

INFORMATION TO USERS

The most advanced technology has been used to photograph and reproduce this manuscript from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

U·M·I

University Microfilms International
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
313 761-4700 800 521-0600

Order Number 9029974

The moral Leviathan

Rhodes, Rosamond, Ph.D.

City University of New York, 1990

Copyright ©1990 by Rhodes, Rosamond. All rights reserved.

U·M·I
300 N. Zeeb Rd.
Ann Arbor, MI 48106

THE MORAL LEVIATHAN

by

ROSAMOND RHODES

A dissertation submitted to the Graduate Faculty in
Philosophy in partial fulfillment of the requirements for
the degree of Doctor of Philosophy, The City University of
New York.

1990

1990

© ROSAMOND RHODES

All Rights Reserved

This manuscript has been read and accepted for the Graduate Faculty in Philosophy in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

Date

April 30, 1990

Chair of Examining Committee

John W. Miller

Date

April 30, 1990

Executive Officer

John W. MillerJames MuyskensBernard BaumrinDavid Rosenthal

Supervisory Committee

The City University of New York

Abstract

THE MORAL LEVIATHAN

by

Rosamond Rhodes

Adviser: Professor James Muyskens

The primary aim of this work on Hobbes is to present a new construction of his moral and political views. I argue for a reading of the text which dramatically recasts his theory as a deontological contractarianism rather than a consequentialist (egoist) contractarianism. This reading of the text pays serious attention to Hobbes's usually neglected rejection of prudential calculation and his commitment to the method of Reason which he explains as what we would now call analytical deduction from the meaning of words.

I argue for the centrality of three theses: that obligation arises from assent, that there is always an obligation to obey the Laws of Nature, and that one is obliged to obey one's sovereign. In explicating Hobbes's theory I present a more complex picture of the authorization of the sovereign than is standardly given in the accounts that characterize the sovereign as the third party beneficiary of a contract between individuals in the State of Nature. Instead, my complex account depicts the sovereign as a duty bound contractor with obligations to the

commonwealth. Furthermore, I contend that Hobbes's distinction between the natural and the artificial can be seen to organize and explain important elements in his view.

Parts 3 and 4 of Leviathan, where Hobbes discusses the obligation of Christian citizens to their civil sovereign and the supposed powers of the Kingdom of Darkness, are then used as a test for verifying the coherence and validity of my novel interpretation. Because my reading of the first two parts of Leviathan conforms with the ideas and method presented in parts 3 and 4, I conclude that the deontic reading, and not the egoist reading, best captures Hobbes's intended meaning. I then go on to defend my interpretation against today's most prominent advocates of the egoist readings, Gauthier, Hampton and Kavka.

In the final chapter of this work I present three arguments on currently important moral questions: benevolence, infidelity, and abortion. These arguments, which all employ what I have shown to be the Hobbesian approach, show the usefulness of Hobbes's theory in addressing contemporary questions of ethics.

Acknowledgements

I extend my deepest love and appreciation to my children, Keli and David, for bearing with my days at the library and my nights at the computer, for accepting the fact that I was not like the other mothers, and for being proud of me and believing that I would earn a Ph.D. even though this all took so long.

I sincerely thank my most wonderful director, James Muyskens, for being critical and demanding without ever making me cry and reminding me always that the most important thing anyone could say about a dissertation was that it was finished.

I thank my most wonderful adviser, Stefan Baumrin, for being a true friend throughout, for pouring over every word of all 440 pages with devoted attention, and encouraging me to believe that the work I did was very good.

I also acknowledge the generous patience and understanding which the Doctoral Faculty of the Ph.D. Program in Philosophy extended to me by allowing me to complete my degree at a pace that my complicated life could accommodate.

CONTENTS

INTRODUCTION	1
NOTES	9
CHAPTER 1 - EPISTEMOLOGICAL FOUNDATIONS	11
Natural Thoughts: Prudence and Conjecture ...	12
Reason	14
The Methods of Reason	23
The Analytic Method	24
The Synthetic Method	25
Recapitulation and Implications	29
NOTES	34
CHAPTER 2 - THREE CENTRAL THESES	36
MAJOR PHILOSOPHIC CONCLUSIONS	36
Motions of the Mind	36
The Right of Nature	41
OBLIGATION ARISES FROM ASSENT	
The First Principle	44
THE OBLIGATION TO OBEY THE LAWS OF NATURE	
The Second Principle	49
The State of Nature	50
Assenting to the Laws of Nature	58
Laws, Commands, Counsels, and Rules	59

Considerations Accommodated by the	
Assentist Reading	62
The Assent Itself	64
Against and For This Reading	69
The Deduction of the Several Laws of Nature ..	76
The Obligations Imposed by the Laws of Nature	85
The Obligation to Enter Civil Society	90
THE OBLIGATION TO OBEY ONE'S SOVEREIGN	
The Third Principle	92
The Generation of Civil Society	96
The Simple Account	100
The Complex Account	105
Counter-Evidence and Defense	114
Consequences of the Complex Account	118
The Civil Law	122
The Relationship of the Civil and Natural Law	126
The Origin of Sovereign Rights	128
The Rights and Obligations of the Sovereign ..	134
Obligations of Subjects	136
Liberties of Subjects	137
THE NATURAL AND THE ARTIFICIAL	140
Pervasiveness of the Dichotomy in <u>Leviathan</u> ..	141
What Follows from the Dichotomy?	147
The Constructed Overview	161
NOTES	164

CHAPTER 3 - THE TEST OF LEVIATHAN: PARTS 3 AND 4
AND THE NEW INTERPRETATIONS 172

EPISTEMOLOGICAL FOUNDATIONS	175
MAJOR PHILOSOPHIC CONCLUSIONS	178
HOBBS'S THEORY APPLIED	183
Applications - Part 3	183
The Method	184
The Laws of Nature	186
The Obligation to Obey the Ten Commandments ..	186
The Authority of God As Civil Sovereign	189
The Obligation of Christians to Their Civil Sovereign	191
The Sovereign as Interpreter of God's Word ...	192
The Authority of the Civil Sovereign	194
The Authority of the Clergy	196
The Civil Sovereign's Authority	197
Obedient Action and Conflicting Belief	199
Overview	203
Part 4	203
Erroneous Doctrines	204
Insignificant Language	207
False Philosophy	208
READINGS: PUTTING THEM TO THE TEST	211
Unaccommodated Interpretations	214
TESTING INTERPRETATIONS	215
Knowing One's Christian Duty	215

Whose Dictates to Follow?	217
Law and the Obligation of Obedience	222
The Obligation to Obey the Laws of Nature	224
Getting into Heaven	224
Understanding the Dark Powers	225
Escaping Vain Philosophy	229
Benefitting from Darkness	230
CONCLUSIONS	231
NOTES	233

CHAPTER 4 - GOING ASTRAY 236

JEAN HAMPTON	242
Method	244
The Laws of Nature	254
The Laws in the State of Nature	258
Completeness of the Laws	260
Epistemology and Objectivity	262
Philosophy of Law	264
The Sovereign's Authority	265
Moral Terms	272
The Fool and Hobbes's Response	273
Conclusions on Hampton's Hobbes	285
DAVID GAUTHIER	286
The First Dogma	289
The Second Dogma	290
The Third Dogma	392
Obligation	295

Conclusions on Gauthier's Hobbes	299
Gauthier's Testing	300
GREGORY S. KAVKA	303
Agreement and Disagreement	305
Method	306
Obligation	308
Kavka's Value	316
CONCLUSION	318
NOTES	320
 CHAPTER 5 - CONCLUSION AND APPLICATIONS	 325
 Discussion 1 - DUTIES AND RIGHTS: A HOBBSIAN	
RESPONSE TO GEWIRTH	331
A HOBBSIAN ACCOUNT OF RIGHTS AND DUTIES	333
The Duty of Benevolence	339
FROM RIGHT OR FROM DUTY	342
Having Answers	342
Conforming With Experience	344
Further Considerations	346
Dignity	346
Accommodating Needs	347
Reason	348
CONCLUSION	349
NOTES	351

Discussion 2 - INFIDELITY	355
The Argument from rational Prudence	358
Argument from Rational Justice	368
Disagreements and Retorts	383
The Arguments' Results	386
NOTES	388
 Discussion 3 - ABORTION AND INFANTICIDE	 392
Introduction	392
Abortion, Infanticide, and the Right to Life .	394
A Hobbesian Account	398
Potentiality and the Abortion Question	408
Conclusion	413
NOTES	415
 BIBLIOGRAPHY	 419

THE MORAL LEVIATHAN

INTRODUCTION

Hobbes has been typically portrayed as a calculating egoist advocating a ruthless form of totalitarianism and his name has become the appellative for all such unappealing views. 'Hobbes', 'Hobbist', 'Hobbism' are words of condemnation and derision, not praise: we hear "we Platonists", "we Aristotelians", "we Kantians" but not "we Hobbists" or even "we Hobbesians". Since the publication of Leviathan Thomas Hobbes of Malmesbury has been hunted and roasted, vilified and ridiculed. This infamy has allowed his work to be set aside and overlooked while other philosophers have been embraced as the wellsprings for grappling with difficult emergent moral issues. Locke, Rousseau, Hume and Kant are most often taken as the touchstones for today's moral reasoning. And, although Hobbes is the modern author of the social contract, John Rawls dismisses him in a footnote to A Theory of Justice¹, the most important contemporary book on the social contract. Rawls's attitude toward Hobbes is especially curious because his views, in several respects, seem closer to Hobbes's than to the sources with whom he claims to have an affinity, Locke, Rousseau, and especially Kant. Yet, he is obviously reluctant to acknowledge the fullness of his debt to Hobbes and although we can only speculate about his reasons surely one might be that the

dark shadow of Hobbism stretches out to the even now.

Nevertheless, sparked by Rawls's work, the renewed interest in contract theory has impacted on Hobbes scholarship. Recently, several authors have attempted to illuminate Hobbes and bring his relevance to the attention of the philosophical and political science communities. In particular, champions of rational decision theory have adopted Hobbes as the classical proponent of prisoner's dilemma analysis and they have used his work to buttress their arguments and support their conclusions.

In a similar way, I try to demonstrate Hobbes's importance as a contractarian and his relevance for treating contemporary moral issues. However, the primary aim of this work on Hobbes is to present a new construction of his views. I argue for a reading of the text which dramatically recasts his theory as a deontological contractarianism rather than a consequentialist (egoist) contractarianism. This new vantage point on Hobbes's contractarianism offers a theory with genuine intuitive appeal that is also useful in contemporary applications of theory to the resolution of ethical problems. It also seems to me that the interpretation I offer places Hobbes's philosophy closer to both Kant's and Rawls's than has previously been appreciated.

As I have already noted, most works on Hobbes find him to be an authoritarian (admired or despised) egoist. To reach this conclusion, authors focus their treatments of his moral/political theory almost exclusively on chapters 13-30

of Leviathan and on the comparable sections of his other related works, primarily his earlier, The Elements of Law and De Cive. Subjects treated in Leviathan, chapters 1-12, 31-47, and the "Review and Conclusion", and discussed at length in other works, significantly, De Corpore, have been largely ignored in analyses of his ethics and politics. While some Hobbes scholars interested in his geometric method, philosophy of language, or religious theory have devoted their attention to some of this material, those working on Hobbes's ethics and political philosophy have generally overlooked it. The common failure to take these major portions of the text into account in formulating an understanding of Hobbes's moral/political theory skews many previous readings into interpretations which are distorted in the same way. It is no surprise that similar errors turn up similarly mistaken results.

Recognizing that Hobbes's often ignored views on met. and religion actually form an integral part of his moral/-political theory opens the door to reexamining our understanding of his philosophy. It makes us see that paying attention to those standardly slighted parts of Hobbes's theory could dramatically alter the accepted interpretation of his work, how we classify it, and the lessons it teaches. Attention to those sections which have been undervalued by the history of ethics gives rise to new questions and brings forth the riches answers to some old questions. The most significant new questions are:

What does Hobbes count as knowledge?

How is it acquired?

What is the significance of the dichotomy between
the artificial and the natural?

What is the source of obligation?

What can we learn from Parts 3 and 4 of Leviathan?

Understanding Hobbes's position on the method of acquiring knowledge and the source of obligation entirely recasts our concept of Hobbes's theory. Often, the materialist, mechanistic metaphysics, epistemology, and natural sciences are pulled apart from the moral, political theories and then, depending on the dissector's agenda, one part or the other gets tossed away. Addressing the dichotomization of natural and artificial gives us a graphic structure for interrelating these several components of Hobbes's theory. It also offers a scheme for visualizing how the artificial and natural effect the social world which we inhabit. Furthermore, discovering Hobbes's account of the source of obligation redefines the foundation of his ethics and politics. Further still, answers to questions of interpretation provided by the first quarter and last half of Leviathan show that they are neither irrelevant nor dispensable to Hobbes scholarship.

Insights gained from responding to these new questions resurrect major old questions demanding new answers. In the light of new views on method and obligation we need to ask

again:

What is the status of the Laws of Nature?

Why are we bound to obey the Laws of Nature?

Is the Foole a fool?

How is a sovereign authorized?

Are there limits to sovereign authority?

Why are we bound to obey our civil sovereign and
the civil law?

Does religion effect our other moral obligations?

These are some of the questions I address in this dissertation. I begin in Chapter 1 of what follows to argue for an interpretation of Hobbes that reveals his method to be primarily what we would now call analytic deduction from the meaning of words, so setting out here the methodological foundation that Hobbes insisted on and labored much to make clear. In Chapter 2 I show Hobbes to be a deontologist who engaged in the discovery of logically necessary laws for ruling individual action and governing the establishment of social institutions: I show that he is not a consequentialist who calculates the advantages of either particular acts or more general policies. Maintaining that Parts 3 and 4 of Leviathan can be regarded as Hobbes's own applications of his theory to what he saw as the most burning moral issues of his time, in Chapter 3 I try to show how these applications can be taken to reflect Hobbes's own view of what his

theory held and how he thought it could be applied. By examining Hobbes's answers to the questions of whether Christians owed their primary obedience to their civil sovereign (Part 3) and whether Christians had anything to fear from the Church (Part 4) we are afforded a special opportunity for examining how Hobbes himself put his theory to work. Importantly, Hobbes's use of his theoretical apparatus in this half of Leviathan reveals his own view of the theory he constructed, and therefore, allows it to be used as a tool for evaluating the explications of other authors. Testing some recent interpretations against the text, I find several readings which seem compatible with Parts 3 and 4 and a group of new consequentialist readings which do not seem to fit. Then in Chapter 4 I undertake a critique of the interpretations presented by Gauthier², Hampton³, and Kavka⁴, the three most prominent members of this group, and try to identify their exegetical moves which lead them to what I see as erroneous conclusions. Finally, in Chapter 5, I try to show how the Hobbes I have constructed continues to be relevant and how his theory could be applied in present day discussion of concrete moral issues. In three separate sections I offer, as examples, Hobbesian responses on the subjects of benevolence, infidelity, and abortion.

I recognize that my interpretation of Hobbes is a dramatic departure from the standard readings. So, both to acknowledge some of my debt to others and to place my

version of Hobbes within the current stream of Hobbes scholarship I will mention a few of the most salient elements of my non-standard explication, which are found in recognizably similar versions, cropping up in other discussions of Hobbes's theory. Sacksteder⁵, for example, has argued for a view of Hobbes's proclaimed method which is similar to my own. Taylor⁶ first brought the possibility of a deontological interpretation of Hobbes to our attention in 1938 and Warrender's⁷ searching examination, followed by Hood's⁸ efforts made this alternative analysis much more plausible. Strauss's⁹ attention to the varieties of motivation presented by Hobbes and, even more, his special stress on the centrality and weight Hobbes gives to rights has lead many scholars to focus on these aspects of Hobbes's work. Most recently, Gert¹⁰ has paid serious attention to the importance of the role of reason in Hobbes and his views have challenged the position that Hobbes is a mere psychological egoist. Von Leyden¹¹, explicitly, Kidder¹², Kronman¹³, and Baumgold¹⁴, implicitly, and, in a limited way, also Kavka, have recognized assent as the Hobbesian foundation of obligation without recognizing how it transforms the interpretation of the theory. Although they notice that assent plays a role in the theory, they make nothing of it. In this essay assent comes in for considerable attention. Other allies in my non-standard interpretation include Gauthier, who for this portion of his explication ignores egoism, and presents an assentist account of

authorization of the sovereign which is much like mine. Also Goldsmith¹⁵ who offers but then retracts a model of the construction of civil society which is very much like the story I tell. Because these references show how my view of Hobbes is linked to several currents in the contemporary dialogue, hopefully my reading will appear less radical than this preliminary sketch may have suggested and, therefore, at least worthy of a hearing.

FOOTNOTES

1. John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1971), p. 11. Rawls also refers to Hobbes in ways that suggest that Rawls recognizes the kinship of their ideas. (pp.240, 269, 346-347)
2. David Gauthier, The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes (Oxford: Clarendon Press, 1969).
3. Jean Hampton, Hobbes and the Social Contract Tradition (New York: Cambridge University Press, 1986).
4. Gregory S. Kavka, Hobbesian Moral and Political Theory (Princeton: Princeton University Press, 1986).
5. William Sacksteder, "Hobbes: The Art of the Geometricians", Journal of the History of Philosophy, vol.16 (January, 1978), 33-45.
- . . . "Some Ways of Doing Language Philosophy: Nominalism, Hobbes, and the Linguistic Turn", Review of Metaphysics, vol.34 (March, 1981) 459-486.
- . . . "Hobbes: Geometrical Objects", Philosophy of Science, vol.48 (December, 1981), 573-590.
6. A. E. Taylor, "The Ethical Doctrine of Hobbes", Philosophy, vol.13 (October, 1938), 406-424.
7. Howard Warrender, The Political Philosophy of Hobbes: His Theory of Obligation (Oxford: Clarendon Press, 1957)
8. F. C. Hood, The Divine Politics of Thomas Hobbes: An Interpretation of Leviathan (Oxford: Clarendon Press, 1964).
9. Leo Strauss, The Political Philosophy of Hobbes: Its Basis and Its Genesis (Oxford: Clarendon Press, 1936).
10. Bernard Gert, "Hobbes Account of Reason", Journal of Philosophy, vol.76 (October, 1979), 559-561.
11. W. von Leyden, Hobbes and Locke: The Politics of Freedom and Obligation (New York: St. Martins, 1982).
12. Joel Kidder, "Acknowledgement of Equals: Hobbes's Ninth Law of Nature", Philosophical Quarterly, vol.33 (April, 1983), 133-146.
13. Anthony Kronman, "The Concept of an Author and the Unity of the Commonwealth in Hobbes's Leviathan", Journal of the History of Philosophy, vol.18 (April, 1980) 159-175.

14. Deborah Baumgold, "Subjects and Soldiers: Hobbes on Military Service", History of Political Thought, vol.4,1 (1983) 43-64.
15. M. M. Goldsmith, "Introduction to the Second Edition", The Elements of Law, by Thomas Hobbes, ed. by Ferdinand Tonnies, (London: Frank Cass & Co. Ltd., 1969), v-xxi.

Chapter 1

EPISTEMOLOGICAL FOUNDATIONS

In the first half of Part 1 of Leviathan Hobbes systematically expounds his epistemology. The theory of knowledge presented in Leviathan (1651) and also in The Elements of Law (1640) and De Cive (1642) distinguishes the knowledge that is achieved naturally from the knowledge which requires method or reason. The knowledge of reason, which he call scientific knowledge or philosophy, is, however, more thoroughly explicated in his later work, De Corpore (1655).¹ His account there, importantly supplemented by illustrative examples, clarifies his views on the content and scope of philosophy and on the methods that can be employed to obtain scientific knowledge. It is especially significant to notice that Hobbes's discussion of the methods of reason presented in De Corpore appears to be, among other things, a self-conscious deliberate explanation of his project in Leviathan.

