reference to the natural equality of each to another which Hobbes adamantly argues prevails amongst men. As Baumrin (1989) states, these laws are of particular interest since "they speak directly to the issue of equality rather than employing it or merely presupposing it" (Baumrin, 1989 p.121). To wit, the ninth law prohibits the sin of "Pride" and demands

(9) *That every man acknowledge others for his Equall by Nature.* (L 5, 21).

Laws (10) and (11) follow closely on the heels of (9). Specifically, the tenth law of nature requires

(10) *That at the entrance into the conditions of peace, no man require to reserve to himselfe any Right, which he is not content should be reserved to every one of the rest.* (L 15, 22).

This law is simply a restatement of the nature of the terms of the original contract-- namely, that equals entering into a contract can only do so, at least fairly and equitably, on

equal terms. Nonetheless, in light of (9) the equality of these terms is forthrightly justified rather than simply being asserted.

As stated, the eleventh law of nature also follows from the ninth, enshrining as it does the principle of judicial equity, *viz.* that if

(11) *a man be trusted to judge between man and man that he deale Equally between them.* (L 15, 23).

This law requires that those who are to make decisions based upon considerations of equity and merit to 'treat equals equally'. The next three laws, (12), (13) and (14), explain how goods ought to be distributed between those who could be said to be equally deserving of them. Succinctly, on one hand,

(12) *That such things as cannot be divided, be enjoyed in Common, if it can be; and if the quantity of the thing permit, without Stint; otherwise Proportionably to the number that have Right.* (L 15, 23).

On the other,

(13) *That The Entire Right of those things which cannot be enjoyed in common, nor divided, ought to be determined by Lot.* (L 15, 26; emphasis added).

And

(14) *Of Lots there be two sorts, Arbitrary, and Naturall.* (L 15, 27; emphasis added).[2]

Importantly, what ought to strike the reader when considering laws (9)-(14) is that in requiring us to acknowledge others as our equal, to lay down the same rights as everyone else, to live by the principles of equity and just distribution and to settle by lot the question of what cannot be proportionately divided, Hobbes is providing a deeply

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[2]Arbitrary lots are determined by a method agreed upon by the competitors (e.g. flipping a coin) while natural lots are determined through a process such as primogeniture or first seizure (Martinich, 1995 p.191).

egalitarian basis for society. Equals ought to be treated equally and the Laws of Nature, which demand such equal treatment, are "equally applicable to all" (Baumrin, p.124). None of us, at least by nature, has the right "to be our own judges, and our own carvers" (EL 17, 10). *Contra* the classical tradition these laws enshrine the fact that at base no man is better than any one of his peers-- a metaphysical point which, as will be shown, provides the foundation for a moral theory which is at heart deeply objective.

Hobbes now offers the fifteenth law of nature which imposes upon us the duty

(15) *That all men that mediate Peace, be allowed safe Conduct.* (L 15, 29).

This law is directly derived from the first, and most basic law, which requires us to seek peace since, presumably, for peace to be attained a process of mediation must occur and this process will never get off the ground if those who are to see it through are subject to random attack.

Laws (16)-(19) deal with the administration of justice, i.e. with the means by which to resolve, in an equitable fashion, future conflicts of right. As such, we are informed

(16) *That they that are at controversie, submit their Right to the judgment of an Arbitrator.* (L 15, 30).

To insure fair arbitration, all potential conflicts of interest on the part of the arbitrator must be eliminated and hence,

(17) *No man is his own judge.* (L 15, 31; squib)

(18) *No man to be Judge that has in him a natural cause of Partiality.* (L 15, 32)

Also, with regard to witnesses

(19) *That a judge give no more credit to one* [witness] *than to the other.* (L 15, 33)[3]

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[3]Hobbes qualifies this rule by noting that it only holds, *ceteris paribus*. that is, if the judge

Finally, there is Hobbes's twentieth law of nature which, interestingly, is not put forth in Chapters XIV or XV but instead only makes its appearance in *A Review and Conclusion* at the end of the work. To wit, Hobbes argues that it is also a law of nature

(20) *That every man is bound by Nature, as much as in him lieth, to protect in Warre, the Authority, by which he is himself protected in time of Peace.* (L, Review and Conclusion).

Hobbes here is stressing that a key reciprocity requirement holds between a subject and his sovereign-- since the latter protects the former when times are good, it is only fair that former do all he can to protect the latter when times are bad. Furthermore, failing to defend the commonwealth when it is under attack is not unlike turning a gun on oneself-- for it is the commonwealth that forms a bulwark between oneself and one's inhospitable natural milieu. What is of more importance, for present purposes, is to highlight the fact that Hobbes views his list of natural laws as *open-ended.* Since the twentieth law, which requires us to aid the commonwealth in time of war, is not introduced until "A Review and Conclusion" we can reasonably infer that Hobbes does not consider his moral system a finished piece but a work in progress, to which future generations may add, so long as their additions are consonant with natural equity.[4]

B. The Nature of the Laws of Nature. The idea that there are certain Laws of Nature is deeply embedded in Hobbes's moral and political world view. His concern with these basic rules of right is traceable back to his earliest attempt, in "A Discourse of Laws" (1620), at sketching a full fledged ethical theory. Therein Hobbes writes:

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knows one of the witnesses to be a pathological liar the worth of his testimony will be duly downgraded (L 15, 33).

[4]This point will be thoroughly discussed in the next section.

> If men were not limited within certain rules, such confusion would follow in government, that the differences of Right and wrong, Just and unlawful, could never be distinguished. (3D, p.106).

And he further argues that the Laws of Nature provide the "ground or foundation of the rest" (Discourses, p.110). In a similar vein, once we reach *Leviathan* the Laws of Nature exist as the ultimate source of justice, equity, modesty, gratitude and the rest of the traditionally moral virtues which apply to men in society (L 15, 40). For it is the "Law of Nature... that determinith what is *Honest* and *Dishonest*; what is *Just*, and *Unjust*" (L 46, 12). As the texts show, then, Hobbes's thought on this issue, throughout his working years, remained essentially unchanged-- the Laws of Nature function as the standard bearer of right and wrong without which morality would feign to exist. Nonetheless, this is not to say that the intellectual transition form the *Discourses* to *Leviathan* was by any means seamless. While certain philosophical kernels emerge from this transition unscathed, Hobbes radically revised his moral epistemology. For in the interim Hobbes underwent his Euclidean enlightenment whereby the study of ethics was transformed from a strictly humanistic endeavor into a scientific one. He identifies the Laws of Nature as the "*cause* of justice" (LN, p.175) upon which a "science of Vertue and Vice" can be built, and thus armed with his ratiocinative method, he proceeds to construct an uncompromisingly rationalistic foundation for moral philosophy (L 15, 40).

Hobbes's perception of the Laws of Nature as the 'cause' of justice or the 'cause' of peace immediately informs us that he is opposed to any sort of empirical foundation for ethics. A law of nature is not simply some sort of empirical generalization about types of behavior which have been described as 'just' over time, or, historically speaking, have been shown to contribute to peace. One will recall, as noted in the third chapter of this thesis,

that Hobbes has a very rationalistic conception of causation: causes and their effects are *necessarily connected* so that when the appropriate causes are present the effect cannot be understood not to occur (Martinich, 1995 p.429). A cause functions as a necessary and sufficient condition for the production of its effect and it is therefore inconceivable, for Hobbes, that a particular cause be present and its effect not directly follow. As Hobbes observes

> In respect of their causes, all things come to pass with equal necessity; for otherwise they would have no causes at all which, of things generated, is not intelligible (DeC 9, 13).

Importantly, since a causal connection is construed as necessary, it cannot be grasped through the senses but can only be known through reason; if not, our conclusions so drawn would be purely "contingent" in nature (ibid.). The problem with empirical knowledge is that

> For though a man has always seen the day and night to follow one another hitherto; yet can he not thence conclude they shall do so, or that they have done so eternally. *Experience concludeth nothing universally.* (EL 4, 10); emphasis added).

To this end, then, the "Dictates of Reason", as causes of peace and justice, could never be deduced from experience--"we cannot from experience conclude, that anything is to be called just or unjust" (ibid.) -- since experience cannot account for the universality which Hobbes takes to be inherent in the very concept of a law of nature. Hence, Hobbes is adamantly opposed to any sort of attempt to justify the Laws of Nature empirically--particularly through invoking the classical scholars of antiquity. In *De Corpore*, Hobbes derides the use of "the ancient masters of Greece, Egypt, Rome and others" to provide any

sort of foundation for the 'rules of civil life' (DeC 1, 7). Succinctly, these "huge and innumerable volumes of ethics" have failed "to increase" science one iota; they have, as it were, resulted in "nothing but words" (ibid.). Hobbes admits that the study of civil history may well in fact prove "useful" in pointing the morally reflective individual in the right direction but such histories can never provide us with a viable intellectual justification of the Laws of Nature (DeC 1, 16). Why? Because these works are based upon "experience, or authority and not ratiocination" (ibid.). Moreover, presumably, men in their natural state will not have access to these weighty tomes, imprisoned as they are by "grosse experience" and must therefore make recourse to something else (L 46, 4).

In short, to avail themselves of the Laws of Nature men must make recourse to reason. These laws are held to be "eternal and immutable" and can never be arrived at by "that originall knowledge called experience, in which consiteth Prudence: Because it is not attained by Reasoning" for only through "reasoning aright" can we attain "generall, eternall and immutable Truth" (L 46, 2). Hobbes's ethical rationalism confronts us most clearly in Chapter II of *De Cive*. Analogous to Euclid's axioms, we do not create a law of nature but rather, it is a "Precept or generall Rule, *found out by Reason*" (L 14, 3; my emphasis). To press his point, Hobbes offers the following argument (taken from *De Cive* 2, 1):

(1) Whatever is done with right is not done against reason (definition).

From (1) we derive:

(2) Actions which are wrong are thus those which are "repugnant to right reason, that is, which contradict some certain truth collected by right reasoning from true principles".

(3) Whatever acts are judged to be wrong are those acts which violate some law (definition).

From (1), (2) and (3) it follows that:

(4) Right reason is a certain law.

: (5) Since reason is no less a part of our nature than any other faculty such a law is deemed 'natural' (premise derived from the Paduan method).

From (4) and (5) we may conclude

(6) A law of nature is therefore a "dictate of right reason".

This argument contains several important implications for Hobbes's theory of morality. First, in scripting such a position Hobbes has established an *a priori* basis for ethics since it is the faculty of reason, operating in a *sui generis* fashion, which formulates certain rules that dictate how we ought to behave towards others.[5] Once one has possession of these principles one can deduce whether or not one's behavior is morally permissible. For example, covenant keeping is a law of nature whereby one is "forbidden to make voyd that voluntary act of [one's] own" (L 14, 7). Other things being equal, one then knows *a priori* that one ought to endeavor to fulfill one's contractual obligations--regardless of one's desires, wants, needs and other sundry empirical considerations. To break one's covenant, as noted above in premise (2) would be to 'contradict some certain truth collected by right reasoning from true principles'. For Hobbes, then, one discerns what one ought and ought not do through the faculty of reasoning and, as such, the *a prioricity* of his ethical theory would lead him to oppose any sort of empirical naturalism in ethics. Broadly speaking, naturalists argue that morality is reducible to psychology; that is, the content of morality is ultimately filled out by a corresponding account of our desires

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[5]As Hobbes notes in his essay *De Homine*: "Finally, politics and ethics (that is, the sciences of *just* and *unjust*, of *equity* and *inequity*) can be demonstrated *a priori*" (DH 10, 10; Hobbes's emphasis).

and aversions. What Hobbes is arguing, however, is that reason provides us with these laws in order to constrain our "irrational appetite[s]" (DC 3, 32).[6]

Second, we may safely assume, based upon this argument and analogous ones proffered in the *Elements* and *Leviathan*, that ethics is, at its core, an entirely secular affair for Hobbes. The Deity need not be invoked as a ground for morality. Morality and the principles embodied therein are justified through an appeal to reason rather than being handed down from on high. Of course, one can still construe the Laws of Nature as a set of divine commands, which Hobbes in fact on occasion does, but as argued in Chapter II he adopts this rhetorical tactic in order to circumvent any sort of sectarian objections to his moral theory. Therefore, given reason's law making authority a theistic move by Hobbes would be logically superfluous and need only be undertaken for the strategic reasons just mentioned.

We are now in a position to understand how the Laws of Nature could be construed as paradigmatic exemplars of moral objectivity, both prescriptively and descriptively. With regard to the former, the Laws of Nature comprise a set of normative commands which *prescribe* how one ought to behave towards one's peers. First, the Laws of Nature form the wellspring of duty which Hobbes defines as "to follow what is prescribed by law" (DC 14, 1). Thus, the twenty principles enumerated above set down a series of natural obligations which it is our duty to endeavor to fulfill. Importantly, these natural obligations precede and govern the artificial obligations created by men through contracting as discussed in Chapter VI. That is, not only do the Laws of Nature inform the rationally reflective individual that he ought to keep his covenants but they also

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[6]This point will be expanded upon in the last section of this chapter.

stipulate under what conditions such covenants are to be esteemed morally legitimate. Covenants which violate the Laws of Nature are , from a moral point of view, *ab initio* invalid because covenants "if unlawful, bindeth not at all" (L 14, 33). The Laws of Nature create the ethical space within which binding contractual activity can occur-- they are, first and last, the "sinews of contracting" (3D p.107). Similarly, right reason's dictates are the stream from which the rivulets of "naturall Justice" flow (L 26, 14). As noted in the previous chapter, Hobbes retains both a narrow and a broad conception of justice, the former having to do with covenant keeping, while the latter requires that any and all of our "actions be squared according to the precepts of nature" (DC 3, 30). In the context of the Laws of Nature, the just individual is no longer someone who merely keeps their covenants but rather is a person who strives with all his or her "might" to see that he or she "fullfilleth the Law" (L 15, 39). Actions are thereby deemed just in so far as they conform to right reason. This richer notion of justice, of which acts of contractual performance are but one small subset, is an extremely important addition to Hobbes's moral theory in that he can now describe as 'just' an entire range of traditionally virtuous behavior--e.g. being equitable, honest, gracious, merciful, etc.-- which is usually encompassed under the rubric of common sense morality. By employing the concept of 'justice' in this more expansive sense, then, Hobbes is able to escape the criticism, often leveled against him, that he simply focuses on one small part of morality-- the ethics of contracting-- while ignoring a whole host of other kinds of acts which supposedly fall under this category as well.[7] Furthermore, in claiming that the Laws of Nature are

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[7]Again, Hobbes's fixation with contractual justice ought to be interpreted along the lines of his practical project; specifically since contracts are the vehicles through which we escape the state of nature and provide otherwise anonymous individuals with the ties that bind them into a social unit it is therefore no surprise that Hobbes has focused so much

"equally obliging on all man-kind" Hobbes reveals to us his deeply held anti-relativistic sentiments when it comes to ethics(L 26, 9). For the 'all' in the previous phrase refers to each and every person endowed with the bare modicum of reason necessary to grasp these laws-- regardless as to whether or not the person in question is a native of London, Omaha or Timbuktu. Cultural idiosyncrasies, or in Hobbes's words, "customs" are not reflected in nor relevant to the bindingness of the Laws of Nature (EL 17, 11). These laws are therefore objective in the deepest possible sense and constitute a moral code fixed in perpetuity; *viz.*

> "in Lawes immutable, such as are the Lawes of Nature...Princes succeed one another; and one Judge passeth, another cometh; nay Heaven and Earth shall passe; but not one title of the Law of Nature shall passe" (L 26, 24)

To wit, as "eternal and immutable" moral principles these laws embody "the true and onely Moral Philosophy" (L 15, 40). In the formulating the Laws of Nature, reason thereby transcends time, place and cultural circumstance-- "For Injustice, Ingratitude, Arrogance, Pride, Iniquity, Acception of persons, and the rest can never be made lawful" (L 15, 38). Such vices are to be condemned wherever and whenever they occur.

Considered descriptively, however, a great deal of controversy revolves around this issue. The Laws of Nature are *descriptive* in that they exert a causal connection between certain types of behavior and self-preservation, peace and/or being just/equitable. As a proposition asserting such a causal connection, a law of nature can then be said to admit of truth conditions, and hence, be construed as objective, e.g. 'Acknowledging others as one's equal contributes to self-preservation.' is true, as is 'Acknowledging others

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energy on the importance and the justness, as it were, of contract keeping.

as one's equal contributes to peace.' as well as 'Acknowledging others as one's equal is just'. Hobbes would clearly argue that reason, through its analysis and identification of specific cause and effect relationships, shows us that each of these propositions is, in fact, true. But now a conundrum ensues-- which reading ought to be taken as primary? Are the Laws of Nature essentially (1) principles for self-preservation, (2) principles for the production of peace or (3) principles of justice and natural equity?

Both (1) and (2) are consequentialist readings, the former embodying an exclusively egoist account while the latter presents Hobbes as an out and out utilitarian. As one might expect, I aim to reject both of these interpretations in favor of (3), but not before allowing (1) and (2) to have, as it were, their day in court. In favor of (1), as Hampton argues, Hobbes could be said to offer us nothing more than a system of hypothetical imperatives, which have their basis in rational prudence, and which take the implied form 'Do X, if you desire Y provided that others are doing X as well' (Hampton, 1986 p.90). 'X' here, of course, refers to a piece of behavior prescribed by a law of nature and 'Y' denotes what Ego-Hobbesians take to be the overwhelming occurrent desire of all Hobbesian individuals, the continuous craving for self-preservation. One could make short shrift of (1) by arguing that Hobbes views self-preservation as a right and not a duty, and since rights, as liberties 'to do or forbear', and duties, as constraints upon such liberties, "in one and the same manner are inconsistent" it is not possible that the Laws of Nature, which prescribe our duties, could *oblige* us to seek our self-preservation (L 14, 3). Nonetheless, evidence can be adduced in favor of Ego-Hobbesianism: "A LAW OF NATURE is a Precept...by which a man is forbidden to do, that, which is *destructive of his life*" (L 14, 3; emphasis added). Likewise, "the law of nature is the assent itself that all men give to the means of their own preservation" (LN, p.180).

On closer inspection of the text, however, the utilitarian claim (2) seems to gain an edge over its egoistic cousin. Hobbes routinely describes self-preservation as a consequence of peace-- "For it can never be that Warre shall preserve life, and Peace destroy it" (L 14, 37). Hence, although men may desire their self-preservation, strictly speaking, the Laws of Nature are not instruments thereunto, at least in a direct sense. Instead, these laws are only tenable if one considers them from a utilitarian perspective, namely, as rules for the production of peace. *Prima facie*, this understanding of Hobbes has considerably more weight than most interpreters, standard or otherwise, realize.[8] In *De Corpore* Hobbes certainly gestures in this direction when he claims

> But the *utility* of moral and civil philosophy is to be estimated, not so much by the commodities we have by knowing these sciences, as by the calamities we receive from not knowing them. Now all such calamities as may be avoided by human industry, arise from war, but chiefly from civil war; from this proceed slaughter, solitude and the want of all things (DeC 1, 7; emphasis added).

Moreover, the ugly morass of civil war is to be avoided precisely by men adhering to "the rules of civil life", i.e. the Laws of Nature (ibid). The attempt to cast Hobbes as a utilitarian appears to be further confirmed in *Leviathan* where Hobbes portrays his set of natural laws as rules for "the conservation of men in multitudes" (L 15, 34). Such textual evidence has led commentators like Howard Warrender (1961) to contend that the Laws of Nature are not justified nor do they become binding by an appeal to self-preservation/self-interest but instead acquire their normative status for utilitarian reasons--specifically, they demand of each to always "act so that all men can be preserved, except where this is inconsistent with your own preservation" (Warrender, 1961 p.78). Thus, on

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[8]Douglas Lackey also stressed this view in his objections to my initial draft of this chapter.

this view, self-preservation is at best a limiting condition on the applicability of the Laws of Nature rather than the ground thereof.

As noted, I find both these views lacking and will advance (3), that the laws of nature are best understood as non-consequentialist principles of natural equity. Instead of focusing on the shortcomings of each, however, my strategy will be to reject the attempt to ascribe *any* consequentialist moral position to Hobbes-- whether egoistic or utilitarian-- thereby pulling the rug out from beneath both of my competitors. First, what is it about these laws which enables them to contribute to peace or, for that matter, self-preservation? Each law presupposes a *commitment* to behave equitably on the part of its adherents. This point is especially driven home when, in justifying the second law of nature to lay down our unlimited right of nature through entering into a contract on equal terms with our fellows, Hobbes justifies the reasonableness of such a contract by appealing to

> the Law of the Gospell; *Whatsoever you require that others should do to you, that ye do to them.* And that law of all men, *Quod tibi fieri non vis, alteri ne feceris.* (L 14, 6).

In other words, the Laws of Nature require one not to treat others in a way in which one would not want oneself to be treated, no more and no less.[9] Seeking peace not only leads to equitable behavior but presupposes such behavior in that by acting in accordance with equity I vitiate the possibility that anyone else would have a *rational* reason to attack me. Hence, the goal of self-preservation, at least in my relations with rational individuals, presupposes equitable behavior as well.

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[9]This point will be thoroughly articulated in the next section of this chapter when I offer a critical interpretation of the foundational role which the Negative Golden Rule plays in Hobbes's moral theory.

Furthermore, the bindingness of the Laws of Nature cannot be explained simply by appealing to consequentialist concerns-- whether egoistic or utilitarian. It is also not the case that men automatically follow reason's dictates-- for then, "there [could] be no Voluntary Act against Reason" (L 6, 55). The irrational and unethical behavior which perpetually plagues the species offers a quick and devastating counterexample to such a notion. Ego-Hobbesians, of course, routinely claim that the Hobbesian individual can only cognize rational obligations-- that is, the Laws of Nature are binding only in so far as they continue to maximize our selfish interests (1969 Gauthier, pp.55-65; *passim*). Utilitarians, in turn, make recourse to the obligation to produce peace. Such claims readily lose their intellectual appeal once Hobbes's voluntarism enters the fray. An analogy here can be drawn between the artificial obligations of contract discussed in the last chapter and the natural obligations of the Laws of Nature. In the case of contracts, one only incurs an obligation once one has voluntarily set aside a right thereby committing oneself to the fulfillment of the agreement in question. In a similar vein, the Laws of Nature only become morally binding once one has deliberately chosen to subject oneself to them. Succinctly, the Laws of Nature only become operative in a normative sense once one has acknowledged their authority through a process of assent (Von Leyden, 1982 p.73). As Hobbes notes, "for this *right reason*, which is the law, is no otherwise certainly right than by our making it so by our approbation of it and voluntary subjection to it" (LN, p.193).[10]

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[10]Rosamond Rhodes in her doctoral thesis, *The Moral Leviathan*, puts the pont well when she claims that the Laws of Nature "do not naturaly constrain our action as natural laws of gravity and motion do: physically we are not bound to obey them. The obligation to conform our action to the dicates of the Laws of Nature is, therefore, an artificial limit on our liberty to act, imposed and maintained, not by nature, but by one's own voluntary choice" (Rhodes, 1990 p.70).

Importantly, by 'assent' Hobbes does not here mean that some sort of broad notion of consent is necessary in order to create the law. For if this state of affairs were the case, then the Laws of Nature could be made mutable, as it were, by men's abrogation thereof (DC 2, 1). Hobbes is making an epistemic point rather than a metaphysical one. Laws only become binding once we recognize them for what they are-- commands which we ought to obey. This point can perhaps be made clearer by considering the example which Hobbes offers concerning the authority of a conqueror. A conqueror does not derive his authority over me simply because he can kill me- might does not make right. A conqueror's authority flows from the fact that I have voluntarily chosen to obey his edicts in exchange for my life, and, in making such a contract I assent to his dominion over me, thereby legitimizing it. Such assent must still be construed as voluntary for, as Hobbes maintains,

> May not I rather die if I think fit? The conqueror makes no law over the conquered by virtue of his power; but by virtue of their assent, that promised obedience for saving their lives (LN p.180).