According to Hobbes, all knowledge originates with the internal motions of sense.² From sense we derive the ideas that comprise our experience and from that experience we derive both (1) our natural prudential thoughts and conjectures about the past and, (2) by the proper imposition and conjunction of universal names and correct reasoning, we develop philosophy, the wisdom of science including the sciences of morals and politics.^{3,4}

Natural Thoughts: Prudence and Conjecture

For Hobbes "Prudence is a Praesumption of the Future, contracted from the Experience of time Past" and similarly, "Praesumption of things Past taken from other things past" is conjecture. (3,10,11 and similarly 8,11&12,34-5)⁵. Prudence is used

[w]hen the thoughts of a man, that has a designe in hand, running over a multitude of things observes how they conduce to that designe; or what designe they may conduce unto; if his observations be such as are not easie, or usual. (8,11,34)

Prudence "dependeth on much Experience, and Memory of the like things, and their consequences heretofore." (*ibid*)

Hobbes illustrates this kind of probabilistic prudential thinking being used by someone who imagines doing a criminal act and

desires to know the event of [such] an action...[H]e that forsees what wil become of a Criminal, re-cons what he has seen follow on the like Crime before; having this order of thoughts, The Crime, the Officer, the Prison, the Judge, and the Gallowes. (3,7,10)

He also adds the example of conjecture by a man

that hath seen by what courses and degrees, a flourishing State hath first come into civil warre, and then to ruine; upon the sight of the ruines of any other State will guesse, the like warre and the like courses have been there also. (3,10,11)

These claims about natural thinking are predicated on two presuppositions: (1) things and events are similar to each other, and (2) people can experience those similarities found in things. Assuming the above, then with diligent application and a great deal of experience ("Sense and Memory [which] are but knowledge of Fact, which is a thing

past and irrevocable" [5,17,21]) a person can develop prudential thinking skill so that his presumptions will seldom fail him. Still, such natural thinking, though extremely useful, can never be more than probabilistic estimation and, so, cannot have the certainty of scientific knowledge or wisdom. (5,21,22) Hobbes therefore offers prudence and conjecture to illustrate one kind of "error of the mind without the use of words" (De Corpore I,V,1,2 similarly, 5,5,19) and gives the example of when people imagine "from the sight of swords that there has been or will be a fight, because it usually happens in this way for the most part." (De Corpore I,V,1,2) Both imagining what did happen as it, in fact, occurred and conceiving of the future as it will be depend on experiencing. Since all of the relevant circumstances sometimes cannot be observed or may not be recalled, such prudence and "such conjecture [may] be very fallacious" (3,7,10). Hobbes goes on to point out that ideas from prudence or conjecture should be discounted. He actually says that "it counteracts errors which happen from natural signs, if, first and before reasoning we make ourselves as if ignorant of conjectures of this kind; and then proceed to reason." (De Corpore I,V,1,2)

Natural knowledge which yields the unreliable dictates of prudence is given immediately by direct sense experience, while scientific knowledge which offers true universal principles of reason, entails a language mediated analysis of direct sense experience. In De Corpore this distinction

between prudence, the product of mere experience, and philosophy, the result of reason applied to experience, is succinctly drawn along the lines followed in Leviathan and The Elements of Law. There Hobbes writes,

that even though sense-experience and memory, which are common to man and all animals are [types of] knowledge, still they are not part of philosophy, because they are given immediately by nature, and are not acquired by reasoning. (De Corpore I, I, 2, 2)

From what has been said it is clear that Hobbes would not choose prudence and conjecture as the basis for his own pursuit of scientific moral, ethical, and political knowledge. By distinguishing between natural knowledge and knowledge attained through reason, as he does, Hobbes seems to commit himself to eschewing prudence and embracing reason as the foundation for his civil philosophy and the sciences of ethics, and the just and unjust.

Reason

Before beginning a detailed explication of reason, Hobbes's complicated route to the knowledge of philosophy, it could be helpful to take an over-view of the theory. William Lyons concludes his excellent paper, "Against an Orthodox Interpretation of Hobbes", with a summary of how Hobbes viewed the generation of scientific knowledge. With the deletion of what I see as his one side-step, Lyon sums up the procedure as follows: "(a) After carefully defining terms, (b) and avoiding category mistakes, (c) then, trying to avoid mistakes of fact, (d) connect these terms together to make assertions or propositions about cause and effect,

... (f) done in either a resolute or compositive procedure for working out causes and effects, (g) then form these propositions into the major and minor premises of syllogisms, (h) and finally draw conclusions by deduction from these premises."⁶ Keeping this outline in mind will make it easier to comprehend and integrate the elaboration of the details of those steps [particularly (a) and (f) above] that will be most crucial for the later discussion of Hobbes's ethics and politics .

For Hobbes "SPEECH, consisting of Names...and their Connexion" (4,1,12) is necessary for Reasoning. Names are private marks or public signs chosen to recall and/or communicate ideas, i.e., conceptions of things or other thoughts. "[N]ames ordered in speech are signs of conceptions [so], it is obvious that they are not signs of things themselves" (De Corpore I,II,5,1).

"[S]ome names are common to many things, such as 'man' and 'tree'; others are proper to a single thing, such as 'he who wrote the Illiad,' 'Homer,' 'this' and 'that'." (De Corpore I,II,9,1) When the same name, recalling an individual image of an individual thing in our mind (ibid), is common to many individual things it is called a universal, common, or general name.

Moreover, when a common name is the name of many things taken one by one but not of all things collectively at the same time (as 'man' is not the name of the human race, but of each member, such as Peter, John and the other men separately) it is called a universal for that reason. (ibid)

It is on account of the same quality being present and

recognized in each of the individual things that they can each be called "man".

Like qualities, "Names Universal" can be more or less inclusive or of equal extent: the word "figure" is more inclusive than "triangle", and "polygon" is coextensive with "figure". Also, in philosophy, as opposed to grammar (De Corpore I,II,14,1), a name can be either a single word or a "circumlocution of many words together" (4,8,14). For example, the phrase "Hee that in his actions observeth the Lawes of his Country" is equivalent to the single word "Just". (*ibid*)

A name is a human vocal sound "invented and accepted by a decision of men" (De Corpore I,II,4,1) and, when uttered, each name signifies a particular thought of the thing named. In this way names have causes which "are the same⁷ as the causes of our conceptions, namely, some power or action, or disposition of the thing conceived" (De Corpore I,III,3,3). Hobbes does not specify precisely how our phantasms are related to the bodies we sense and if, in fact, there is a resemblance between them. Nevertheless, he is committed to the position that accidents in the things themselves are the causes of samenesses that we notice. He appears unequivocal in claiming that universals are in things and those qualities are recognized and marked with names. This clearly suggests that Hobbes saw a connection between bodies and thoughts even if he never went so far as to say how they were the same.

Thoughts and names are therefore derived from the material objects in the world; "effects and phenomena are faculties or powers of bodies by which we distinguish them from each other" (De Corpore I,I,4,1) and name them accordingly. An idea caused by a body and named (e.g. man), or a concept caused by another thought and named (e.g. extended) are each causally connected with material objects. However, since names mark thoughts, reasoning with names can proceed with independence from the material things named and useful names can be invented to mark thoughts that do not correspond with anything found in the world. Concepts can be constructed from other ideas such as negative names (e.g. "nothing") and objects of the imagination (e.g. the state of nature) and these concepts can, in turn, be employed in further mental calculation. (De Corpore I,II,6 and 7) Names register thoughts, speech "transfere[s] our Mentall Discourse, into Verbal; . . . the Trayne of our Thoughts, into a Trayne of Words; and . . . [then] Register[s] the Consequences of our Thoughts" (1,4,3).

Universal names, are "imposed on many things, for their similitude in some quality, or other accident" (4,7,13).

Each universal name

"is nevertheless the name of divers particular things; . . . there being nothing in the world Universal but Names; for the things named, are every one of them Individuall and Singular. (4,6,13 similarly, De Corpore I,II,9,1)

This famous statement from Leviathan, which is ordinarily read as the declaration of Hobbes's nominalism, only actu-

ally separates his position from Platonic realism by denying the independent existence of universals. This point becomes more obvious when we recall that, for Hobbes, a "thing" can only be matter in motion and, for him, negative names (e.g. nothing, infinite) "signifie that a word is not the name of the thing in question" (1,4,19). So, all he should be taken to be saying here is that no universal material objects can be found in the world, a claim that is merely consistent with his materialism but neutral about ontological commitment to universals. The qualities that are in the things are noticed in the experience of them and the sameness of those accidents is directly recognized so that it can then be named.

Knowing a universal, the thing marked with a common name, and its causes and effects is to know the definition of the name. The definition of a name is "a proposition, the predicate of which is the resolution of the subject, when it can be done, and is its explication when it cannot be done." (De Corpore I,VI,14,1) To illustrate he offers the resolution of a name in speech "into its more universal parts, as when we define man by saying 'A man is a body, animate, sentient and rational.'" (ibid) The explication of the force of a name "determines the signification of the name defined and cuts it off from every signification other than what is contained in the definition . . . [and] produces a clear idea of a thing." (De Corpore I,VI,15,2 and 4) Definitions are primary propositions, "and these alone

are the principles of demonstration, namely, truths established by the decision of speakers and hearers" (De Corpore I,III,9,1).

In opposition to those who would say, on account of the conventionality of naming and the seeming arbitrariness of definition, "that anything can be concluded from anything once the freedom of choosing a definition has been granted", Hobbes holds to an objective standard for definition and maintains that correct "definition agrees with the opinion of all men." (De Corpore I,I,10,1) To attain the goal of "true Knowledge" one must "examine the Definitions of former Authors; and either to correct them where negligently set down; or to make them himselfe". (4,13,15) For him definition is not capricious but tied to the facts of the world and fixed relative to other definitions. He maintains that

[t]he principles... are not such as we ourselves make and pronounce in general terms, as definitions: but such, as being placed in the things themselves by the Author of Nature, are by us observed in them (De Corpore IV).⁸

Universal names are the subject of definition "[b]ut since universals are contained in the nature of singular things" (De Corpore I,VI,4,1) the causes comprehended in definition are part of nature and known by first examining the particular individual exemplars in nature. Neither definitions nor causes are known a priori; both are known by first applying reason to sense. In De Corpore this non-skeptical position on names and definition is clarified by several examples starting with the definition of "place". "For

whoever correctly conceives what a place is (for example) must know the definition: that a place is a space which is completely filled or occupied by a body." (De Corpore I,VI,6,1) Definitions signify "our conceptions of the essence of a thing" (De Corpore I,V,7,1) and if a definition fails to express the essence it fails to achieve the standard of correctness. When the definition of a universal is understood the word can be used as a "token" (De Corpore I,VI.11,1) for the infinite possibles it denotes since "every single universal denotes a conception of infinite singular things" (ibid).

"REASON...is nothing but Reckoning (that is, Adding and Subtracting) of the Consequences of generall names agreed upon for the marking and signifying of our thoughts" (5,2,18 similarly, 8,13,35). In De Corpore Hobbes illustrates "how we are accustomed to add or subtract mentally, reasoning in silent thought without words" [vocal sounds] (De Corpore I,I,3,1). The addition of universals is illustrated by describing the internal reasoning of the mind as someone approaches something which is recognized first only as 'body', then 'animate', then 'rational'.

Finally, when he conceives the whole thing seen as one, fully and distinctly, the idea is composed from the preceding ones, and in this way the mind compounds the previously mentioned ideas . . . into one name 'body animate rational' or 'man'. (De Corpore I,I,3,1)

Subtraction of ideas can be understood by reversing the example and describing the loss of ideas as one observes a man departing. In either case Hobbes calls such mental

computing reasoning or considering.

According to Hobbes, Reason, which is only to be understood as Right Reason [the opposite of Absurdity], starts with "apt imposing of names" [definition].

Then

by getting a good and orderly Method in proceeding from the Elements, which are Names, to Assertions made by Connexion of one of them to another ["truth" when done properly]; and so to Syllogismes, which are the Connexions of one Assertion to another [concludes in] a knowledge of all the Consequences of names appertaining to the subject in hand; and that is it, men call SCIENCE. (5,17,21)

Given his view on definitions of names and their interrelations (e.g. containment, synonymy), general assertions can only be either true or inconceivable. Hence, as the valid inferences from true premises the conclusions of science must be infallible knowledge. Furthermore, since the thoughts that get marked by names are tied⁹ to things in the world, Hobbes expects that the conclusions which follow from those names are connected to the world in the same way. The results follow from this view. First, experience of the world can serve to corroborate or disconfirm the conclusions of scientific reasoning therein acting as a check for the correctness of the initial definitions. Second, conclusions of science, which are consequences of reckoning with words, can be used as reliable "generall Rules, called Theoremes, or Aphorismes" (1,5,6) to guide action in manipulating causes and predicting effects of things in the world.

Since names are human inventions, whatever proceeds from conjoining names, including science, will be a human

creation. While science yields truths about the world the wisdom of science is not itself found in nature. Truth and falsity which are properties of propositions, and science and absurdity, the products of propositions, are all artificial human creations.

Because Hobbes sees correct definition as the necessary starting place for the reasoning which leads to science, errors in definition come to have a multiplying effect. Avoiding errors in definition is, therefore, crucial to the project of science. Whoever makes such careless errors and proceeds without rectifying them "will find himself entangled in words, as a bird in lime-twiggs; the more he struggles, the more belimed." (1,4,12) Making the same point a bit more optimistically he writes that "speech has a certain similarity to spiders' webs; delicate and squeamish minds stick and are ensnared by words, but strong minds break through them" (De Corpore I,III,8,1) and words become "wisdoms counters" (1,4,13).

Although philosophers sometimes simply seek scientific knowledge of the causes and effects of a particular phenomenon or kind of phenomena (e.g. light, heat, gravity, figure [De Corpore I,VI,3,1]) they also engage in reasoning to discover "in what way particular proposed causes ought to be conjoined in order to produce a definite effect" (*ibid*). With respect to this last philosophic aim, Hobbes's fear is that man-made falsity and absurdity will create hellish civil war; his faith is that the artifices of truth and

science will be applied to benefit mankind and allow men to create a beatific life on earth in which they can achieve maximal satisfaction of their particular desires.

The Methods of Reason

In De Corpore Hobbes describes the two methods of reasoning that lead to scientific knowledge. In the Leviathan chapter on speech, as a special use of speech, he summarizes both of these methods for achieving philosophic knowledge (Arts) together in a single pithy sentence.

Speech can be used

[1] to Register, what by cogitation, wee find to be the cause of any thing, present or past; and [2] what we find things present or past may produce or effect: which in summe, is acquiring of Arts. (1,4,3)

The first is the "analytic" method which he calls "resolution", the method of investigation used primarily for the discovery of principles; the second, the "synthetic" method of "composition and division", is employed for teaching philosophic knowledge, and "sometimes both ought to be applied" (De Corpore I,VI,3,1).¹⁰

The Analytic Method

The analytic method, for Hobbes, involves the resolution of the whole particular idea, which comes directly from sense, into the universals that are the parts, or causes, of its nature. "First the entire matter is divided into parts, according as it is in the object, the medium and the perceiver, or according to some other division which will seem most suitable to the thing proposed." (De Corpore I,VI,9,1) According to the scheme chosen for division, that, in part,

depends on the thing being analyzed itself and, in part, on the aim of the analysis, the "idea of a singular thing" (e.g. this one here) is resolved into its causes (e.g. man, etc.), then those causes are resolved into "the causes of universals or simples . . . which can then be resolved further until one arrives at the most universal" (I,VI,4,1) cause, which is motion (I,VI,5,1). He illustrates this kind of analysis with the example of resolving the conception of "man" into its natural parts and explains

that by the parts of a man, I do not understand head, shoulders, arms, and so on but figure, quantity, motion, sensation, reasoning, and similar things which are accidents which assembled at the same time constitute the whole man - not his bulk but his nature.
(I,VI,2,2)

The general names that mark universal conceptions are explicated in definitions which can continuously be resolved "until one arrives at the simplest names" (De Corpore I,V,10,1) and the essence of these "simples" is grasped directly by intuition.

The resolution into causes¹¹ is accomplished by an intuitive induction and the causes of universals (i.e. their definitions) are also known by intuitive induction. Therefore, the causes of universals cannot be demonstrated. They are "obvious per se or known to nature, as they say; thus they need no method at all". (ibid) In other words, universal principles are not proven but discovered and explicated. (De Corpore I,VI,12,1) For Hobbes a rendering of the entire aggregate cause of "species" of natural phenomena could only be given in terms of the simples of science.

[A] cause is the sum or aggregate of all accidents, in the active things as well as the receptive thing, contributing to the proposed effect, such that, if all of them are present, the effect cannot be understood not to exist, while if any of them is absent the effect cannot be understood to exist. (De Corpore I,VI,10,1)

The analyses of universals discovered by resolution, are the necessary foundations for all further reason and science.

He maintains that without these most basic principles "there will be no explanation at all, but uncertain conjecture."

(De Corpore I,VI,6,3)

The Synthetic Method

"The analytic method is needed for understanding the circumstances of the effect one by one; the synthetic method for putting together those things which, single in themselves, act as one." (De Corpore I,VI,10,2) So, only after the causes of a thing are known can reasoning deduce answers to questions about the effects produced by a cause. Deductive reasoning from universal principles discovered by analysis Hobbes calls "synthesis".

The analytic method is needed for understanding the circumstances of the effect one by one; the synthetic method for putting together those things which, single in themselves, act as one. (De Corpore I,VI,10,2)

By synthesis, first the effects of a simple cause can be determined, then the effects of one thing on another, and with further "composition and division" the effects of the parts of a particular thing can be known. Assuming knowledge of the causes or definitions of universals in propositional form, further philosophic knowledge can be achieved by syllogistic proofs only because "every single universal

denotes a conception of infinite singular things" (De Corpore I,VI,11,1): otherwise there could be no synthetic knowledge.

This Hobbesian position sounds remarkably like Aristotle's realist position on universals instead of the nominalism typically attributed to Hobbes. If Hobbes were the author of the paradigmatic nominalist theory we should, instead, have found him subscribing to positions very different from those he took. In fact he did not make the standard nominalist moves: he did not deny the existence of natural species exemplifying universals in things, he did not claim that names have only an arbitrary relation to things, he did not deny the existence of mental objects, and he did not deny possible worlds with infinite (not finite) possibilities. Just as Aristotle holds that natural kinds exist, Hobbes maintains that there are species of natural phenomena. (De Corpore I,VI,6,2) Both claim that we observe the universal in things (De Corpore) and the sameness of qualities in different particular things. (4,7,13) Furthermore, they each claim that proper naming and defining represents the things we sense, the universals in them, the relationship of things to one another, and the relationship of universals to each other. Hobbes remains a thoroughgoing materialist, even more than Aristotle, though he declares that whenever it is useful to create mental objects "the mind invents for itself" (De Corpore I,II,6,1) things that do not exist in nature and, in so doing, he allows a

whole realm of possible mental objects to enter his ontology.

To construct propositions and engage in syllogistic thinking it is necessary to have the mental ability to both use different names for the same thing and conceive universals.

A proposition is speech consisting of two copulate names by which the one who is speaking signifies that he conceives the name which occurs second to be the name of the same thing as the name which occurs first.
(De Corpore I,III,2,1)

A proposition is said to be "true" when either the predicate, the name occurring second, contains the subject, the name occurring first, or "the predicate is the name of each and every thing of which the subject is the name" (De Corpore I,III,7,1); otherwise it is called "false". By joining two propositions through a common term a syllogism is formed: a syllogism can therefore be seen as an addition of three names. (De Corpore I,IV,6,1) Hobbes offers a hypothetical model of the process of syllogistic thinking in the mind. He explains that it might proceed

like this: first a phantasm of the thing named with the accident or attribute of it, on account of which it is called by the name which is the subject in the minor proposition, is conceived; then a phantasm of the same thing with the accident or attribute on account of which it is called by the name which is the predicate in the same proposition. Third, the thinking returns again to the thing named, with the attribute on account of which it is called by the name which is in the predicate of the major proposition. Finally, when a person remembers that those attributes are all of one and the same thing, he concludes that those three names are also names of the same thing; that is, that the conclusion is true. (De Corpore I,IV,8,1)

Skill in valid argument or syllogistic reasoning, is

achieved through practice. (De Corpore I,IV,13,2 and I,V,13,2). With skill at this method of reasoning one can arrive at new "universal rules about the properties of things" (De Corpore I,IV,7,1) in accordance with the "duty of philosophy" (ibid).

Scientific knowledge of the different parts of philosophy can only be achieved by studying them in a certain order and by following the appropriate method. First definitions of the simplest conceptions must be acquired by the analytic method, then, by division and composition, an inquiry must be made into the effects of different kinds of motion and figures (i.e. geometry), next the consideration of the effects of the motion of bodies (i.e. physics), and next, an examination of the motions of the mind (i.e. morals). Morals, which for Hobbes is a natural science akin to physics, has to be taken up after physics because its synthetic method depends upon the understandings of sense experience and imagination that are learned in physics. (De Corpore I,VI,6) Curiously, civil philosophy, which adds analytic knowledge derived directly from sense experience to the synthetic knowledge of the motions of the mind, arrives at the same conclusions as morals. In moral philosophy, by proceeding along the path of composition and division, perhaps by starting from the definition of man, one reaches the same knowledge that can also be discovered by civil philosophy, e.g. "the necessity for founding cities...the science of natural right, the duties of citizens and what

right ought to be in every kind of city" (De Corpore I,VI,7,1). In civil philosophy, as a fresh starting point for supplementary analysis, one adds to the store of synthetic knowledge "of desires and disturbances of the mind . . . the experience of each and every person observing those motions proper to him only" (*ibid*). The motions of appetite and aversion which are experienced as, or give "the appearance, or sense of . . . DELIGHT, or TROUBLE OF MIND" (6,9,25) can themselves be analyzed and then the results may be integrated with whatever scientific principles had previously been learned. In this way "also those who have not learned the earlier part of philosophy, namely, geometry and physics, can nevertheless come to the principles of civil philosophy" (De Corpore I,VI,7,1) and reach the understanding "that the appetites of men and the motions of their minds are such that they will wage war against each other unless controlled by some power" (*ibid*). According to Hobbes, everyone who examines his own mental experiences can come to know this fact and can then, by composition, come to understand which actions would be just or unjust.

Recapitulation and Implications

Hobbes's epistemology allows for two routes to what he calls knowledge which is, nevertheless, all a posteriori. Experience alone is the immediate source for the natural but uncertain knowledge of prudence and conjecture, while the indubitable knowledge of philosophy is achieved through the complex analytic and synthetic methods of reason which

mediate experience through language. The analytic method involves a process of continuous resolving of universal names into their ever more general causes by grasping and explicating their self-evident definitions as universal principles. The synthetic method starts with the definitions produced by the intuitive inductions of analysis and then, by combining and dividing the already discovered principles, succeeds in the creation of new scientific propositions.

There are certainly issues that are inadequately examined and left unresolved by Hobbes's accounts of knowledge, universals, and language which get taken up and discussed by his successors. For example, the difficult questions of the nature of facts and the relation of matters of fact to ideas in the mind, barely treated by Hobbes, become crucial questions for Locke, Hume, and later, Kant. Issues about naming and synonymy, which he leaves unaddressed, do not become apparent until the twentieth century develops these questions in the philosophy of language. Hobbes's bifurcation of knowledge into fallible natural thinking and infallible reason may also be problematic and vulnerable to pressing examination. And certainly his view of scientific method is dramatically different from ours. However, these open questions about Hobbes's theory have no bearing on the project of this paper.

Hobbes's epistemology and his metaphysical commitments appear to be thoroughly consistent in all of the works where

he discusses these issues systematically at length, or summarily, or even in passing. If his ethics is compatible with his metaphysics and epistemology then his views on these issues, regardless of how they may be evaluated or criticized, have direct bearing on how we understand his moral and political theories.

Misunderstanding Hobbes so that he is seen as a nominalist whose thinking never goes beyond generalizing from past experience makes the crucial mistake of misreading him as a calculating egoist not only possible, but almost unavoidable. Without acknowledging Hobbes's commitment to the universal qualities that exist in bodies, people, events, and history it can seem as if he thinks that there are no absolute laws to be discovered. Denying Hobbes's claim about the objective connection between names, definitions, and things allows the discounting of the primacy of his methods of reason and the acceptance of prudence as the Hobbesian route to moral principles. Both errors together lead to the views that the Laws of Nature are merely prudential guides for the self-interested and that civil laws are all entirely arbitrary political creations.

To reach a proper understanding of Hobbes's complex and subtle system it is therefore crucial to begin by recognizing him as an Aristotelian sort of realist (or one might rather think of him as a seventeenth century Kripke) committed to the power of language as the path to discovering truth and revealing falsehood. This initial insight makes

it feasible to understand that in his ethics he is consistently presenting universal propositions about human beings and their condition in this world and then offering universal deontological principles about the moral obligation of men in society.¹² It then follows that civil law must be related to moral law, and so, Hobbes could not even be a legal positivist.¹³

On smaller but still significant questions familiarity with the theoretical underpinnings of Hobbes's ethics and politics will be useful to help clarify otherwise puzzling features of his views. For example, his claim that first principles cannot be demonstrated explains why he offers no arguments to support his first principles. Also, we will see, in what follows, that his position on the particularity of the mental image associated with a general name will need to be invoked in explaining why intention must be examined in the evaluation of human action rather than either the act or the outcome. Furthermore, this Hobbesian commitment to "the inscrutability of reference" also needs to be appreciated in order to account for his claim that there is always a need for a designated interpreter to fix and declare the interpretation of civil laws.

Since Hobbes saw his work as comprising "a universal philosophy" (De Corpore I,I,7,1) retracing his own systematic exposition of it seems to be the most likely way for coming to understand his views. Because he lays out his ideas in proofs to lead us to "an indubitable rule from

which it can be known whether what we are going to do is just or unjust" (ibid) then following along as he teaches should at least provide us with an understanding of what he meant. Hobbes begins his political works with his account of, what he calls in The Elements of Law, "the faculties discretive" of "men as persons natural". Having just reviewed these concepts we are now prepared to move on and learn about human passions, the life of men in a state of nature, and the obligations of men in a commonwealth.

FOOTNOTES

1. R. M. Martin suggests that Hobbes's Computatio sive Logica, Part I of De Corpore (1655) be consulted on this subject. "On the Semantics of Hobbes", Philosophy and Phenomenological Research, XIV, 2, 1953.
2. More will be said about this later (chapter 2).
3. William Lyons argues convincingly for this position that Hobbes's method is not a priori and that both reason and experience have a foundation that is a posteriori. "Against an Orthodox Interpretation of Hobbes", The Philosophical Quarterly, 27, 109, 1977, pp.302-312. (Hereafter, Lyons) This subject is discussed in a similar vein by Marshal Missner who also distinguishes reason from prudence and criticizes interpreters who emphasize the empirical route. "Hobbes's Method in Leviathan", Journal of the History of Ideas, 38, 4, 1977, pp.607-621. Gayne Nerney argues that Hobbes's civil philosophy is not a priori like geometry but a posteriori analytical like physics. "Hobbes: The Twofold Grounding of Civil Philosophy", History of Philosophy Quarterly, 2, 4, 1985, pp.395-409. I make a similar claim on p.19 above.)
4. This distinction is drawn along the same lines in De Corpore part I, chapter I, section 2, paragraphs 1-3. References to this work will be given within the text by these numbers. Thomas Hobbes, Part I of De Corpore, Aloysius Martinich, translator, New York, Abaris Books, Inc., 1981.
5. Thomas Hobbes, Leviathan. References to this work will be given within the text by chapter, paragraph, original pagination.
6. Lyons, p.312.
7. I have not been able to find a place where Hobbes explicates the fundamental concept of sameness although it is certainly crucial in his accounts of experience, naming, and definition.
8. In his article on Hobbes in the Encyclopedia of Philosophy R. S. Peters cites this passage to illustrate that here "Hobbes's account is far less clear-cut and conventionalist". vol.4, p.35.
9. The nature of the connection between things and thoughts is not fully explicated in the text.
10. Surprisingly, Hobbes's account of the two methods of reasoning is very close to Aristotle's account in Topics I,12 and Posterior Analytics II,19.

11. The concept of causation being invoked in these analyses of the causes of a particular include three of the Aristotelian four causes: formal, efficient, and material causation.

12. These claims will be defended in the next chapter.

13. The status of the civil law will be discussed in Chapters 2 and 4.

Chapter 2

THREE CENTRAL THESES

MAJOR PHILOSOPHIC CONCLUSIONS

In Parts 1 and 2 of Leviathan Hobbes works out all of the consequences of the science of morals and Natural Justice by starting with definitions of his terms, connecting them in assertions, the assertions into syllogisms. To help the reader follow his reasoning Hobbes usually indicates the word being defined by printing it in block letters and then, as he continues to employ the word in its technical sense, he typically prints it with the first letter capitalized. Hobbes is then able clearly to contrast his capitalized use of words according to "correct" definitions, with the lower case colloquial use according to "negligently set down" (4,13,15) definitions.¹ Confident that there were no errors in his reasoning, Hobbes accepts his own conclusions as infallible and goes on to apply his truths to the practical problems he confronts in the second half of the book.

Three theses of Hobbes's deduction in Parts 1 and 2 stand out as being most significant in his moral philosophy and also most salient in his biblical exegesis of Part 3. First is the claim that obligation arises only from freely given assent², second, that every man is bound to seek peace and obey the Laws of Nature (at least in foro interno), and

third, that everyone must be obedient to his civil sovereign.

The three theses of Part I are reached by his analytic method for gaining scientific knowledge. In accordance with his description of the proper sequence for studying the natural sciences, in Leviathan Hobbes begins his work in moral science by assuming the knowledge of geometry and physics. Then, conforming with his system, he starts this study of morals with the presentation of the explications he has discovered in his analyses of the basic kinds of mental motions: sense, imagination, and passions. Afterwards he is able to proceed to the presentation of his first principle of morals and the synthesis of the precepts following from it.

Motions of the Mind

All thoughts originate with sense "[f]or there is no conception in a mans mind, which hath not at first, totally, or by parts, been begotten upon the organs of Sense."

(1,2,3) Sense is the "originall fancy" (1,4,4) caused by an external object pressing a sense organ, and so, mechanically initiating a motion "inward to the Brain, and Heart" (1,4,3) which there causes a counter-pressure or endeavor. To us these motions, pressures and endeavors, have an appearance which Hobbes calls a "phantasme" or "fancy". Though the body which causes the motion of sense is distinct from the image that results in the mind³ "the reall, and very object seem invested with the fancy it begets in us" (1,4,4).

"Imagination" is what Hobbes calls the image or internal motion that continues after the object originally causing it is no longer present. As the fancies of imagination become obscured by the continuously succeeding images of subsequent sense they seem to weaken and, to capture this effect, they are glossed as "decaying sense" (2,3,5) also called "memory". "Much memory, or memory of many things, is called Experience." (2,4,5)⁴

Memories succeed one another mechanically as "water upon a plain Table is drawn which way any one part of it is guided by the finger" (3,2,8). In this way an experience may be followed by a memory of "something that succeeded the same before" (3,2,9) though we cannot be certain about which memory it will be. Hobbes calls such successions or trains of thoughts "mental discourse" and he distinguishes two sorts: the "unguided" which have "no Passionate Thought, to govern and direct those that follow, to it self, as the end and scope of some desire, or other passion" (3,3,9) and the "guided" which do. There are also two kinds of regulated trains of thought. The first involves seeking the causes for the effect we desire, i.e. trying to imagine how to get what we want. The second kind, (which along with the ability to invent and use names and the desire simply to know [curiosity] is one of the uniquely human abilities identified by Hobbes) involves imagining the possible effects of having something that we want to get, i.e. what might occur if we were to succeed in achieving what we

desire. (3,5,9) Thinking in regulated trains of thought without words is "prudence" or "conjecture" and, done with words, it is the solely human ability of "reason".

Voluntary Motions

Hobbes explains that the motions of the mind can originate some motions of the body. These animal or voluntary motions are distinguished from the vital body motions because the former are "first fancied in our minds . . . upon a precedent thought of whither, which way, and what" (6,1,23). Voluntary motions depend on something in the world first causing sense which is at once both endeavor in the body and fancy in its mental appearance. The experience of endeavor is called "passion"; endeavor toward something is called "appetite" or "desire" while endeavor away from the object is called "aversion". These two sorts of passion are the "small beginnings of Motion, within the body of Man, before they appear in walking, speaking, striking, and other visible actions" (6,1,23). Some appetites and aversions "are born with men" (6,4,24) while others are acquired from personal experience or by reputation. Yet, because the matter of human bodies is continually in motion there is "continuall mutation" (6,6,24) in men's desires and the same things will not always cause the same desires. The word "good" is fixed, however, as the name for whatever is being desired, and the "appearance, or sense of that motion, is that wee ... call DELIGHT" (6,9,25); the various particular objects of hate and aver-

sion are called "bad" and the sense of the motion they excite is "TROUBLE OF MIND" (*ibid*). Hobbes enumerates more than thirty distinct passions (including hope, fear, diffidence, glory, benevolence, and good nature) which are given different "names for divers considerations diversified" (6,13,25).

Every voluntary motion or action has at least one endeavor (an appetite or aversion) adhering to it. But when more than one endeavor relative to the same thing or same time arises, an

alternate Succession of Appetites, Aversions, Hopes and Fears (6,51,28). . . and divers good and evill consequences of the doing or omitting the thing propounded, come successively into our thoughts. [T]he whole summe of Desires, Aversions, Hopes and Fears, continued till the thing be either done, or thought impossible, is that we call DELIBERATION (6,49,28). . . because it is a putting an end to the Liberty we had of doing or omitting according to our own Appetite or Aversion. (6,50,28)

Until deliberation ends in an action being done or viewed as impossible, we have the liberty to do the thing or not do it. For Hobbes when a man has the unimpeded power to act he has the liberty to do a thing or not do it, either against reason (6,53,28) or "according as his judgement, and reason shall dictate to him" (14,2,64). So, everyone has the liberty to do whatever he can until "the last appetite in deliberating" (6,53,28), called "will", immediately adheres to doing the action and terminates the former liberty to do or not.

The Right of Nature

Hobbes clearly maintains that a particular man will not always desire the same object and he even claims that there is almost nothing that moves all men. (6,6,24) He explicitly says that "there is no such Finis ultimus, (utmost ayme,) nor Summum Bonum, (greatest Good)" (11,1,47). Still, the aversions to pain, injury and death surely seem to be among the passions that all men have from birth. Furthermore, the continuation of life is obviously a necessary condition for the felicity (11,1,47) of attaining and securing all future apparent goods. This leads Hobbes to identify "a perpetuall and restlesse desire of Power after power ... [as] a generall inclination of all mankind" (11,2,47) since power would allow men to satisfy their diverse passions. Then, from these analyses, Hobbes goes on to infer that "therefore, the voluntary actions, and inclinations of all men, tend, not onely to the procuring, but also to the assuring of a contented life" (*ibid*) and the avoidance of death. So, if reason could be said to have a goal⁵, this is what it would tend to be.

Hobbes accepts the pursuit of a contented life and self-preservation as the mark of rationality and identifies action for that end with the Right of Nature. When a man's natural power to do whatever he wills is directed at his own conservation, Hobbes would say that the man has right Reason⁶. He calls the liberty to act with right Reason, i.e. for one's self-preservation, "The Right of Nature". It is

the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto. (14,1,64)

The Right of Nature is a subset of all liberties made up of only those liberties which are consistent with Reason. They are the only liberties a rational person would want to take: acting in opposition to self-preservation could then be understood as a sign of irrationality.

We must be careful here to recall how Hobbes uses the word "Reason". For him, it is not the prudential reasonableness about particular matters that we now imply in our use of the term, but rather, the implications of universal principles discovered by analysis of experience and synthesis grounded on correctly analyzed definitions, i.e., the "Reckoning of the Consequences of generall names" (5,2,18). Also, JUDGEMENT, for him, is "the last Opinion in search of the truth of Past, and Future,. . . or Resolute and Finall Sentence of him that discourseth." (7,2,30) When the discourse counts as reason it is based on definition and the judgement counts as science. (7,4,31) The Right of Nature then turns out to be the set of liberties determined by judgment to be in accordance with the universal principal of Reason called the "Law of Nature". In this way the Law of Nature tells us which of our physical liberties we have a natural right to exercise.

Since everyone has roughly similar natural abilities

each person is capable of taking similar liberties which can be expected to interfere with everyone else's exercise of liberties. Also, since the exigencies of preservation may require the use of anything, even "another's body" the Right of Nature allows that in such cases "every man has a Right to every thing" (14,4,64). Clearly, this entails that at the same time individuals are likely to have conflicting natural rights to the same thing(s) (e.g. two individuals could each have the natural right to "claim to himself" (13,1,60) the benefit of occupying the same small but man-sized cave for shelter from a violent storm). The conflict between the natural rights claims of different individuals, however, presents no problem for Hobbes's ethics, because, on his view, the Right of Nature should be understood as being merely descriptive of what one may morally pursue, undertake, or claim. The Right of Nature provides a moral license for an individual to do certain acts but it does not provide property ownership rights and it does not provide anyone with security from another's interference. At this stage in Hobbes's presentation the Right of Nature simply marks a distinction among liberties: it separates the liberties it is rational to take from those which are not. In the State of Nature the restoration of competing natural rights claims is left to the exercise of personal power. When the Laws of Nature do become binding on the individual agent the Right of Nature does acquire a moral dimension and the liberties it encompasses do take on the character of

moral rights. Property rights and the right to personal integrity, however, do not arise, on Hobbes's view, until a Sovereign is instituted.

OBLIGATION ARISES FROM ASSENT*

The First Principle

For ethics, Hobbes's most significant insight occurs at the next point in his analysis. He recognizes that a man can divest himself of any of his liberties by creating for himself internal impediments to action. "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." (14,6,65) By renouncing a natural liberty a person voluntarily commits himself to stand out of another's way so "that he [the other] may enjoy his own originall Right, without hindrance from him [the renouncer]" (*ibid*). When the divestiture relates to some thing that may also be claimed by another, then renouncing one's right allows the other his liberty free from one's interference. This self-divesting of liberties and the voluntary creation of internal constraints is the creation of morality: every moral obligation arises from the assenting to constrain one's natural liberty.

When a person assumes an obligation in this way he relinquishes his previous liberty to do whatever is now proscribed by his freshly undertaken duty. Physically he may still do those things prohibited by duty but morally he is bound to avoid them. A person has the "right" to exer-

cise those liberties which remain morally available to him after the assumption of duty. For example, a person who undertakes the obligation to constrain his actions to doing only what is consistent with Reason acts with "right" (the Right of Nature) when he takes only those liberties which are consistent with Reason: he is duty-bound to avoid doing anything that would violate the dictates of Reason. A person who has the right to do some particular action may exercise a liberty that happens to be consistent with his previously undertaken duties: one who has duties has no right to do things in violation of those duties.

Some duties will involve only oneself and some will involve others. The assumption of a duty which involves only oneself (e.g. the commitment to lose weight) creates no rights in others but only a moral boundary for one's possible acts. The assumption of an obligation to treat others in a particular way (i.e. to abstain from some kinds of behavior) creates rights in them to be treated in that particular way (e.g. with benevolence). In that the assumption of a duty creates constraints on one's own behavior vis a vis others (or oneself considered as a beneficiary other), it warrants a respect for others' rights: thus, duties are always correlative with rights. In those instances where the assumption of an obligation involves another then someone's [A] undertaking a duty creates a right in the other(s) [B(s)] and someone [B(s)] having a right against another implies that the other [A]

has the duty [to B(s)].

The voluntary act of laying aside one of the liberties which had been consistent with self-preservation can also be described as relinquishing a right which is part of the bundle of natural rights or rational liberties.

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, and INJURY. (14,7,65).

To divest oneself of a liberty, then, is also to assume an obligation: duty is created by one's own voluntary act of relinquishing a right.

This first principle of morals, that obligation arises from assent, is presented without any attempt at demonstration because as the "simple" or most basic universal of morality it is "obvious per se or known to nature" (De Corpore I,V,10,1)⁷. When the cause for internal impediments to action is sought with reason, after analysis of the experience, the ultimate cause, the personal assumption of duty, can be intuited. The definition of moral obligation is discovered in an intuitive grasping without any method at all. So, while the origin of obligation can be explained, it cannot be proven.