What of "the law of nature is the assent itself that all men give to the means of their own preservation" (LN, p.180)? Hobbes here, in his own pithy way, is telling us that the fear of violent death in the state of nature drives most men to submit themselves to reason's dictates whereby they become bound to obey them. Indeed, even the 'foole' is not so foolish as to not give his assent-- for the fool does realize that he is bound by such laws just as much as anyone else (L 15, 4). The problem with the fool arises after the fact; he short sightedly questions why he still ought to heed reason's dictates if he can gain more by breaking them.

Nonetheless, the reason why most men impose these rules upon themselves is not the same as the one which necessitates their continued obedience to them. Men must obey

the Laws of Nature purely because they voluntarily decided to impose them on themselves-- the reasons which drove them to do so, whether the fear of death, the desire for "commodious living" or the desire to 'preserve men in general' are by now morally and logically superfluous (L 13, 14). They have forfeited their liberty to behave in any other way. That this is so can be seen by the relationship which Hobbes draws between *Jus* and *Lex*. To wit:

> because RIGHT, consiteth in liberty to do, or to forbeare; Whereas LAW, determinith and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same manner are inconsistent. (L 14, 3).[11]

Thus, subjection to law eliminates the logical space within which rights exist. By right, we are at 'liberty to do or forbear' but once we fall under the scope of a law, natural or otherwise, we are *required* to do or forbear. Laws impose obligations which in turn, once we have assented to them, implies a corresponding absence of right and hence liberty. Once a man "undertake(s) to obey (a law), he is bound by his own act: bound I say to obey it" (L 26, 40).

This point is furthered considerably if we return to Hobbes's 'Ransom Case'. One will recall that according to Hobbes, if one is kidnapped and then makes a covenant with one's kidnapper to gain one's release in exchange for a certain sum of money to be delivered at a later date, then so long as one's captor stands to his side of the bargain, one is obligated, other things being equal (i.e. so long as the kidnapper is not threatening to kill the kidnappee upon her return), to come back with the money (EL 16, 13; DC 2, 16; L 14, 28). How can such an obligation be justified by an appeal to self-preservation or one's

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[11]In *De Cive* Hobbes advances a similar point--"For law is *a fetter*, right is *freedom*; and they differ like contraries." (DC 14, 3; Hobbes's emphasis).

duty to seek peace? If anything, the duty to keep one's covenant can only be justified by a direct appeal to the third law of nature, which is what Hobbes in fact does--"the covenant of things lawful is obligatory, even towards a thief" (EL 16, 13). In this situation, "the liberty of non-performance is abolished" by a prior commitment on our part, a commitment which holds independently of the beneficial consequences which may accrue to ourselves or others by so acting upon it (DC 2, 10). Also, it is important to note that even though Hobbes, in *Leviathan*, is primarily interested in those laws of nature which "concern the doctrine of Civil Society", leading as they do to the 'conservation of men in multitudes', he still claims that murder, theft and adultery are all transgressions against the "Law Naturale" (DC 6, 16). How can adultery be contrary to the Laws of Nature? Is it due to the fact that adulterous behavior, or, for that matter, petty thievery, will plunge society into chaos or civil strife? Presumably not. Briefly, and as will be discussed in the next section of this chapter, the only way in which Hobbes can justify prohibitions against such violations of 'personal' (as opposed to 'civil') morality is through an invocation of the Negative Golden Rule, the standard by which natural equity is to be measured. Adultery is wrong for Hobbes, not for self-interested or utilitarian reasons, but because it involves treating another, namely one's spouse, in a way in which one would not want to be treated and as such a rule prohibiting adultery is consonant with the requirements of equity, as spelled out by the NGR, and therefore a Law of Nature. Furthermore, once we have committed ourselves, as just explained, to obeying these laws, we are bound not to engage in adulterous actions.

In sum, and *contra* the standard and utilitarian interpretations of Hobbes, neither self-interest/self-preservation nor considerations of utility can be adduced as an

explanation as to why and/or how the Laws of Nature oblige us. As Von Leyden aptly observes,

> It follows that the law of nature as defined by Hobbes does not compel because it relates to an individual's self-preservation or because of any other self-interest involved, but as a result of a voluntary commitment on the part of a man who, after deliberation, binds himself (Von Leyden, 1982 p.73).[12]

Since the Laws of Nature are binding independently of the beneficial consequences which might be produce by adhering to them, it follows that the bindingness of these principles is perhaps best captured by conceiving them as a system of internal moral dictates which reason requires us to impose on ourselves--not unlike Kant, morality is thus a self-prescriptive endeavor. In arguing that the Laws of Nature are "Dictate(s) of Right Reason" (DC 2, 1) and that "we must therefore conclude, that the law of nature doth always and everywhere oblige in the internal court, or that of conscience" (DC 3, 27).[13] Hobbes again meets the Falkian criterion for an internalist account of morality: namely, that ethical principles be a "dictate of conscience" (Falk, 1986 p.35). This point gains further strength when one considers that, according to Hobbes, obligations are expressed in the form of a *"Command"* to "*Do this*" or *"forbeare that*" (L 6, 57; Hobbes's emphasis). Furthermore, in the *Elements*, Hobbes explicitly rejects the notion that the Laws of Nature can be viewed as hypothetical imperatives. These types of linguistic expressions, which take the form of "If this be done or not done, this will follow."

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[12]Clearly, I agree wholeheartedly with Von Leyden on this issue. We part ways however concerning the nature of Hobbes's psychology and by implication, the possibility for Hobbesain agents to act from a sense of justice. Von Leyden accepts the received view that Hobbes is a psychological egoist and never mentions Hobbes's doctrine of the moral worth of persons and actions. (See Von Leyden, 1982 pp.20-3).

[13]See also (EL 17, 10) and (L 15, 36).

function as no more than "counsels" and thus, from the point of view of obligation, one can take them or leave them (EL 29, 2). As such, morality is not a set of hypothetical imperatives for Hobbes; it must on the contrary be understood as a series of internal normative commands (i.e. the Laws of Nature) recognized by reason.

As is evidenced by Hobbes's state of nature, however, individuals do not always act upon the Laws of Nature even in circumstances where they have given the requisite assent to do so. Again, other things being equal we ought to frame our actions by right reason's dictates but, as will be seen, all things considered, this is not always so. Specifically, self-preservation still has a role to play, in the form of a basic right rather than a duty, since the Laws of Nature *are* defeasible in the light of such considerations-- due to Hobbes's implicit reliance on the doctrine that 'ought implies can', "no Law can oblige a man to abandon his own preservation" (L 27, 25).[14] This is not to say that in such circumstances the Laws of Nature no longer oblige us in any way at all, but, instead the normative force behind them binds us only in the "internal court" of endeavor and intention rather than the "external court" of action (DC 3, 27). Hobbes forcefully makes this point when he draws his famous distinction between the *in foro interno* and the *in foro externo* obligatoriness of right reason's dictates. Following from this distinction, the Laws of Nature always oblige in conscience but we are not required to act upon them, in an external sense, unless the "validity condition" of sufficient security be met (Warrender, 1957 p.14). To wit:

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[14]Provided of course that the individual in question has not voluntarily entered into a contract of military service-- which when undertaken on behalf of the defense of the commonwealth is for Hobbes simply an extension of one's self-preservation in a broader sense. See *Leviathan*, "A Review and Conclusion", 5.

> The force therefore of the law of nature is not *in foro externo*, till there be security for men to obey it; but is always *in foro interno*, wherein the action of obedience being unsafe, the will and readiness to perform is taken for the performance (EL 17, 10).[15]

The Laws of Nature thus do not require unilateral external obedience to their dictates-- to do so during a time of strife and war (e.g. the state of nature) would make the obedient little more than "prey" to the "wicked" (EL 17, 10). As such, as in the case of covenants, the Laws of Nature do not require actual performance in order to be observed but rather bind to "an unfeigned and constant endeavor" which in lieu of sufficient security is to be taken for the former (L 15, 39).

In light of the above, a foundational tenet of Ego-Hobbesianism, that the Laws of Nature are devoid of moral force in the state of nature, can now be abandoned (Gauthier, 1969 p.56). The state of nature is one wherein just acts are few and far between since only the most irrational of men would expose his neck's nape to the sword of his potentially disingenuous peer. Nevertheless, the Laws of Nature still oblige in the state of nature in the sense that they "always and everywhere oblige in the internal court or that of conscience"-- regardless of one's moral milieu (DC 3, 27). Thus while just acts may be by and large excluded from such situations just intentions are not (Straus, 1936 p.41). We still must strive with all our "might" to be ready to act upon these internal dictates once others display a willingness and disposition to do the same (DC 3, 30). In the counterfactual context of the state of nature (or within the actual context of the ensuing anarchy of civil war), the possibility of just action may be eviscerated but the possibility of

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[15]See also (DC 3, 27) and (L 15, 36).

just persons need not be. In such situations, "he that endeavoreth their performance, fulfilleth them (i.e. the Laws of Nature); and he that fulfilleth the Law, is Just" (L 15, 39). Furthermore, as discussed in Chapter IV, the Right of Nature, the sum of which is contained in the fundamental first law of nature-- to seek peace-- can only be legitimately exercised with the goal of self-preservation in mind. Certain acts-- such as unnecessary cruelty and drunkenness--are never morally permissible under any circumstances (DC 3, 27, n.). The Laws of Nature, then, do oblige, both rationally *and* morally, within the confines of our pre-social state.

A final objection to a consequentialist understanding of Hobbes has to do with his non-consequentialist theory of moral worth. Indeed, this theory can be deployed as a *reductio*, of the form 'If X then both Y and not Y', therefore 'Not X' , against any such reading. In other words,

> (1) If Hobbes is a moral consequentialist (whether a utilitarian or an egoist) then he must have a consequentialist theory of moral worth (i.e. actions are only evaluated in light of their results).
>
> (2) But Hobbes does have a non-consequentialist theory of moral worth.

From (1) and (2) we arrive at

> (3) Therefore, if Hobbes is a moral consequentialist then he has both a consequentialist theory of moral worth and a non-consequentialist theory of moral worth.

And from (3) we can conclude

> (4) Therefore, Hobbes is not a moral consequentialist.

Clearly, this argument is valid, but is it sound? Its soundness essentially hinges on the veracity of premise (2) and if its truth can be shown then the argument must go through. Prudent individuals clearly abide by reason's dictates for purely instrumental

reasons--the desire to maximize one's long term self-interest being chief among them. Still, even though the set of prudent actions and the set of moral actions usually tend to be coextensive, a world of difference exists between them. Similarly, as Warrender admits, from a utilitarian perspective, individuals are only "concerned with praise and blame for their results upon action, and not for any fundamental evaluation of the moral worth of the individual" (Warrender, 1961 p.81). In point of fact, this may well be true for Hobbes if considered solely from a political perspective. If everyone were Hobbesian utilitarians, peace would most assuredly prevail, war would be avoided, and certainly, being motivated to follow the Laws of Nature because they will prevent civil strife is a perfectly rational reason, in Hobbes's eyes, for doing so. But, it is not a distinctly *moral* reason.

To wit, a just act is one which conforms to the law and we bestow "moral praise" upon those who choose to behave accordingly (LN, p.193). Importantly, however, at the level of action, simply because an act corresponds to what is required by the Laws of Nature in no way allows us to designate the author of said act as just. On the basis of one's external actions, the most we can say about an individual is that they are "*Guiltlesse*" but being esteemed guiltless is a far cry from being viewed as just. (L 15, 11). To be viewed as a just person, for Hobbes, requires not only doing the right act but, more importantly, doing it for the right reason: we look not to the acts themselves but to "the fountain from whence they spring" (EL 16, 4). The key point here is that for consequentialists of any stripe, whether act- or rule- egoists *or* utilitarians the rightness of an action can at most have instrumental value. On this view, right acts or right rules can only be right if they are somehow productive of the best consequences, whatever one takes these consequences to be. In contrast, a non-consequentialist conception of moral worth requires that a right act be done or a right rule followed simply for its own sake and not for the sake of anything

else. Hobbes appears to concur with the latter possibility when he claims that "to be just signifies as much to be delighted in just dealing, to study how to do righteousness, or to endeavor in all things to do that which is just" (DC 3, 5). For instance, if, as set down by the fourth law of nature, I show gratitude towards those who go out of their way to help me, the graciousness of my action, while a necessary condition for describing me as just, does not in itself constitute a sufficient condition. To know whether or not I am a truly just person requires that we investigate my motives for acting as I did. If my reasons for behaving graciously were strictly self-interested (e.g. I showed gratitude because I wanted the person who came to my aid to be favorably disposed to do so again in the future) then I fail to satisfy Hobbes's conditions for describing me as just. Only if I was motivated by an "obligation of conscience" rather than "private interest" do I deserve such a lofty title (LN, p.184).

The just man becomes just through acting out of respect for the law, a distinctly non-consequentialist notion. As Hobbes observes,

> And although a man should order all his actions so much as belongs to external obedience just as the law commands, but not for the *law's sake*, but by reason of some punishment annexed unto it, or out of vain glory; yet he is unjust (DC 4, 21; emphasis added).

What counts, for Hobbes then, in this context, is that men have the proper intention-- namely, we must have the sincere and earnest endeavor to act as the Laws of Nature command. Hobbes has thus shifted the focus of moral praise or blame inwards-- external obedience, given the possible presence of ulterior motives, is merely the "simulation of justice" and affords us little in the way of moral worth (DC 14, 7). This point is further driven home when Hobbes argues that Christ's condemnation of the Pharisees was not due to their slackness in adhering to Jehovah's intricate commandments, as their performance

in this regard was quite exact. Therefore, Hobbes infers, the Pharisees suffered Jesus's wrath because they lacked "sincerity of conscience"-- the fundamental *non-consequentialist* criterion of moral worth in Hobbes's eyes (EL 18, 10).[16] Also, Hobbes is quite explicit concerning those actions, contrary to the intentions behind them, which accidentally conform to the Laws of Nature. Such acts are still considered moral transgressions against the law, "For though the act itself be answerable to the laws, yet (one's) conscience be against them." (DC 3, 29). Hobbes, from a moral perspective, is thus neither an egoist nor a utilitarian, for given the above, such claims lead to a *reductio ad absurdum*.

From the point of view of garnering obedience, however, appeals to a man's better interests *usually* do an exemplary job and therefore the practical problem of insuring that a group of anonymous individuals will act in accordance with the dictates of morality-- thereby insuring social stability-- has, for all intents and purposes, been solved. Hence, from a motivational point of view, in alternatively describing the Laws of Nature as principles for self-preservation, the production of peace and/or equity, Hobbes is out to capture the full panoply of rational reasons--i.e. the fear of violent death, the desire for 'commodious living' and respect for the law itself--which could induce men to act in accordance with their duty. Unfortunately, certain individuals can only be constrained to obey through the threat of brute coercion. It is for these individuals that self-interest becomes both a necessary and sufficient condition for action. As Hobbes notes,

> But there are some who *neglect* the laws; and oft as any hope of gain and impunity doth appear to them, no conscience of contracts and betrothed

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[16]Hobbes adopts a similar position in *De Cive* where he argues "For those who do just works and give alms only for glory or for the acquiring of riches or for the avoidance of punishment are unjust, even though their works are very frequently just." (DC 14, 7).

> faith can withhold them from their violation. Not only the deeds, but even the minds of these men are against the laws (DC 14, 18; Hobbes's emphasis).

These malefactors--i.e. those over whom the concepts of law and obligation have no normative sway--are, in Hobbes's words, thoroughly "wicked" and decidedly egoistic in character (ibid.). Yet, only 'some' men can be aptly characterized this way but Ego-Hobbesians often assume that most, if not all Hobbesian individuals, should be viewed as such. Hobbes, as I have repeatedly stressed however, has also embarked upon a theoretical project-- the scientific explication of human nature. The primary thrust of this project is to explain, as much as possible, the primary motivations and dispositions behind human behavior. As I have shown, Hobbes believes some of these motives happen to be of a traditionally moral kind, and though their prevalence is relatively rare, such rarity in no way implies that they do not exist. Hence, on any interpretive standard, the dictates of reason and the motivations of the sincerely ethical individual who acts upon them, display a deep commitment to a non-consequentialist understanding on what it means to be moral.

C. The Negative Golden Rule. Imagine the following dialogue between an irate mother and her mischievous offspring. The child has acted immorally towards one of his peers (e.g. he rudely grabbed a shovel out of one of his playmate's hands at the neighborhood sandbox) and his mother is trying to point out to him that what he did was wrong.

"Johnny", the mother might admonishly intone, " would you like it if someone took the shovel out of your hands without first asking your permission?"

"No." might come the barely audible reply; inevitably delivered with a blushing face and downcast eyes.

"Then don't treat others in a way which you wouldn't want them to treat you."

What would have transpired here, as it has countless times throughout human history, is an instantiation and application of the Negative Golden Rule. This rule has appealed to generations of moralists, mothers included, due to its powerful combination of simplicity and breadth. It is easy enough even for a child to grasp (perhaps the first moral rule which any of us actually comprehend) and yet it is also applicable to almost any moral situation. Furthermore, the capacity to engage in the ethical reasoning presupposed by the Negative Golden Rule implies that the person invoking it has experienced a moral awakening-- they are able to evaluate the rightness or wrongness of their actions impartially by considering these actions as performed by another towards themselves. Above all, this rule demands that we be fair--i.e. to behave reciprocally towards others as we would expect them to behave towards us.

Hobbes, of course, although barely acknowledged in the literature, makes the Negative Golden Rule a cornerstone of his theory of morals. He views this rule as a self-evident ethical principle whereby the Laws of Nature are endowed with justificatory force. His concern with this rule dates back to the *Discourses* where he disparages the possibility of men living together in peace unless they can avail themselves of "the rule of Aequum and Justum"-- for if not, rather than measuring their "courses" by fairness and justice, men will continue to evaluate their actions by the "square of their own benefit and affections" (3D, p.106). This concern is only deepened after Hobbes has become an enlightened disciple of the Paduan method, through which he believes that he can discover and justify "a true and certain rule of our actions, by which we might know whether that we undertake be just or unjust" (DeC 1, 7). Hence, the first full exposition of Hobbes's devotion to the Negative Golden Rule is to be found in the *Elements,* following his deduction of the Laws of Nature. He writes,

> A man shall see these laws of nature set down and inferred with so many words, and so much ado, may think there is yet much more difficulty and subtlety required to acknowledge and do according to said laws in every sudden occasion, when a man hath but little time to consider. and while we consider man in most passions, as of anger, ambition, covetousness, vain glory and the like that tend to the excluding of natural equality, it is true; but without these passions, there is an easy rule to know upon a sudden, whether the action I be to do, be against the law of nature or not: and it is but this, *That a man imagine himself in the place of the party with whom he hath to do, and reciprocally him in his*; which is no more but a changing (as it were) of the scales. For every man's passion weigheth heavy in his own scale, but not in the scale of his neighbor. and this rule is very well known and expressed by this old dictate, *Quod tibi fieri non vis, alteri ne feceris*. (EL 17, 9)

Numerous important points can be gleaned from this passage. First, by placing his discussion of the NGR after his enumeration of the Laws of Nature we can infer that the NGR is not itself a law of nature but rather functions as a meta-rule, discovered by reason, by which the Laws of Nature can be both formulated and justified. The NGR is the common intensional thread woven throughout the logical and normative fabric which embodies right reason's dictates.[17] Second, in crafting this passage Hobbes is out to deflate the objection that the Laws of Nature might be too difficult (i.e. 'subtle') for philosophically unsophisticated laymen to grasp. Anyone who can apprehend the one 'easy sum' which is instantiated by the NGR can in turn comprehend each and every one of the Laws of Nature-- therefore, no one can plead ignorance when it comes to transgressions against these laws because the rule by which they are made known is self-evident to all but "children, madmen and natural fools" (L 27, 23). As such, we are all moral equals because anyone who possesses the bare modicum of reason necessary to understand this

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[17]This point will be made with considerably more force when I turn to Hobbes's discussion of the NGR as it occurs in *Leviathan*.

rule, by the very fact of their understanding, falls under its scope. Furthermore, as can be seen, the NGR is not derived from nor justified by an appeal to our self-interest but rather affords us a way of circumventing our self-love when we attempt to make moral decisions. On one hand, self-interest clouds our ethical judgment, making us prone to follow the capricious whims of our unsavory and selfish passions, which, in turn, leads to us denying our natural equality with others. On the other, once we free ourselves form these passions, the NGR both presupposes and demands that we recognize our natural equality with others-- for therein lies the key to realizing that we ought not to act towards others in the same way which we would not want them to act towards us .[18]

In this paragraph Hobbes also discloses the mechanics of how the NGR is supposed to operate. We are first required to imagine ourselves in the place of the person with whom we are interacting (or as Hobbes eloquently explains n *De Cive* each is to "conceive himself to be in that other's stead" (DC 3, 26)), that is, we are to attempt to adopt that other person's persona or point of view. In doing so, we are to weigh our actions by means of a metaphorical moral balance which allows us to circumnavigate our own passions that "weigheth heavy" on our part of the scale and therefore dispose us to behave unfairly and without concern for others. Hobbes here is offering a succinct version of the 'other shoes' argument-- before acting towards another I ought to imagine myself as that other and then further assume that they were about to act that way towards me. If the scale comes up balanced, that is, if I were not to approve of such an act as performed by another towards me, then my contemplated action is morally impermissible. If I would not disapprove of such behavior then it is permissible. For example, if I am contemplating

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[18]The intimate connection between the NGR, our natural equality and moral objectivity will be discussed below.

breaking a promise with someone I am to imagine myself as that person breaking a promise towards me. Would I approve of such an act? Other things being equal, presumably not, and therefore I ought not renege on my word. In *De Cive* the NGR receives much the same treatment.

In *Leviathan*, however, Hobbes provides us with a much more detailed and perspicuous account of how his metaphorical scale of justice is to be put into practice. Again, the NGR is presented following the elucidation of the Laws of Nature but certain distinct differences become readily apparent.

> And though this may seem too subtle a deduction of the Laws of Nature, to be taken notice of by all men...yet to leave al men unexcusable, they have been contracted into one easie sum, intelligible, even to the meanest capacity; and that is, *Do not that to another, which thou wouldest not have done to thy selfe*; which sheweth him, that he has no more to do in learning the Lawes of Nature, but, when, weighing the actions of other men with his own, they seem too heavy, to put them into the other part of the balance, and his into their place, that his own passions, and selfe-love, may adde nothing to the weight; and then there is none of these Lawes of Nature that will not appear unto him very reasonable. (L 15, 35).

As one can see, Hobbes is still worried that someone might object that his various and sundry Laws of Nature are beyond the rational wherewithal of most members of the species. This objection, however, as in the *Elements*, remains unfounded-- since even those of the 'meanest capacity' can apprehend the NGR it follows that almost everyone, save for the exceptions noted above, still has equal intellectual access to it. Also, the NGR continues to be viewed as mechanism by which we are able to surmount the obstacle which our self-love hurls into our path when we are confronted with an ethical decision

What has changed from the previous account is that Hobbes no longer requires moral agents, when invoking the NGR, to attempt to place themselves in another's 'stead'--

to attempt to adopt fully another's point of view is not only "hardly possible" but is also unnecessary (Baumrin, 1989 p.124). In *Leviathan*, to get around the 'heaviness' of our own self-love, which causes us to take a jaundiced view, not only of others actions but our own as well, Hobbes simply demands that we consider another's actions in themselves, independent of their interests, desires, etc. vis a vis our actions considered in themselves, independent of our interests, desires, etc. Therefore, our focus is to be on specific actions alone regardless of who performs them-- we no longer ask "Would I do that if I were him?" but instead, "Would I have him do that to me in these circumstances?" (ibid.). To wit, I am to put another's actions on my part of the scale and then to get around my self-love (so that it adds nothing to the weight) I am to consider my actions as his and place them on his part of the scale. If the scale comes up balanced, that is, if I would approve of my actions if performed by another towards me then the Laws of Nature are being fulfilled. Hobbes is at great pains to show that right reason's dictates are impartial- i.e. reasonable. Through the use of the NGR he hopes to convince his readers that the Laws of Nature do not permit us to view ourselves as somehow superior to our peers nor do they require us to make undue or dangerous sacrifices.

Covenant-keeping, the core of Hobbes's moral and political philosophy provides a suitable example. Ought I to keep my covenant towards another who is doing right by me? Yes. But how do I know for sure? Hobbes argues that I ought to take his action-- the keeping of covenant-- considered in itself and shift it to my side of the scale. In turn, I must place my action, likewise the keeping of covenant, on the other side of the balance. The actions being one and the same balance out since I would most certainly approve of my action, the keeping of covenant, if performed by another towards me. Even-handedness thus prevails and I ought to keep my covenant (Baumrin, 1989 p.125). What if

another is breaking his covenant towards me, oughtn't I still keep my word? No. The permissibility of defensive violations is built into the rule itself. If I were to place my act, the keeping of covenant, in his part of the scale, and his act, the breaking of covenant, in my part of the scale then the balance would tip in my favor hypothetically, and his in actuality. As such, the Laws of Nature are not being respected and I am under no obligation to the person in question- to require such behavior would be to go against the spirit of Hobbes's entire theory. Nonetheless, the NGR does summarily rule out offensive violations. If I am contemplating the breaking of a covenant towards another who is upholding his side of the bargain, and I place my action on his side of the balance and his on mine, I would immediately recognize the immoral folly of my ways-- for I would never approve of such an act if performed by another towards me. Therefore, I ought to stand to my word.

The moral validity of covenant-keeping has been thus established and therefore it counts as a Law of Nature. The NGR functions as a justificatory meta-rule by which we can evaluate prospective candidates to be afforded this status-- a fact which Hobbes explicitly acknowledges when he describes the NGR, in the corresponding squib to the above passage as "*A Rule, by which the Lawes of Nature may easily be examined*" (L 15, 35;squib). Principles of action which fail the NGR test-- e.g. I will break my covenants whenever it serves my interest to do so-- can never be justified because they violate our natural equality with others through their lack of impartiality, fairness, and hence, justice. Only a rule which would require me to treat others as I would expect to be treated could be termed a law of nature. In performing this crucial task, the NGR's foundation role within the context of Hobbesian moral theory cannot be understated.

Also, contrary to a utilitarian reading, the moral validity of the Laws of Nature is not simply a function of their utility (i.e. their ability to produce peace if a sufficient number of people chose to act upon them); on the contrary, it is a function of their falling within the scope of the NGR. This point can be furthered if we consider an example which Hobbes himself provides. Hobbes argues that a proposed rule such as 'Punish the Innocent' could never be established by reason to count as a law of nature. Why--because if followed it would lead to war and strife? Maybe, but Hobbes does not provide such a utilitarian justification for the prohibition. Instead, such a rule could never be validly added to the list of natural laws because it runs afoul of "naturall Equity", a notion which is conceptualized within the NGR. (L 26, 24). A similar point obtains when one considers Hobbes's claim that theft, murder and adultery are morally prohibited activities. This claim only makes sense in the light of Hobbes's commitment to the NGR as his primary vehicle of moral justification, the application of which summarily rules out such behavior.

A better understanding of the justificatory force with which the NGR endows the Laws of Nature is indirectly provided by Peter Hurley in his most recent article "Agent-Centered Restrictions: Clearing the Air of Paradox" (1997). Hurely argues that actions can only be evaluated and subsequently justified if considered from a point of view. Points of view (or standpoints of evaluation and justification), in turn, can be divided into three types: personal, impersonal and impartial.(Hurley, 1997 p134.). On one hand, the first two require an agent to evaluate a proposed course of action in light of its propensity to produce a beneficial state of affairs, an act being justified only in so far as it secures the realization thereof. Both standpoints are thus consequentialist in nature. These standpoints themselves differ when one considers for whose sake the state of affairs in question is to be brought about. The personal point of view is essentially egoistic-- actions are justified

in so far as they contribute to an agent's own well being-- while the impersonal (i.e. utilitarian) point of view demands that a justifiable action is one which, out of all of the available alternatives, has the best chances of producing the greatest amount of well being for everyone who falls within its scope, regardless of whether or not, in most cases, they enhance the personal well being of the agent. On the other, Hurley identifies the "impartial standpoint" as the fundamentally moral one of the three; indeed, it is not simply one point of view among others but functions as "the standpoint for practical justification itself" (Hurley, 1997).

When viewed from the impartial standpoint, the conceptual link forged by consequentialists, of whatever stripe, between the rightness of actions and their ability to produce beneficial states of affairs is torn asunder. Instead of appealing to states of affairs to justify one's actions, one makes a direct "appeal to reason" (Hurley, 1997 p.132). What the impartial standpoint requires of agents is that they evaluate and justify their actions by providing reasons for them which others could not "reasonably reject" (Hurley, 1997 p.133). So understood and so justified, we are able to exert a moral claim over others not to interfere with our actions simply because they have no good reason for doing so. Nonetheless, they are cases where actions deemed acceptable from, e.g., the personal point of view may well in fact be ruled impermissible from the impartial point of view. Consider, for instance, the following. I want to open a business but lack the available capital to do so. I realize that by defrauding Sally I will be able to avail myself of the requisite funds and hence, this type of behavior, as it would contribute to my overall satisfaction and well being, is clearly justifiable from the personal standpoint. Now, however, we arrive at a justificatory crossroads down which the impartial standpoint will prohibit me from proceeding any further (i.e. putting my plan into effect). Why? Simply

because I cannot provide good reasons to Sally whereby she cannot reasonably reject what I propose to do. Indeed, Sally has every right to attempt to thwart my plans and as such I am impartially constrained from harming her. Notice, the appeal is not to some sort of negative state of affairs likely to befall Sally if I put my plan into action; rather, the emphasis is on the idea that actions are morally permissible only if the reasons provided for them are ones in which everyone can impartially share.

Returning to Hobbes, it is perhaps quite profitable to argue that the NGR is simply a mechanism for enabling us to achieve the impartial standpoint. The NGR, when properly employed, enables us to circumvent our "own passions and selfe-love" by requiring us to provide reasons to others for our actions which they cannot, at least on rational grounds, refuse to accept. In the example above, even if I could justify covenant breaking on the grounds that such behavior could plausibly, on some occasions, be seen to greatly maximize my personal utility there is no way that I could, on the impartial standpoint embodied in the NGR, justify this sort of conduct towards the person to whom I originally made the covenant. In doing unto him what I would I would not approve of being done to myself I cannot provide him with a shared (i.e. mutually acceptable) reason for my behavior. Furthermore, the NGR also forces us to accept and abide by the Laws of Nature so long as others are willing to do the same, for when considered from the perspective of the NGR "then there is none of these Lawes of Nature that will not appear unto him very *reasonable*" (L 15, 35; my emphasis). In other words, considered within the context of the NGR, I cannot complain that the Laws of Nature are somehow unfairly biased against me. Their justification by the NGR insures that they equally apply to everyone; i.e. that acting upon them, when others are so willing, always enables us to afford rationally acceptable reasons for our conduct to one another.

At this juncture, it is important to address the intimate link between the NGR and Hobbes's natural egalitarianism-- specifically, the equality which Hobbes argues holds amongst men must be presupposed if the NGR is to be operative. Consider, for example, his second law of nature:

> That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe 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 14, 4).

This second law-- that we be willing to lay down our unlimited right of nature so long as others are willing to do the same and that we ought to allow ourselves no more liberty than we are willing to allow others-- is nothing more than the NGR writ large. Hobbes himself admits as much when he notes that the second law of nature is simply another way of expressing the "Law of the Gospell" (the positive version of the Golden Rule) and "that Law of all men" (the negative version of the Golden Rule) (ibid.). This law of nature espouses a basic principle of reciprocity which must be acknowledged if men are to live in peace through the creation of a binding contract. Furthermore, the contract in question sets down equal terms for all relevant parties, as no one can retain any rights which he is not also willing to let others retain. Why not? Simple-- no one, according to Hobbes, is any better than anybody else. When I would attempt to retain some right or privilege which I am not willing to grant to others, I would be viewing myself as above the law and doing unto others what I would not have them do unto me. Yet, due to my natural equality with my fellow creatures I have no possible moral avenue open to me to justify such behavior-- I am, as it were, without an ethical leg to stand on. From a moral point of view, I could only retain certain rights or privileges which would not be afforded to others if I were their natural superior. But as Hobbes has so adamantly argued the whole

notion of natural superiority *and* inferiority is conceptually bankrupt-- to err in such a way is to commit the sin of pride, the most vicious of vices in Hobbes's eyes. The relationship between our natural and moral equality of one to the other and the NGR is itself reciprocal. The fact that almost everyone can grasp the NGR means that we are all moral equals for whom the Laws of Nature are "equally obligatory". In turn, such equality demands that we do not treat others in ways which we do not want to be treated; that is, we must each acknowledge the "equality of worth" which nature bestows upon every individual (EL 17, 2).

In a similar vein, consider the "fundamentall" natural law to seek peace so long as others are willing to do so (L 14, 5). How might we respond to someone who refused to act accordingly even when we were? One might try to point out to this recalcitrant and obdurate individual that by refusing to go along with the rest of us he is not only endangering his own life but also the lives of everyone else Yet, if he should still persist in this untoward behavior we might demand that he inform us why he should be allowed special treatment, why, after all, he believes himself to be better than anyone else. Such an argument is distinctly *moral* in nature and assumes the validity of the NGR as its justificatory component. For, after all, he ought not engage in hostile acts, such as the above, since he presumably does not desire others to act in such a way towards him.

Although, historically speaking, some version of the Negative Golden Rule appears with a rather uncanny ubiquity amongst most human societies, several objections to its role as a foundational moral principle exist. Many scholars, such as Kavka, feel that the negative verion of the golden rule is somehow inferior to the positive one. The source of this objection is that the latter version requires us to do good while the former merely demands that we avoid doing evil--indeed, based upon this assumption, Kavka goes so far

as to describe Hobbes's version as the "copper rule" since it "shines" less brightly than its more celebrated cousin (Kavka, 1986 p.347). Such an assumption, of course, places a higher value upon beneficence than non-malfeasance. Nonetheless, whether this is actually so is matter of some debate. One could easily argue that the negative version is superior to the positive in that it simply requires us to refrain from harming others rather than placing any positive demands upon us-- therefore, the former is easier to follow (although the negative version of the golden rule by no means rules out such beneficent behavior as charity). Moreover, the positive version suffers from a serious defect-- it is too "open-ended" (Shelton, 1992 p.78). On one hand, if I were to catalog everything that I would want another to do to me and thus what I ought to do to another the resulting list would prove endless and possibly oddly idiosyncratic. On the other, the negative version of the golden rule stipulates not what I ought to do to another but what I ought not do, e.g. I ought not maim, murder, renege on my word, etc. and thereby provides us with the most basic rules which any society must adhere to if it is to exist for any length of time (ibid.).

On other occasions, the sado-masochism objection is often raised. The idea is that the sado-masochist would be cruel to others because he wants others to be cruel to him. This objection, however, carries more weight when levied against the positive version of the golden rule. On the negative version we are simply required to forbear and even though the sadist may well enjoy inflicting pain on others this does not mean that he wants pain inflicted upon himself (Shelton, 1992 p.79). Another objection concerns, e.g., the white supremacist who believes that all blacks ought to be slaves and would himself be prepared to be a slave if he were black (ibid.). Clearly, such a position runs afoul of Hobbes's egalitarianism- - for him there are no natural slaves, regardless of one's skin color. Also, this purported counterexample ignores the universality inherent in the rule

itself. Such an individual is not being asked if he would want to be a slave if here were black but would he want to be a slave *simpliciter*. Surely not, and therefore he ought not enslave others.

The question now arises as to whether or not the NGR applies in the state of nature. *Prima facie*, one would think that it does not. For if we are not to do unto others what we would not have them do unto us how can the chaos and strife endemic to our pre-social state be explained, and further, how can the unlimited right of nature be morally permissible? Presumably, Hobbes would deal with this objection by again invoking his *in foro interno* versus *in foro externo* distinction concerning the bindingness of obligations. In line with this distinction the NGR would only always oblige in the former sense; i.e. it would bind to an endeavor upon our part to create a state of affairs, through seeking peace, in which the rule would become externally operative.[19] As such, even though I ought to endeavor its fulfillment the NGR does not require me to place myself at the mercy of others. I am only to refrain from hurting others if they are disposed to do likewise by me-- if not, particularly in the state of nature where the differences between the wicked and the righteous are grossly underdetermined, all bets our off. Again, the NGR still bans certain types of behavior (e.g. gratuitous violence) outright, regardless of whether one is in the state of nature or not, but so long as I am forced to inhabit such a strife torn environment the NGR allows me to do whatever is necessary to survive.

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[19]In *De Cive*, Hobbes's argues that a more brutal principle of equity holds sway in an *in foro externo* sense in the state of nature. Namely, in our pre-social state "he that plunders plunderers doth equity" (DC 3, 27). Yet, to act in such an eye for an eye fashion connotes mere savagery. It is through adhering to the NGR, particularly when sufficient security conditions prevail, that a man can become fully human--for thereby he can relate to his fellow creatures not unlike a "kind of God" (DC, Dedicatory Epistle, p.1).

Hopefully, then, I have satisfactorily established the NGR as an anchor of objectivity in Hobbes's non-consequentialist moral system. The NGR, with its inherent universality and simplicity, means that even those of the 'meanest capacity' can lead a moral life and hence should be viewed as morally responsible individuals. The power behind the NGR is that it enables each to discover those basic rules of justice and fairness which reason then further requires him to impose upon himself through his freely given assent. In functioning as a meta-rule, the NGR not only provides widespread cognitive access to the Laws of Nature but it also highlights the tremendous sophistication of Hobbes's ethical theory--a sophistication which has heretofore been largely ignored because of the simplistic and reductive approach encouraged by partisans of Ego-Hobbesianism.

D. The Role of Reason in Hobbes's Ethics. Presumably, given what has transpired in the last several chapters, Ego-Hobbesianism will strike one as justifiably unfounded. Ego-Hobbesians, however, still have a last redoubt from which they can launch a furious counterattack against my understanding of Hobbes-- namely, the claim that Hobbes simply provides us with an instrumental conception of reason which is not up to the task of grounding a viable theory of moral objectivity. On this view, reason becomes little more than the manservant of desire; reason in and of itself cannot *do* anything and is therefore devoid of practical force. As such, the purpose of reason is simply to provide us with the most efficient means for accomplishing our desired ends (Hampton's true belief instrumentalism) and our rational faculty is nothing more than a mechanism for the maximization of long term self-interest. Hobbes, according to this reading, is only offering us a very thin theory of rationality, one in which reason functions as a tool (albeit a very useful one) to aid and abet in our survival (Gauthier, 1969 p.12).

This assumption is deeply embedded throughout the literature, as is evidenced by Stephen Darwall's comment in his most recent work that for Hobbes, "Reason is a power of reckoning or inference. So it can recommend no conduct or end directly or intrinsically. Its practical function is purely instrumental..." (Darwall, 1994 p.59). If this is the case then the 'oughts' which reason prescribes are thoroughly prudential in nature. To wit, reason's purported enslavement to the passions entails that, for Hobbes, what I ought to do is completely left up to what I desire to do and, given that most of my desires tend to be exclusively concerned with personal gain, self-interest, and more narrowly, self-preservation, once again becomes a necessary and sufficient condition for action. In what follows, I intend to reject this account as too extreme-- Hobbes, I will argue, attributes more than one role to reason. That is, reason functions not only in instrumental fashion but also operates in a more substantive manner as well.

A fruitful place to begin is by offering a more thorough analysis of Hobbes's instrumental conception of reason and its relationship to human desire. Desire obviously occupies a central place in Hobbes's psychology, for "to have no Desire is to be Dead" (L 8, 16). Our various and sundry passions move us to action and the objects of these passions are what men refer to when they invoke the term 'good'. Yet, be that as it may, Hobbes by no means gives short shrift to reason--"Reason is no less of the nature of man than passion, and is the same in all men" (EL 15, 1). What then is the purpose of reason? In one sense, as noted above, the interplay between reason and desire is one in which former provides us with the means for satisfying the demands of the latter since "the Thoughts, are to the Desires, as Scouts, and Spies, to range abroad, and find the way to the things Desired" (L 8, 16). Viewed instrumentally, reason is particularly important due to its ability to discover the innumerable causal relationships which make up the world

and, in turn, thereby enabling us to proceed on the most efficient path towards realizing our objects of desire (Darwall, 1994 p.59). As such, reason enables us to "regulate" our thoughts so that we may proceed in some "steaddy direction" towards a desired end (L 3, 5). Hobbes lucidly draws out this point when he writes

> The Trayn of regulated Thoughts is of two kinds; One, when of an effect imagined, wee seek the causes, or the means that produce it...The other is, when imagining anything whatsoever, wee seek all the possible effects, that can by it be produced (L 3, 5).

Thus, for instance, if I desire peace, then reason informs me that the best way to attain such a state of affairs is to enter into a contract with my fellows to lay down our unlimited right of nature. As discussed in Chapter IV, reason, through its discovery and formulation of the Laws of Nature, exposes a causal connection between certain types of behavior and peace. Reasoning, in this sense, is not some sort of "infallible faculty" (DC 2, 1 n.) but rather is a power of "reckoning" through which we acquire the capacity to grasp that such-and-such an effect follows from such-and-such a cause (L 5, 2). The failure to be able to so reason produces cognitive disharmony whereby the stream of our thoughts are not unlike "the sound which a Lute out of tune would yeeld" (L 3, 3). Thus, Hobbes is arguing that without the capacity to reason instrumentally, consistent, coherent action would be impossible-- men would simply behave in a pell mell fashion with no rhyme or reason.

For the standard interpreter, this is the end of the line-- Hobbes offers us nothing more than an instrumental conception of reason. To point out the flaw in this assumption, it might prove useful to compare and contrast Hobbes's view with the *locus classicus* account served up by Hume in his *Treatise*. Hume, of course, famously argues that reason is simply a "slave to the passions" and further that

> 'Tis as little contrary to reason to prefer the destruction of the whole world to the scratching of my finger. 'Tis not contrary to reason for me to choose my total ruin, to prevent the least uneasiness of an *Indian* or person unknown to me. It is as little contrary to reason to prefer even my own acknowledged lesser good to my greater (Hume, 1966 p.6).

Hobbes, as Hampton wisely admits, would be aghast at Hume's rendering of reason-- for it implies that few, if any actions, can be actually deemed irrational while Hobbes wants to show that any act which conflicts with self-preservation most certainly falls into this category (Hampton, 1986 p.36). She argues that Hobbes would reject the "primitive instrumentalism" of Hume in favor of her notion of true belief instrumentalism whereby "any act is rational if it is one an individual *would* determine he *should* take to fulfill his present desires *if* he had true beliefs" (ibid.; her emphasis). On this reading, individuals can be deemed irrational if they are pursuing their "self-preservation *badly*", that is, such individuals are acting on their desires without first cognizing whether or not behaving as such will actually contribute to their over-all desire for self-preservation (ibid.). Ultimately, these individuals act in such a manner because they are under the sway of false beliefs, warped desires, or both.

Does Hampton's notion of 'true belief instrumentalism' really distinguish Hobbes's account of the relationship between reason and the passions from the purportedly primitive variety proffered by Hume? Not really. For Hume also, at least as Hampton defines it, is a 'true belief instrumentalist'. That this is so can be seen by Hume's discussion as to when a passion is to be deemed "unreasonable", which, he maintains, can occur in one of two ways:

> First, when a passion such as hope or fear, grief or joy, despair or security, *is founded on the supposition of the existence of objects which really do not exist.* Secondly, when in exerting any passion in action, we choose means insufficient for the designed end, *and deceive ourselves in our*

> *judgment of causes and effects*. Where a passion is neither *founded on false suppositions*, nor chooses means insufficient for the end, the understanding can neither justify nor condemn it (Hume, 1966 p.5;my emphasis).

Hume then goes on to the famous passage quoted above. The point at issue here, however, is whether or not Hume differs in any substantial way from the concept of instrumental rationality which Hampton seeks to ascribe to Hobbes. Clearly not-- for Hume too would condemn desires based upon false beliefs and self-deception yet he still maintains that reason is passion's slave and any act which does not violate any one of these conditions must still be considered rational. Hume might be wrong, of course, but the onus is on Hampton to show that the kind of true belief instrumentalism which she wants to ascribe to Hobbes does not in fact collapse into the 'primitive version' put forth by Hume-- otherwise, it is hard to see how Hampton's interpretation will do the work it is supposed to do.[20]

This is not to say that Hampton is wrong in maintaining that Hobbes would assign much of the blame for the strife endemic to our natural state to the presence of false beliefs in certain individuals. The vain glorious, for example, are certainly suffering from the delusion that they are somehow superior to their peers. Nonetheless, following Gert (1972, 1996) and van Mill (1994), I want to argue that a much more substantive account of Hobbes's conception of reason is to be found in the text. What I aim to show, is that contrary to Ego-Hobbesianism, desire, for Hobbes, ought to be subservient to reason, rather than the other way around. Form his earliest writings onward, Hobbes continuously

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[20]It is interesting that Hampton, in her work, only quotes the former passage by Hume and not the latter.

laments the fact that our passions often obscure the path which reason would have us follow-- due to the "violent heat" of their unruly desires men's reason unfortunately, is often rendered "invisible" (3D, p.106). He further describes passions such as fear, hope, vain glory, anger, avarice, etc. as "perturbations of the mind" (DC 3, 26) which are to be condemned precisely because they can "impede the operation of reason" (DH 12, 1). Whilst under the sway of such base appetites men become "blinded by self-love" and refuse to regulate their conduct by reason's dictates (L 26, 21).

What then is the proper relationship between reason and desire? Hobbes betrays his view on this matter when he writes that "the natural state hath the same proportion to the civil which passion hath to reason or beast to man" (DC 7, 18). The analogies which Hobbes draws in this phrase, that the natural state is to the civil as passion is to reason and beast is to man, inform us that Hobbes believes the well ordered individual to be one in whom reason, not desire, reigns supreme. Men in whom the passions hold sway are little more than animals--they treat each other with a mere "brutal rapacity" and as such are not unlike "wolves" (DC, Dedicatory Epistle, p.1). This is why Hobbes so emphatically emphasizes that education, not nature, makes men fit to be in the company of their fellows (DC 1, 2).Only through the subordination of our various and sundry desires to reason can a man become fully human and enter into society. Indeed, certain individuals, due to the "stubbornness of their passions" can never be admitted within the social fold (L 15, 17). Desire, of course, particularly in the form of the fear of violent death, still has a crucial role to play: it literally brings us to reason. But, in and of itself, the "consent of passion" is not enough; the authority of reason must supplant desire if society is to exist (EL 15, 1).

Clearly, this interpretation of Hobbes's account of reason flies in the face of Darwall's contention that, for Hobbes, reason "can recommend no end directly or

intrinsically" because if, in the cognitively well ordered individual, desire is to do reason's bidding then it follows that reason must be able to recommend certain ends as worthy of pursuit. As Gert notes, Hobbes allows for this possibility when he argues that peace is a real good found out by reason (Gert, 1996 p.171). Specifically,

> They therefore who could not agree concerning a present do agree concerning a future good; which is indeed a *work of reason*; for things present are obvious to the sense, things to come to our reason only. *Reason declaring peace to be good*, it follows by the same reason that all the necessary means to peace be good also; and therefore that modesty, equity, trust, humanity, mercy are good manners or habits, that is virtues. (DC 3, 31; my emphasis).

As one can see, in this instance, and it is clearly an important one, Hobbes understands reason to operate in a such more substantive manner than Ego-Hobbesians are willing to concede. Reason 'declares peace to be good', that is, reason judges peace to be an end or goal towards which all rational men ought to strive and as such peace can be termed a real or 'common' good.[21] In crafting such a position Hobbes has implicitly extended the concept of rational behavior beyond a mere consideration of means to one in which ends are to be accounted for as well (van Mill, 1994 p.297). Means, undoubtedly, are still within reason's purview, as is evidenced above when reason directs us to engage in certain behaviors, e.g. equity, mercy, etc. because they are a 'means' to peace, but the evaluation of certain ends also falls under its scope since "judgment...must proceed from reason" (DH 12, 1).