External impediments interfere with a man's physical power to act, but internal impediments create mental interference with action.⁸ A person who constructs mental hindrances for himself, by assenting to lay down a liberty,

has the experience (in his mind) of being unable to do what he was formerly free to do. To one who has given up a liberty it seems as if he has to, as if he must, as if he is compelled or forced⁹ to avoid doing that thing which previously had no restrictions. Both the memory of physical objects in the world (e.g. stone walls) and the imagined barriers set-up in the mind by renouncing a liberty are just mental appearances to the agent. Since the mental appearance of physical constraints can affect action, the mental appearance of mental constraints constructed out of assent could be expected to be able to have an effect as well. Nevertheless, because physical constraints are remembered as things that are real in the world (1,4,4), they may have a greater effect than mental constraints on the deliberation which proceeds action.

By renouncing a liberty no one either gains nor loses any physical liberties since, physically, everyone involved can do no more or less after an act of laying aside a liberty. Moral rights and moral obligations are, however, created by the renouncing. The one who lays down his liberty becomes psychologically bound to do what he has committed himself to do, and thereby it seems to him as if, by his commitment, his liberties have been diminished. Whoever gets his own original liberty assured by another's renouncing of liberty gains a moral right. It might therefore seem to the beneficiary as if his liberties had been augmented since he could now demand that the other stand

aside and let him enjoy his original liberty.

Making a promise when understood as being a matter that falls under deliberation, is a liberty-ending assumption of duty. It is the laying aside of the right to do whatever we might and the binding oneself to do the thing promised, i.e., assuming the correlative duty. Assent, affirmation, commitment, and decision can all be understood to function like promises when they conclude a deliberation, at once, both in the liberty-ending abandonment of a right to do what one will and in the concomitant assumption of a duty to limit some particular liberty.

In Leviathan Part 1, Chapter 14 (7,65), where Hobbes first discusses his concept of obligation, he explains it as arising from a voluntary act of laying aside a right. In Part 2, chapter 21, when considering "Liberty of Subjects how to be measured" (margin note 10,111) Hobbes unambiguously writes

For in the act of our Submission, consisteth both our Obligation and our Liberty; which must therefore be inferred by arguments taken from thence; there being no Obligation on any man which ariseth not from some Act of his own; for all men equally, are by Nature Free. (In Part 2 also see 26,40,149)

When an individual freely assents to surrendering a right then, in that very act of assent and surrender, he thereby assumes an obligation.

The Hobbesian thesis that obligation arises from assent, seems to be inferred from the observation that we do experience limitations on our natural liberty to act according to our appetites (e.g. think of constraining oneself to

refrain from indulging ones appetite for cigarettes or compelling oneself to consume roughage or do exercise). By proper application of names this constraint on liberty is called "obligation". Since we experience such obligation as being the self imposed requirement for omission or action we count it as voluntary. Such voluntary submission to voluntarily accepted law (as opposed to involuntary yielding to natural laws of motion and gravity) Hobbes calls "assent"¹⁰ rather than "consent" since the binding involves only oneself (i.e. it is not an agreement with another).

The laying down of a right, when viewed as the end of some deliberation, is the expression of a choice to end a liberty and undertake an obligation. Although Hobbes sees that "obligation is thralldome" (11,7,48) he also recognizes that such abandonment of liberty is always done for the sake of achieving something that appears good to the agent. Therefore, when an individual accepts bondage to the Laws of Nature and the rule of a Sovereign his action may still be consistent with the goal of reason since

the motive, and end for which this renouncing, and transferring of Right is introduced, is nothing else but the security of a mans person, in his life, and the means of so preserving life, as not to be weary of it.
(14,8,66)

THE OBLIGATION TO OBEY THE LAWS OF NATURE

The Second Principle

From Hobbes's account of obligation arising only from assent it follows that the Laws of Nature only become binding when one assents to them. Recognizing that obedi-

ence to the Laws of Nature would be the best means to achieving the rational end of self-preservation and maximal satisfaction of desires, a rational person gives up his liberty to act whichever way he wants, and commits himself to doing only what is allowed by the Laws of Nature. This act of assenting to governing oneself according to the dictates of the Laws of Nature obliges a person to constrain his action accordingly. Since the Laws of Nature command the pursuit of Peace, whoever commits himself to assuming those principles, as the laws for governing his own action, is obliged always to pursue Peace. In Hobbes's terms, we are obligated to obey the Laws of Nature because we abandon the liberty not to when we take them to be our own laws.

The State of Nature

In the famous Chapter 13 of Leviathan, in order to arrive at the understanding that assenting to the Laws of Nature is the most apt means to achieving the satisfaction of ones desires, Hobbes engages Reason to construct the possible-world model of men living in a State of Nature. In thought he examines separated features of the world he has experienced and selects among the isolated features (by analytic intuition) those which he sees as the crucial inescapable aspects of our physical predicament and psychological nature. By combining those features Hobbes constructs his concept of the State of Nature: it is a world with a scarcity of natural goods inhabited by mortal human beings each endowed with a fixed set of at least six of our

natural passions, along with the ability to imagine the consequences of some hypothetical situation, and the ability to use language, all living together "where there is no power able to over-awe them" (13,5,61).

Appealing to a hypothetical-deductive model presupposes the thought mechanisms grounded in sense and experience which Hobbes explained in the previous chapters. From his experience of the world (by analysis) he learns the universal truth that every thing is individual: logic can then inform him of the corollary, that no thing is in abundance. It is therefore clear (by synthesis) that two people cannot both exclusively possess the same thing. The signification of the words we use reflects this insight into the individuality of nature: there is only one best apple on a tree, a single richest oyster bed, a solitary fattest calf, and one most "convenient Seat" (13,3,61). It then follows that, for Hobbes, the natural state is not so much a Garden of Eden (the abundance described by Locke and Rousseau) as a land of insufficiency. Because of the other humans living there, who are likely sometimes to want the same things, (i.e. the best of everything) each of the possible fantasy people inhabiting Hobbes's conceptual wilderness will discover that he lives in a world of scarcity, not plenty. From each person's particular point of view, all things considered, everyone will judge what is best of the kind of thing he wants. Since even the subjective "best" is individual, when it is wanted as an exclusive possession by several people at

once, there is not enough of it to satisfy the desires of each.

From the experience of his own nature Hobbes notices that he feels many different appetites and aversions. Then, by recognizing the similarities between his own separate experiences of the same sort and appropriately naming them (with either private marks or commonly used signs [4,3,13]) he is able to remember those experiences. When he recognizes similar experiences in himself or, by conjecture, thinks that others are having similar experiences, he can impose universal names on all of them. Among the passions he distinguishes are competition, diffidence, and glory. Furthermore, (thinking along the lines of Hobbes's Reasoning in his example of learning universal truths about triangles [4,9,14]) when "he that hath use of words observes...that such" competition, diffidence, and glory are "consequent not to any other particular thing ... but onely to this, that" people are animate rational beings who simultaneously want to satisfy their similar desires in their world of scarcity "and that that was all, for which he named" them men, "will boldly conclude Universally, that" (1) competition, (2) diffidence, and (3) glory are in all men "and register his invention in...general termes." (4,9,14)

(1) Everyone, at least sometimes, is willing to compete with others for whatever object(s) he may desire. Hobbes can then infer that when any two of his hypothetical people living in the State of Nature

desire the same thing, which neverthelesse they cannot both enjoy, they become enemies; and in the way to their End, (which is principally their owne conservation, and sometimes their delictation only,) endeavour to destroy, or subdue one an other. (13,3,61)

(2) Hobbes also finds the passion of "constant Despayre, **DIFFIDENCE** of our selves" (6,20,25) in each person. This human fear of possibly failing to satisfy one's desires or losing one's life or goods would only be exacerbated in the State of Nature. In that situation

there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth ... And by consequence, such augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him. (13,4,61)

(3) Everyone has the passion of glory or "Joy, arising from imagination of a mans own power and ability" (6,39,26). In chapter 13 of Leviathan Hobbes gives an account of how everyone comes to have this feeling. Even a weak person has the power to kill, so to each his own strength appears great. Most people also have "a vain conceipt" (13,2,61) of the superiority of their own wisdom because "they see their own wit at hand, and other mens at a distance." (*ibid*) Since everyone's estimation of his own worth is systematically inflated by the natural human self-magnifying point of view, no one else will give another the respect he estimates to be due him. At the same time, since everyone else will also seem less worthy than oneself, each other will receive the affront of undervaluing treatment. In the State of Nature the mutually insulting display of contempt caused by

glory can be expected to make men want to fight.

By adding together the conceptions of men motivated by (at least) these three desires, living together in a state of insufficiency, or by subtracting the power of government from his conception of "human society", Hobbes comes to an understanding of men living in the State of Nature. "Understanding being nothing else, but conception caused by Speech" (4,11,17 also 2,10,8), in this case, is the result of Reason ["Reckoning (that is, Adding and Subtracting) of the Consequences of generall names" (5,2,18)]. Man's unique ability to regulate his trains of thought to imagine the compounded possible effects of the imagined State of Nature (3,5,9 also 5,6,20) allows him to think of what life in that state would be like. His train of thought reveals to him that when in the State of Nature man is in "a condition of Warre of every one against every one" (14,4,64) and "the life of man [would be] solitary, poore, nasty, brutish, and short" (13,9,62). Understanding the implications of the State of Nature the rational person then experiences the endeavor to avoid the state of war.

Examining his conception of the State of Nature reveals that for the population of men competition, diffidence, and glory lead to aggression, which is, with respect to each appetite, the most reliable means to achieving the ends of gain, safety, and respect. (13,7,62) In the State of Nature the most reasonable course of action would then be to try to kill one's neighbors, whenever possible, using whatever

available means would be most effective. Each minimally rational person in the environment would know this, and know besides that his fellow inhabitants had the same understanding of the situation. "[W]ithout a common Power to keep them all in awe" (13,8,62), because of the likelihood of suffering assault and plunder, no one could expect to reap the rewards of his own labor so none would be undertaken. In the State of Nature then "there is no place for Industry ... and consequently no Culture of the Earth" 13,9,62) with the upshot of no creation of the abundance requisite for supporting a stable agrarian society with the leisure to expand knowledge. Even more significantly, since in the State of Nature no rational person could trust another, there could be no cooperation at all, and, therefore, no development of public language (as opposed to private signs) no sharing or accumulation of knowledge, and no construction on a large scale. It necessarily follows that in the State of Nature there could be

no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; (13,9,62)

Recent scholars have mistakenly assumed that Hobbes's theory is about actions prudential calculators would take in the prisoner's dilemma situation of being in the State of Nature and these scholars assume that they could predict what choices would be made by prudent people there.

Hampton¹¹, Kavka¹², and Gauthier¹³ argue about the actions that would be chosen over iterations of the prisoner's dilemma game and present creative renditions of the effects of reputation and previous performance on alternative moves the players might choose. However, having and spreading a reputation requires a sophisticated language and a sort of communication that could not possibly exist in Hobbes's State of Nature. Still more significantly, trust is always irrational under the assumptions of the State of Nature so previous performance should never count there as a rational ground for action. Hobbes's point is that without an enforcing power in place no one ever has the security for trust. A clever Foole may try to seduce his foe into false security by presenting himself as trustworthy, even doing so on many occasions. However, a rational man must know that no matter how many times another has shown himself as reliable, since the game does not end, on the next occasion he may act differently.¹⁴ To allow oneself to be lulled into relaxing the rational defensive guard appropriate to the State of Nature would therefore always be rash. Hobbes's skepticism about the possibility of having knowledge of others' thoughts or intentions makes it clear that while one's neighbor may actually be honorable and intend no harm, no one could ever know that about another. The most angelic smiles and charming manners could be the mask for the most ruthless, vain-glorious savage. Therefore, the most rational action that can be taken in the State of

Nature is to try to get out of it. The step by step method of building trust and reputation advocated by Hampton, Kavka, and Gauthier, however, does not lead out of the State of Nature. For Hobbes, the leap from war to peace is only accomplished in the one giant step of instituting a Sovereign.

For Hobbes both the construction of the State of Nature and the understanding of life in it are products of Reason and could not derive from prudence.¹⁵ Since he certainly did not experience such a state (13,11,63), and perhaps no one ever did, his conception of it could only have come from words. The construction of the State of Nature, either by adding human passions to the state of scarcity or by subtracting government from the world of his experience, could not be accomplished as an exercise in observation. Furthermore, Hobbes holds up the knowledge he derives from his hypothetical thought model as being certain and infallible signs, which only science ["the Consequences of Names..."(5,17,21)] could provide, as opposed to "Signes of prudence [which] are all uncertain".(5,22,22) Lastly, we can know that Hobbes's construction and conclusions about life in the State of Nature are products of Reason rather than prudence because at the end of his deduction he proposes to test his outcomes against the evidence of experience without the mediation of language. The common seventeenth century experiences of arming oneself before undertaking a journey and locking one's door and trunk are

introduced as supporting evidence by saying

It may seem strange to some man, that has not well weighed these things; that Nature should thus dissociate, and render men apt to invade and destroy one another; and he may therefore, not trusting to this Inference¹⁶, made from the Passions, desire perhaps to have the same confirmed by Experience. (13,10,62)

Certainly, the "Inference from the Passions" refers to a conclusion of Reason from the meaning of the universal names of the passions and this kind of thinking is being opposed to a different kind of thinking, "Experience", which is the product of prudence.

By carefully defining words and then applying them appropriately Hobbes deduces that the time when men would be in a state of nature would be a time of "warre of every man against every man." (13,13,63) Hobbes also recognizes that the negative word (4,19,16) "not" conjoined with the word "war" defines "peace" which is appropriately attributed to a time when there is no State of Nature. Finding, by another deduction from the passions [here the relevant passions are: "Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them" (13,14,63)] that everyone would want to avoid war Hobbes employs Reason, in the substitution of equivalent words, to conclude that every rational person would want to pursue peace.

Assenting to the Laws of Nature

A rational person who recognizes that he wants to avoid war will commit himself "to seek Peace, and follow it", the Fundamental Law of Nature.¹⁷ In making this move

Hobbes deontologically generates obligations to obey the Laws of Nature without invoking the power of God. Undertaking the commitment to the Laws of Nature is the creation of the obligation to obey them. By assenting to guide one's actions by the Laws one assumes the duty to follow them and surrenders the right to act according to whim or any alternative rule. Since this interpretation of the origin of the obligation to obey the Laws of Nature is a significant departure from the standard accounts, which attribute the source of the necessity for compliance to either God¹⁸ or self-interest¹⁹, a detailed presentation of the text that supports this reading is certainly warranted.

Understanding how and that Hobbes actually creates this moral obligation from assent alone will require reviewing some additional concepts that he develops and employs in generating obligation, in particular, the concepts of "counsels", "commands", "rules" and "laws". He considers these concepts to have especially suffered from confusion due to "ordinary and inconstant use of the words" (25,1,131) and he intends that his proper definitions will correct the unfortunate confusion in the subjects to which they have been applied.

Laws, Commands, Counsels, and Rules

In the first Part of Leviathan Hobbes points out that right and law need to be clearly distinguished.

RIGHT, consisteth in liberty to do, or to forbear;
Whereas **LAW**, determineth, and bindeth to one of them: so
that Law and Right, differ as much, as Obligation, and
Liberty; which in one and the same matter are inconsis-

tent. (14,3,64)

When we have the right to act we are at liberty to act unconstrained; when we are subject to a law then we are obliged to constrain our actions.

Law for Hobbes is command which is not to be confused with the other form of imperative, counsel. Counsels are not obliging and what they do is offer reasons to whomever they speak. In Part 3 of Leviathan Hobbes points out that even God's commanding by Voice is to be understood properly as merely counsel, "as one man speaketh to another" (35,3,216) offering suggestions that can be followed or ignored. As an example he presents Adam, who is ordered by God's Voice to abstain from eating of the tree of the knowledge of good and evil, yet he is free to take "upon him to be as God, judging Good and Evil, not by his Creators Commandment, but by his own sense". (ibid)

Commands are authoritative imperatives. The commanded person is obliged to obey the directions of the commanding "as when he hath covenanted to obey" (25,4,132). "COMMAND is where a man saith, Doe this, or Doe not this, without expecting other reason than the Will of him that sayes it." (25,2,131)

Hobbes also compares rules with laws. For him, "a Rule is a Precept, by which a man is guided, and directed in any action, whatsoever". (42,36,281) When a rule is given by someone with the power to compel that it be observed, then it is also a law. "[T]he Commandment of that Man, or

Assembly, to whom we have given Sovereign Authority, to make such Rules for the direction of our actions, as hee shall think fit;" (42,43,284) is law.

So, while counsels are imperatives and rules are general guidelines for action, both lack the authority to compel one to do anything. Neither rules nor counsels are laws but both can be made laws. When rules are given as commands by one we are bound to obey and who has the power to enforce compliance then they become laws; counsels become laws when we assent to them.

After Hobbes takes care to draw these careful distinctions between law and counsel and rule it would be odd to take Hobbes's Laws of Nature, which he equates with Moral Laws (e.g. 26,40,149) and the Law of God (e.g. 26,24,144 and 43,23,330), to be meant as anything but laws. By naming them "Laws", Hobbes, who argued for careful use of words (4,12,15), must have meant for them to be understood as not merely general rules or counsels of prudence²⁰, but as laws, i.e., enforceable commands, obliging imperatives, rules that are supported by an enforcing power.

Laws, for Hobbes, acquire their obligatory force only by a person's assent. People's obedience to a law is not required "saving that they had obliged themselves" (42,37,282 and similarly 40,10,253). A law commanded by another "obliges not, nor is a Law to any, but to them that acknowledges it to be the act of the Sovereign" (*ibid*). When one is committed either to obeying a law or a law

maker, then he is obliged to follow the dictates of the commanded law and forbidden from doing otherwise. Disobeying a law that one has bound himself to observe, except in those cases where a "precedent Law, to which they were obliged to yeeld obedience, was to the contrary" (42,46,286), is an injustice.

In his definitions of "right" and "law" Hobbes again commits himself to the correlativity of rights and duties. For him laws describe limitations on natural powers: they command that certain actions be done and that others may not be. The law binds the committed person to doing the actions determined by the law: it is a person's duty to perform those acts. When a committed person does an act which he is bound by law not to omit then he acts with "right".

Considerations Accommodated by the Assentist Reading

The assentist account of the origin of the obligation to obey the Laws of Nature can be seen to be compatible with the text in places where prudential accounts would not fit. The assentist reading, argued for above, holds that the duty to conform to the dictates of the Laws is grounded on the individual's undertaking to guide all of his actions by them. On the egoist reading one should conform to the Laws only because of the prudential fear of punishment from the sovereign's great power. In that case the Laws would not constrain a person's action until a Sovereign was instituted.

Also, the obligation to conform to the Laws of Nature

is in force in the State of Nature before the formation of civil society even though the conforming endeavors are almost never manifest in overt action. The injunction to "endeavour Peace" (14,4,64) is, in fact, what commits individuals to relinquish rights and enter society. Therefore, the sovereign could not be the source of the obligation to obey the Laws of Nature²¹ since he only later gets authority over his subjects from their state creating promise to each other which already has the binding force of the Third Law of Nature ("That men performe their Covenants made:"[15,1,71]). In his elucidation of the Third Law Hobbes actually goes on to say, "And in this law of Nature, consisteth the Fountain and Original of Justice" (15,2,71) which reaffirms the point that the source of obligation is not the sovereign but the commitment to the Law of Nature: people are bound (primarily "in foro interno,...to a desire they should take place"[15,36,79]) before the institution of any sovereign. Indeed, it is Hobbes's position that a sovereign is not needed to guarantee every individual that each will himself conform his actions to the law, but rather, to make each secure that others will obey. The threatening power of a sovereign can make every subject sure that others will behave justly even though each remains unable to discern the internal sincerity of others' commitments. It is clear from the sequence of commitments in Hobbes's story of social history that the Sovereign cannot be the thing that obliges people to obey the Laws of Nature.

The Assent Itself

With the fundamental concepts summarized above and the understanding that the assentist reading does fit well with the text we can now follow the details of how the Laws of Nature come to be obliging commands.

Thoughts about people living without an over-awing power, simultaneously desiring comfort, glory, and self-preservation, within a state of scarcity, will lead to thoughts that the condition of such a state would be war and that every rational person would want to avoid the possibility of having such a life. These thoughts would lead to the discovery of the general rule of reason, avoid war.²² Again, this rule is just the product of imagining the situation of mortal beings, with the fears and desires that experience has shown us to have, living without government, in a world of scarcity. It is the naturally compelling solution to the hypothetical problems of life in the state of mere nature. Rational men would be inclined to avoid war, which, by "Reckoning of the consequences" (5,2,19 and similarly 5,17,21) of the words, is to pursue peace (i.e., "avoid war" = "pursue peace"). By the end of chapter 15, Hobbes concludes, "all men agree on this, that Peace is Good" (15,40,80). Since for Hobbes "whatsoever is the object of any mans Appetite or Desire; that is it, which he for his part calleth Good" (6,7,24), when he calls Peace "Good" he is claiming that everyone desires it. In recognizing that pursuing peace will be the best means to self-

preservation every rational person is tremendously inclined to commit himself to the pursuit of peace. Also, as the dictate of Reason the pursuit of Peace is each person's best choice for a principle to his guide action "because he has no other rule to follow but his own reason" (29,7,169).

The reason generated Laws of Nature provide the path to peace. However, when they are first suggested by one's reason, the Laws of Nature are not yet binding commanding laws: they are mere precepts, articles of peace, rules of reason, or counsels that bind no one. For Hobbes, the obligation to obey the Laws of Nature, if there is one, can only come into force in the same way in which we come to be bound to do anything else, by our own assent, "There being no Obligation on any man, which ariseth not from some Act of his own". (21,10,111)

Hobbes appears to allow that one can make a law "to himself, (which he might again reject, by the same right he received it;)" (42,43,284) By the Right of Nature (14,1,64) a man could make a law for himself (do anything) that he judges will best promote the preservation of his life. Since each has the liberty and also the rightful authority to accept his own counsel for achieving that end, when someone accepts a law for governing his own actions (as in a promise to obey) it authoritatively commands his doing or not doing the self-legislated action without having to rely on any further justification. If a person should formulate a law for himself "and he undertake to obey it, he

is bound by his own act; bound I say to obey it" (26,40,149). In the act of acceptance, the prudential precepts become genuine laws for action, veritable Laws of Nature. The enforcing power that supports the Laws is oneself, not a political sovereign and not God. We are naturally constrained to yield to the power of our right Reason by our experience of a psychological reluctance to acquiesce to obvious contradictions both in thought and action. We, therefore, constrain ourselves to avoid actions which would conflict with the conclusions of our own judgment and be contrary to the duty created by our own voluntarily given assent.

The Laws of Nature become binding only when someone, after deliberating about how he can best preserve himself, assents (an act) to the Laws of Nature as the best means to achieving his ends, and gives up his liberty to act whichever way he wants, committing himself (an act) to limit his future action to doing only what is allowed by the Laws of Nature. Realizing that reason is the best guide for a being with a nature such as men have, and choosing to follow the dictates of one's own reason, for the end of preserving oneself, one makes the laws suggested by his own reason into the Laws of Nature which thereby become the duties one assumes for oneself. The chains that hold us to keeping them are conscience and the power of our own reason naturally constrained to yield to the stronger force which is, in this case, the power of right Reason.

While the motive for committing oneself to obey the Laws of Nature is one's own benefit (self-preservation and the gratification of appetite), once we accept the Laws of Nature as the laws of our own action we are bound to follow them regardless of our desires and whether or not the outcome would be advantageous to us. Although the original acceptance of the Laws of Nature may be justified on egoist grounds, as commands they require no other reason or motive. As Gauthier points out²³, the rationale for accepting the Laws of Nature must be distinguished from their character: the egoistic reasons that justify accepting the Laws of Nature are different from the reason one is obliged to obey them. In Hobbes's terms we are obligated to obey the Laws of Nature because we abandon the liberty not to when we will them to be our own laws. As with civil laws declared by a sovereign, "if he undertake to obey it, he is bound by his own act" (26,40,149). The Articles of Peace suggested by Reason at the conclusion of Leviathan, chapter 13, are counsels offered to whoever would take them up: in themselves they are not, by nature, morally obliging. Rational agents create moral obligation as only they can. When they assume the duty of following the Laws of Nature by divesting themselves of their natural liberty not to, and willing them to be the laws of their own action, men bind themselves to obey these commands of their own wills. This is not merely the appearance of right reason but the embrace of it.

Having chosen the Laws of Nature as the laws for one's

own action, to act contrary to their dictates would be violating the rules of right Reason, willing both something (obeying the Laws of Nature) and its negation (not obeying the Laws of Nature). As in the case of voiding covenants, only the discovery of "some new fact" (14,20,68) (e.g. that men are not mortal, that there is an abundance of 'convenient seats') or some error in reasoning about the consequences of men living in the state of nature would justify abandoning a Law of Nature. As long as pursuing peace was good for oneself and the Laws of Nature themselves were in accordance with right Reason, deliberation guided by right Reason would always bring us to the same conclusion of willing the acceptance of the Laws of Nature as our duty. Hobbes cautions us of the danger of allowing passion for some particular benefit to sway us, as it does the Fool, in the name of right Reason, but away from right Reason. (5,3,19) Right Reason itself leads us to the Laws of Nature.

Theoretically, during the time before a person commits himself to the Laws of Nature there is no moral limitation on his natural freedom to do whatever he can: he is morally free to exercise his power in doing anything he chooses. When a person commits himself to obeying the Laws of Nature, as all rational agents must, then he obliges himself to act according to the dictates of the Law. His duty is to perform as the Law commands and to forbear from exercises of power which would violate the Law. Whatever he does in

accordance with the dictates of the Law is done with the Right of Nature, i.e., the agent has the right to exercise his power as permitted by the Law of Nature but he is duty-bound not to do otherwise.

Against and For This Reading

This sketch of how the Laws of Nature oblige and how we come to have our duties is sufficient, I hope, to show that a case for my reading of Hobbes can be made. I see this reading of Hobbes as being so robust that even sentences which, at first, appear inconsistent with the thesis, when carefully examined within their context, can be seen to present no challenge. The most glaring examples of statements that would seem to be in conflict with my account of how one incurs an obligation to obey the Laws of Nature are found in Leviathan, Chapters 15 and 26.

Hobbes concludes his elucidation of the first nineteen Laws of Nature by remarking, at the end of chapter 15, that

These dictates of Reason, men use to call by the name Lawes; but improperly: for they are but Conclusions, or Theoremes concerning what conduceth to the conservation and defence of themselves: whereas Law, properly is the word of him, that by right hath command over others. But yet if we consider the same Theoremes, as delivered in the word of God, that by right commandeth all things; then are they properly called Lawes. (15,41,80)

Similarly, in chapter 26, in clarifying the relation of civil law to the Laws of Nature, Hobbes reminds the reader that

the Lawes of Nature. . . are not properly Lawes, but qualities that dispose men to peace, and to obedience. When a Common-wealth is once settled, then are they actually Lawes, and not before; as being then the commands of the Common-wealth; (26,8,138)

These lines should be read as asserting that the natural reckoning of the consequences of continuing to live in a State of Nature ends with the formulation of the theorems, referred to as the Laws of Nature. Until one accepts them as the laws for his own actions and commits himself to following them they are not yet laws, but no more, so far, than counsels. They do not naturally 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 dictates 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. Unless one assents to governing his action by their dictates they have neither the right nor the power to rule over what one does. When a sovereign is established then his sovereign power can artificially compel compliance with the civil law which is "of equal extent" (*ibid*) with the Laws of Nature, thereby creating, in another way, a non-natural obligation to obey.²⁴

In the sense that the word of God is the dictate of right Reason (32,2,195), the Laws of Nature are delivered in His word. Also, "in respect of God, as he is the Author of Nature" (30,30,185-6), and made men with the natural desires and abilities that lead them to discover and commit themselves to the Laws of Nature, they are His commands. However, even when they are seen as coming from God in these ways, we remain free to accept the Laws of Nature as con-

straining our action or ignore them. They have no natural power to limit our actions until we accept their bindingness. The principles that come from God or nature can then be no more than precepts without the force of law.

It should be noted that unless one first assents to the Laws of Nature, which require promise keeping, there would be no obligation on the part of committed Christians to obey the commands issued by God in the Bible: his previous assent to the fulfillment of whatever promises he would later make binds him to meeting the commitments he promises to fulfill when he accepts Christianity. Also, without accepting the prior obligation to obey the Laws of Nature the civil laws themselves would not be binding, because there would be no duty to keep covenants, and Hobbes's uncommitted Fool would be free to violate the civil law when he thought he could avoid punishment. Furthermore, the civil law may not specifically oblige individuals to adhere to each of the Laws of Nature since the civil law could be silent on some of the issues addressed by the Laws of Nature, e.g. the fourth Law, Gratitude, or the fifth Law, Mutual Accommodation. However, the creation of civil society by the institution of a sovereign establishes the condition of peace in which obedience to each of the Laws of Nature, in foro externo, is required of everyone who has assented to being governed by them. By assenting to the Laws of Nature one renounces his right to act without regarding their commands with no care "to whom the benefit

thereof redoundeth" (14,7,65). Therefore, in civil society, even though no civil statute applied to the action, each person who has bound himself to the Laws of Nature could be called upon to perform acts of gratitude or accommodation whenever another finds himself in a situation where he might benefit from taking up the relevant renounced right and justly requiring that the duty to him be fulfilled.

My interpretation of the obligation to obey the Laws of Nature also only seems to deviate from the following lines when they are divorced from the text. At Chapter 26,6,138 Hobbes writes,

For he is free, that can be free when he will: Nor is it possible for any person to be bound to himself; because he that can bind, can release; and therefore he that is bound to himself onely, is not bound.

However, this sentence occurs in the context of a discussion of why the sovereign is not bound by the civil laws which he himself makes. Clearly, in one sense, the sovereign is not bound to obey his own civil law because he is always free to change it: no matter what action he may choose to do he can always modify the civil law so that such an act would be permissible or at least permissible when performed by the sovereign. Nevertheless, because his own reason can neither provide him with an adequate justification for violating the Laws of Nature nor create some different alternative Laws of Nature, he can never rationally will that he violate them. Therefore, a sovereign is never free of his obligation to obey the Laws of Nature (28,2,162; 30,1,175; and 30,15,180) even though the obligation derives only from his previous

voluntary act of assenting to their constraint. A rational sovereign who, of course, knows the Laws of Nature and must have bound himself to their observance, is not at liberty to transgress them since he cannot be rational and will to be free of them. In addition to his Reason his conscience also constrains him to obey the Laws to which he has committed himself.

There is yet another passage, later in Chapter 26, that might also appear to undermine my interpretation. There Hobbes writes,

That which I have written in this Treatise, concerning the Morall Vertues, and of their necessity, for the procuring, and maintaining peace, though it bee evident Truth, is not therefore presently Law; but because in all Common-wealths in the world, it is part of the Civill Law: For though it be naturally reasonable; yet it is by the Sovereigne Power that it is Law: Otherwise, it were a great error, to call the Lawes of Nature unwritten Law; (26,22,143)

This statement should be understood as simply making the claim that civil law is only authorized by the sovereign and nothing beyond the laws proclaimed by the sovereign can be civil law. The intent of these lines is clarified by comparing the passage to the abbreviated matching text of the later Latin edition which says, loosely translated, "in effect, the doctrines may be truths : but it is the authority, not the truth, which makes the law."²⁵ If the Laws of Nature are part of the civil law in all nations they only have that status because of the respective sovereigns' decrees. Without the sovereign authority declaring the Laws of Nature as civil laws for his subjects there would be no

external compulsion for the subjects to obey them. The Laws of Nature are contained in the civil law "in all Commonwealths in the world" because, given the universality of the human condition and the sameness of our natural kind, Reason will always lead to the identical conclusion, "to seek Peace and follow it" (14,4,64). Nevertheless, without the power of the sovereign, written or not, the Laws of Nature do not, by themselves, have the authority to command compliance.

While Hobbes fails explicitly to offer the account of the obligation to obey the Laws of Nature that I am pressing, in all of the places in the text of Leviathan where it seems it should occur, neither does he offer any other explanation of how that obligation is generated except with the vague claim that Reason obliges. The absence of an unequivocal statement suggests that he might have considered the mechanism fundamental and obvious since it is the foundational application of the fundamental principle that obligation arises from assent. Perhaps he believed that he had already made the mechanics of assent creating obligation sufficiently clear, in his explication, or he may have thought that an exposition was unnecessary, or overlooked the omission. In any case, there is at least one place in Leviathan where explicit support for my reading can be found. This occurs, incidentally, in Chapter 35 where, in discussing the origin of the Kingdom of God, Hobbes speaks of Abraham's promise to obey God.

This is it which is called the Old Covenant, or Testament; and containeth a Contract between God and

Abraham; by which Abraham obligeth himself, and his posterity, in a peculiar manner to be subject to Gods positive Law; for to the Law Morall [Laws of Nature] he was obliged before as by an Oath of Allegiance. (35,4,217) [words in square brackets added]

This sentence seems to commit Hobbes to the position I am pressing. Here Hobbes appears to be saying that men are not bound to obey the Laws of Nature in a contract made with God. Rather, they are obligated, prior to making any covenant with Him, by a previous binding act of undertaking to conform their actions to the Laws of Nature "as by an Oath of Allegiance" (*ibid*). Abraham's first binding oath could only have been made to himself since his commitment to the "Law Moral" precedes both the contract with God and the authorization of any sovereign.

As further and most unambiguous evidence for my view, I refer to Hobbes's own animadversion upon Bishop Bramhall's reply No.XIV in The Questions Concerning Liberty, Necessity, and Chance in which Hobbes is responding to Bramhall's criticism of Leviathan. In responding to the Bishop's assertion that Hobbes is in error when he maintains "that every man makes by his consent the law which he is bound to keep"²⁶, Hobbes defends this position as if his solution is obviously included in Leviathan. He points out that no one is obliged to obey laws to which he has not assented: the conquered are not bound to the laws of the conqueror "but by virtue of their assent"²⁷ nor are children bound to obey the civil law until they can judge for themselves and "do oblige themselves to obey"²⁸. In conclusion, he writes,

And whereas he [Bishop Bramhall]saith, the law of nature is a law without our assent, it is absurd; for the law of nature is the assent itself that all men give to the means of their own preservation.²⁹

Further on in explaining how "moral goodness is the conformity of an action with right reason" he explains that

for this right reason, which is the law [of Nature], is no otherwise certainly right than by our making it so by our approbation of it and our voluntary subjection to it.³⁰

These passages make it clear that while the Laws of Nature originate from Reason they only legitimately command us because we assent to being subject to them.

The Deduction of the Several Laws of Nature

When the rational person renounces his former liberty to do anything at all and commits himself to restricting his actions to the bounds of the Law of Nature he creates moral constraints on his action. When he obliges himself to limit his actions to the pursuit of peace he leaves himself the liberty described by the Right of Nature. By right he then has the freedom to do whatever will advance him towards the end of peace while also maintaining his life so that he might achieve its rewards, the expectation of living comfortably and long.

Hobbes presents the Fundamental first Law of Nature, both as either a product of the method of "analysis" of experience or as known by the method of "synthesis" from definitions. Clearly, the first Law of Nature "is a precept or generall rule of Reason" (14,4,64). As a principle of philosophy, neither this law nor any other Law of Nature is

presented as a prudential finding. The Fundamental first Law commands all rational humans (since every rational person would have committed himself to obey it) "to seek Peace, and follow it" (ibid). Hobbes's Fundamental Law of Nature is clearly not an a priori principle. Rather, as a piece of the science of Moral philosophy, it is the product of understanding words such as "man", "motion", "assent", "law", etc. As the conclusion of the science of Civil philosophy, it is derived from the context of understanding the human condition, the idea of mortal, passionate creatures living in a state of scarcity. In both sciences, the meanings for all of the words used are assigned from the same human vantage point, marking human ideas abstracted from human experience.

The second Law, "derived" from the first, commands

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. (14,5,65)

As part of Moral philosophy the Second Law is "derived" from the Fundamental Law in the sense of being a synonymous "circumlocution of many words" and it is also equated with both the positive and negative versions of the Golden Rule ["This is that ...And that ..." (14,5,65)]. The Second Law explains that, within the earthly human context, seeking peace entails the willingness to relinquish natural rights to the extent that others would be willing to do the same. Also, in Civil philosophy, by abstracting from experience it

becomes clear that as long as everyone tries to exercise his full Right of Nature conflict between individuals is bound to occur. Since accepting limitations on one's natural liberty, when others are willing to do the same, would reduce the likelihood for explosions of hostility, it is a universal law that rational men must so limit themselves. Since constraining one's natural freedom when others wont only jeopardizes one's own security while not leading any closer to peace it is also obligatory that men do not.

The third Law of Nature, "That men performe their Covenants made:" (15,1,71), is derived, in turn from the Second Law. In synthetic Moral philosophy, according to the Hobbesian definitions this Law is "the Fountain and Originall of JUSTICE" (15,2,71) because "the definition of INJUSTICE, is no other than the not performance of Covenant. And whatsoever is not Unjust, is Just." (Ibid) A Covenant, or pact, entails a promise to relinquish a right at some determinate future time in exchange for either an immediate performance or a similar promise by another along with trust, during the intervening time, that the promise(s) will be fulfilled. (14,11,66) "Covenants" are contrasted with "Contracts" in which "The mutuall transferring of Right" (14,9,66) is accomplished at once and all deliveries are made without any promising, faith, or trusting. From the perspective of analytical Civil philosophy, Hobbes recognizes that a "Violation of Faith" (14,11,66), occurring after the other party has performed his part of a covenant,

is an aggressive challenge to do battle and therein opposed to the pursuit or keeping of peace. So, under conditions of sufficient security for trust (in civil society) where others are willing to perform as they have promised they would, peace entails the performance of covenants. Significantly, since the sovereign of a commonwealth is authorized by a covenant³¹ it is the third Law of Nature which binds the parties to adhere to their promises and obliges subjects to obey their sovereign.

The fourth Law of Nature commands actions of GRATITUDE. This Law is formulated as the obligation "That a man which receiveth Benefit from another of meer Grace, Endeavour that he which giveth it, have no reasonable cause to repent him of his good will." (15,16,75) Since no one would give his time, effort, or goods to another unless he saw doing so as a good thing, without at least the expectation of the minimal good of gratitude no one would make any "free-gift", e.g. benevolent and trusting actions would never be performed. Trust and benevolence, which assume gratitude, are also required for achieving the anticipated benefits of Peace, "mutual help" and the "reconciliation of one man to another" (*Ibid*). The Law commanding Gratitude is, therefore, a universal principle both of Civil philosophy because it is abstracted from experience and of Moral philosophy because it is the consequence of the meaning of words. It reflects the understanding that since civil society is necessary for peace, and trust and benevolence

are necessary for the establishment of every commonwealth, and gratitude is necessary for both trust and benevolence, then obedience to the fourth Law is required by seeking and following Peace.

The remaining Laws are, similarly, universal principles of Civil philosophy abstracted from experience by Reason in a comparison of the the ideas of these several kinds of actions with the idea word-marked by "Peace". "Mutually accommodation, or Compeasance" is commanded by the fifth Law of Nature. It requires "That every man strive to accommodate himselfe to the rest." (15,17,76) Because everyone has appetites for a variety of things and since those things are finite, people will naturally find themselves competitively striving for the same things. Unless they each attempt to adjust their desires so that the people and pursuits fit together as "stones brought together for building an AEdifice" (*ibid*) every opposition met with stubbornness is likely to erupt into war. The fifth Law therefore obliges people to be "Sociable" and to refrain from being "Stubborn, Insociable, Froward, Intractable" (*ibid*) in their interactions with others.