Ego-Hobbesians might now reply that the legitimacy of such claims is irrevocably undermined by reason's purported practical inertness. Admittedly, for Hobbes, almost all

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[21]Hobbes makes a similar point in the *Elements* when he states that a real good is one which "not every man in passion calleth so but all men by reason" (EL 16, 14).

actions are the result of a corresponding desire towards or away from some object or set of affairs but this need not be detrimental to my account.[22] To illustrate why, consider the following analogy-- for Hobbes, the proper relationship between reason and desire is not unlike the one which holds between a modern general and a foot soldier under his command. Taking the latter case first, in a modern army, the tactics, strategies and subsequently troop movements are under a general's direct control but he himself rarely, if ever, participates in the actual fighting. He attempts to accomplish his aims by directing various units under his command to attack, withdraw, etc. and as such these bodies of soldiers become a metaphorical extension of himself--they, in effect, do the general's bidding. Moreover, for an army to function in a well disciplined fashion the commands of superior officers must not be questioned, for if they are, the general's authority quickly dissipates and the troops under his control disintegrate into little more than an unruly but armed mob. Turning to my interpretation of Hobbes's understanding of the human psyche, in the cognitively well ordered individual, reason governs its domain just like the head of a properly organized military unit controls his troops. It sets down certain ends, i.e. the pursuit of real goods, and then to accomplish its task determines which desires we ought to act upon. Irrational desires are cast aside much like insubordinate troops and reason's dictates are accepted without question. Unfortunately, when irrational desires gain the upper hand a sort of psychological mutiny takes place, much like the collapse of a poorly constituted army, the end result being a pathetic descent into "madness" (L 8, 16-17).

To avoid this morass, reason must *constrain* desire. How so? Through our self-imposed commitment to follow the Laws of Nature. Hobbes is quick to point out that

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[22]I will argue below that Hobbes's concept of obligation is not entirely devoid of practical force.

"the Desires and other passions of men are in themselves no sin. No more are the actions which proceed form those passions till they *know a law that forbids them*" (L 13, 10; my emphasis). Thus, it is only through the knowledge of the law, which is grasped through reason and becomes subsequently binding through a process of rational assent, that the excesses of passion can be curtailed and the possibility of peace may arise. At this point, reason is no longer functioning in a merely instrumental manner as a guide to the passions, but instead, through the self-imposition of the Laws of Nature, the roles of passion and reason have been substantively reversed-- for the Laws of Nature are opposed to precisely those desires, e.g. partiality, vain glory, ambition, etc. which pose a threat to peace. The Laws of Nature, supplied by reason, thereby enable a person to "integrate one's life in a positive manner" (Van Mill, 1994 p.297).

Hobbes's concept of commitment, in this context, deserves closer inspection. As Sen notes, any viable concept of commitment is non-consequentialist by nature-- it "drives a wedge between personal welfare and personal choice" (Sen, 1987 p.91). In other words, if we have committed ourselves to behave in a certain fashion, then, other things being equal, we ought to do so regardless as to whether such behavior is to our advantage or not. Hobbes would agree and in doing so, his concept of reason becomes endued with a certain amount of practical force. This becomes apparent if we return to Hobbes's discussion of what constitutes a 'wicked' individual-- a person whose actions, as well as intentions, exist in contradistinction to the law. On one hand, for the truly evil, "no conscience of contracts and betrothed faith can withhold them from their violation" thereof (DC 14, 18). On the other, however, it follows that certain individuals, not so disposed, can be moved to keep their word simply by the realization that they have given it, and, as entailed by Hobbes's concept of obligation, that it is their duty to do so. Most

individuals, from the fool, who never transcends the limits of instrumental rationality, to the weak willed, whose reason is "infirm" when faced with passion's repeated onslaughts, are, of course, not so moved-- but this unfortunate state of affairs should not detract from those who are (ibid.).[23] Indeed, in the just man's mind it is the cognizance of his duties, and the voluntary commitment which he has made to fulfill them, which creates in him the incipient endeavor to behave as such. How else can one explain Hobbes's contention that is the "sincerity of conscience" which drives the just man to act solely for the "law's sake"? (DC 4, 21). Ego-Hobbesians do not have a satisfactory response to this question. To keep their interpretation coherent, in this respect, they could always jettison Hobbes's theory of the moral worth of actions and persons, but doing so comes at a rather hefty price-- it would be untrue to the text, both in spirit and in word. Thus, the prudent interpretive move seems to be to accept the fact that Hobbes also provides for a substantive concept of reason which , in certain circumstances, controls and directs our behavior in its own right.

In sum, the fate of Ego-Hobbesianism hopefully by now appears sealed. In this chapter, I have sought to lay bear the basic structure of Hobbes's moral theory, particularly the crucial roles occupied by the Laws of Nature and the Negative Golden Rule, respectively. A further intention was to establish that Hobbes does admit of a much richer concept of reason than the merely instrumental version of rationality which standard interpreters are so hasty to ascribe to their quarry. In the next chapter I will put this interpretation to work and argue that Hobes's moral theory compares favorably to Kant's.

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[23]Hobbes would explain weakness of will as the committing of a voluntary act against reason.

Chapter VIII. The Nature of Deontology: Kant and Hobbes

Imagine the following situation. You are a university professor and you have made a promise to one of your students, who has been ill of late and is in dire need of academic assistance, to meet him in your office the day before the midterm. On your way to the subway you are met by a rather frantic looking fellow who, out of the blue, comes up to you and says:

"Excuse me, I work in a nearby soup kitchen and we are severely short handed today. We are sorely in need of volunteers to help us-- otherwise a great deal of food will go to waste."

You glance quickly about and realize that the street is well nigh deserted-- the desperate do-gooder has only you to heed his call. What should you do? Clearly, casting one's moral lot with the soup kitchen will produce a great deal of overall good, certainly a greater amount, one might reason upon rational reflection, than keeping one's word with the student. The student is simply one human being, yet outside of the soup kitchen a horde of rather weather beaten persons are clamoring for their morning repast-- shouldn't the interests of the many outweigh one's commitment to a solitary individual? Hence, the impetus for utilitarianism. One might also argue that forgoing one's promise to the student can be justified on somewhat narrower and decidedly more selfish grounds. Let us say that you have been feeling rather down on yourself lately, that you feel guilty for never contributing to the greater good as it were, and you realize that an opportunity has presented itself whereby one could, with satisfaction and pride, be able to smile broadly back at one's reflection in the mirror. Moreover, the student with whom one is to meet is little more than a slacker, evidenced by his constantly falling asleep in one's class, and one

suspects that he was never actually sick at all. Hence, the impetus for moral egoism. Although both moral theories mentioned so far, utilitarianism and egoism, differ in many important respects, they do share a crucial foundational tenet-- each requires the agent to choose that act, out of any of the alternatives open to him, which will produce the greatest amount of good (irrespective of how goodness is to be defined).

As is well known, ever since G.E.M. Anscombe's article, such theories have been grouped under the philosophical rubric of 'consequentialism'.[1] That is, they look to the consequences of one's actions in order to determine whether a particular act is to be deemed right or wrong. Importantly, it is a hall mark of such theories that the 'right' is subservient to the 'good'. Rightness is simply an instrumental characteristic of an action; i.e. an act is right for no other reason than it is productive of the greatest good. From the point of view of moral objectivity, the former theory, utilitarianism, has been persistently put forth by many Twentieth Century ethical theorists as the appropriate model to explain what it means, in layman's terms, to 'do the right thing'.

Such a claim, however, has not gone unchallenged. This position strikes many as counterintuitive-- isn't it ever permissible to choose the non-optimific act? Mightn't it even be obligatory, in certain circumstances, to do so? Doesn't the prior obligation which one has towards one's student cut short any talk of the greatest good for the greatest number? In raising these questions, a host of ethical theorists, including most famously, Kant, as well as Prichard, Ross, Rawls, and as I shall argue Hobbes, have sketched an alternative vision of what it means to be moral-- deontology. Deontologists claim that there are

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[1]In her article, "Modern Moral Philosophy" (*Philosophy*, 33, 1958) Anscombe intends the term 'consequentialism' to apply primarily to utilitarian theories. I will use an expanded version which also includes all versions of moral egoism.

certain things, e.g. keep one's word, tell the truth, not harm others, etc., which one ought to do regardless of the consequences. The 'right' is thus not always subservient to the 'good'.[2] As Frankena notes, for deontologists, "it is possible for an action or rule of action to be the morally right or obligatory one even if it does not promote the greatest possible balance of good over evil" (Frankena, 1973 p.17). Similarly, Rawls claims that a deontological moral theory "does not interpret the right as maximizing the good" (Rawls, 1971 p.30).

What makes a moral theory a deontological one? In what follows, I will maintain that three basic conditions must be met if a moral theory is to be understood in this way. First, deontologists employ a *sui generis* concept of moral obligation. Second, a tenable deontological moral theory implies a commitment on the part of the agent to rely upon a particular rule or set of rules, through which his or her obligations are simultaneously discovered and prescribed. Third, and lastly, such a moral theory is endowed with a very stringent notion of the moral worth of actions and persons. Following Donagan, the first two conditions deal with "first order moral questions", i.e. the permissibility and/or impermissibility of certain kinds of actions (Donagan, 1977 p.52). The third condition, however, requires us to address "second order moral questions" (Ibid.). Namely, not simply did we act rightly, but did we do so for the right reason? Each of these conditions will be articulated at length below. I will then turn to the ethical writings of Kant, normally taken to be a paradigmatic exemplar of the deontological tradition, and argue that he readily satisfies these requirements. In the third section of this chapter I will focus on Hobbes and offer a radical departure from the received view by maintaining that he too

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[2]For Kant, of course, the right is *never* subservient to the good.

deserves to be described in a similar vein. Lastly, I will briefly compare the ethical theories of Hobbes and Kant, the aim here being to highlight various similarities and differences between them. Before proceeding, a point of clarification is in order. My intent here is *explanatory* rather than *justificatory*. That is, I am out to determine what it is about deontological moral theories which definitively distinguishes them from alternative approaches to the study of ethics and while I am deeply sympathetic to such a point of view it is not necessary for present purposes to give a full blooded defense of why a deontological approach to ethics is, as it were, the correct take on the subject.. As such, certain common objections to deontology (e.g. the charge of rule worship, the problem of relevant act descriptions, the too strict notion of moral worth, etc.) will, if raised at all, be dealt with in a cursory fashion.

A. The Nature of Deontological Moral Theories. As noted, deontologists put forth a very distinctive concept of obligation. In contradistinction to consequentialists, who maintain that acts only become obligatory in light of their propensity to produce beneficial results, deontologists adopt an opposing tack. Obligations and the duties which they entail are taken to be primary rather than derivative-- certain actions or classes of actions are viewed as right regardless of their consequences. On this view, obligations must be understood as ends in themselves rather than instruments for the realization of particular states of affairs (e.g. pleasure). The consequences which flow from acts deemed obligatory by deontological moral theories are at best a side issue. Instead, one must focus on the proposed act itself. For deontologists, certain acts are obligatory in virtue of the fact that they are right and others are forbidden in virtue of the fact that they are wrong, full stop.

An obligation thus places a *non-consequentialist* constraint upon how we ought to behave towards others and, in some cases, toward ourselves. Nozick's conception of our obligation to respect the property rights of others is a case in point. According to Nozick, the natural right to private property must be respected even if the violation thereof would lead to a more efficient and productive society overall-- indeed, even if the infringement of such rights would minimize the occurrence of future rights violations. Thus, for a deontologist, I ought not violate W's property rights even if such a violation would prevent subsequent violations of the property rights of X, Y, and Z. This is so because property rights function as a "side constraint" on our own or other's desire to maximize the good (which in this case becomes the minimization of rights violations). (Nozick, 1988 p.137).

In this sense, deontology is 'agent-centered' in a way in which teleological/consequentialist theories are not. On this view, our obligation to respect the rights of others must not be conceived of as a "moral goal" (i. e. a worthwhile state of affairs after which all moral agents must impersonally strive) derived from taking others' interests into account, but, on the contrary, as a set of "personal demand[s] governing one's relations with others" (Nagel, p.156). Thus, according to Nozick, a right functions as a constraint "on what is to be done rather than what is to be achieved" (Nozick, 1988 p.137). The opposing position can only accommodate such talk by incorporating any notion of obligation and/or rights into some sort of 'agent-neutral' value (i.e. mimizing the overall occurrence of rights violations) which all moral agents, if they are to behave morally, must seek to maximize. On a deontological reading, however, the obligations and the rules which entail them are never justified by their potential, if acted upon, to maximize

beneficial consequences or minimize detrimental ones. To reason in such an instrumental fashion completely misses the point concerning a deontological conception of obligation The justificatory source of these constraints is decidedly not the optimific results which they may in fact yield for ourselves or society but the idea is that moral agents, *qua* moral agents, deserve to be treated (or not treated) in a particular way independent of whether or not such treatment maximizes a desirable state of affairs (or minimizes an undesirable one). To act otherwise inevitably relegates, in Kantian language, some individuals to the status of means; individuals whose rights not only may, but in many cases must, be violated in order to pursue the otherwise laudatory goal of minimizing such violations in the future.

Importantly, for deontologists, obligations are endowed with a great deal of normative force-- they posses, as it were, a powerful sense of 'oughtness'. That this is so can be shown by looking to ordinary moral experience. Who has not felt the pull of obligation, particularly in cases where what one ought to do conflicts with what one wants to do? The fact that what we take to be our duty can conflict with our interest gestures towards the idea that the consequences of an action are not what is at issue every time one is attempting to figure out what one ought to do. And this conflict need not be felt only when one's advantage is at stake-- in the above example the duty to keep a promise conflicts with the greater social utility of forsaking one's prior commitment. In such a situation, one's duty is taken to be overriding.[3] Borrowing from Dworkin, one's prior

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[3]The fact that one's duty is taken to be overriding in all situations has been the basis for the 'rule-worship' criticism which is often levied against those who adhere to a deontological position. Ross attempts to deal with this problem through his concept of *prima facie* duties. The response to this criticism is usually one of two moves-- one either prioritizes the rules which one invokes or one admits that moral rules are defeasible in the light of particularly dire consequences. The latter option is thought to lead to a slippery

obligations 'trump' the idea, from a moral point of view, that the results of one's actions are all that counts. Prichard makes a similar point when he astutely claims that "if we persist and maintain that to be right an action must have a beneficial result then it is precisely results and nothing else which renders an action right" (Prichard, 1968 p.211).

An epitstemic issue now comes to the fore: given that one has obligations how is one to *know* what they are? Within the deontological camp, there are two schools of thought on this issue. On one hand, 'act' deontologists (e.g. E.F. Carritt, H.A. Prichard and perhaps J. P. Sartre) advance the claim that every moral situation is unique and what we must do is intuitively grasp which act is appropriately 'fitting' to it. Appeals to moral rules are rejected as useless for all practical intents and purposes because such rules are held to be too general to accommodate the *sui generis* nature of each an every moral situation. On the other, 'rule' deontologists maintain that the ultimate standard of right or wrong, the final arbiter concerning the moral permissibility/impermissibility of a particular act, consists in one or more moral rules which must be adhered to "independently of whether or not they promote the good" (Frankena, 1973 p.17). Act deontology will here be dismissed as self-defeating-- in the absence of moral rules it is clear that any deontological theory would be shorn of its commitment to an objective concept of duty. Hastings Rashdall forcefully makes this point when he writes:

> If it is supposed that injunctions of the moral faculty are so wholly arbitrary that they proceed upon no general or rational principle whatsoever, if it is supposed that I may today in one set of circumstances feel bound by an inexplicable impulse within me to act one way, while tomorrow I may be directed or direct myself to act differently under circumstances in no way distinguishable from the former, then moral

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slope in favor of consequentialism but this is not immediately clear-- simply because the consequences rarely count does not mean that they *never* do.

> judgments are reduced to an arbitrary caprice which is scarcely compatible with the belief in any objective standard of duty; for, it will hardly be denied that, if right and wrong are not the same for the same individual on different but precisely similar occasions, they can still less be the same for different persons and all idea of an objective moral law disappears. (Rashdall, 1924 p.74).

Such rules are necessary because their existence underwrites the universality which we presuppose to be at the heart and soul of any objective theory of morality. Without practical principles on which to determine how we ought to act, it is hard to see, beyond the unreliable possibilities of luck and happenstance, how we would consistently be able to cognize our duties. Furthermore, an 'act-' approach to deontology offers little guidance when dealing with the deontologist's perennial difficulty-- the problem of conflicting duties. A rule based theory at least affords the chance that many, if not most conflicts of duty will be prevented from ever arising, particularly if one goes so far as to prioritize these rules. (although such instances will be no less vexing when they occur but hopefully the frequency of such occurrences will be relatively rare) Thus, rule deontology, since it sidesteps such difficulties will heretofore be considered the only worthwhile form thereof and hereafter when the term 'deontology' is employed it will refer strictly to this type of deontological theory.

As noted, the importance of such rules is that they perform the crucial epistemological task of enabling us to discover precisely wherein our obligations lie. A rule, according to G. J. Warnock, is something which "prescribes, proscribes or licenses the non-performance or performance of certain actions" (Warnock, 1971 p.35). For the deontologist, moral rules enable us to discern the classes of actions which are, respectively, to be deemed either permissible or impermissible and as such lay the

normative foundation for our obligations. Following Donagan, these rules tend to take one of the three following forms:

> 1) It is always (morally) permissible to do an action of the kind K.
> 2) It is never morally permissible to do an action of the kind K.
> 3) It is never morally permissible not to do an action of the kind K if an occasion arises on which one can be done. (Donagan, 1977 p.53).

(1) states what may be done, (2) informs us of what ought not be done and (3) dictates what ought to be done, which when taken together, runs the full gamut of human conduct. Moral rules thereby enable us to know what actions are neither obligatory to do nor obligatory to omit (the merely permissible e.g. excusing oneself after one sneezes), those which are obligatory to omit (the impermissible e.g. torturing an innocent person for fun) and those which are obligatory to do (an act which is permissible to do and obligatory not to omit, e.g. keeping a promise) (O'Neill, 1992 p.170). The astute observer will note that the second and third forms can express the same rule in different ways, one negative and one positive. For instance, the ethical injunction 'Do not lie!' falls into the second category while its positive cousin 'Tell the truth!' lands in the third, yet, each rule is co-extensive in that it picks out identical pieces of behavior as obligatory.

Bernard Gert rightly argues that a rule must meet several conditions in order to be construed as moral (See Gert, 1973 pp.60-70 *passim*). For example, to avoid the pitfall of relativism, a moral rule must be universal in scope-- that is, the rule in question must succinctly state what action or class of actions is to be done or avoided` without reference to a particular person, place or time. In this sense, the moral judgments which such rules direct us to make can be understood as universilizable-- to wit, if moral rule X deems act Y as obligatory in situation Z then given a situation which is similar to Z in all relevant respects (say Z') moral rule X cannot subsequently allow us the luxury of not doing Y

without, from a morally objective point of view, being shown to be internally inconsistent. Other conditions include that moral rules be prescriptive, are capable of being followed, are not simple conventions which can be abrogated and flouted at will, etc. All these conditions are well and good but they are not particularly helpful in tracking down our quarry; for such requirements must be presupposed by any rule based moral theory which purports to be objective--be it utilitarian or deontological. In other words, what is it about a moral rule which would lead us to characterize its content as deontological? Importantly, a deontological moral rule, unlike its consequentialist brethren, can still be construed as binding even if acting upon it fails to yield a greater balance of good over evil. Thus, much like the obligations which they set down, deontological moral rules are strictly *non-consequentialist* in both scope and content. For deontologists, rules which, for instance, proscribe lying ought to be adhered independently of whether or not they promote social utility or contribute to the good life. As Kant maintains, deontological moral rules, such as the categorical imperative, are never justified by appeals to the value of the "expected effect" produced by acting upon them (G p.25).[4] Instead, we are required to act upon these rules simply in virtue of the fact that we are moral agents and therefore ought to be capable of grasping that we should behave as such regardless of whether or not these rules tend to maximize the good (whatever this is taken to be) in each and every moral situation.

Rule deontologists tend to adopt one of two stances--pluralism or monism--towards the nature of the rules in question. Theorists such as W.D. Ross argue that we come to recognize our duties, as expressed by various *prima facie* moral rules, through a special faculty of moral intuition. Every mature, sane individual is quite capable of

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[4]In what follows, the *Groundwork*, *The Metaphysics of Morals*, and the *Lectures on Ethics* will be abbreviated (G), (MM) and (LE) respectively.

grasping the moral rules which he ought to govern his behavior if he would simply 'put his mind to it'. Another group of deontologists, including Kant, his contemporary descendants and as I aim to show, Hobbes, can best be described as Meta-Rule (MR) deontologists. These moral philosophers argue that there is a single, fundamental *a priori* non-consequentialist moral principle, discovered to be self-evident upon rational reflection, which enables us to evaluate personal principles of action and thereby determine whether or not such principles are morally permissible to act upon. In this sense, these meta-rules are just that--rules for the evaluation of rules (Baumrin, 1989 p.124).

Clearly, numerous arguments can be adduced in favor of either position (e.g. a pluralist could claim that her version of deontology, unlike a monistic account, is not overly rigid while a monist might retort that a pluralistic approach simply moves the problem of the conflict of duties to a higher level) but advocates on each side would ultimately agree that such rules are not derivative from one's axiology. Such a consensus, in turn, reveals a deeper point. Due to the fact that such rules are not justified by their capacity to maximize desirable states of affairs or minimize evil ones, it becomes clear upon reflection, that it is such rules which mark out, at a first order level, whether or not a particular moral theory is to be ascribed deontological status.

These rules are not simply regulative-- they do not only dictate whether or not a particular act ought or ought not be done-- but, for the deontologist, they are, at base, constitutive of and essential to the entire ethical enterprise. Succinctly, within deontological moral theories and unlike consequentialist or Aristotelian views, the possibility of the activity itself is presupposed by such rules. Consider utilitarianism-- in its most basic form the good is taken to be pleasure and the right act is that which maximizes the greatest good for the greatest number. The 'good' is obviously the conceptually

dominant feature of such a theory of ethics whereas the 'right' is simply a tool through which the latter can contribute to or promote the former. The principle of utility, while regulative, is ultimately meaningless unless one has prior knowledge of the 'good' which one is seeking to promote. Now take Kant: for him, following the categorical imperative is what allows for the possibility of being moral, and, therefore, what it means to act from a good will. The concept of a good will thus makes no sense independently of his moral theory. Indeed, the concept of duty "contains" that of a good will and for Kant, the notion of what it means for a will to be good would be meaningless unless this were the case (G p.21). And, since it is the categorical imperative which enables us to discern our duties, it is ultimately this basic moral principle which, in a narrow sense, makes moral activity possible.[6] It is therefore the case that for deontologists, the 'right', as expressed through a specific rule or set of rules, constitutes the conceptual basis of ethics and is neither derived from nor subservient to the 'good'. Without such rules, morality could not and would not exist-- our conduct would be immune from normative guidance or criticism.

Given their non-derivative nature, deontological moral rules and the obligations which they enjoin become, in themselves, ends worthy of pursuit in their own right. As such, another distinctive and distinguishing characteristic of all deontological moral theories comes to light-- doing the right thing is not enough; one must do the right thing for the right reason. Being moral is not merely doing "what we ought" but just as importantly "doing as we ought" (Prichard, 1968 p.7). Deontologists thus draw a sharp distinction between first order concerns with whether or not a particular act is to be deemed permissible and second order concerns with culpability-- that is, did the agent in

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[6]For Kant, broader background assumptions--e.g. freedom of the will-- must hold as well.

question act from the appropriate motive. This concern with motives, with 'doing as we ought', is to be understood in a deeply non-consequentialist sense. On this view, for an act to have moral worth it must not be done solely out of regard for the results but, much more importantly, it must flow from a 'sense of obligation' (which has been variously characterized as acting out of respect for the moral law, being motivated by a desire to do one's duty, etc.). One's reason for acting is as important as the act itself and the genuinely moral individual not only acts in accordance with his duty but also acts from his duty. The capacity to be so moved is the hallmark of moral behavior.