Sometimes the object of competition may be a necessity to one party and merely a superfluity to the other: according to the Right of Nature the one who needs something for his own conservation has a Right to it while the other may not. In addressing these special cases which call for "Compeasance" Hobbes writes,

He that shall oppose himselfe against it [another obtaining necessities] for things superfluous, is guilty of the warre that thereupon is to follow; and therefore doth that, which is contrary to the fundamentall Law of Nature, which commandeth to seek Peace. (ibid)

This response suggests that, for Hobbes, natural rights to the necessities of life take precedence over rights to superfluous things even when the rights in question derive from contracts or covenants.³² Beyond the constraints it places on individual action Mutual Accommodation, the fifth Law, also appears to impose serious restrictions on the official actions of rulers and the social policies promulgated by them in that it gives priority to human needs and elevates entitlement claims.

The sixth Law of Nature requires the "Facility to Pardon" (15,18,76). Hobbes explains that this Law obliges "That upon caution of the Future time, a man ought to pardon the offenses past of them that repenting, desire it." (ibid) Again, as a conclusion of Civil philosophy, this Law manifests an appreciation of the fact that the failure to grant pardon when it is requested "is a signe of an aversion to Peace" (ibid). As Moral philosophy, the sixth Law is analytically entailed in the meaning of the Fundamental Law of Nature "For PARDON, is nothing but granting of Peace" (ibid).

The seventh Law imposes limitations on actions of revenge. It circumscribes vengeful action so "That in Revenges, (that is, retribution of Evil for Evil,) Men look not at the greatnesse of the evill past, but the greatnesse

of the good to follow." (15,19,76) As a principle of Moral philosophy Hobbes recognizes that "this Law is consequent to the next before it, that commandeth Pardon" (*ibid*). As a principle of Civil philosophy he observes that, without intending the good ends of either rectifying the criminal or directing others, revenge is vain-glorious, unreasonable Cruelty that tends to provoke war. Hence, anyone committed to avoiding war is also bound to avoid pointless revenge.

Since every manifestation of contempt or hatred, in either insulting words or humiliating treatment, is a provocation that invites men to do battle, hence contrary to Peace, all such actions are prohibited by the eighth Law, "against Contumely" (15,20,76). It says "That no man by deed, word, countenance, or gesture, declare Hatred, or Contempt of another." (*ibid*)

The ninth Law "against Pride" has a central function in the establishment of civil society. Although each man may believe that he is superior to all or most others in physical or mental ability, importance, or dignity if everyone acted according to his self-esteem and tried to extract especially elevated treatment from others, peace could never be achieved. Nevertheless, since no one would be satisfied with less than the acknowledgement of himself as an equal to the others in the society, everyone must refrain from displaying pride and act as if he acknowledged the equality of all others. As a condition for creating a commonwealth, "because men that think themselves equall will not enter

into conditions of Peace, but upon Equall termes, such equalitie must be admitted." (15,21,77) The ninth Law therefore obliges "That every man acknowledge other for his Equall by Nature" (ibid) so that he presents the acceptance of others as his equals in all of his actions.³³

Following from the ninth Law as a corollary, the tenth Law commands "against Arrogance" (15,22,77). Since men must be acknowledged as equals and since, while each must retain some Rights of Nature in order to live well, each must also relinquish some Rights in order to have peace, whoever requires keeping more of the Rights of Nature than he would allow others to hold onto threatens "the making of Peace" (ibid). Because avoiding pride involves accepting the condition of equal treatment, the tenth precept commands "That at the entrance into conditions of Peace, no man require to reserve to himselfe any Right, which he is not content should be reserve to every one of the rest." (ibid)

The next nine Laws of Nature concerning the distribution of goods and mediation of disputes between claimants all follow from the acknowledgement of equality and the need to pursue peace. Each of these Laws also has an empirical Civil philosophy derivation as well as an analytical Moral philosophy derivation. The eleventh Law, "Equity", requires that judges deal equally between men distributing "to each man, of that which in reason belongeth to him" (15,24,77). The twelfth Law follows from the Law of Equity and it commands "That such things as cannot be divided, be enjoyed

in Common.... without Stint; otherwise Proportionably to the number of them that have Right". (15,25,77) When things cannot be divided or held in common the thirteenth Law requires that distribution will allow for equal opportunity so that possession "be determined by Lot" (15,26,78). The fourteenth Law specifies the various kinds of lotteries. The rules for "Arbitrary" lotteries are made by an agreement between the competitors and the parties would be bound to accept the outcome by the third Law which requires keeping covenants. The fourteenth Law also allows for "Primo-geniture" and "First Seisure" as the two sorts of natural lottery.

As a necessary means to the end of peace the fifteenth Law commands "That all men that mediate Peace, be allowed safe Conduct." (15,29,78) As a necessary means for settling controversies without battles the sixteenth Law commands that when men have a dispute over a "question Of Fact" or a "question Of Right... That they that are at controversie, submit their Right to the judgement of an Arbitrator." (15,30,78) If one party in a controversy were allowed to be judge in his own case, Equity, which demands equal treatment, would require the other to be allowed the same right of judging and then the controversy would not be resolved. Therefore, the seventeenth Law requires that "No man is his own Judge". (15,31,78 margin note) In addition, because everyone's judgement tends towards partiality in his own favor, no one is an appropriate judge of his own case. For

this same reason "no man in any Cause ought to be received for Arbitrator, to whom greater profit, or honour, or pleasure apparently ariseth out of the victory of one party, than of the other." (15,32,78) Since this would tend to undermine trust continuing the state of war, it is prohibited by the eighteenth Law. The nineteenth Law, of Witnesses, commands that in disputes "of Fact" the Judge must give equal attention to whichever witnesses could help resolve the controversy.

The twentieth Law of Nature, declared in Leviathan, "A Review and Conclusion", orders everyone "to protect in Warre, the Authority, by which he is himself protected in time of Peace." (5,390) For Hobbes "[i]t is a manifest contradiction" to allow or assist in the destruction of the sovereign who is the necessary means to the peace pursued by rational men since only the institution of a sovereign allows for their preservation.

The Obligations Imposed by the Laws of Nature

These twenty Laws of Nature comprise the minimum set of obligations imposed by a commitment to the pursuit of peace. Obedience to each of the Laws is necessary to escape and avoid returning to the condition of war and the failure to abide by the Laws of Nature by anyone committed to the pursuit of peace is also a failure in Reason. Violating any one of the Laws could put an individual immediately at risk of personal harm. Taking a more farsighted view, it also makes his continued membership in his society a threat to

the peace of the rest and so puts him in jeopardy of the tremendous danger of having the commonwealth make war on him.

In addition to the rational necessity and obvious need for observing the twenty Laws of Nature, Hobbes observes that

[t]here be other things tending to the destruction of particular men; as Drunkenness, and all other parts of Intemperance; which may therefore also be reckoned amongst those things which the Law of Nature hath forbidden; (15,34,78)

Depending on the individual and his circumstances, the list of Laws of Nature may be expanded. Each person who assents to "seek Peace, and follow it" binds himself to do whatever is required as means to that end. For everyone the list of required constraints includes, at least, Hobbes's twenty enumerated Laws. Because of the special conditions or the idiosyncratic desires of some men they are bound by additional Laws of Nature. The alcoholic, who would threaten peace when drunk, is bound to avoid drinking alcohol even though others, who are less vulnerable to its effects, may not have that constraint upon them.

Also, because of some men's particular undertakings some individuals come to have special obligations. Even when they are not bound by specified contractual obligations the Public Minister and the Judge (26,14,141) as well as the policeman, the fireman, the doctor, and the teacher each has special obligations arising from their assumption of professional commitments. Whenever commitments are related to the

achievement or preservation of peace then those special obligations, dictated by Reason, are also Laws of Nature.

Hobbes clearly leaves the table of Laws of Nature open to innumerable additions when, after his enumeration of the first nineteen Laws, he proclaims that

to leave all 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 wouldst 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 ballance, and his own 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. (15,35,79)

The same notion of the Laws of Nature being expressed in "one easie sum" is also put forward near the beginning of the exposition of the Laws as the summary or restatement of the second Law. There Hobbes writes

This is that Law of the Gospell; Whatsoever you require that others should do to you, that do ye to them. And that Law of all men, Quod tibi fieri non vis, alteri ne feceris. (14,5,65)³²

Written as the negative Golden Rule or the Law of the Gospell it is easy to see that the Laws of Nature govern every action that might have impact on others. When Hobbes equates the Laws of Nature with the Laws of Right Reason it is apparent that they dictate all action and not only a narrow subset of action. Obligations imposed by the Law of Right Reason can be formulated in the twenty Laws explicated in Leviathan or in relevant special commands to particular individuals fitting their unique circumstances.

Taking this broad view of the Laws of Nature also explains how, for Hobbes, the second table of the Decalogue is commanded by the Laws of Nature. Since there is no straight forward parallel between the last six of the Ten Commandments in the King James Bible (Exodus 20:2-17) and the twenty Laws spelled out by Hobbes we can only understand the equivalence by acknowledging the expansive scope of Hobbes's Laws. Failure to honor parents, killing, adultery, stealing, false witness, and coveting "anything that is thy neighbor's"³⁵ are all kinds of action that threaten peace and are, therefore, prohibited by the Fundamental Law of Nature. In addition, each of these Commandments can be shown to be implicitly contained in at least one of Hobbes's more specific Laws. The obligation to honor one's parents (#5) is required by the Law of Gratitude since the parental commitment to provide care and nurturing is undertaken as a free gift to the child. (#6) The duty to refrain from killing is contained in the tenth Law, against Arrogance, since a rational person would not want others to retain the Right to kill him. (#7) Adultery could be seen as a violation of the third Law against breach of covenant and also a violation of the fifth Law which requires people, for the sake of Mutual Accommodation, to constrain themselves from acting on their every passion. (#8) Theft would violate the fourteenth Law which obliges people to recognize Rights acquired from distribution by first seizure or by lot. (#9) Bearing false witness would transgress both the nineteenth

Law, which allows that the testimony of witnesses be given credence in arriving at equitable judgements between the parties to a controversy, and the eleventh Law, which demands equity in the treatment of persons. (#10) Covetous action would be another kind of violation the fifth Law, which demands compleasance, and, since it is likely that covetous action would include signs of hatred and contempt, it would also be an act of contumely, prohibited by the eighth Law. Seeing that the kinds of actions prohibited by the Decalogue are forbidden by the Laws of Nature, Hobbes can be granted that the second table of Commandments is contained in the Laws of Nature.

This fulsome view of the Laws also accounts for why Hobbes maintains that "[t]he Law of Nature, and the Civill Law, contain each other, and are of equall extent." (26,8,138) Given the variety of geographic and ecologic conditions in the world, the genetic, historical and cultural differences between groups of people, and the variety of possible organizations for civil society it seems obvious and unavoidable that the civil laws in different places and over time would differ. The civil laws of different countries could even contradict each other (for example, the British law which commands motorists to drive on the left and the American law ordering them to drive on the right). And furthermore, the scope of civil law, in many cases, seems to extend beyond the limits proscribed by the letter of the twenty Laws of Nature. The claim of coextensiveness,

therefore, is comprehensible only when we grant the Laws of Nature the breadth of consistency with right Reason. The commands emanating from right Reason would certainly be different under different circumstances and where consistency or uniformity were the only important consideration (motorists should keep to one side to avoid running into one another) Reason would only order that there be some rule to govern the actions of citizens, and any effective one would do. Extending this consideration to the necessity of there being a common set of laws for governing a commonwealth, it becomes apparent that obedience to whatever laws are commanded by the Sovereign of the commonwealth is dictated by right Reason. In this sense the civil law is contained in the Laws of Nature; conforming with the civil law of one's commonwealth is commanded by the Laws of Nature, again, as the necessary means to peace.

The Obligation to Enter Civil Society

The obligation to form and enter civil society is actually created by the Fundamental Law of Nature which binds people "to seek Peace, and follow it" (14,4,64) . In discussing the extent of obligations assumed by contractors Hobbes asserts that "[h]e that transferreth any Right, transferreth the Means of enjoying it, as farre as lyeth in his power." (14,21,68) The same seems to be true for assensual commitments: relinquishing a right entails the assumption of a duty which itself includes the obligations to take all of the necessary means required for the perfor-

mance of that duty. Whoever assents to guiding his actions by the Laws of Nature commits himself to the employment of those means necessary for achieving peace. At the minimum those means must certainly include the attempt to establish and/or enter civil society.

The fifth Law, Compeasance, or Mutual Accommodation, goes further in demanding of men that they come together and make an original contract. More specifically, it requires the rational person to try to fit himself in with the rest. This suggests that not only do individuals have an obligation to constrain themselves from acting on those natural passions which might interfere with the satisfaction of others' needs but that they are also bound to try to merge and fit together in the formation of a commonwealth. The only hope for achieving the shared goals of defense from aggressive neighbors and the cooperation necessary to accomplish the projects that would allow each to live well lies in the possibility of creating a united and stable society by each person accommodating himself with the rest. Only when they are living in a commonwealth can individuals trust one another and be secure enough to be accommodating, rather than defensive and offensive. The commitment to peace and mutual accommodation therefore entails the commitment to enter a commonwealth.

The ninth Law, against Pride, stipulates the necessary proviso for all contracts which will establish commonwealths. It illuminates the fact that people "will not

enter into conditions of Peace" (15,21,77) without the acknowledgement of equality. In the establishment of a civil society this Law of Nature is translated into the requirement that there be equal terms for everyone's membership in the commonwealth. Because, as Hobbes points out, everyone thinks of himself either as being more worthy than most or at least as worthy as others, no one would see himself as deserving lesser treatment than the rest. The imposition, on some, of more exacting requirements for commonwealth membership or the restriction of the rights of a few would tend to make those who are singled out for stinted treatment feel themselves apart from the rest and dissatisfied with their situation. Those suffering the discrimination then could not be trusted to support the status quo of their society. The presence of a disgruntled victimized group within a civil society would, therefore, be a threat to the peace. So, to avoid the likely rebellion that uneven treatment would inspire, a commonwealth must be founded on the basis of equality.

THE OBLIGATION TO OBEY ONE'S SOVEREIGN

The Third Principle

Accepting the idea that rational people are committed to form and enter civil society Hobbes goes on to maintain that it is necessary to erect "a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another" (17,13,87) In opposition to the idea that men could live together peaceably in leader-

less groups he recognizes that any group which might be formed from out of the State of Nature would be too unstable to endure without a sovereign. Again the condition of scarcity and the passions of competition, diffidence and glory would be likely to express themselves, within the group, in actions frustrating the possibility of sustaining a sovereign-less society. Without empowering a monolithic sovereign, internal forces, external forces, or both would undermine and destroy whatever social group had been temporarily created. He offers three specific arguments to buttress this general conclusion.

[1] Each individual who had agreed to enter civil society, seeing his situation from his own subjective vantage point, would be likely to have a somewhat idiosyncratic concept of what he and others had committed themselves to doing. Competition and diffidence would incline individuals to adopt self-serving views of the limited nature of their own commitments and the extensive nature of the obligations of others. Glory could be expected to keep everyone from recognizing or adopting anyone else's point of view. Since, predictably, each person would have a different understanding of his own commitments to others and the commitments of others to him everyone could be expected to find the demands of others excessive and the performance of others inadequate. In this context, fears of being short-changed or put-upon would revive the competition and diffidence which lead to war. In order to avoid such conflicts

within the society a single authoritative voice would be needed to articulate the Laws of Nature into specific civil laws for all to live by so as to clarify and make explicit the commitments of every citizen. Only a sovereign could fulfill this role.

[2] Without assurance that others will not injure you it would often be foolish to act with trust by honoring covenants or complying with the other Laws of Nature. With natural feelings of diffidence and lacking this essential condition for trust, even within a group, peace and its rewards could not be achieved. To remove the claim of vulnerability as justification for not acting in accordance with the Laws of Nature, a strong authority is needed to engender everyone with the fear that he will suffer greater harm, in punishment at the hands of the sovereign, than the benefits he might hope to receive from the violation of the the laws of his commonwealth and the Laws of Nature. Once a sovereign becomes empowered, then, because everyone knows that even short-sighted others now had good prudential justification for honoring their commitments, it could be rational to engage in those promising projects that relied upon trust. Instituting a sovereign is still, therefore, a necessary condition for having peace, even when a group can be formed.

[3] To mount the strongest possible campaign against a foreign invasion all of the group's defenders must act together according to the same plan. If each acted on his

own initiative the formidable power which they could achieve in a concerted effort would be dissipated and with that waste of strength the chance for victory would dwindle and be curtailed. The sovereign-less condition of a group would expose it to the peril of being perceived as a defenseless prey by neighboring groups, therefore making it even more vulnerable to attack. Because a sovereign is needed to give direction to a unified defense³⁶ it turns out that the institution of a sovereign is also required both as a safeguard and for mounting the best defense against assault by hostile neighboring commonwealths.

Each of the above arguments supports the Hobbesian assessment that groups without sovereigns would be at the precarious brink of returning to the state of war. For him Sovereign-less groups are, at most, fragile and tottering entities, trembling in the balance between war and peace. Since every rational person would find the ominous prospect of falling back into a State of Nature unacceptably threatening, each would accept the institution of a sovereign. As the necessary means not only for achieving but also for maintaining and defending the peace, to which the rational person is already committed through his assent to the Laws of Nature, everyone is bound to submit himself to the rule of a sovereign. Acknowledging the necessity of establishing a sovereign governed civil society for the achievement of peace we must now try to understand how civil society can be created and how a sovereign can be instituted.

The Generation of the Civil Society'

In sections of Leviathan, Chapters 17 and 18 Hobbes presents his account of "The Generation of a Commonwealth" (17,13,87). The little he says on the subject goes by very quickly and, at best, serves as a bare-bones sketch of what the theory would require in order to explain the creation of a Commonwealth and the institution of a Sovereign. The parallel accounts of the generation presented in De Cive, V, and The Elements of Law, I,19 and II,1, contribute nothing more to understanding this keystone of his political model. Furthermore, the standard explications in the literature of Hobbes scholarship, which see the establishment of civil society as a simple procedure, overlook both an area of serious inconsistency in the text and a crucial distinction which plays a central role in understanding how the commonwealth is created and the sovereign authorized.

Answering an array of serious theoretical questions hinges on comprehending the account of the generation of civil society and the authorization of the sovereign. Without first formulating a detailed construction of the Hobbesian model of how civil society and sovereignty are created there could only be conjectural improvised responses to inquiries about the source of citizens' obligation to obey their sovereign and his civil law and the grounding and extent of the sovereign's rights. Unraveling the, as yet, obscure Hobbesian scenario is, therefore, a crucial step

towards understanding his political theory.

To grasp the significance of the several steps in the complex process of generating civil society it is important to recall Hobbes's definitions of contract and covenant in Chapter 14. "The mutuall transferring of Right, is that which men call CONTRACT." (14,9,66) In contracts the transferring of rights by both parties occurs immediately and at once, whether or not "the delivery of the Thing it selfe. . . be delivered together with the Translation of the Right" (14,10,66) or at some later time. Under some contracts the Things are exchanged by the parties simultaneously "as in buying and selling with ready mony; or exchange of goods, or land" (*ibid*). In the special kind of contract called a "COVENANT or PACT", however, "one of the Contractors, may deliver the Thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the mean time be trusted." (14,11,66) The most significant fact revealed by this distinction is that simple contracts are transfers of rights which do not require trust while covenants depend upon trust. When the contracting involves delivering the Thing, together with the right to it, each party pretty much can see whether he is getting the Thing for which he bargained. Even when rights are transferred before the Things, it is apparent to each party when the other is acting as if he will do his part and, also, each still retains his possession until the exchange of Things occurs. On the other hand, when people

enter into a covenant, for a period of time, one party will have to act on the faith that the other will keep his promise. Without some security that the trusted other will later perform his part it would be rash to perform first.

Hobbes explains that

If a Covenant be made, wherein neither of the parties performe presently, but trust one another; in the condition of meer Nature, (which is a condition of Warre of every man against every man,) upon any reasonable suspition, it is Voyd: But if there be a common Power set over them both, with right and force sufficient to compell performance; it is not 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 justnesse of their own fears, cannot possibly be supposed. And therefore he which performeth first, does but betray himselfe to his enemy; contrary to the Right (he can never abandon) of defending his life, and means of living. (14,18,68)

In "the condition of meer Nature" contracts can certainly be enacted, but no one who followed the dictates of Reason would covenant and perform first because "a man cannot tell" (14,8,66) whether the person he would have to trust is trustworthy or a short-sighted fool.

While this distinction between covenants and other contracts appears straight forward and crisp in its presentation, the subsequent usage of the terms, even in the most crucial applications, sometimes reflects a failure to attend to the significant difference between the two concepts. Hobbes's slipping on this point, along with his primary agenda of insuring unquestioning obedience to the Sovereign, may account for the dissonance between the different inter-

pretations of how a civil society is forged. Nevertheless, concentrating on one selection of passages from Leviathan yields the now commonly accepted reading³⁷ that presents the sovereign as a duty-free third-party beneficiary of a covenant between the individuals who become his subjects: focussing on other selections suggests a more complex analysis of the authorization of a duty-bound sovereign. Although there seems to be no definitive way for adjudicating what Hobbes's account of the generation of the commonwealth and the authorization of the sovereign should have been, because neither reading will accommodate every passage, in this section I will argue against the accepted reading, most fully articulated by Larry May in his article, "Hobbes's Contract Theory"³⁸. Both the simple third-party beneficiary account and my own two-step analysis preserve Hobbes's emphasis on "the individual citizen, not the mass of citizens, as the most basic component in the establishment of political sovereignty"³⁶. Only the complex reading I want to defend, however, can manage also to establish and comprehend obligations of the sovereign.

The account offered in the key paragraphs of Chapter 17 contains most of what there is to be understood on the subject so, for reference, I will include the relevant text below. Hobbes explains that rational men will realize the necessity for creating an artificial power to insure that covenant agreements between men would be "constant and lasting" (17,13,87).

The only way to erect such a Common Power,...is to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by a plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgement. This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on the condition, that thou give up thy Right to him, and Authorise all his Actions in like manner. This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather...of that Mortall God, to which wee owe under the Immortall God, our peace and defence...And in him consisteth the Essence of the Common-wealth; which (to define it,) is One Person of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.

And he that carryeth this Person, is called SOVERAIGNE, and said to have Sovereigne Power; and every one besides, his SUBJECT. (17,13-14,87-88)

Three paragraphs later, in chapter 18, Hobbes goes on to explain "The Consequences to such Institution" of a commonwealth. He maintains that

From this Institution of a Common-wealth are derived all the Rights, and Facultyes of him, or them, on whom the Sovereigne Power is conferred by the consent of the People assembled. (18,2,88)

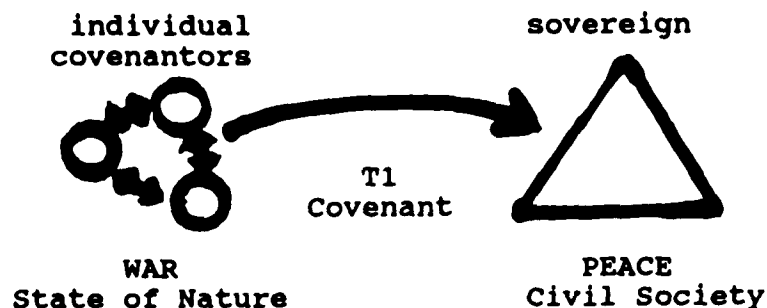
After this explanation, however, the specific details of how the commonwealth is instituted and how sovereignty conferred remain ambiguous.

The Simple Account

Larry May and those who share his reading understand

these hypothetical interactions as an agreement between the individuals who will enter the society. Each party promises every other party that he will give up his right of governing himself to the sovereign: each, then, actually transfers his right as he utters the promising words. The sovereign, who they view as the third-party beneficiary of the contracting individuals' transfer of rights, is "not strictly a contracting party to the contract"⁴⁰. The sovereign immediately gains the relinquished rights as the consequence of the performance of all the others, receiving them as a free gift. The individual citizens, in their promise accept obligations to obey the commands of the sovereign: the sovereign who, on this account, makes no promises takes on no special obligations when becoming sovereign. At the moment of institution (T1) the individuals give up their rights of governing themselves and become obligated to obedience: the sovereign gains the right to govern and be obeyed.

SIMPLE ACCOUNT



This seemingly plausible explication is not thoroughly

acceptable for at least four reasons. First, although May collapse; the distinction between contract and covenant by claiming "that Hobbes mixes the notion of covenant and free-gift transfer to form the new notion of third-party beneficiary contract"⁴¹ the foundational agreement must be considered a covenant because Hobbes himself is most consistent in referring to the agreement that binds citizens to obedience to their sovereign as a covenant. If the agreement described above is to be acknowledged as a covenant then the simple interpretation is untenable because Hobbes is also unequivocal in maintaining the unreasonableness of entering into covenants while living in the State of Nature. Covenants require trust, and without a sovereign to provide secure grounds for faith there is no justification for acting on the confidence that others will perform as they promised. Pursuing peace by forming a commonwealth is a dictate of Reason and, as such, it could not depend upon a foundation of rash irrationality. If covenanting from the State of Nature were the necessary route for authorizing a sovereign and instituting a commonwealth it seems that no person who obeyed his Reason should ever participate in the establishment of peace. Reason dictates both the pursuit of peace through commitment to a commonwealth and evading the predictable danger of performing first on a covenant in the State of Nature. Unless we are willing to acknowledge Hobbes's political theory to be founded upon this basic contradiction we are pressed to find an account of the

institution of the commonwealth which does not include institution immediately by a covenant made in the State of Nature.

Secondly, we should remember that Hobbes presents two routes for the attainment of sovereign power. While "Commonwealth by Institution" is the paradigm for his political theory, the alternative account of "Commonwealth by Acquisition" is presented as a special case of the former rather than an irreconcilable second kind of generation. In Chapter 20, "Of Dominion PATERNAL, and DESPOTICALL", which is devoted to the "Commonwealth by Acquisition", he holds that the two kinds of generation "differeth...onely in this, That men who choose their Sovereign, do it for fear of one another, and not of him whom they Institute" (20,2,102 [emphasis added]). In the discussion of situations in which sovereign power is achieved by force, both at the end of Chapter 17 and in Chapter 20, it is made clear that the sovereign gets authority only by gaining the consent of the vanquished. Also, when Hobbes analogizes the sovereign and subject to parent and child he maintains that the parent's "[d]ominion . . . is not so derived from the Generation, as if therefore the Parent had Dominion over his Child because he begat him; but from the Childs Consent" (20,4,102). Later on he continues writing that

[i]t is not therefore the Victory, that giveth the right of Dominion over the Vanquished, but his own Covenant. Nor is he obliged because he is Conquered...but because he commeth in, and Submitteth to the Victor. (20,11,104)

As in the case of "Commonwealth by Institution" the individual "men singly, or many together by plurality of voyces" (20,1,101) covenant with the sovereign when they consent to his governance.

In Chapter 20 it seems blatant that the sovereign himself is actually also a party to the covenant: the victor accepts conditions for sparing the life of the vanquished and he trusts the vanquished "with his corporall liberty" (20,12,104). This understanding of the relationship of the parties is supported by Hobbes's Chapter 14 discussion of why there cannot be covenants with beasts. There he says that "without mutuall acceptation, there is no Covenant." (14,22,69) If the "acceptation" must be "mutuall" then the sovereign must be a party to the covenant which creates "Commonwealth by Acquisition"; if he is a party there, then, by symmetry, he must also be a party to the covenant which institutes a commonwealth. Since "Commonwealth by Institution" should be like its counterpart in this respect the sovereign there must also be more than a passive third-party beneficiary: he must be an active party to the covenant who, in accepting conditions, really gives up some of his own rights and takes on obligations for which he could be held accountable.

Thirdly, Hobbes's own example in Part 3, Chapter 35, of the institution of the KINGDOME OF GOD, which is "a Kingdome properly so named" (35,2,216), shows that his account includes the sovereign obliging himself. There he presents

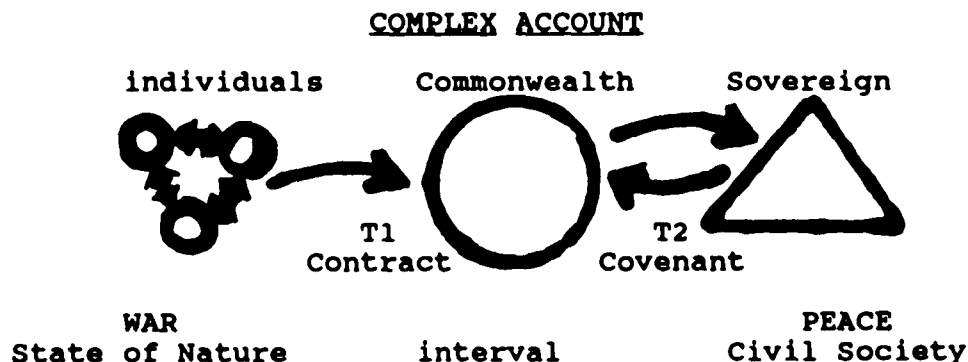
God's authority over the People of Israel as deriving from "the Votes of the People...wherein they chose God for their King by Covenant made with him, upon Gods promising them the possession of the land of Canaan" (*ibid*, and similarly 35,4,216). In this illustration God is presented as a proper party to the covenant who committed himself to delivering Canaan to the People of Israel. Since Hobbes presents this as an example of an institution of sovereignty it counts as a model of how Hobbes constructed the authorization procedure. It also shows that, at least when he is not focused on the question of obedience to the sovereign, he fully recognized that in his own system the sovereign is a duty bound party to the covenant.

Fourthly, as Larry May does notice⁴², Hobbes requires unanimity for the formation of the commonwealth but only a majority for the selection of the sovereign. This discrepancy in voting requirements implies that the procedure for authorization must be more complex than the third-party beneficiary account allows. At least two distinct votes are entailed in the formation of civil society and they must necessarily occur at different times. The moment of unanimous mutual commitment and the moment of institution of the Sovereign by the vote of a majority must, therefore, be distinct points in time.

The Complex Account

In light of these problems associated with the popular third-party beneficiary view of the generation of civil

society, searching for a slightly more complicated approach seems justifiable.⁴³ I suggest that instead of seeing the institution as occurring in a single move, it should be analyzed into two steps. The first step creates a Commonwealth: the second step authorizes a Sovereign.



Two passages from Leviathan, Chapter 18, have particular bearing on understanding the generation as a two-step process. The chapter begins with the statement that

A Common-wealth is said to be Instituted, when a Multitude of men do Agree, and Covenant, every one, with every one, that to whatsoever Man, or Assembly of Men, shall be given by the major part, the Right to Present the Person of them all, (that is to say, to be their Representative;) every one, as well he that Voted for it, as he that Voted against it, shall Authorise all the Actions and Judgements, of that Man, or Assembly of men, in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men. (18,1,89)

This section is shortly followed by Hobbes's discussion of why "No man can without injustice protest against the Institution of the Soveraigne declared by the major part" (margin note 18,5,90). There he argues that

because the major part hath by consenting voices

declared a Sovereigne; he that dissented must now consent with the rest; that is he contented to avow all the actions he shall do, or else justly be destroyed by the rest. For if he voluntarily entered into the Congregation of them that were assembled, he sufficiently declared thereby his will (and therefore tacitely covenanted) to stand to what the major part should ordayne: (18,5,90)

In both sections there is the strong suggestion of the temporal sequence of the two separate actions. At the time (T1) when the commonwealth "is" instituted "a Multitude of men do Agree" that at a future time (T2) their representative "shall be given...the Right to Present the Person of them all". Then (at T2) whoever may have voted against the elected representative is bound "to avow all the actions he shall do" because he previously (at T1) "entered into the Congregation...(and therefore tacitely covenanted [at T1]) to stand to what the major part should ordayne" (at T2). At T1, from what had previously been a mere multitude, the commonwealth is created, "a reall Unitie of them all in one and the same Person" (17,13,87).

A contract, enacted at T1, is the first step of the process. The contracting creates the heretofore unnoticed, morally central artificial person, the commonwealth. At T1 each person in the group somehow communicates to every other his commitment to participating in a commonwealth and his willingness to elect a sovereign and authorize the sovereign's actions as his own. At the moment of commitment each cooperating individual relinquishes his own right to disassociate himself and remain at war with the others. Everyone then (at T1) immediately becomes bound to unite with all of

the others who also, simultaneously, accept the comparable obligations. When these rights are relinquished no one is asked to trust another because everyone performs at once. No one is called upon to have faith in another's promise to deliver some Thing because, as yet, no Thing is transferred. Each party becomes obliged by his own contracts but he is only committed to cooperate with the others in selecting and then authorizing a sovereign at T2. No one will be called upon fully to give up his "Right of Governing" himself until T2 when a sovereign is authorized, at that instant, making it safe for everyone to do so.

The contract forging the commonwealth is a unanimous agreement among the contractors. This unanimity is a tautological necessity because whoever does not become a party to the original contract does not become a member of the congregation. The commonwealth is only composed of assentors: those who withhold their assent do not become part of the particular congregation created by the contract.

At this point in the analysis, before going on to describe the second step in the construction of civil society, it becomes crucial to understand Hobbes's definitions of the terms "Person", "Actor", "Author", and "Authority" and to raise the question, "Who is the Leviathan?". At the beginning of Chapter 16 Hobbes presents his explication of these important concepts. PERSON is defined as

he, whose words or actions are considered, either as his own, or as representing the words or actions of any other man, or of any other thing to whom they are attributed, whether Truly or by Fiction.

When they are considered his owne, then is he called a Naturall Person: And when they are considered as representing the words and actions of an other, then is he a Feigned or Artificall person. (16,1-2,80)

He continues to explain

that a Person, is the same that an Actor is, both on the Stage and in common Conversation; and to Personate, is to Act, or Represent himselfe, or an other; and he that acteth another, is said to beare his Person, or act in his name;...

Of Persons Artificial, some have their words and actions Owned by those whom they represent. And then the Person is the Actor; and he that owneth his words and actions, is the AUTHOR: In which case the Actor acteth by Authority. . . so the Right of doing any Action, is called AUTHORITY. So that by Authority, is always understood a Right of doing any act: and done by Authority, done by Commission, or Licence from him whose right it is. (16,3-4,81-2)

When "[a] Multitude of men, are made One Person" (16,13,82) by their contract with one another, though "the Multitude naturally is not One, but Many," (16,14,82) they become the single, mighty, artificial "Person" who is also referred to as "Civitas" (17,13,87), the "Congregation" (18,4,90), and the "People" (18,2 and 4,88; 35,2,216).⁴⁴ From these concepts and a careful reading of the text we can understand who the Leviathan must be. The answer provided is that the commonwealth itself is "that great LEVIATHAN" (17,13,87). In all of Hobbes's English writings there are, in fact, only three uses of the term, "Leviathan", (as distinguished from mentions of the title of the book) to be considered in confirming this understanding of the intended meaning. Besides the initial explication of the term in Chapter 17 of Leviathan, cited above, the term also appears in the introduction of that book and at the end of Chapter 28. In the

introduction Hobbes distinguishes "that great LEVIATHAN called a COMMONWEALTH, or STATE, in Latin CIVITAS, which is but an artificial man;" (intro.,1,1) from sovereignty which "is an artificial soul, as giving life and motion to the whole body" (ibid; similar description of Sovereign 29,23,174) of the Leviathan. Here the Leviathan is clearly not the sovereign; the sovereign personates Leviathan and acts as his agent while the Leviathan personates the natural persons who authorize his actions. In the last paragraph of Chapter 28 Hobbes compares the great power of the governor of men to the biblical Leviathan and refers to the next chapters where he will "speak of his Diseases, and the causes of his Mortality; and of what Lawes of Nature he is bound to obey." (28,27,167) Then, in Chapter 29, he immediately makes it clear that the "he" who is "Leviathan" is that artful creation of men (intro.,1,1), the commonwealth, not the sovereign.

Leviathan is the actor who acts on the authority of each natural person who, by contract, has participated in creating the commonwealth. Every natural person is the author of the authorized acts done by the actor, Leviathan, who represents him.

From hence it followeth, that when the Actor maketh a Covenant by Authority, he bindeth the Author, no lesse than if he had made it himselfe; and no lesse subjecteth him to all the consequences of the same. And therefore all that hath been said formerly, (Chap. 14.) of the nature of Covenants between man and man in their naturall capacity, is true also when they are made by their Actors, Representers, or Procurators, that have authority from them, so far-forth as in their Commission, but no farther. (16,5,81)

Returning, now, to the explication of the institution of civil society, we can see that a covenant is the second step in the generation process. The two parties to this covenant are (1) the Leviathan, i.e., the People and (2) the sovereign. The People promise to be governed by the sovereign's laws while the sovereign promises to act for the "Peace and Common Defence" (17,13,88 similarly 30,1,175) of his subjects "and to direct their actions to the Common Benefit" (17,12,87). Each party acts on the faith that the promises made by the other for future performance will be fulfilled. At this point each individual member of the congregation transfers his power to the sovereign trusting him to use the combined strength of all "for their Peace and Common Defence". (17,13,88) Since every natural person who participates in the congregation is the author of all commissioned acts of the People, the covenant between Leviathan and the sovereign binds each author to obey the Dictates of the sovereign. The sovereign, who transfers to the People his right to act freely within his right of Nature "as he will himselfe, for the preservation of his own Nature" (14,1,64), at the same time (T2) accepts the obligation to direct their power towards the construction of a society which will allow all subjects to "nourish themselves and live contentedly" (17,13,87; similarly 30,1,175). By his promise he transfers at least this much, that he can no longer be without the duty to protect the People; which duty constitutes a right in the People to have his protection.

Also, in agreeing to limit his own liberty, the sovereign trusts the People not to unleash their considerable confederated Leviathan strength against him.

When a person(s) accepts the "Office of the Sovereign" (30,1,175) he assumes the "duty" (30,3,175) of that position, to act to achieve "the end, for which he was trusted with the Sovereign Power, namely the procuration of the safety of the people; to which he is obliged" (30,1,175). Throughout Chapter 30 of Leviathan Hobbes enumerates the acts which the sovereign is duty bound to perform and those which would be "Against the duty of a Sovereign to" (margin note 30,3,175) do. By his repeated use of the language of obligation⁴⁵ in this chapter he demonstrates, without ambiguity, that the sovereign has undertaken special duties by promising those who trust him when he accepts the office.

While there is no one outside of this original covenant who can exercise power in order to provide the assurance that each party will perform according to his promise the covenant is valid, nonetheless, since it is not made in the State of mere Nature. Once the commonwealth is instituted the contractors have escaped the condition and danger of mere Nature. The power fused in the People gives the congregation inordinate strength for security against the sovereign: the might of a Leviathan exceeds the power of any solitary sovereign. So, by trusting a sovereign the People are not violating right Reason. On his part, the authorized sovereign, who is beneficiary of the power

conferred upon him by each of his subjects, also has a tremendous extra measure of strength which allows him sufficient security to covenant without violating the dictates of his own Reason.

During the time intervening between T1 and T2 the commonwealth must select its form of sovereignty between Monarchy, Aristocracy, and Democracy (21,1,94). The commonwealth must also settle on a voting procedure and a definition of what will count as "the major part" (18,5,90) of the People in declaring a sovereign. Furthermore, the People must also decide if it will reserve some portion of the individuals' Right of Nature (beyond that which is inalienable) from the sovereign's authority and, if so, which portions will be withheld (e.g., those rights enumerated in the United States "Bill of Rights").⁴⁶ Because agreements on these issues must be made before a sovereign can be authorized, and because a congregation must be formed before it can begin to work out these compromises, it seems that the institution procedure must involve the three distinct stages of contract at T1, the intervening agreements, and covenant at T2.⁴⁷ The authorization of the sovereign cannot, therefore, result from the original contract immediately and spontaneously as a third-party beneficiary. It seems more likely that civil society is the result of the two step process laid out above and that the sovereign acquires his authority only by being a real party to the original covenant which is distinct from the original

contract.