Ascriptions of moral worth, or the lack thereof, can be made on the basis of four different possibilities. One can do:

1) the right thing for the right reason
2) the wrong thing for the right reason
3) the right thing for the wrong reason
4) the wrong thing for the wrong reason

Possibilities (1) through (4) occur in a descending order of moral worth with (1) being the best case scenario and what we all ought to strive to achieve and (4) being the worst case scenario and what we all ought to strive to avoid. Possibilities (2)-(4) all represent some sort of moral failure and the responsible agent can be blamed accordingly. It might strike many people that placing (2) ahead of (3) is counterintuitive but the deontologist will argue that this is simply not the case. What ultimately counts when we assign moral praise and blame to ourselves and others is the purity of our motives and intentions. On this view, one might argue that, in a certain sense, it is morally worse to tell the truth for egoistic reasons (e.g. because I want to preserve my reputation) than to tell a white lie to spare the feelings of another (e.g. one's friend has gotten a particularly awful haircut and one tells him that 'it doesn't look that bad'). Consider the latter case first. Lying is and

ought to be impermissible, but we might be willing to let someone off the hook, morally speaking, so long as their 'heart was in the right place'. In this vein, the former case strikes us as more sinister-- it is the case of a person who, given the chance, would most decidedly do the wrong thing for the wrong reason, who, in keeping with the example, would lie so long as there was anything to gain by doing so.[7] Purity of motive thus acts as a moral 'brake' to prevent a slide into viciousness and depravity, while such a brake is conspicuously lacking in one whose motives are impure-- only external circumstance (e.g. the possibility of getting caught) arrests his propensity for villainy.

From this it follows that all consequentialist moral theories-- whether egoistic or utilitarian-- are not really moral theories at all. In choosing to be motivated by the desire to achieve the best overall results rather than the motive which the concept of duty alone affords us, consequentialist theories of any stripe will always miss the mark. At best, in the present context, they will find themselves in category (3). The rational egoist may well in fact, at the first order level of morality, do the right thing most of the time for doing the right thing tends to be in our long term self-interest. Yet, such an individual, from a deontological point of view, could never be described as moral since "what gives rise to morality is not the act, but the disposition from which its performance springs" (LE, p.22). The utilitarian, particularly one of the rule variety, presents a more interesting case. Clearly, a rule utilitarian can act contrary to personal inclination-- she can follow an ostensibly moral rule (e.g. prevent stealing) knowing full well that her action might cause a great deal of pain to a loved one (e.g. turning her bank robbing brother over to the

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[7]As Donagan observes "a man who acts in the wrong spirit is held to blame even though objectively considered he does everything he ought and one who acts in the right spirit is not held to blame even though objectively considered he does what he ought not" (Donagan, 1977 p.55).

authorities). hence, it is readily apparent that rule utilitarians are not egoists. Furthermore, one might be tempted to say that in such circumstances the rule utilitarian did the right act *simply because it was right* and therefore her case is indistinguishable from that of the deontologist. Such surface similarities, however appealing, are at depth deceptive. While one might be tempted to claim that rule utilitarians can do the right thing because it is right such an argument falls flat once one realizes that rightness, and wrongness, for any sort of utilitarian, is ultimately of purely instrumental value. An act or a rule is only right for a utilitarian if it somehow maximizes, either immediately or over time, the best possible balance of good over evil-- i.e. right acts or right rules are only right if they maximize the good. In contrast, as noted, the deontologist sharply demarcates the right from the good and this demarcation carries over into the realm of motive and intention as well. In maintaining that the right is not derived from nor defined in terms of the good, a deontologist is able to recognize, and emphasize, the intrinsic value of rightness in a way which is unavailable to the utilitarian. The rightness of the act or rule itself provides both the motivation and justification for doing it. Right acts must be done, and right rules must be adhered to, simply because they are in the deepest, most *sui generis* sense right-- and their rightness in no way depends upon, or is derived from, their propensity to maximize the good.

The three conditions enumerated above-- the importance which all deontologists place on the concept of obligation, the moral rules through which such obligations become known and the motive which ought to move us to undertake our obligations-- constitute what I take to be the definitive criteria for determining whether or not a particular moral theory is to be counted a deontological one. The astute reader will note that I have remained curiously silent with regards to value theory. The omission was intentional. A

particular type of axiology is not what sets deontologists apart from other moral philosophers. Deontologists such as Kant, Locke, Prichard and Rawls all diverge widely concerning their respective concepts of the good. Hence, such a concept is not what distinguishes deontology from other ethical positions. We must instead, as I have emphasized, focus our gaze on moral theory if we wish to pick out a deontological approach from among various alternatives. Furthermore, the conditions, one will note, are essentially formal in nature. Thus, substantive differences concerning what it means for an act to have moral worth may differ from theorist to theorist. Kant, for example, requires that for an act to have moral worth it must be done from duty alone, independent of all desire and inclination, while Ross, who rejects Kant's account of practical reason, opts for the idea that it is simply the 'desire' to do one's duty which ought to count in such circumstances (Ross, 1930 p.6; pp.164-65). Such a state of affairs eliminates the possibility that Ross is a Kantian or vice versa but it does not imply that either philosopher cannot be profitably classified as a deontologist. The conditions set down above are useful precisely because they allow us to 'get a handle', as it were, on a certain approach to doing ethical theory and any attempt to delve too deeply into substantive matters would eclipse the philosophical usefulness of such endeavors. This being said, let us now rely on Kant to function as a paradigm test case.

B. Kant: The Deontologist's Deontologist. When reading Kant's practical philosophy one is immediately struck by his emphasis on human freedom. The freedom to do as we will is a basic presupposition about human nature for Kant. It is not simply conceived in a negative fashion, as the absence of external or internal constraints, but also, in Kant's hands, the concept acquires a positive sense as well-- namely, as rational creatures in possession of a free will, human beings can act according to principles which

they impose upon themselves. In other words, we are autonomous. As such we can be held responsible for our actions and only then does the question 'How ought I to act?' make sense. We must, according to Kant, be able to determine which principles of practical reason are acceptable to act upon and which are not, and thus, we arrive at the concept of moral obligation.

An analysis of Kant's concept of obligation yields a pair of deep theoretical commitments-- the first to non-naturalism and the second to non-consequentialism. Ethics, he adamantly argues, is devoted to the study of what we *ought* to do, not what we want to do. The subject is neither reducible to nor derivable from our "inclinations"-- those desires and interests which constantly clamor for our immediate attention. Indeed, far from being subservient to our baser, empirical impulses, obligations and the duties which they entail, exist as self-imposed restraints which set clear limits to the permissibility of desire satisfaction (LE, p.40). Specifically, an obligation is "moral necessitation" (LE p.15) and our duty is defined in terms of the "*necessity* of an action done out of respect for the law" (G p.25, my emphasis). Obligations are thus objectively necessary-- what we must do regardless of our particular desires and feelings-- and, as Reath points out, the key to this aspect of Kant's concept of obligation is the universality and practical necessity embedded within it (Reath, 1989 p.386). Certain obligations (e.g. the prohibition against unlawful killing)` bind all rational creatures with maximal normative force. Obligation is thus an *a priori* concept grasped through the use of reason and reason, independent of experience and hence desire, ordains what ought to take place. Kant makes this quite clear when he claims that "all moral conceptions have their seat and origin completely in *a priori* reason" (G p.38).

Ethics proper is thus devoid of any sort of empirical abstractions or generalizations. We must instead look to reason to discover our duties, and in this sense, reason is practical, i.e. action guiding, for Kant. In the properly attuned person, reason can and does direct the will, all the while moving us to act contrary to our selfish desires and instincts. Practical reason provides us with reasons which are overriding in a particular situation and these reasons are not only reasons for us but reasons for all rational creatures to act accordingly-- they are rigorously impartial and objective. (Reath, 1989 p.387). Their overridingness insures the practical necessity of what must be done. Hence Kant is stridently opposed to ethical naturalism, the theory that what we ought to do devolves into a concern with our subjective desires for pleasure, the good life, etc., for the concept of duty "does not subserve inclination but overpowers it"(G p.25).

Kant's a priorism, in turn, leads him to reject the importing of any consequentialist concerns into ethics because a concern with consequences, at least in the practical sense, is necessarily an empirical concern. Such a concern *is* present in human beings, being manifested through the faculty of prudence, but morality, in Kant's eyes, ought to have little truck with prudence, less the former become polluted with the self-serving demands of the latter. Bluntly, certain actions are obligatory to do or to omit regardless of the beneficial consequences which might flow from them, and therefore, the usefulness of an action, whether to oneself or society, is positively not a criterion of its rightness. What is right is determined independently of the consequences through recourse to practical reason. From the meaning of Kant's concept of obligation, then, it follows that neither the "public utility" nor "expected effect" of our actions can serve a morally justificatory purpose (G pp.23-4). Instead, Kant views obligation as a universal non-consequentialist constraint on one's behavior which practically necessitates the doing or not doing of

certain things regardless of one's station. As such, Kant's concept of obligation is paradigmatically a deontological one.

The question, however, of how rational agents are to determine their obligations remains. Kant's response is to argue, famously, that we must rely on a "metaphorical measuring rod" through which we will be able to cognize whether or not it is permissible to act in a particular way (LE, p.35). This ethical yardstick, as it were, is the moral law--a law which is entailed by the concept of duty and expressed through the form of a categorical imperative (CI), an unconditionally binding *a priori* principle of practical reason (G. p.69). The moral law is the ultimate source of all obligation; indeed, Kant defines obligation as such, when, in the *Metaphysics of Morals*, he characterizes it as the necessity of a free action under a "categorical imperative of reason" (MM p.15). Importantly, the CI is a meta-rule which enables us to evaluate, from an ethical perspective, the maxims, i.e. subjective principles of action, which form the rational basis for our behavior. It is, first and foremost, a moral compass whereby anyone "in every case" can determine which principles of action are conformable to duty, on the one hand, and inconsistent with duty, on the other (G p.29).

More specifically, all imperatives are expressed by the word 'ought', a term which connotes practical necessity (G p.40). Imperatives, on Kant's view, command in one of two ways: hypothetically or categorically. In the former case, the actions which it dictates only have instrumental value in that they simply function as a means to some ulterior end which happens to be the object of the agent's desire. HIs embody commands of skill and prudence expressed through the linguistic form of a conditional statement: 'Do this if you want that'. Thus, 'Do not eat so much if you want to lose weight', 'Do not lie to your customers if you want to stay in business', etc. are examples thereof. Since they simply

look to a desired end, HIs only posses subjective necessity-- that is, one must have the antecedent desire for the end in question in order for an HI to be operative in a practical sense. The CI is distinctly different and commands certain actions as ends in themselves, irrespective of our desires and inclinations. It commands us to 'Do this.', e.g. 'Tell the truth', and does not need to rely on the presence of an antecedent desire in order to motivate us to action, such a desire being morally superfluous to the question of whether or not an act is right or wrong. As such, the CI possesses objective practical necessity-- it applies, unconditionally, to all rational creatures.

As noted briefly above, both HIs and CIs operate at a meta-level. Our actions are prescribed by maxims which in turn can be evaluated either hypothetically or categorically. In the former case, the potentially beneficial and negative consequences are what is at issue, for when dealing with HIs we are always seeking to achieve some purpose. But, Kant argues that "a purpose is relative to the creature whose purpose it is" and therefore HIs are nothing more than consequentialist, relativistic rules for the evaluation of proposed plans of desire driven action (G p.41). In contradistinction, the CI , being "valid without reference to any purpose" whatsoever, is, by its very nature, strictly non-consequentialist and non-relativistic (G p.49). The CI, in its most basic formulation, the Formula of Universal Law, demands that we test the moral viability of a proposed maxim through attempting to universalize it. The Formula of Universal Law requires us to "Always act so that the maxim of thy action could be willed as a universal law of nature" (G p.49). Any maxim which fails this test results in a contradiction, the presence of which enables one to know whether or not a particular course of action is prohibited by practical reason.

Kant's most famous example is that of a false promise. Engaging in such behavior may prove to be quite prudent but it can never be moral. We can clearly formulate an HI for false promising, e.g. 'Make a false promise if you want easy money', whereby false promising thus becomes a means for satisfying our desired ends. Nonetheless, the attempt to universalize such a maxim, as the Formula of Universal Law requires, results in its logical self-destruction. How so? Koorsgaard points out that HIs are taken to be analytic propositions by Kant, for "whoever wills the ends necessarily wills the means", and the denial of an analytic proposition results in a contradiction (Koorsgaard, 1989 p.212). In the present example, someone who wills for their end easy money, might be sorely tempted to will false promising as the means thereunto. Yet, when subjected to the CI's universalizability test such an imperative cannot even get off the ground, since, if one attempts to universalize false promising, the activity of promising itself becomes impossible, such acts being reduced to "vain pretenses" (G p.50). For if false promising were to be a universal law of nature then everyone would know that one was about to make a false promise which would then be an impossible type of promise to make-- successful false promising depends upon a great deal of guile and deception. It must be an exception to the rule rather than a rule itself but the CI brooks no such exceptions (Koorsgaard, 1989 p.212). The idea, in this particular case, is that the attempt to universalize one's means-- false promising-- would necessarily subvert one's desired end-- easy money. Hence, the contradiction. Put another way, "one can will the lie but by no means a universal law to lie" (G p.28).

Through this process, we arrive at a strict non-consequentialist prohibition against lying which becomes impermissible in all circumstances. Again, the CI is not some sort of prudential counsel to avoid engaging in various ethically egregious behaviors as a way of

eluding some type of long term evil, as in "Thou shalt not make a false promise lest if it become known one will destroy one's credit" (G p.47). The CI simply prohibits lying, let the consequences be damned. On the other side of the coin, since truth telling is universalizable behavior it is always permissible to act thus. Importantly, since the CI is a meta-rule, it enables moral agents to have different maxims, e.g. 'Do not lie', 'Tell the truth', 'Stick to the facts', 'Don't be hyperbolic', etc. which express the same objective law against lying. So long as a maxim passes the CI test it is always permissible to act upon it.[8] Succinctly, the CI is the "supreme principle of morality" through which each and every one of our duties may be derived (G p.12).[9]

The upshot of discussing Kant's devotion to the CI is to realize that he easily qualifies as an MR deontologist. The CI is a distinctly non-consequentialist moral principle

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[8]The CI generates two types of duties: perfect or strict and imperfect. Proposed maxims which run counter to the former type of duty cannot even be conceived-- they result in a 'contradiction in conception'. Kant classes maxims which espouse lying, suicide, murder, etc., as falling into this category. The latter type of duties are a bit more complicated. Briefly, while it may be conceivable to will a universal law which breaches an imperfect duty (e.g. charity) such a will would still be in contradiction with itself.

[9]For the sake of brevity, I have left out Kant's other two formulations of the CI-- the Formula of Humanity and the Formula of Autonomy. Kant believes all three formulations to be equivalent to one another and, as Reath observes, the motivating force behind the different formulations is the idea that each considers the moral permissibility of a maxim from a different but ethically relevant perspective. Thus, the Formula of Humanity requires us to "always treat other persons as ends in themselves, never as means only". Certain ends, e.g. creatures capable of rational choice, posses absolute intrinsic moral value which must always be respected. I cannot lie to you because doing so would reduce you to a mere means to one of my desired ends. As a creature capable of rational choice you deserve to be treated in a particular way, i.e. with respect. Likewise, the Formula of Autonomy demands that I consider whether or not my proposed maxim would be acceptable as universal legislation in a Kingdom of Ends. This formulation captures the notion that the "ideas of freedom and self-determination are built into this conception of practical rationality" (Reath, 1989 p.402). In exercising our autonomy we are able to impose certain laws, of which we are the author, on ourselves, and as such, the Formula of Autonomy recognizes the fact that we are, in the deepest sense, free.

through which we are obliged to refrain from acting upon certain maxims due to their failure to withstand the rigorous requirement of universalizability. The CI is thus a deontological rule for the evaluation of rules. Therefore, in rounding out our analysis of Kant's approach to basic first order moral questions we may justly conclude that his concept of obligation intertwined with his notion of a categorical imperative commits him, both theoretically and practically, to a very strict deontology.

Kant's commitment to deontology is even more pronounced when we move to the second order issue of moral worth. For classic deontological reasons, Kant adamantly argues that we ought to do a right act simply because it is right, i.e. because it is our duty. To ascribe moral worth to actions or individuals requires us not to determine simply whether a particular act is right, but, more importantly, we must look to the "disposition from which it springs" (LE p.22). The focus here is on motive and intention instead of consequences. To be motivated to act in accordance with the strictures of duty solely out of the concern for consequences betrays an overriding commitment to prudence in place of morality, viz. "reproaches for the consequences of imprudence must not be confused with reproaches for the breaches of morality" (LE p.129). A genuinely moral act must be done from duty not simply in accordance with it; it is the "conception of the law itself" which must move us to act in such cases (G p.25). Kant, not surpassingly, enjoins the moral person to let the "consequences be what they may" (G p.44). Why such strident non-consequentialism? Kant realizes that preoccupation with the consequences of one's actions reduces morality to a mere means to an end-- moral actions and their authors would thereby bear only instrumental rather than intrinsic value.

To understand Kant's theory of moral worth more fully, we must delve into his axiology. As is well known, he begins the *Grundlagen* by claiming that the only possible

intrinsically good thing is a good will (G p.17). His preliminary emphasis on the 'good' rather than the 'right' has led some Kant scholars, particularly Barbara Herman, to question whether Kant ought to be characterized as a deontologist at all.[10] Even though Kant does place a great deal of stress on his notion of a 'good will', such a line of argument seems to go too far. If we inquire, in Kantian fashion, 'How is a good will possible?' we immediately come upon the concept of duty, i.e. the 'right'. Furthermore, when Kant argues that the concept of duty "contains" that of a good will it is hard to see how the 'good' will triumph over the 'right' in his moral philosophy (G p.21). O'Neill summarizes this point nicely when she writes

> Rather than assuming a determinate account of the good and using this for a basis of what we ought to do, (Kant) uses an account of the principles of ethics to determine what it is to have a good will. (O'Neill, 1993 p.176).

Indeed, the goodness inherent in a good will is not produced because of what it brings about but instead, a good will is wrought "by virtue of the volition itself" -- a good will, by definition, is one which acts of respect for a law which it imposes on itself.(G p.24) Or, more perspicuously, a will which acts from duty not merely in accordance with it. A will thus becomes good, i.e. a bearer of moral worth, through doing its duty because it is its duty.

Duty, being a rational concept, is one which exists independently of and in opposition to our inclinations. To illustrate this point Kant sharply distinguishes between acting from duty and simply acting in accordance with duty due to 'inclination' (G p.20). Such inclinations are of two sorts: indirect and direct. The former is the easiest to

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[10]See Herman, "Beyond Deontology" in *The Practice of Moral Judgment*, pp.208-40, 1993.

recognize-- in such cases we simply act in accordance with duty's dictates because it serves our narrower, selfish interests to do so. By means of illustration, Kant here invokes his well known example of the shopkeeper who is honest simply out of a prudential desire to sustain a good reputation with his customers. Clearly, being honest for such self-serving reasons is utterly incompatible with any objective concept of moral worth, for if the egoistic incentive were not present the shopkeeper might well in fact act contrary to duty, e.g. overcharge his customers. What of the individual who has a direct inclination, the natural sympathetic person, to behave as she ought? Herman offers a nice analysis-- such an individual's actions may well be admirable but they are still devoid of mortal worth. Why? When we act from an immediate inclination we are not concerned with whether or not an act is morally required. Nothing which causes the naturally sympathetic person to act as she does would prevent her from acting contrary to duty if such an action were helpful to others (for instance, giving a heroin addict money so that he can buy a 'fix', clearly helpful but, on a Kantian view, clearly wrong). Hence, "dutiful actions from non-moral motives are simply the product of a fortuitous alignment of motives and circumstances" (Herman, 1993 p.6). The maxims which govern such actions lack "moral content" (ibid.).

As is well known, the morally worthwhile act is one which is done purely from the motive of duty, absent any inclination, indirect or direct. While certain desires may accompany sincerely moral acts they must not be the ground thereof. Only "lawgiving which makes an action a duty and also makes this duty the incentive is ethical" (MM p.20). The moral person is ultimately moved to act by the "idea of duty" alone (MM p.21). At this juncture, we have gone full circle-- only by acting out of respect for a law which we impose on ourselves can we be said to be acting autonomously. Autonomy, in turn, is

the distinctive characteristic of all rational creatures, i.e. those who possess intrinsic and unconditional value. If we act on a rule which has been imposed upon us from without then whether from desire or aversion we act in a heterononmous fashion. Our will is sullied by inclination and we become chained to the impetuosity of desire over whom practical reason loses its rather tenuous hold. Only the motive of duty insures that we do the right thing not by accident or convenience but by free and rational choice regardless of the circumstances in which we may find ourselves.

In sum, it is almost redundant to state that Kant more than meets the minimal criteria for being viewed as a deontologist. Let us now focus on Hobbes and see if a similar claim is feasible with regard to him.

C. Hobbes as Deontologist. What I am about to do-- ascribe a deontological moral position to Hobbes-- ought not surprise the reader. After all, in many ways I have let the philosophical cat out of the bag, as it were, in the previous three chapters where I have discussed in depth the non-consequentialist flavor of Hobbes's concept of obligation, the Laws of Nature and moral worth. My point here is to tie these related aspects of Hobbes's ethics even more closely together in order to show that he satisfies the conditions set down above and therefore ought to be understood as a thoroughgoing deontologist.

A good place to start is Hobbes's theory of contractual obligation-- let us briefly return to the definition thereof proffered in Chapter XV of *Leviathan*. To recall,

> And when a man hath abandoned or granted away his right then he is said to be Obliged or Bound not to hinder those to whom such a right is granted.. from the benefit of it: and that he Ought and it is his Duty not to make voyd that voluntary act of his own; and such hindrance is injustice. (L 14, 7).

Hobbes, as previously noted in Chapter VI, thus sketches a tight logical and normative relationship between the concepts of 'obliged', 'ought' and 'duty'. The latter concepts are contained within, and implied by, the former, so that if one grasps that one is under an obligation to another one automatically has a reason for endeavoring its fulfillment, regardless of whether or not the consequences of so acting are in one's interests. Covenants "oblige of themselves" (DC 14, 2 n.). The concept of obligation here employed is clearly at great odds with one which would be endorsed by a consequentialist. Morally speaking, the reason why we ought to fulfill our obligations has nothing to do with whatever beneficial consequences may accrue to us or others-- we ought to keep our promises for our "promises' sake" and not for the sake of anything else (DC 14, 2 n.).

We fall under a contractual obligation to another when we have voluntarily ceded our right to behave otherwise. We can no longer behave as we wish but must behave as we ought. Obligations thus limit the scope of permissible action and in so doing function as normative constraints upon our behavior. For example, entering into a contract creates a claim on us from others which it is our duty to respect and not because it is in our interest to do so but because this is what justice requires. Hobbes makes this point forcefully when he discusses the concept of merit, i.e. "he that performeth first in the case of a contract is said to MERIT that which he has to receive by the performance of the other; and he hath it as his *due*" (L 14, 17). In this case, second party performance is owed, in the strongest possible sense, to the first party; a state of affairs which entails that, in certain circumstances, we are obliged to act in a particular way. In such situations what we ought to do, for Hobbes, 'trumps' what we might want to do (e.g. break our word). To 'make voyd that voluntary act of our own' is logically and normatively impermissible. As discussed in Chapter VI, if one makes a covenant with the prior intention of not keeping

it, so long as the other party is acting in good faith, any attempt to break one's word results in a contradiction-- it is an attempt to "will a thing done and not done at the same time" (DC 3,3; see also EL 16, 2; L 14, 7).

Furthermore, one's obligations are flush with a great deal of normative force, as evidenced by Hobbes's 'Ransom' case. (EL 15, 13;DC 2, 17;L 14, 18). Therein, he argues that if one is kidnapped and subsequently strikes a bargain with one's captor to be released in exchange for a certain sum of money to be delivered later, then if the kidnapper stands to his word one is required, so long as one's self-preservation is not threatened, to pay the man what he is owed. Clearly, it is not in one's interest to do so-- the kidnapper has let one escape, one might reason, why bother return with the ransom? Such a question, for Hobbes, completely misses the point. One has given one's word to behave in a particular way, the result being that the kidnapper 'merits' reciprocal performance regardless of the payer's broader, selfish interests. To act otherwise would be unjust and thus impermissible. In this sense, Hobbes adopts an 'agent-centered' view of obligation-- our prior promise to the kidnapper exerts a "personal demand" upon our subsequent behavior (Nagel, p.156). Once we have given our word in such circumstances we have no choice, morally speaking, but to endeavor to do what we ought, even if rending our covenant would somehow promote future instances of covenant keeping or prevent future instances of kidnapping. What is at issue is *our* personal relation with the kidnapper and the ransom which he is owed, nothing more and nothing less. Likewise, on Hobbes's view, we must keep our promise to the student--the fact that contrary behavior would produce a greater amount of good for ourselves or others is excluded from moral consideration due to a previous commitment on our part. A commitment which, following from Hobbes's conception of obligation, it is our duty to honor. Thus, for Hobbes, obligations do not bind us in light of

consequentialist considerations. On his view, the 'right' is neither derivative from nor subservient to the 'good', a state of affairs which is *sui generis* to deontological moral theories.

Hobbes, like Kant, is also best classified as an Meta-Rule deontologist. Hobbes terms his set of moral rules the 'Laws of Nature' and it is through them which we are able to "determinith what is Honest and Dishonest, what is Just and Unjust" (L 46, 12). These moral rules, then, form the basis of moral obligation for it is our duty to "do what is prescribed by law" (DC 14, 1). Without such rules men would be morally adrift, indeed, morality as it were would not exist, and neither would society. Men would simply measure their "courses by the square of their own benefit and affections" (3D p.106). Such rules are therefore essential to regulating our conduct with others

The Laws of Nature, according to Hobbes, are 'eternal and immutable' principles of right, 'found out' by reason, that are binding upon all mature, sane human beings. These laws become operative through a process of rational assent whereby we impose them on ourselves-- "for this right reason, which is the law, is no otherwise certainly right than by our making it so by our approbation of it and voluntary subjection to it" (LN p.193). These internal "Dictates of Right Reason" are thus "equally obligatory" upon all who possess the requisite intellectual capacity-- a bare modicum of reason-- to grasp them. In keeping with Hobbes's deontological concept of obligation, these laws bind us independently of whichever beneficial consequences acting upon them might yield. The Laws of Nature are "obliging on all mankind" due to the moral equality which prevails amongst us (L 26, 9). In light of this fact, no one is better, morally speaking, than anyone else-- we all possess an "equality of worth" which requires that we be treated in an appropriate way (EL 17, 2). We must not do unto others what we would not have them

do unto us. As such, certain types of behavior "Injustice, Ingratitude, Pride, Iniquity, Acception of persons, and the rest can never be made lawful" (L 15, 38). Far from being justified by an appeal to our egoistic desires, the Laws of Nature exist, and are imposed by reason, in order to constrain these impulses. In turn, as discussed at length in the second section of the previous chapter, such laws are themselves justified by the Negative Golden Rule (NGR) through which reason commands us 'Do not do unto another what you would not have done to thyself'. The NGR, "*A Rule, by which the Laws of Nature may easily be examined*" (L 15, 35) functions as a 'rule for the evaluation of rules' (i.e. a meta-rule) found out through "reasoning aright" whereby any proposed principle of action can be tested to see whether it passes muster as one of right reason's dictates (L 46, 2). We can justly conclude that in Hobbes's moral system the NGR is a fundamental non-consequentialist moral principle which determines what classes of actions ought and ought not be done.

Although Hobbes appears to offer a decidedly deontological gloss on first order moral issues, it is important to note that on certain occasions the Laws of Nature and the obligations duly entailed are defeasable. For example, Hobbes argues that one is not bound to discharge one's contract towards another who is threatening one's life. Legitimate concerns over self-preservation allow us to opt out of performing our contracts. As shown in chapters V and VI, however, this does not reduce Hobbes's concept of obligation to mere self-interest. To wit, we may not abrogate our obligations whenever they conflict with our interests but rather, only when we are confronted with deadly force are our obligations suspended. On Hobbes's view, human beings cannot be *required* (although they may voluntarily choose to do so) to engage in conduct which would be tantamount to suicide. I am not required to do my duty towards one who wishes to kill me-- I need not,

for instance, keep my promise to my student if have reason to believe that he is lying in wait ready to shoot me. As Hobbes notes, "no Law can oblige a man to abandon his preservation" (L 27, 25).

Nevertheless, on such occasions one's moral obligations do not simply evaporate; one is still bound, but in an *in foro interno* sense only. The "law of nature doth always and everywhere oblige in the internal court, or that of conscience" and even in an *in foro externo* sense one's sphere of morally permissible action is still strictly limited-- only defensive violations are permissible and certain behaviors, e.g. unnecessary cruelty are always strictly forbidden (DC 3, 27). In sum, Hobbes here is still in good standing with most deontological moral theories that countenance the suspension of the moral rules in order to avert what Nozick terms 'moral catastrophes'.

Hobbes's theory of the moral worth of actions and persons, however, best highlights his commitment to a deontological moral stance. In keeping with such a stance, doing the right thing is not, from a moral point of view, enough; one must do the right thing for the right reason. To determine whether or not an act has moral worth requires us to look to the motives and intentions of its author-- to "the fountain from whence it springs" (EL 16, 4). We must, as it were, put our heart into the matter for "to be just signifies as much as to be delighted in just dealing, to study how to do righteousness, or to endeavor in all things to do that which is just" (DC 3, 5). The just man is just because his will is "framed by justice" (L 15, 10) and he is impelled to do what is right by an "obligation of conscience" (LN p.184). He must act from the "law's sake" (DC 4, 21) as opposed to instrumentalist considerations such as "the apparent benefit of what he is to do" (L 15, 10) or the "avoidance of punishment" (DC 14, 7). Being solely concerned with the positive or negative impact of the consequences of one's actions renders an agent

"unjust, even though their works are very frequently just" (ibid.). To act thus is to engage in a mere "simulation of justice" (ibid.)-- the genuinely just individual is one who consistently acts from "sincerity of conscience" (EL 18, 10). The purpose of marshaling such a broad swath of textual evidence is to force the Ego-Hobbesian into a corner. Given the above, how can anyone agree with Hampton's most recent claim that "Hobbes's theory is consequentialist because it evaluates actions (and, for that matter, motives, character traits, and social institutions) solely in terms of their consequences" (Hampton, 1997 p.67; 1997)? Indeed, Hobbes's theory of moral worth even provides us with an answer, at least on an ethical plane, to the problem of the fool-- the fool's person, even though he may be beaten or cajoled into acting in accordance with the law, can never be described as moral. His heart is forever in the wrong place.

D. Hobbes and Kant. Seeing that Hobbes and Kant can both be understood as advocating a deontological approach to morality it might now prove of some interest to compare and contrast their respective views on the matter. I will begin by restricting my comments to the relatively narrow parameters of the above discussion and then consider some broader issues, e.g. autonomy, which, until now, have hovered, not always discreetly, in the background.

Abundant textual evidence leads to the conclusion that both Kant and Hobbes share very similar concepts of obligation. For both, obligations do not exist simply to maximize desirable states of affairs or minimize evil ones (recall Hobbes's demand that we ought to render the kidnapper his due). Each views an obligation as a strict, non-consequentialist constraint upon human behavior whereby one is no longer free, i.e. at liberty, to do what one wants but instead *must* endeavor to do what one ought. Kant argues that an obligation is an unconditional command which "leaves the will no liberty to

choose the opposite" (G p.48) while Hobbes likewise contends that obligations eliminate one's "liberty to do, or forbear" (L 14, 3).[11] Obligation thus entails practical necessitation, a notion best captured by the idea of internalism-- that is, that the tightest of conceptual links binds obligation to motivation, i.e. the motive to behave as one *ought* is part of the content of a moral judgment. External carrots (e.g. achieving *eudaimonia*) or sticks (e.g. avoiding God's wrath) are not necessary for motivational purposes because internalists stress that morality carries its own rewards and sanctions 'internal' to the practice itself. In other words, the realization that one is under an obligation can be sufficient to move one towards its fulfillment. Kant undoubtedly assumes such a stance when arguing that it is "the conception of the law in itself...and not the expected effect" (G p.27) which ought to determine our will, and further, that the "idea of duty" (MM p.20) alone is sufficient to move the moral man to action. Hobbes concurs in claiming that one ought to keep one's promises for one's "promise's sake" (DC 14, 2 fn.) and that "Covenants oblige of themselves" (DC 14, 2 nt.). Aside from such surface similarities, however, a deeper issue is at stake here. In advocating an internalist conception of obligation both Hobbes and Kant recognize, at least implicitly, that if one must appeal to self-interest, social utility or *eudaimonia* for motivational purposes then the idea of being under an obligation loses much of its normative force-- a state of affairs, which, given the primacy of obligation within their respective ethical theories, neither would want to countenance.

Likewise, at least in a formal sense, the CI and the NGR play analogous roles in the moral theories of both philosophers. Each moral rule is taken to be fundamental,

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[11]Interestingly, at least in the case of promise keeping, each would also claim that the attempt to will a false promise, which is tantamount to willing something which one is no longer at liberty to will, i.e. the willing and not willing of the same thing at the same time, results in a contradiction.

justified through *a priori* reason rather than an empirical appeal to consequences. Even more to the point, the CI and the NGR operate at a meta-level in order to assess the moral permissibility/impermissibility of a proposed principle of action. Nonetheless, substantive differences exist between the two. Specifically, Kant, in the *Grundlagen,* forcefully argues that the NGR is insufficient to ground a viable theory of morality-- at best it is a secondary moral principle derived from the CI (G p.59 n.). He charges that the NGR fails in this respect on three counts: (1) the NGR cannot justify duties to oneself (2) the NGR cannot justify positive duties towards others, and (3) the NGR is incapable of justifying perfect duties of right.

Let us address these objections in order. According to Kant, we have two fundamental duties to ourselves: self-preservation (i.e. no suicide) and the development of our talents (G pp.58-9). I will primarily concentrate on the former. Kant is particularly adamant that suicide be prohibited for, he claims, if one were to attempt to universalize the maxim 'Kill yourself if times are filled with personal despair' it would, upon its conception, result in a contradiction. The idea is that the endeavor, on the basis of self-love, to universalize suicidal behavior results in a law that is self-defeating-- a law "to destroy life by means of the very feeling whose special nature is to...impel life" (G p.50). The difference here is that Kant takes self-preservation to be a duty, whereas Hobbes tends to view it as a fundamental right. As Hobbes notes in his definition of the Right of Nature

> The liberty each man hath, to use his own power, as he will for himselfe, 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, hee shall conceive to be the aptest means thereunto...(L 14, 1).

Hobbes, of course, believes that anyone who willingly commits suicide is behaving in a deeply irrational sense, bordering on madness (although he makes the reasonable exception for cases where the pains of life, e.g. terminal cancer, outweigh the evils of death). In a strict sense then, Kant is correct. The NGR does not generate a general prohibition against self-directed violence.[12] It is primarily a rule which is to govern our intercourse with others and while the NGR may permit the reasoned pursuit of our self-preservation it does not require it.[13] Indeed, Hobbes admits as much by dropping the law of nature against drunkenness, i.e. the willful destruction of our rational faculty, when he moves from *De Cive* to *Leviathan*. Although he still claims that such behavior is "forbidden" by the Laws of Nature Hobbes does little more than observe, as noted above, that it is deeply irrational to destroy one's rational faculty (L 15, 34). As such, Hobbes appears to realize that the NGR is not capable of straightforwardly justifying such a prohibition.

What of those positive duties, such as benevolence, which we have towards others? On one hand, Kant's point is somewhat legitimate-- the NGR, due to its negative form, does not, in a strict sense, require us to behave benevolently towards our fellows. Yet, on the other, the NGR in no way prohibits benevolence either. The point is that the NGR emphasizes non-malfeasance over benevolence and in doing so it stipulates what we ought not to do to another, e.g. murder, rape, steal, lie, defraud, etc. thereby providing us with the basic moral rules which are constitutive of living together in society. Hobbes is primarily concerned about the "conservation of men multitudes"; he is after those

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[12]It is, of course, debatable whether the CI can itself ground such a prohibition-- particularly as strongly as Kant intends it too.

[13]Hobbes of course believes that our natural inclination to preserve ourselves is strong enough in this regard.

principles of right which will form a foundation for peace (L 15, 34).[14] In this context, benevolence, in a not unheard of move, is simply assigned to the class of supererogatory rather than the class of obligatory actions.

Kant's third charge, however, is the most serious wherein he argues that the NGR fails to describe "duties of strict obligation to one another" (G p.59 n.). Kant deploys a well worn, supposedly knockdown counterexample, that of the criminal, who, when allegedly acting upon this principle, would argue against a judge who was about to sentence him. Specifically, the criminal might inquire if the judge would want to be punished should the tables be turned. Presumably not, therefore the judge ought not sentence the criminal. While it packs a certain amount of intuitive appeal, Kant's claim here is ultimately flawed. The purpose of the NGR is to discriminate between those principles of action which are morally permissible and those which are not. Kant's criminal, however, is oblivious to this point. The judge is clearly circumscribed by the NGR concerning how he ought to act-- e.g. he cannot act on the principle 'Punish those whom you know are innocent' since if he were innocent he would not approve of someone unjustly punishing him. Would he approve of the following principle 'Only punish the guilty with an eye to their future good'? Surely, for part of being guilty is recognizing one's guilt and that one ought to pay the price for one's wrong doing (indeed, this is a cornerstone of the social contract). As such, punishing the guilty is morally permissible. This does not mean that one would enjoy being punished but rather that the criminal is misapplying the rule by putting his wants above everyone else's. But, this course of action

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[14]Furthermore, Hobbes does place a great deal of value on benevolent behavior-- acting in such a way helps create an atmosphere of "trust..mutuall help...and the reconciliation of one man to another" ((L 15, 16).

runs counter to the moral equality which the NGR presupposes. For clearly, if the criminal admits that he is no better than any other guilty person and that the guilty ought to be punished then he is without a leg to stand on. As such, much of the force of Kant's objection can, upon reflection, be deflected.

Nonetheless, perhaps, in principle, Kant is correct and simply his example is wanting. What of the pederast, someone who would enjoy molesting a young child? Does the NGR really rule out the actions of those who have a radically different conception of the good than the rest of us? Presumably, upon viewing a potential victim, the pederast rationalizes his actions by reasoning that if he were a young child, he would in fact want to be molested. Yet, much as in the case mentioned in the previous chapter of the white supremacist who might argue that if he were black he would approve of being a slave, the pederast is running afoul of Hobbes's understanding of the practical mechanics of the NGR. In putting the NGR into practice, Hobbes requires that we simply consider the proposed act itself, independent of the desires, interests, etc. of the actors. That is, the question which the pederast ought to put to himself is not 'Would I want to be molested if I were a child?' but rather 'Would I want my person violated *simpliciter*?'. Presumably, the answer to the latter question is 'No.' and therefore the pederast ought to forbear from violating the child.

Given the above, Kant is thus justified in viewing the NGR as much more limited in scope than the CI, and Hobbes would most probably readily agree. Nevertheless, so long as the third objection can be circumvented, the NGR can still play the foundational role in a viable moral theory. Again, Hobbes's project is less ambitious than Kant's in this regard-- he is out to ground those basic moral principles which form the "sinews" of

political agreement and social stability and, in this respect, the NGR functions quite nicely (3D, p.106).

If we compare Kant and Hobbes on moral worth we arrive at strikingly similar positions on the subject, so much so that there is little reason to go into any more detail-- the emphasis for each is on the purity of motive rather than the beneficial consequences which an act may produce. Yet, on digging deeper, the issue of moral worth provides the spring board for a discussion of greater consequence-- the nature of autonomy and its relation to practical reason. As stated, for Kant, actions possess moral worth only if they have been done autonomously. To behave as such implies not simply a capacity to act contrary to one's desires and inclinations but, furthermore, the ability to live in accordance with moral rules which one has willingly imposed upon oneself. Thereby, human beings can be held accountable for their actions and only then do these same acts become bearers of dignity and intrinsic worth. In this sense, "Autonomy...is the basis of the dignity of human and of every rational nature" (G p.65).

For Kant, the key to autonomy is that, through employing the categorical imperative, we can engage in self-legislation, whereby morality need not be imposed from without but, instead, we can prescribe the rules of morally acceptable conduct to ourselves. How so? Through practical reason. As is well known, *contra* Hume, Kant claims that reason is not simply a slave to desire but, in fact, can, on occasion, direct the will to constrain and act contrary to our various and sundry inclinations. In turn, when we unconditionally and voluntarily adhere to practical reasons dictates, as expressed through the categorical imperative, our will becomes good; for it is the "establishment of a good will" which is the "highest practical destination of reason" (G p. 20). And, upon achieving this 'destination', we reveal to ourselves that we are, in the deepest sense, free.

Rousseau, whom Kant greatly and openly admired, has traditionally been taken to be the latter's intellectual primogeniture in this context, particularly when he defines freedom, in Chapter VIII of *Le Contrat Social*, as "obedience to a law which one prescribes to oneself" (Rousseau, 1987 p.65). Nevertheless, on closer reflection, very important kernels of this thesis are to be found in Hobbes. At first blush, one would think that Hobbes and Kant, whatever their surface similarities with regard to morality, fundamentally diverge on the issues of autonomy and practical reason, and in a certain sense they do-- Kant is a committed libertarian who would most probably consider Hobbes's compatibilism to be little more than a Jamesian "quagmire of evasion" (James, 1977 p.590). Furthermore, aside from such broad metaphysical concerns, van Mill has duly observed that Hobbes, because of his purely negative conception of liberty as 'freedom from constraint' and his purportedly instrumental concept of reason, is thought to be incapable of putting forth any tenable notion of autonomy (van Mill, 1994 p.286). Autonomy requires that reason possess a certain amount of practical authority (i.e. reason must be able to direct the will independently of and contrary to one's desires) which enables agents to guide their behavior through a set of self-imposed rules of right. For Hobbes, the argument runs, reason is nothing more than a slave to desire; hence, Hobbes is best thought of as a proto-Humean rather than a proto-Kantian.

This long held view about Hobbes deserves to be challenged, particularly in light of how the Laws of Nature are to be construed as morally binding. These moral rules, Von Leyden argues, become operative only as the "result of a voluntary commitment on the part of the agent who, after deliberation, binds himself" (von Leyden, 1982 p.73). Hobbes admits as much when he writes that once a man "undertakes to obey a law, he is bound by his own act, bound I say to obey it" (L 26, 40) and further, "for this Right Reason, which

is the Law, is no otherwise right than by our making it so by our voluntary approbation of it and our voluntary subjection to it" (LN p.193). Hobbes here is pointing to the fact that it is the voluntary imposition of these rules upon ourselves which makes them morally rather than just prudentially or legally binding.

Where does the moral law come from? The Laws of Nature, Hobbes claims, are "eternal and immutable" dictates of right reason (L 15, 38). Morality thus need not be imposed from without for Hobbes because he assumes that anyone who has sufficient reason can grasp, through the NGR, what he ought to do. Moreover, reason, as argued at the end of Chapter VII, does indeed have a practical aspect for Hobbes in that one of its functions is not simply to serve our desires but, in certain circumstances, to constrain them as well. Hobbes commits himself to such a view in drawing the following analogy: "the natural state hath the same proportion to the civil which passion hath to reason or beast to man" (DC 7, 18). If reason were to have only an instrumental role in ordering our actions human beings would be little more than animals (which, in point of fact, we are in the state of nature). Reason for Hobbes can, in the cognitively well ordered individual, evaluate certain ends, and not simply the means thereunto, as worthy of pursuit, i.e. real goods such as peace, morality, etc. Only then does his notion that "covenants oblige of themselves" or that the moral man must act for the "Law's sake" make sense.

Unfortunately, this aspect of Hobbes's thought has been mostly 'lost in the shuffle' of purportedly more intriguing problems such as the soundness of Hobbes's justification for the state. Part of the lack of scholarship in this area must also be attributed to the fact that Hobbes, unlike Kant, was never simply writing a treatise on moral philosophy but was instead engaged in a full blown scientific project concerning not only ethics but psychology, sociology, social and political philosophy and the philosophy of law. Both

Hobbes and Kant, however, through their reliance on a ubiquitous conception of reason whereby almost every member of the species has access to the moral law, supplied one of the foundational tenets of modern liberalism-- a vigorous commitment to moral equality. For both, the fact that I, as well as any other rational individual, am as equally capable of grasping the moral law as any other, overturns, once and for all, the intellectual assumptions presupposed by the ethical theories of the ancients and their Christian feudal heirs. Namely, there are no natural classes, that is, there is no one group of individuals who have a monopoly on moral truth and therefore have a right, and perhaps even an obligation, to tell the rest of us what to do.

To sum up, this chapter has canvassed a great deal of conceptual terrain. It began with an articulation of the basic conditions-- a non-consequentialist concept of obligation, a commitment to the existence of moral rules whereby our obligations are determined, and a theory of moral worth which looks to the motive behind, rather than the results of, one's actions-- which any moral theory must meet if it is to be deemed a deontological one. Kant was then invoked as a paradigmatic exemplar of this tradition and a further move was made to incorporate Hobbes within its fold as well. In the last section, a comparison between Hobbes and Kant revealed that despite certain substantive differences, a deep affinity exists between the respective moral theories of each. In the next and final chapter, attention will be given to the role of the sovereign, in particular to the claim that the sovereign's actions, just like everyone else's, fall under the moral purview of the Laws of Nature.

Chapter IX: Sovereignty and Law

As is well known, to anyone with even a passing familiarity with modern political philosophy, Hobbes is a thoroughgoing absolutist when it comes to matters of state. In order to escape the hideousness of their natural milieu, men must mutually lay down their right of nature (i.e. their unlimited liberty to do as they will) and agree to live under an absolute sovereign who, whether by carrot or stick, will keep them tied to their word. In doing so, a commonwealth is created and the possibility of society becomes a 'live option': instead of engaging in unremitting and ultimately futile conflict, human beings, through the security which the sovereign affords, can finally embark upon those co-operative endeavors which make life worth living. So far so good. But, given the powerful moral theory that has been attributed to Hobbes, does not the need for an absolute sovereign become superfluous? Why not simply appeal to our sense of justice to get things up and keep them running?

Hobbes provides us with a very pessimistic, but not unfounded, response. Men's unruly and untoward passions often gain the upper hand, and "excepting some generous natures", anyone at any time may be literally quite tempted to play the fool (L 27, 19). Alas, those men who are truly moral, who realize that they ought to keep their word simply because they have given it, are too "rarely found" (L 15, 10). Only by an "extraordinary use of Reason" , to which all too few make frequent recourse, will men constantly be cognizant of the overridding normative force of obligation (L 27, 18). For those of us less fortunate, in whom "Reason is not perpetually present" to resist passion's repeated onslaughts only a "constant severity in punishing" any infraction against the social contract will insure society's continued survival (ibid.). An absolute sovereign is

thus absolutely necessary for the commonwealth to thrive. As Hobbes caustically observes, we need to keep men in

> Awe, and tye them by feare of punishment to the performance of their covenants [because] the Lawes of Nature...of themselves, without the terrour of some Power, to cause them to be observed, are contrary to our naturall 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 (L 17, 1).

In this chapter then, the nature of the "coercive power" in whom Hobbes places so much stock will be duly explored. In particular, the question of how the sovereign, according to Hobbes, ought to wield his authority will be considered from two different perspectives, one prudential and the other moral. Specifically, my primary thrust will be to undermine, especially in the last half of the chapter, the view that Hobbes, as Ego-Hobbesians so often paint him, is some sort of radical legal positivist. Before embarking on such an undertaking, however, I will begin by briefly summarizing Hobbes's arguments for an absolutist conception of sovereignty.

A. Hobbesian Absolutism. As stated, a commonwealth, according to Hobbes, is formed through a contract whereby a plurality of wills is united into one, and this One, in turn, becomes the mighty Leviathan (the King of the Proud) who is authorized by the original covenant to maintain peace, order and social harmony through the legislation and enforcement of well crafted civil laws. The substantive instantiation of the sovereign, whether it be democratic, aristocratic or monarchical (for pragmatic reasons Hobbes probably prefers the third alternative), in no way detracts from its formally absolutist character. Succinctly, Hobbes's absolutism flows from his contention that the sovereign is *never* party to the original covenant and, indeed, perpetually remains in the state of nature even when the commonwealth over which it presides exists-- viz. "Because the Right of

Bearing the Person of them all, is given to him they make sovereign, by covenant onely of one to another, and not of him to any of them" (L 18, 4). Why not make the sovereign a party to the contract? Because to do so, Hobbes believes, leads to an infinite regress. Specifically, any limitation upon sovereign power requires that such "limitation...proceed from some greater power" and if this greater power is either unlimited, in which case it is absolute and the real sovereign power, or limited, in which case there is a yet further power, and so on (DC 6, 16). Similarly, if the sovereign were to be a party to the original contract it would become subject to the civil laws of which it is the author and "to make a soveraign subject to civil laws sets a judge above him and a power to punish him, which is to make a new sovereign and again, after the same reason a third to punish the second and so continually without end" (L 29, 9). Thus, the sovereign remains in the state of nature, unfettered by the constraints of civil law and, in this sense, wholly absolute.[1]

On one hand, a host of rights, which flow from the unlimited right of nature which the sovereignty retains, are annexed to it. The sovereign has total control over the enactment and enforcement of civil legislation-- including both civil and criminal law, is commander in chief of the armed forces, is responsible for determining all property arrangements, is the supreme arbiter in all religious affairs and disputes, has complete power over the appointment of all government functionaries, particularly judges and

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[1]I shall argue below that Hobbes's absolutism is not completely unbridled-- the sovereign, much like everyone else, is still bound to observe the Laws of Nature. Importantly, so long as the sovereign directs its powers to procuring the safety and preservation of its subjects its power is unlimited. In this context the sovereign's power, for Hobbes, is and must remain absolute, constituting, as it does, the sovereign's legitimate legislative and executive activities. Outside of this context, however, the sovereign's actions are strictly circumscribed by the Laws of Nature and although he may possess the power to transgress these laws he cannot be granted the *authority* to do so.

magistrates, and, perhaps most importantly, in Hobbes's eyes, possesses the right to censor any doctrine which it deems "repugnant to peace" (L 18, 9). Also, by definition, when exercising these rights, the sovereign can never be charged with injustice, in the narrow sense of the term, since, seeing as it is not a party to the original contract, "there can happen no breach of covenant on the part of the soveraign" (L 18, 4). Indeed, the subjects of the commonwealth can never punish or put to death their sovereign *qua* sovereign because through their mutual transference of right they are, in effect, the author of every one of its actions. Here, then, we have the 'monster of Malmesbury' at his most purportedly proto-Orwellian extreme-- his advocacy of such a position will no doubt pain even the most conservative of modern political theorists.

On the other, the sovereign is, as one might surmise, not simply granted such awesome authority to do as it will. Instead, such power is recognized by Hobbes as inescapably essential if the sovereign is to fulfill its fundamental duty, "namely the procuration of *the safety of the people*" and this duty can only be properly discharged if men can be made to adhere to their contractual obligations. (L 30, 1; Hobbes's emphasis). Given men's unsavory passions, unless the sovereign retains such rights, the commonwealth will founder upon the shoals of avarice, lust and mendacity. Through acting as a rigorous enforcement mechanism the sovereign garners obedience to the social contract so that peace and ultimately society can prevail-- it is for this reason alone that such awesome power is conferred upon it. As such, Hobbes is utterly unapologetic about his commitment to authoritarianism. Nonetheless, the above notwithstanding, it seems fair to inquire as to whether or not this commitment is in any way tempered--i.e. how should the sovereign go about fulfilling its duty? The rest of this chapter will be devoted to answering this question.

B. Prudential Constraints Upon Sovereign Power. Hobbes argues that the prudent sovereign will rely on a series of carrots and sticks in order to secure its subjects' allegiance. He is quick to point out that 'safety of the people' does not mean the "mere preservation of their lives, but generally their benefit and good. So that this is the general law for sovereigns: that they procure, to the utmost of their endeavor, the good of the people" (EL 28, 1; see also DC 13, 2 and L 30, 1). In turn, 'the good of the people' entails a plethora of sovereign responsibilities-- well ordered trade, equity in taxation through the imposition of a national sales tax i.e. "every man shall contribute according to what he spendeth" (EL 28, 4), a prohibition against the conspicuous consumption of "food and apparel", the appointment of impartial judges to insure equality before the law regardless of wealth or class, free passage within the commonwealth, allow subjects the right to choose their occupation, enact well defined and enforced property laws, provide for the infirm and destitute through a system of "Publique Charity", preserve peace at home through an uncorrupted constabulary and maintain a strong army to deter attack from without (Hobbes is particularly adamant that the commonwealth ought never to go to war except in the case of self-defense) (See L 30, 16-22; *passim*). Hobbes further cautions the sovereign to allow the subjects of the commonwealth a much freedom as possible, specifically that there should be "no restraint of natural liberty, but what is necessary for the good of the commonwealth; and that well meaning men may not fall into the danger of laws, as into snares before they be aware" (EL 28, 4).[2]

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[2]In Chapter XXX of *Leviathan* Hobbes makes a series of caustic comments, certain to strike a modern cord, on the over abundance of unnecessary laws:

> For when I consider how short were the Lawes of antient times; and how they grew by degrees still longer; me thinks I see a contention between the Penners, and Pleaders of the Law; the former seeking to circumscribe the later; and the later to

What would motivate an absolute sovereign to legislate for all of the above? Simply the prudential realization that the "profit of the sovereign and the subject always goeth together" (EL 24, 21) and again, "The good of the sovereign and the good of the people cannot be separated. It is a weak sovereign that has weak subjects (L 30, 20). The wise sovereign will want its subjects to grow "strong and lusty" through the enshrinement of "wholesome constitutions" (DC 13, 3). In so acting, the sovereign appeals to its subjects' long term self-interest; their desire for "commodious living" and their desperate wish to take part in the "culture of the Earth" (L 13, 9 & 14). In the well constituted commonwealth there will be no rational reason for men to want to break their word.

As noted at the outset of this chapter, however, Hobbes is well aware that the wills of many men "follow their passions of covetousness, lust, anger and the like" (EL 20, 6). These men are not open to rational suasion, overcome as they are by their heated desires, and therefore an appeal to their fear of death through the use of sovereign "terrour" is the only means to assure that these rash malcontents will not rend the social contract. The sovereign is thus able to harness his potentially unruly subjects' most intense fear-- that of violent death--to bring those blinded by passion to reason; i.e. to the understanding that no possible benefit could possibly outweigh the evil that they will suffer for not keeping their word. Importantly, Hobbes is completely opposed to the idea that force is to be deployed in an arbitrary fashion; simply the employment of force for force's sake. His blustery rhetoric aside, and far from advocating a crude retributivist view such as Kant's, Hobbes's philosophy of punishment is actually quite enlightened. For example, he argues that, from an instrumental point of view, torture is by and large useless-- "Accusations upon torture,

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evade their circumscriptions; and that the Pleaders have got the Victory. (L 30, 21)

are not to be reputed as Testimonies...[because] what is in that case confessed, tendeth to the ease of him that is Tortured; not to the informing of the Torturers" (L 14, 31). Moreover, the sovereign ought only "to inflict punishment, [without] any other designe, than for correction of the offender, or direction of others" (L 15, 19). The point is that for the threat of force to accomplish the sovereign's end of maintaining order it must be employed in a strictly selective and judicious fashion. The punishment for malefactors must be swift and sure but also fair (indeed, Hobbes argues that the sovereign ought to be lenient in cases where crimes spring from severe "infirmities" such as great want, and also, that the rich and powerful ought to be punished for their misdeeds as much as the poor and weak (L 30, 22). Punishment for Hobbes, and in the hands of his ideal sovereign, is not an end in itself but rather exists as a means for deterring wrong doing on the part of those who cannot be otherwise motivated to act as they ought. The prudent sovereign, Hobbes maintains, will recognize that the arbitrary use of force is to "hurt without reason" and such behavior is but a short step to "the introduction of warre" (L 15, 19).

The prudent sovereign thus acts to make it in its subject's long term (through carrots) and short term (through sticks) rational self-interest to stand to his original contract. Nonetheless as emphasized in the work of two recent Hobbes scholars, Mary Dietz (1990) and S.A. Lloyd (1997), Hobbes knows that carrots and sticks alone will not do the job. Dietz contends that Hobbes also makes use of what she terms the "civic virtue response", the basis of which is the belief that "fear or force alone could not sustain long term allegiance to a political regime" (Dietz, 1990 p.96). Similarly, Lloyd argues that the prudent Hobbesian sovereign will recognize that "any state needs an ideology because force alone cannot sustain it forever" (Lloyd, 1997 p.36). The source of this interpretive thrust is Hobbes's claim that the "power of the mighty hath no foundation, but the opinion

and belief of the people" (B, p.16). Hobbes is acutely aware that it is the strength of ideas, and not brute force or sensual enticements, which ultimately confers political legitimacy upon a sovereign and therefore determines whether or not a commonwealth is to survive. Hence, Hobbes's overriding concern that the sovereign retain the right of censorship, lest in giving away the "government of Doctrines, men [will be] frighted into rebellion with feare of spirits" (L 18, 16).[3] Hobbes is thus not a Millian liberal and views any sort of right to dissent on the part of the subjects of a commonwealth as a recipe for civil disaster.

Before writing Hobbes off as espousing "doctrinal totalitarianism", however, it behooves the impartial interpreter to determine exactly what is at issue here (Gooch, p.350). One will recall Hobbes's anti-Aristotelian adage that ."man is made fit for society not by nature, but by education" (DC 1, 2). The purpose of such education is to instill in us the "capacity" for citizenship, that is that we acquire the ability to master our passions through consistently acting in accord with reason (DC 1, 2 n.). Hobbes has in mind a detailed program of "Publique Instruction", a sort of ongoing civics class, through which everyone will come to grasp and respect the rights of sovereignty, the laws of nature and the sovereign's positive laws (Lloyd, 1997 p.40). In particular, this instruction is to be reinforced from the pulpit-- men of the cloth ought to disseminate the scriptural grounds

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[3]Throughout his writings on moral and political philosophy Hobbes locates one of the primary causes of the English Civil War in the rash of itinerant religious sects which plagued England up to the outbreak of the conflict. These sectarian factions each claimed a monopoly on moral and religious truth-- to the extent of advocating active disobedience on the part of the subjects against their king. Hobbes is thus deeply opposed to widespread religious toleration and instead argues for the establishment of a state religion controlled and regulated by the sovereign power. He does, however, in a concession to liberalism, expect only 'external obedience' to the state sanctioned creed, leaving the matter of 'internal belief' up to individual choice. "Laws over the Conscience" which underwrote the Inquisition are incompatible with the Laws of Nature and thus cannot be construed as binding (L 46, 34).

for adhering to the above. A major overhaul of the universities, by force if necessary, is also in order if civic virtue is to carry the day.

Is Hobbes here advocating the establishment of an "intellectual tyranny" (Bowle, 1951 p.75)? No. In *Behemoth*, Hobbes identifies the underlying etiology of the English Civil war as the people's gross ignorance concerning their "pubilic duty" and argues that internecine strife is best prevented, not by force, but by inculcating the subjects of a commonwealth with a thorough knowledge of the Laws of Nature (B p.97). Importantly, he does not intend that this process be accomplished through some sort of non-rational Pavlovian conditioning-- instead, Hobbes contends that the teaching of these laws requires that the sovereign appeal to its subjects' capacity to reason. As he notes, respect for the Laws of Nature and the civil laws is instilled "not by commanding, but by teaching; not by the terror of penalties but by the perspicuity of reason" (DC 13, 9; See also EL 28, 8 and L 30, 5). To this end, Hobbes advises a sovereign to devote adequate resources in order to produce quality instructors of civic virtue who will demonstrate to their pupils that the Laws of Nature are indeed manifestly true--i.e. that they exert a causal connection between certain types of behavior (e.g. keeping one's word, equity, gratitude, justice, etc.) and peace, the most important of real goods which all men must pursue if society is to be adequately sustained and preserved. Rational persuasion, rather than psychological coercion, is what Hobbes has in mind (Lloyd, 1997 p.49).

As such, the wise Hobbesian sovereign is not some sort of corrupt tyrant that enriches itself at the expense of its subjects; such sovereigns normally do not enjoy long reigns. Indeed, prudence dictates that the sovereign treats its subjects with respect, protecting them from within, through well crafted civil laws, and from without, through a strong army. Every sovereign must acknowledge, Hobbes claims, that "the Obligation of

Subjects to the Sovereign is understood to last as long, and no longer, than the *power* lasteth, by which he is able to protect them" (L 21, 20; my emphasis). And every prudent sovereign must further acknowledge that anything which weakens such power, e.g. arbitrary and selective enforcement of the laws, will eventually lead to its untimely demise.

C. Moral Constraints on Sovereign Power. Nonetheless, history is littered with corrupt and vicious sovereigns. Prudence may counsel otherwise, but therein lies the problem. Counsels are simply advice which one may choose to ignore, often to one's own peril, but that is beside the point. Prudence, in a sense, is too weak of a constraint on the activities of the sovereign-- what is needed then is a *moral* constraint, perhaps in the form of an appeal to natural law. Ego-Hobbesians, as is well known, dismiss such an idea in the context of Hobbes as anathema. Prudence, they claim, is all that to which the dedicated Hobbesian may make recourse and as such Hobbes is viewed as a thoroughgoing legal positivist.

At base, legal positivism is defined by its commitment to the 'separability' thesis-- the claim that morality and legality are *sui generis* enterprises devoid of conceptual connection. On this view, civil (i.e. positive; hereafter I will use the terms interchangeably) laws are immune from normative purview in that the "legal validity of an enactment does not depend upon its moral content" (Murphy, 1995 p.847). Not surpassingly, natural law theorists (whom I will also refer to as 'naturalists') adopt an opposing tack, what might be termed the 'superiority' thesis. Succinctly, naturalists hold that there are two types of law, natural and positive, and that the former is 'superior' to the latter in that what is to count as a positive law must not be in conflict with the natural (i.e. moral) law. As such,

naturalists argue that there are specific *moral* constraints on a sovereign's legitimate legislative authority.[4]

Hobbes, of course, is held by most scholars, Ego-Hobbesians included, to be the father of modern legal positivism and, on the surface, at least, this notion is not unfounded. A certain amount of textual evidence surely gestures in this direction. To wit, civil laws are simply sovereign commands the set of which "is to every subject those rules to make use of, for the distinction between Right and Wrong" (L 26, 3) and further, the civil laws are hailed as the "Rules of Just and Unjust" (L 26, 24). A positivist reading appears particularly on target when one also considers that the sovereign is not subject to its own commands and hence no sovereign action can be decried as unjust-- the sovereign is thereby purportedly beyond the scope of moral criticism (L 26, 6). Hobbes is thus considered the positivist's positivist; legality is not simply separated from morality but it is the source thereof.

On one hand, Hampton offers us the strongest exposition of this interpretation as she believes that Hobbes's endorsement of legal positivism follows logically from his prior commitment to absolutism. Simply put, Hobbes's "support for a positivist conception of law is derived from his support for absolute sovereignty" and therefore

> It is quite clear why Hobbes does not endorse the natural-law view. To do so would be to say that the ruler's power is limited by a set of natural and seemingly deontological rules, which would make them the source of law, rather than the sovereign's will (Hampton,1996 p.107).

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[4]This view is perhaps best described as 'minimalist legal naturalism'-- i.e. morality, as embodied in a set of basic ethical principles discovered by reason, does place certain normative constraints upon what can and cannot as an acceptable civil law. It is important to stress that this is what I have in mind when I employ terms like 'natural law theorist' and 'legal naturalism'.

On the other, some Hobbes scholars, notably Noberto Bobbio (1992) and M.M. Goldsmith (1996), argue that Hobbes does betray a minimal commitment to naturalism. The third Law of Nature requiring us to keep our covenants, plays an essential role in establishing the moral legitimacy of all subsequent sovereign commands because "our obligation to civil obedience, by virtue whereof the civil laws are valid, is before all civil law" (DC 14, 21). In this sense, "the natural law provides the ground of validity of the legal order as a whole" (Bobbio, 1992 p.157). Importantly, once the machinery of state is up and running the practical import of Hobbes's Laws of Nature is eviscerated. Unlike more robust versions of naturalism, e.g. that of Aquinas, Hobbesian natural law "can impose no substantive restrictions on what is to count as a law and what is not" (Goldsmith, 1996 p.281). This conclusion purportedly follows from Hobbes's claim that even though "theft, murder, adultery and all injuries are forbid by the laws of nature; but what is to be called *theft*, what *murder*, what *adultery*, what *injury* in a citizen...is...to be determined...by the civil law" (DC 6, 16; Hobbes's emphasis). In any event Hampton, Bobbio and Goldsmith would all agree that once the sovereign has been instituted discussions about natural law are at best moot-- the sovereign may go about its task completely and utterly unimpeded by moral concerns. Hence, the commonwealth embodies a commitment to legal positivism from fore to aft.

Nonetheless, a great deal of textual evidence can also be adduced to impugn the well foundedness of this interpretation. For instance, although the sovereign, for logical reasons in Hobbes's eyes, cannot be subject to the civl law, it is nevertheless the case that "Soveraigns are all subjects to the Lawes of Nature; because such lawes...cannot by any man, or Common-wealth be abrogated" (L 29, 9). Furthermore, "they that have the soveraign power may commit Iniquity; but not injustice" (L 18, 6). Strictly speaking, the

sovereign cannot commit injustice, for to act thus requires that one be party to a covenant which one has failed to keep and by definition the sovereign is never thereby bound. Nevertheless, the sovereign can still engage in iniquitous behavior; that is the sovereign, through its actions may violate the Laws of Nature which demand equitable behavior on the part of all, *viz.* "for in this consiteth equity to which, as being a precept of the law of nature a sovereign is as much subject as any of the meanest of his people" (L 30, 14). Furthermore, a sovereign power which ignores its subjects' better interests is not only imprudent but decidedly immoral--"he, who being placed in authority, shall use his power otherwise than to the safety of the people, will act against...the laws of nature" (DC 13, 2).[6] From a moral point of view, and *contra* a positivist reading, it appears quite clear from these passages that Hobbes does in fact consider sovereign activity to be under the ethical purview of the Laws of Nature. Indeed, if the sovereign power deviates from these laws it is no longer acting with "*jure*" (i.e. right) (EL 29, 5).

Supporters of the positivist approach, of course, can and do make the following countermove: since the sovereign supposedly is at liberty to interpret the laws of nature as it deems fit, these laws in effect, exert no normative force over sovereign behavior after all. In crafting the above remarks Hobbes is simply engaging in his old rhetorical trick of subverting traditionally moral concepts such as the 'laws of nature' to serve his own thinly veiled ideological purposes. But this objection proceeds from a too cursory reading of the text: Hobbes clearly places limits on which interpretations of natural law are to count as permissible and which are not. As he observes "all laws have need of interpretation" even

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[6]Hobbes raises a similar point in *Behemoth* where he claims that the actions and habits of the sovereign "are to be esteemed good or evil by their causes and usefulness in reference to the commonwealth" (B, p.220).

the natural laws because men are too often "blinded by self-love" and their passions too often disrupt the "workings of natural reason" (L 26, 21). To insure that proper interpretations are rendered the sovereign must appoint judges who have "a right understanding of that principal law of nature called equity" since equity is what ought to frame the will of every upstanding legislator and judge (L 26, 26-8). Hobbes also realizes that there is "no judge subordinate nor sovereaign that may err in judgment of equity" and therefore revised interpretations may be necessary to insure that codified versions of the natural law are "consonant to natural reason" (L 26, 23).

In other words, any interpretation of natural law must not run afoul of, to invoke Kelsen's term, Hobbes's fundamental *Grundnorm*-- the NGR whereby 'we' (inclusive here of sovereign and subject) are commanded "*Do not that to another, which thou thinkest unreasonable to be done by another to thy selfe.*" (L 26, 13). Kelsen, of course, as a committed positivist, believes the *Grundnorm* to be an essentially amoral 'rule of recognition' which may vary over cultures and societies. Hobbes, Ego-Hobbesians notwithstanding, would never countenance such blatant relativism-- the Laws of Nature are not simply hollow shells which encase the arbitrary edicts of the sovereign. Instead, he argues that

> Princes succeed one another; and one Judge passeth another cometh; nay, Heaven and earth shall passe; but not one title of the Law of Nature shall passe...Therefore, all the Sentences of precedent Judges that have ever been, cannot altogether make a Law contrary to naturall Equity. (L 26, 24)

To illustrate his point, Hobbes asks the reader to consider the seventh Law of Nature which prohibits the intentional punishment of the innocent. Could a sovereign sanctioned interpretation of natural law be proffered which would permit the opposite to occur? No.

Hobbes adamantly contends that "that there is no place in the world, where this can be an *interpretation of a Law of Nature*, or be made a Law" (Ibid.; my emphasis). The principle of equity, as enshrined in the NGR , thus sets clear limits on what is to be considered an acceptable interpretation of natural law. In many ways, then, Hobbes is making a move not unlike Dworkin's in Chapter 4 of *Taking Rights Seriously* where the latter claims judicial decisions often involve an appeal to the principles of justice and fairness. Such appeals are distinctly moral and substantively shape the nature of positive law. Clearly, this is Hobbes's intent when he writes that "in all cases not mentioned by the written [i.e. positive] laws, the law of natural equity is to be followed" (DC 14, 14). Hence, it is not an untoward conclusion to surmise that a vibrant naturalism lurks just below the surface of Hobbes's theory of law.

At this juncture, more needs to be discussed concerning how the natural and the civl law are supposed to interact with one another. One will recall that the hallmark of naturalism is the superiority thesis-- natural law can constrain what is to count as positive law. In what follows, it will be shown that Hobbes does indeed adhere to such a thesis (albeit in a weaker sense than his naturalist predecessors); specifically that he admits of both formal and substantive moral constraints on the sovereign power's legitimate legislative authority. With regard to the former, Hobbes in many ways anticipates the work of Lon Fuller. Following Hart's insight, Fuller argues that legal systems ought to be viewed as systems of rules (Fuller, 1969 p.46). That is, the purpose of a legal system is to control human behavior, thereby insuring social stability, and to do so requires the existence of rules. Such rules "give people advance warning that certain price tags attach to certain bits of their contemplated behavior and then treating them in accord with those warnings" (Coleman, 1984 p.44). At this point Fuller's naturalism intercedes-- he claims

that certain formal conditions must be met for any legal system to be construed as a system of rules. Such conditions include the proscription of *ex post facto* laws, the requirement that laws be duly promulgated, as well as the a general prohibition against laws which are hopelessly vague, in conflict with one another or demand the practically impossible (Fuller, 1969 pp.33-40 *passim*). The failure to meet such conditions entails that one is not dealing with a legal system at all but simply a capricious collection of ever changing sovereign whims. Taken together, these formal constraints on legislative authority constitute the "morality that makes law possible" (Fuller, 1969 p.33). If anyone doubts the inherent normativity of these conditions, Fuller points to the fact that we tend to consider cases of *ex post facto* laws and/or the enforcement of laws which could not possibly be known by the citizens of a state as egregious violations of the principles of fairness and justice. Indeed, "to speak of governing or directing conduct today by rues that will be enacted [or made known] tomorrow is morally absurd" (Fuller, 1969 p.51).

Does Hobbes espouse a similar variety of naturalism? A quick perusal of the text shows us that he unmistakably does. As Baumrin (1992) notes Hobbes places a host of formal restrictions on the sovereign's morally permissible law making capacities (Baumrin, 1992 pp.7-8). First is the requirement of notice-- all laws must be "properly promulgated" since "a law not known is not a law" (L 26, 12). Second, valid laws must originate from one's known representative for "nothing is law where the legislator cannot be known" (L 26, 17). Third, in the absence of a corresponding civil law, one cannot be charged with a crime or be liable for a sanction (L ,27, 3). Furthermore, *ex post facto* laws are strictly prohibited (EL L 27, 9) and fifthly, punishments cannot be arbitrarily increased after a crime has been committed since "Punishments before the Fact, excuse from greater punishments after it" (L 27, 8; squib). Hence, Ego-Hobbesians are simply wrong when

they claim that for Hobbes, "general principles of justice, morality or rationality" can in no way constrain sovereign behavior subsequent to the original contract (Goldsmith, 1996 p.274). Nonetheless, an objection which has been frequently raised against Fuller can also be leveled against Hobbes-- the constraints set down above, albeit moral, are also purely *formal* and place no substantive restriction on the content of the laws in question. Even if rigidly adhered to, the sovereign might still be able to enact laws (e.g. permitting slavery) which would strike most observers as blatantly immoral (Coleman, 1984 p.44).

Of course, this objection can be circumvented if Hobbes does in fact countenance certain substantive constraints on what can count as a civil law and what cannot. In Chapter XXI of *Leviathan* Hobbes cites numerous basic liberties, held by the subjects, which can never be legitimately infringed upon by the sovereign authority. All sovereign commands "to kill, wound, or mayme" oneself, to not resist assault, "to abstain from the use of food, ayre, medicine, or any other thing, without which he cannot live" are null and void; such edicts cannot, under any circumstances, be construed as legitimate civil laws (L 21, 12). Likewise, any law which would have us incriminate ourselves, or others dear to us, particularly if it sanctions torture as a means thereunto, will similarly fail from a legal standpoint (ibid., L 21, 15). Finally, citizens of a commonwealth have the right to refuse military service so long as such refusal does not "frustrate the End for which the Sovereignty was ordained" (L 21 15). Thus, a sovereign decree authorizing conscription for a non-defensive war (e.g. Vietnam) would not acquire the status of a civil law requiring obedience from all members of the commonwealth while one requiring conscription for a fundamentally defensive war would (e.g. WW II).

These basic liberties, delimiting as they do the sphere of permissible sovereign legislative activity, are grounded upon that inalienable residue of our original right of

nature the "summe" of which is contained within the fundamental law of nature to seek peace (L 14, 5). Specifically, if peace can not be obtained we are allowed "*By all means we can, to defend our selves*" (ibid.; Hobbes's emphasis). As such, everyone retains the right (i.e. the liberty) to self-defense, original covenant or no original covenant, and Hobbes extends this right to include the series of restrictions on sovereign power listed above. It is true that the original covenant authorizes all sovereign actions but *only in so far as those actions are contained within the original covenant can they be viewed as legitimate.* Hence, since I could never be understood to surrender my right to self-defense or right not to incriminate myself, sovereign commands to the contrary will always fail to be legitimate (i.e. they will be unauthorized) and thus will not count as civil laws. Indeed, such commands would be an act of war by the sovereign towards me and I thereby have every right to disobey them. These 'trumps', as it were, on the part of the subject in relation to the sovereign follow logically from Hobbes's definitions of the concepts 'right' and 'liberty'. If I have an inalienable right to x then I have a fundamental liberty to x which in turn means that I cannot be prevented from x-ing and therefore no law can be legitimately instituted which would prohibit such behavior (L 14, 2-3). In this sense then, Hobbes's naturalism does proscribe, in a substantive sense, certain sovereign commands from becoming civil laws. Namely, the content of any legitimate civil code must exclude any edicts, dictates, decrees, etc. which would require subjects to forgo their basic right to self-defense.[7]

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[7]It is interesting to note how much more liberal (and commonsensical) Hobbes is on this point than Rousseau. In Chapter V, Book II of *The Social Contract* Rousseau chillingly contends

> Now, as citizen, no man is judge any longer of the danger to which the law requires him to expose himself, and when the prince says to him: 'It is expedient

Another point of interest, in the present context of substantive restrictions imposed by natural upon civil laws, is Hobbes's "mutual containment thesis". In Chapter XXVI of *Leviathan*, Hobbes claims that

> The Law of Nature, and the Civill Law, contain each other, and are of equall extent. For the Lawes of Nature, which consist in Equity, Justice, Gratitude, and other moral vertues on these depending, in the condition of mere Nature are not properly Lawes, but qualities that dispose men to peace, and obedience. When a Commonwealth is once settled, then are they actually Lawes...being then the commands of the commonwealth; and therefore also Civll Lawes: For it is the Soveraign Power which obliges men to obey them [and thus] there is need of the Ordinances of Soveraign Power, and Punishments to be ordained for such as shall break them; which Ordinances are therefore part of the Civill Law. The Law of Nature therefore is a part of the Civill Law in all Common-wealths of the World. Reciprocally also, the Civll Law is part of the Dictates of Nature. For Justice, that is to say Performance of Covenant...is a dictate of the Law of Nature. But every subject in a Common-wealth, hath covenanted to obey the Civill Law, And therefore Obedience to the Civill Law is part also of the Law of Nature. (L 26, 8).

Hobbes here is arguing that the Laws of Nature only become laws in the full sense of the term (i.e. binding statutes enforced by the threat of sanction) when incorporated into an extant civil code by a sovereign. One will recall that in the state of nature, the Laws of Nature only bind in an *in foro interno* fashion since to act thus when there is no guarantee that others will reciprocate would most likely lead to one's very untimely demise at the hands of a vain glorious scofflaw. Once the sovereign is instituted, however, the lack of security which once permeated our natural milieu is no more and the Laws of Nature

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> for the state that you should die', then he should die, because it is only on such terms that he has lived in security as long as he has and also because his life is no longer a bounty of nature but *a gift which he has received conditionally from the state*. (Rousseau, 1987 p.78-9; my emphasis).

become binding in an *in foro externo* sense as well; no one, save for children and madmen are excused from governing their outward behavior by its dictates. Hobbes's intent, throughout the above passage, is to show that the coexstensiveness of the natural law with the civil entails that "each non-defective civil code is an incomplete articulation of the natural law"-- 'incomplete' in that each set of civil statutes is a work in progress, but even though times may change and the authoring of new laws be necessitated, each new ordinance must be consonant with Equity, i.e. the Negative Golden Rule (Baumrin, 1992 p.6). This interpretation is further buttressed by Hobbes's claim that the civil law exists to "punisheth those who knowingly and willingly do actually transgress the Laws of Nature" (DC 14, 19) since a well formed civil code is the best means to insure that all the subjects of a commonwealth "yield obedience unto right reason, which is the natural, moral and divine law" (DC 13, 2).

Those favoring a positivist reading, however, adopt a different tack when invoking the 'mutual containment thesis', for they believe it leaves those who favor viewing Hobbes as a legal naturalist open to a devastating objection. As Kavka argues

> Read at face value, Hobbes's claim that the civil law contains the natural law faces the objection that the sovereign could explicitly disavow a natural law or enunciate civil laws that contradict it. (Kavka, 1986 p.249)

In other words, given this thesis, what happens when the sovereign issues commands which directly go against the laws of nature? Clearly, a conflict obtains between a potential positive law and a natural one. This is particularly troubling since even though Hobbes maintains that "it is impossible to command aught by the civil law contrary to the law of nature" (DC 14, Table of Contents) he appears to make a serious qualification of this assertion in stating that "by virtue of the natural law which forbids breach of covenant,

the law of nature commands us to keep all civil laws" and therefore "no civil law whatsoever can possibly be against the law of nature" (DC 13, 10). Positivism seems to have once more reared its head.

Nonetheless, as I have attempted to show above, this conclusion is unfounded. The sovereign is as bound to the dictates of equity as any of its subjects, and indeed, once the commonwealth is up and running, thereby insuring that a condition of sufficient security prevails, the sovereign ought to act on the Laws of Nature in an *in foro externo* sense as well (so long as there is no threat from without, e.g. a foreign invasion, or within, e.g. severe cvil discord). Hence, like everyone else in the state of nature the sovereign is only permitted *in foro externo* defensive violations of the natural laws. The purported positivist thrust at issue here turns on one's understanding of what counts as a civil law for Hobbes. Ego-Hobbesians claim that any sovereign command is sufficient to count as a civil law but scholars such as Mark Murphy (1995) beg to differ. Murphy argues that a sovereign command can only acquire the status of a civil law for Hobbes if it is part the set of such commands which, upon entering into the original contract, the subjects have a reason to obey (Murphy, 1995 p.53). As noted above, certain commands of the sovereign will fail both formally, e.g. *ex post facto* laws, and substantively, e.g. commands to abstain from food and water, to count as civil laws. Also, not any interpretation of natural law will do-- codified versions of the natural law which are not in accordance with the requirements of equity render a civil code defective. Hence, Kavka's objection in regard to the 'mutual containment thesis' only goes through if one first presupposes that Hobbes is a legal positivist, i.e. that *any* sovereign command or interpretation of natural law must be accepted as a valid civil law; it cannot be adduced as evidence for claiming that he is. In turn, Hobbes's commitment to the superiority thesis emerges intact.

D. Hobbes on Natural Law and Resistance. This account would be remiss, however, if it did not recognize that Hobbes does differ from the tradition of legal naturalism in one crucial sense: typically, natural law theories have been used to support a republican system of government whereby political authority is divided amongst an executive, a legislature and an independent judiciary (e.g. Locke's constitutional monarchy). Furthermore, these various powers are kept in check through recognizing that the people have an inherent right to resists tyranny in an organized fashion; specifically, under certain dire circumstances, revolution is perfectly permissible. Hobbes, of course, will have none of this, for in arguing that legal naturalism underwrites an absolute system of sovereignty, he has, as it were, turned naturalism upon its head. The ground of absolute sovereignty, as discussed above, is to be found in the third law of nature requiring us to 'keep our covenants made', whereby we authorize almost all sovereign activities save for the constraints noted. Importantly, the sovereign' absolutism is unbridled with regard to the civil law, to which it can never be subject, and barely bridled with regard to the natural one. Hobbes insists that organized rebellion is never permissible regardless of sovereign behavior-- individual resistance is of course, on occasion allowed, for instance if the sovereign iniquitously attempts to deprive me of my life, but I cannot legitimately, in Hobbes's eyes, foment organized rebellion.

Why not? Because even if the sovereign repeatedly violates the Laws of Nature, which is a "breach of trust",

> this is not enough to authorise any subject, either to make warre upon, or so much as to accuse of Injustice, or any way to speak evill of their Sovereign. (L 24, 7)[8]

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[8]Hobbes does attempt to qualify this view by noting that he considers cases where the

Hobbes adheres to such a 'hard' line because he assumes that any natural law theory which would countenance the permissibility of organized civil disobedience on the part of the citizenry of a commonwealth is a prescription for anarchy-- a slope so slippery that chaos, strife and the brutality of civil war would become inevitable (see EL XXVII, "Of the Causes of Rebellion" *passim*). Hobbes is particularly worried that adherents of religious resistance theories, which view spiritual authorites as superior to temporal ones, will once again run amok.[9] Hence, advocates of a Lockean version of naturalism would undoubtedly find Hobbes's view rather toothless. In defense of Hobbes's position, one must recall that his political philosophy was tempered in the seething caldron of the civil war. Locke, in contrast, came of age in the quaintly termed 'Glorious Revolution' of 1688 and while this state of affairs may not excuse the apparent harshness (from a classically liberal standpoint) of Hobbes's views, it certainly goes a long way towards explaining his overriding commitment to absolutism. Furthermore, in the case of revolutions the cure is often worse than the disease-- witness, for instance, the brutal atrocities which occurred within the French or Russian varieties.

In sum, his absolutism does not require Hobbes to be a legal positivist. Far from it. Hobbes explicitly contends on numerous occasions, as cited above, that sovereign power always falls under the moral purview of the natural law and that every sovereign, to rule as it *ought*, should be well versed in the "science of Naturall Justice" (L 31, 41). Nonetheless, though the sovereign is so bound, Hobbes extends no sanction, in the form

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"Commands of Soveraigns are contrary to Equity, and the Law of Nature" in a later chapter, presumably Chapters XXVI and XXX (L 24, 7).

[9]The latter half of *Leviathan* is devoted to undermining such views, whether Papist or Protestant.

of a right of revolution, to the subjects of the commonwealth to insure that the sovereign abides by right reason's dictates. On one hand, to do so would be to set the stage for a terror far worse than even the most iniquitous sovereign could muster-- a return to the state of nature. Individuals retain the right to defend themselves but this right is not translatable into organized resistance. On the other, the wise (i.e. prudent) sovereign will realize that corrupt and vicious behavior is an open invitation to rebellion, whether morally justified or not, and therefore will craft laws and govern in such a way as to insure that the vast majority of its subjects have no rational reason for seeking to act contrary to its edicts-- a return to the state of nature is no more in the sovereign's interests than in the subject's. Even still, the fact that Hobbes's naturalism may be too weak for the tastes of the modern liberal is not, from a logical point of view, what is at issue here. Hobbes is not a Locke or a Montesquieu-- to require that he be one in order to count as a natural law theorist is an unnecessary intellectual obfuscation. What is at issue is whether or not Hobbes recognizes the existence of any moral constraints upon the sovereign's executive and legislative powers. I have argued, with the support of ample textual evidence, that he does and even if the apparent weakness of such constraints may lend a "false appearance of positivism" to Hobbes's concept of law the emphasis must be on the fact that all such appearances are indeed false (Murphy, 1995 p.872).

Conclusion

This thesis has had two aims. The first has been purely negative in scope-- to refute the long held view that Hobbes is some sort of rabid egoist, one who believes that individuals can never, at worst, or ought not, at best, look beyond themselves and their own cares and concerns, in gauging the moral permissibility of their actions. The tenacious grip which this interpretation exerts on the minds of most contemporary moral and political philosophers must not be underestimated. Consider, for example, Will Kymlicka's latest comment on the subject:

> Hobbesian contractarianism denies that there is a real moral difference between right and wrong that all people should respect (Kymlicka, 1993 p.190).

Hobbes, the story goes, is a brilliant rhetorician who employs ostensibly objective moral concepts such as 'obligation', 'right' and 'virtue' in order to sway his readers while covertly, and devastatingly, indirectly demonstrating that no viable concept of moral objectivity need exist, and hence no traditional version of morality either, so long as men realize that their best interests are best served by taking others' interests into account. Hence, another's cares and concerns ought only be an object of care and concern of mine if they somehow impact upon the satisfaction of my own cares and concerns-- sheer egoism. Hobbes argues, quite convincingly, that this is always the case, particularly since our natural differences do not add up to much, and thus I ought to deal evenhandedly with you so long as you are willing to deal evenhandedly with me-- to act otherwise is irrational and contrary to both of our long term selfish interests. The vain glorious, short sighted egoists who fail to see that the best way to satisfy their own wants and desires is to enter into and keep certain co-operative agreements with others, present a severe problem which calls for

a severe solution: an absolute sovereign unbound by any moral strictures--indeed it is the sovereign that creates these very strictures--who through the threat of force and terror will motivate, on the pain of violent death, even the most recalcitrant to stand to their word. This rather neat conceptual package is admired on the part of Hobbes scholars for its wonderful simplicity, making , as it does, the barest of ontological commitments; for in order to determine what we ought to do we need look no further than our own long term self-interest.

Nonetheless, the last several chapters of this thesis have attempted to paint quite a different picture of Hobbes-- one which abandons interpreting him as an egoist. Ego-Hobbesianism, I have constantly urged, is simply *untrue to the text*. Hobbes makes no theoretical commitments to any form of egoism and nowhere does he imply that the normative force of morals is to be sought in one's selfish desires. If Hobbes is to be considered an egoist at all, it is one of the 'tautological' variety, a harmless conception thereof which trivially claims that all men always act to satisfy their desires; desires whose content remains unspecified. Even Hobbes's supposed. radically subjective theory of value is of little ultimate use to the bearers of the received view when one considers that the existence of real goods--objects of rational desire which reason directs each to pursue--creates, for all intents and purposes, a very minimalistic commitment to axiological objectivity. Not all values, e.g. those of peace or justice, are relative. What of Hobbes's near obsession with self-preservation? Importantly, self-preservation, not to be confused, as Hampton does, with self-interest, in no way grounds our obligations but instead sets limits to their bindingness: no one can be obliged, in Hobbes's eyes, to keep a promise which would require them to sacrifice their lives. Furthermore, Ego-Hobbesians fail to acknowledge Hobbes's all too frequent references to what it means to be moral.. The

moral man is a man of conscience, one who does what he ought as he ought-- that is, he keeps his word because he has so given it, realizing that justice requires that we act for the "Law's sake". Such a position eviscerates any consequentialist reading of Hobbes, whether egoistic or utilitarian Of course, considered within the confines of his practical project, self-interest offers the best way to garner obedience to the law on the part of otherwise anonymous strangers. Most men, unfortunately do not act for moral reasons but selfish ones and here the hook of selfish desire can be properly bated by appealing to a man's desire for "commodious living" or his fear of violent death at the hands of his unruly fellows. Nonetheless, on my interpretation, given an abundance of textual evidence, Hobbes is quite adamant that selfish motives are not moral and thus Hobbes cannot be understood to be advocating any sort of egoism in morals.

If Hobbes is not an egoist, what is he? The second aim of this thesis has been to provide a not uncontroversial response to this query: Hobbes is a deontologist. Crucially, in order to distinguish my interpretation from the Taylor-Warrender thesis, I have claimed that Hobbes is a deontologist of a very secular stripe-- the foundations of his moral theory are scientific not theological. I have further argued that a deontological moral theory is one which embodies three distinct claims-- first, a non-consequentialist theory of obligation whereby the 'right' is not derived from the 'good', second, that these obligations are discovered through grasping a certain rule or rules which, in turn, bind without regard to consequences, and, third, that an action only has moral worth if it is done from an appropriate motive, e.g. a sense of justice or duty. Kant, I claimed, satisfies these conditions beyond doubt. What of Hobbes? Consider again the 'marriage' example proffered at the beginning of Chapter VI. A who is married to B is away on a business trip with C. C propositions A and if A accedes to this wish he will receive a promotion.

Moreover, A feels that he is no longer in love with B, hence he will feel no guilt, and the remoteness of the locale virtually insures that any peccadilloes will pass unnoticed. What should A do? Clearly, according to Ego-Hobbesianism, Hobbes would have to argue that A is not only permitted to cheat but *ought* to break his vow of monogamy since doing so will greatly enhance the satisfaction of his interests. A closer inspection of Hobbes's concept of obligation, as discussed later in the chapter, revealed, however, that this was not the case. A, I contended, cannot cheat on his wife useless his self-preservation is at stake, he is bound to be faithful regardless of his broader selfish interests-- what he ought to do is not simply reducible to what it would be best for him to do, much less desirable. Hence, our obligations, for Hobbes, are not binding due to their prospective consequences but because we voluntarily chose to enter into them in the first place. The 'ought' of obligation is 'internal' to the concept itself and so long as one is willing to take sufficient notice of one's duties one will automatically realize what it is that one ought to do.

Our duties, in turn, as argued in Chapter VII, are prescribed by the Laws of Nature, a set of universal moral principles found out by reason. Importantly, A realizes that he ought to keep his marriage promise because the third law of nature requires us to 'keep our covenants made'. How can A know that his is true? By reference to the beneficial consequences of doing so? No. A, on my interpretation of Hobbes's moral theory, realizes the validity of the third law of nature because he grasps that it falls within the scope of the Negative Golden Rule, which I argue functions as a meta-rule for Hobbes through reference to which all of the other laws of nature can be justified. Not unlike Kant, the NGR, akin to the Categorical Imperative, enables each to determine for himself how he ought to behave-- being moral is thus transformed into a self-prescriptive endeavor. I have argued at length that the NGR becomes binding upon all and sundry

through a process of rational assent whereby each willingly submits to reason's dictates, and *not* because adhering to the NGR, so long as others do, tends to be in our own or society's best interests. Lastly, I have sought to show, throughout this thesis, that Hobbes's theory of moral worth, almost by itself, readily qualifies his being classified as a deontologist. His continuous emphasis upon the "sincerity of conscience" which each must possess to be counted among the righteous simply cannot be explained by ascribing any other ethical position to Hobbes. Once it becomes sensible to describe Hobbes as a deontologist it is but short intellectual step to see the folly of viewing him as a legal positivist. As argued at length in Chapter IX, I have attempted to elucidate the formal and substantive moral constraints, and there are many, on the scope of the sovereign's permissible legislative activities. Also, intertwined with the above, I have sought to prove that Hobbes's commitment to a rigorous conception of moral equality leads to the eventual collapse of the ancient and feudal moral and political worldview.

Part of the confusion of Ego-Hobbesians, as I have stressed, arises out of their conflation of Hobbes's theoretical and practical projects. Hobbes is, after all, proffering an account of morality for the preservation of men in "multitudes"; he is out to identify those universal ethical principles which each must obey, for whatever reason, if society's sweet succor is to be had and sustained. A deontological science of morals is thus not devoid of practical value-- indeed, men who fail to heed its conclusions, Hobbes warns, do so at their own serious peril. Motivation here is the issue, posing as it does the central problem for Hobbes's analysis of the possibility of co-operative endeavors amongst naturally hostile strangers, and Hobbes appeals to whatever psychical inclinations, be they selfish, social or moral, which will dispose men to peace and obedience. Hobbes's commitment to a genuine deontological moral theory, however, must not be lost in the shuffle, since it is this theory,

with its emphasis on natural equity and justice, which, as discussed extensively in Chapter VII, does the real philosophical work. Moreover, the fact that Hobbes not only allows for but actually celebrates the existence of distinctly moral motives, the "fountain" from which justice springs, must lead the astute reader to observe that Hobbes's ethics comprises so much more than a hum drum endorsement of self-interest maximization.

In sum, Hobbes is neither an egoist nor a legal positivist; he is a deontologist and a natural law theorist. Such a conclusion has important implications for the history of ethics, since deontology is not generally considered to have taken root until the advent of Kant, some one hundred years after Hobbes's death. We are forced, then, if my interpretation is correct, to reassess when this tradition actually begins. I submit that it does so with Hobbes.

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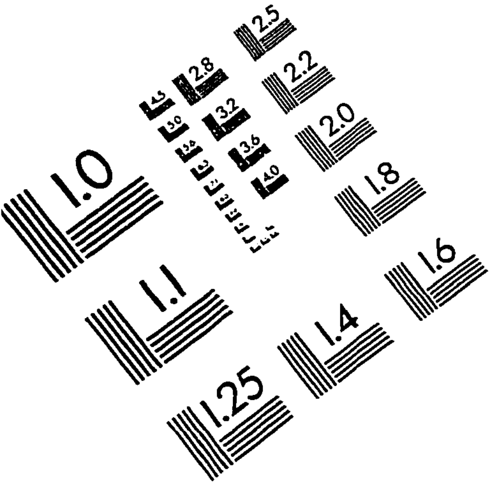
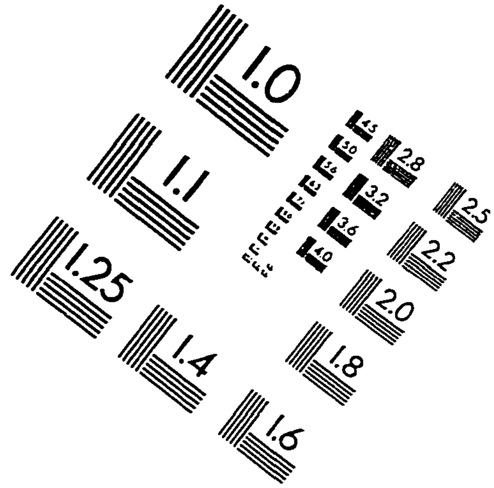
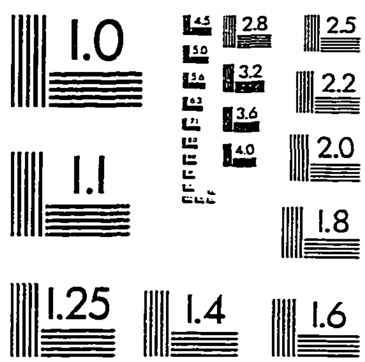

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