Further support for my analysis emerges from chapter 16. There it seems that Hobbes was totally aware of the fact that each natural person may, at various times, act several distinct roles. He reminds the reader that Cicero had held such a view and that a person "is called in diverse occasions, diversly; as a Representer, or Representative, a Lieutenant, a Vicar, an Attorney, a Deputy, a Procurator, an Actor and the like." (16,3,80) Though the implications of this position are not drawn out in the text, it follows from what has been said that in the political context alone, an individual bears different persons, both natural and artificial: one natural person is also a part of the People, a subject, and perhaps even a sovereign or part of a Sovereign body. If someone "is called in diverse occasions, diversly;" (*ibid*) we again have, in those sequentially distinct occasions, the suggestion of the temporal ordering of the several steps in the creation of civil society.

Counter-Evidence and Defense

Although the case for the two-step reading of Hobbes's account of the generation of civil society and the institution of a duty-bound Sovereign may, by this point, at least, seem worth considering, one glaring section of Chapter 18 does appear to confute any such confidence. There, in the section explaining why "Soveraigne Power cannot be forfeited" (margin note 18,4,89), Hobbes seems to be plainly denying the thesis that the sovereign is a party to the

original covenant. He writes that,

the Right of bearing the Person of them all, is given to him they make Sovereigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on the part of the Sovereigne; and consequently none of his Subjects, by any pretence of forfeiture, can be freed from his Subjection. That he which is made Sovereigne maketh no Covenant with his Subjects before-hand, is manifest; because either he must make it with the whole multitude, as one party to the Covenant; or he must make a severall Covenant with every man. With the whole, as one party, it is impossible; because as yet they are not one Person: and if he make so many severall Covenants as there be men, those Covenants after he hath the Sovereignty are voyd, because what act soever can be pretended by any one of them for breach thereof, is the act both of himselfe, and of all the rest. . . . The opinion that any Monarch receiveth his Power by Covenant, that is to say on Condition, proceedeth from want of understanding this easie truth, that Covenants being but words, and breath, have no force to oblige, constrain, or protect any man, but from what it has from the publique Sword; (18,4,89)

In this section Hobbes appears totally oblivious to the two step procedure which I have described as being inherent in the text. He plainly argues that the sovereign cannot be charged with any "breach of Covenant" because he has not entered into any. The objections he raises to the existence of such a covenant do not, however, touch on my analysis of the institution of the sovereign since his arguments focus on the question of whether there is a covenant between the sovereign and the individual subject. In my reconstruction of the theory I claimed that the authority of the sovereign is vested with the covenant between the sovereign and the People, the unity of them all. Hobbes's attack on the suggestion that there might be covenants between individuals and the sovereign is, however, an abjuration of his own

account of "Sovereignty by Acquisition" presented in Chapter 20 where it is made clear that the obligations of both the victor and the vanquished are founded on their covenant. For the sake of consistency, either most of Chapter 20 and all of the other textual evidence for Hobbes actually holding the view that the sovereign is a party to the covenant should be discounted or else the passage above and any other words which echo that repudiation must be. Of course, my preference is for the latter and the historical analytic choice, which is always to save all of the central passages you can, would concur.

In a footnote to the section just cited above in the French translation of Leviathan, Francois Tricaud⁴⁸ remarks that he finds several peculiarities in the passage. He points out that in Hobbes's later Latin version of Leviathan there is an unexpected use of the concept of "civitas" as something relatively distinct from "the Sovereign".⁴⁹ In the Latin version Hobbes adds the following,

Then, to want to oblige him who holds the supreme power by covenants is to want to oblige the civitas itself. And if we concede that whoever holds the supreme power can make covenants with the civitas, and violate them, who will decide this case, when he who would have violated such a covenant will deny it.⁵⁰

The objection Hobbes raises here is an extremely serious one for his theory because one of the justifications for instituting a sovereign is that he will be needed to mediate disputes between the individuals who subjectively tend to interpret the Laws of Nature to their own advantage. The problem of having no mediator for resolving disputes between

the sovereign and the civitas would not, however, rule out the possibility of the sovereign covenanting with the People. In fact, Hobbes presents a solution to his problem by putting God forward as the mediator between sovereign and civitas: in Leviathan chapter 30 (e.g. 30,1,175) the sovereign is held accountable to God and throughout Part 3, God is named as the ultimate judge over the actions of both subjects and sovereigns. Regardless of whether or not the lack of an earthly mediator is crucial, Hobbes's clearly mentioning the distinction between "civitas" and "Sovereign" lends further credence to interpreting the text as I have on this issue by supporting the possibility of the theory having actually been constructed with the assumption of these as two distinct entities.

The text alone may not be fully conclusive in settling the question of whether the sovereign is the third party beneficiary of a covenant between the individual members of a society or an assenting party to a covenant with the People. Taking a comprehensive view of the entire book, however, makes the complex reading, suggested above, seem to be the most fitting choice. Also, considering Hobbes's underlying motivation of producing citizens who would always reject revolution as an irrational choice, easily explains away those passages which appear to confute the two-step analysis offered above. Blatantly presenting the two-step theory as his own could appear dangerous to Hobbes because once the sovereign is recognized as a covenantor who has

undertaken obligations, his failure to meet his commitments (e.g., his failure to protect) could be regarded as justifying grounds for acts of civil disobedience or rebellion.

Consequences of the Complex Account

The model of the relationship between bound subjects and obligated sovereign, which emerges from the complex interpretation, is much more palatable to the modern liberal than the alternative. On this view there are grounds for holding the sovereign accountable for his actions and a means and instrument, the mighty Leviathan, for confronting his unauthorized acts. The sovereign, as a party to the covenant with the People, has assented to doing what will provide peace and security for his subjects. If the sovereign fails to fulfill his duties to the congregation he could be replaced as its agent just as one could fire a lawyer and engage another representative. Such voiding of a covenant and disenfranchisement of the sovereign would not be an injustice since the confidence in his performance on the covenant would have been eroded by his past failures and there would be no imminent "coercive Power to compell" (15,3,71) his future compliance. Theoretically, this kind of change in leadership could be affected by the People without bringing about a bloody revolutionary war (e.g. Ronald Reagan replacing Jimmy Carter in the United States, Corazone Aquino replacing Ferdinand Marcos in the Philippines). When the commonwealth, "a real Unitie of them all, in one and the same Person" (17,13,87) rather than

individual citizens each acting on their own initiative, chooses to replace the sovereign with a substitute, the act should not compromise the peace. Mechanisms for the recall of a sovereign by the People are, in fact, institutionalized in modern societies (e.g. elections, votes of confidence, and impeachment procedures) and the acceptability of such action is even recognized by Hobbes who reminds us of the example of the People of Israel who replace God with Saul as their sovereign. (40,10&11,253-55)⁴⁵

On my reading of how civil society is created and how the Sovereign comes to be instituted, the previously unseen Leviathan emerges as a distinct entity with a crucial place in the history and morality of the creation of Peace. Recognizing the existence of the Leviathan and acknowledging its intermediary position in the series of commitments which create the state allows the community to emerge as the proper focus of and for the sovereign's actions. The sovereign owes his obligation to the congregation: his duty is to act and legislate for the peace and security of the People. This makes the welfare of the Leviathan the proper goal of all of the sovereign's acts.⁵² Understanding the pivotal place of the Leviathan as the axial subject and beneficiary of the sovereign's acts, by right conceded in the covenant between the People and the sovereign, gives new meaning and significance to the title of the book. The overlooked commonwealth itself, not the individuals who are its foundation and not the sovereign who is its agent, turns

out to be the central conceptual political institution of Leviathan.

Seeing the People as a powerful potential force also eliminates an unsettling seeming contradiction. It would certainly have been incongruous for fearful, distrusting, apprehensive Hobbes, who had taken the fear of each single individual as sufficient motivation for entering civil society, to put all power and rights into the uncheckable hands of a sovereign. Allowing the commonwealth to serve as a limitation on the sovereign's actions protects the individual subject from the unbridled whims of the powerful sovereign.

The two-step approach also reveals a comprehensible and much more convincing account of the way in which individuals become bound to obey the civil law. As long as the third-party beneficiary interpretation is accepted each individual is seen as only promising each other to obey whoever will be lawmaker and undertaking no direct commitment to the sovereign. In the absence of an obligation immediately tied to the sovereign, the duty to obey civil law seems suspiciously weak. Furthermore, if subjects have no rights against their sovereign and he has no obligations to them there is a significant likelihood that frequently his legislation will be constructed so as not to be in the best interest of the subjects. When the sovereign is a tyrant and the individual subject can expect little or no "Good to himselfe" (14,8,66) from obedience to the Sovereign's laws his commitment to

obey must be considered null. Clearly, this is not the result that Hobbes is pressing.

On the complex account the individual personally commits himself to being a congregant of the commonwealth. Then, acting as a congregant and not an egocentric individual, each as a part of the Leviathan unit, whether in the majority or not, covenants with the sovereign to be his lawmaker and yields to him the powers that the People have chosen to give up to him. In this way each individual becomes personally and directly committed to obey the sovereign's civil law while the sovereign also assumes an obligation to each to act in the best interest of the commonwealth. With the sovereign morally bound to pursue a course guided by the goals of peace and security for the commonwealth, empowered by the individual subjects, and constrained by fear of the Leviathan entity, every subject has a strict duty to obey the sovereign's civil laws for at least four reasons. (1) Fear of the sovereign's punishment and possible expulsion from membership in the civil society serves as powerful motivation for even the short-sighted individual. (2) Reason, which leads a person to commit himself to obedience, would be violated by failures to obey the law. Transgressions should be seen as contradictions to the plan of action prescribed by reason. (3) In giving his consent to being governed by a sovereign's laws each person undertakes an obligation to obey them. (4) Because the sovereign's actions are authorized directly by each individ-

ual who, as a member of the commonwealth, Covenants with the sovereign and relinquishes his power to rule himself, his laws are truly one's own laws created by each for himself. The self-made laws are implicitly binding because they carry one's own assent.

While the third-party beneficiary account can present a case for fear, the first reason to obey the civil law, and at least an arguable case for Reason and consent, the second and third reasons, only the complex account can adequately defend the fourth reason, that they are one's own laws. This last justification is the one Hobbes himself points to as the morally significant ground for the obligation to obey the civil law.

The Civil Law

Once a sovereign is authorized the commonwealth can act through its authorized agent. The sovereign who is the soul of the commonwealth embodies its will and action and personates the commonwealth in the fulfillment of its purpose. A primary aspect of the responsibility undertaken by the sovereign is to enact civil laws that will promote and secure the peace of the society he rules. He is, therefore, bound to frame and enforce the civil law which must be "good Law", law "which is Needfull, for the Good of the People" (30,20,182).

Within a commonwealth "all Lawes, written, and unwritten, have their Authority, and force, from the Will of the Common-wealth; that is to say, from the Will of the

Representative" (26,10,139) who is the sovereign. Each subject is also, in another sense, the author of all of the actions of the sovereign representative "because every Subject is by this Institution [of a Sovereign] Author of all the Actions, and Judgements of the Sovereigne Instituted" (18,6,90) Hence, subjects are doubly bound to obey the civil law. 1) From the obligation to obey the Laws of Nature everyone is bound to keep promises. In committing to the commonwealth each promises that he will obey the commands of the instituted sovereign. Therefore, the Laws of Nature require obedience to the sovereign's civil law. 2) By personally authorizing the sovereign as one's agent the laws issued by the sovereign become one's own commands to oneself. To disobey the civil law would then be acting against one's own judgement and a violation of Reason.

Because all subjects accept these dual constraints (by the Laws of Nature and rationality) which require conforming with their commands, the civil laws can be seen to be the

Artificial Chains. . . which they themselves, by mutuell covenants, have fastened at one end, to the lips of that Man, or Assembly, to whom they have given the Sovereigne Power; and at the other end to their own Ears. (21,5,109)

Even though the original authority and power to make principles into laws derives from the individual subjects, since they have given the right to make civil laws to the sovereign whom they authorize, "it is by the Sovereigne Power that it is Law" (26,22,143). While the subjects are bound to obey the civil laws only the sovereign has the

authority to issue them.

For Hobbes, civil laws are the commands that members of any commonwealth must obey. (26,1,136) The civil laws issued by the sovereign are either "Natural" or "Positive". Natural laws, also called "Morall" laws "are those which have been Lawes from all Eternity" (26,36,148). They are the civil laws which are coextensive with the eternal immutable Laws of Nature. Positive civil laws "are those which have not been from Eternity; but have been made Lawes by the Will of those that have had the Soveraign Power over others" (26,37,148). The sovereign can declare whatever he chooses to be a civil law so long as it does not conflict with the Laws of Nature "for whatsoever is not against the Law of Nature, may be made Law in the name of them that have the Soveraign power" (26,40,150): subjects are bound to obey the commands of all civil law. Conversely, an order issued by an individual which would require those conforming to violate a Law of Nature could not be civil law because "Law can never be against Reason" (26,11,140). Since laws are the commands of those with authority and the Sovereign has authority only to act for the common peace, the natural person acting the role of sovereign has no power to order subjects according to his "private Reason" (ibid) and they would have no duty to obey his unauthorized decrees. The sovereign is only authorized to legislate as agent of the commonwealth, hence, his civil laws must be consistent with peace within the civil society, hence, consistent with right

Reason and, therein, reconciled with the Laws of Nature.

While all civil laws need to be clearly delineated and communicated by the sovereign, the content of the obligations imposed by natural laws can be known to all because they are contained in the Laws of Nature and accessible to all through the application of Reason. On the other hand, the positive laws, which only oblige because the sovereign commands them (e.g., driving on the right), require advertising, explanation, and justification. Natural laws oblige everyone always (27,4,152) but Positive laws are binding only on those who are subject to the issuer's commands (26,4,137) and only when they are known by the subject (27,4,152).

According to Hobbes there are two kinds of positive civil law, the Humane and the Divine. Humane civil law can again be divided into two classifications. Distributive humane civil laws determine the precise content of subject's obligations and rights, give the rules for property ownership, and describe the liberties or rights of use allowed the owner. Penal humane civil laws declare the penalties for the violation of laws to the "publique Ministers appointed to see the Penalty executed" (26,38,148). Divine positive civil laws are laws declared by the sovereign to the subjects of a commonwealth as "being the Commandments of God" (26,39,148). Hobbes argues that since it is impossible for anyone to be certain of another's claim to have "had a supernaturall revelation of Gods will" (26,39,149) the

obligation to obey Divine civil laws could not be based on their originating from God. Rather, the duty to obey must be derived from the individual's previous undertakings. (26,40,149) Hence, the obligation comes from either, or both, the subject's previous assenting to obey the commands of the sovereign, or the individual's former assenting to follow the dictates of God which, for Hobbes, entails accepting the sovereign's rendering of the Divine commandments.

Although the primary purpose of civil law is to explicitly communicate the requirements of natural law, still, civil laws framed in the "bare words" of language are frequently vague, ambiguous, or imprecise in their expression or application to particular cases. Nevertheless, Hobbes holds that a simple interpretive device can always be invoked for clarification. The Law of Nature can be employed to supply the proper sense of the civil law which should always be assumed to be in accordance with "the Intention of the Law" (26,26,146), that is, to provide for equity (conformance with the eleventh Law of Nature) within the commonwealth.

The Relationship of the Civil and Natural Law

This declaration of the intent of the civil law demonstrates how "[t]he Law of Nature, and the Civil Law, contain each other, and are of equall extent." (26,8,138) The civil law specifies a standardized version of the natural law in order to avoid disputes which would arise

from allowing each individual to interpret the Laws of Nature subjectively: the natural law is invoked to mediate questions about the meaning of the stipulations of civil law. For Hobbes this is an essential relationship because he sees the intentional content (but not the details) of the civil and natural law as being the same. When the sovereign obliges subjects to obey the Laws of Nature they become the civil laws; in this sense the Laws of Nature are part of the civil law. "Reciprocally also, the Civill Law is a part of the Dictates of Nature." (*ibid*) This, too, is a necessary truth because for a statute legitimately to be a civil law it may "not [be] contrary to the Morall Law" (26,40,149) and it must express "Justice, that is to say, Performance of Covenant, and giving to every man his own, [which] is a Dictate of the Law of Nature." (26,8,138) In fact, the intention of the civil law and the Laws of Nature are completely coextensive because in addition to the explicit commands of the civil law which we have just seen to be consistent with the Laws of Nature, the silence of the civil law is consistent with the Laws of Nature. Both natural and civil law require that "in whatsoever is not regulated by the Common-wealth, tis Equity (which is the Law of Nature, and therefore an eternall Law of God) that every man equally enjoy his liberty." (26,40,150) Since the Laws of Nature govern all human interactions and the civil law through both its dictates and equity governed silences also governs all human interactions the overlap of civil law and the Law of

Nature is complete.

The Origin of Sovereign Rights

Clearly, Hobbes accords the sovereign the right to dictate the civil law and rights to do many other things besides. In addition to the right of prescribing the civil law, Hobbes enumerates six other rights of the sovereign, in Leviathan, Chapter 18. Where do they come from? How does the sovereign get them? We need answers to these questions before we can attempt to explain the central conclusions of Hobbes's political theory, his view of the rights and duties of sovereign and citizens.

At the beginning of Chapter 18, immediately after explaining the creation of the commonwealth and the institution of the sovereign, Hobbes declares that

[1] From this Institution of a Common-wealth are derived all the Rights, and Facultyes of him, or them, on whom the Sovereigne Power is conferred by the consent of the People assembled. (18,2,88)

Later in the chapter, in explaining what he counts as the sixth right of the Sovereign, to "judge of what is necessary for the Peace and Defence of his Subjects" (18,8,90 margin note) he explains that

[2] because the End of this Institution, is the Peace and Defence of them all; and whosoever has right to the End, has right to the Means; it belongeth of Right, to whatsoever Man, or Assembly that hath the Sovereignty, to. . . (18,8,90)

These explanations, which purport to account for the rights of the sovereign, present a somewhat confused or confusing, and perhaps even an inadequate understanding of their foundation. Hobbes's failure to develop a consistent and

adequate clarification of this crucial piece in the structure of his political theory, no doubt contributes to some of the misunderstandings found in the corpus of Hobbes scholarship.

There are two interpretative threads suggested in these excerpts which might provide the answer to the important Hobbesian question, "which is, by what door the Right, or Authority... came in" (28,2,161). An adequate account of the source of the sovereign's rights would have to weave both strands into the whole cloth of Hobbes's theory. The first line, more closely related to the first reference cited above, points to an origin within the hypothetical history of the institution. The second, which corresponds to the second reference, implies an essential connection with the office of sovereign.

The explicative task, however, becomes still more complicated by the Chapter 28 discussion of the derivation of a sovereign's right to punish. There Hobbes presents yet another kind of explanation for the rights of the sovereign when he maintains that

[3] For the Subjects did not give the Sovereign that right [to punish]; but onely in laying down theirs, strengthened him to use his own, as he should think fit, for the preservation of them all: so that it was not given, but left to him, and to him onely; and (excepting the limits set him by naturall Law) as entire, as in the condition of meer Nature, and of warre of every one against his neighbour. (28,2,162; a similar account of the effect of one natural person's renunciation of rights on another is found at 14,6,65)

This third foundation of Sovereign rights sketched in Chapters 14 and 28, seems to have some currency in the

recent literature. According to this description subjects renounce rights rather than transfer them to the sovereign and the sovereign acquires no additional rights from his institution. This model of having strength solely from being, by default, the only remaining rights bearer does not perfectly coincide with the text.

First, the sovereign is not a natural person but an artificial one personated by one or several individual actors. The artificial sovereign person does not exist in the state of nature. His natural rights could, therefore, not exceed those of natural persons because he has none to retain. This point is especially obvious in cases of instituted groups serving in the role of sovereign. Each participant in the sovereignty could, in fact, be one of those who had previously laid down his own natural rights. In that case each would have nothing to retain, hence, no greater rights than any subject.

Second, for the sovereign to be effective in enforcing the peace and constraining subjects to obey his laws he must exert more than his own natural force. When subjects renounce any of their natural rights they are only morally constrained from doing what they have undertaken not to do. Nevertheless, they might still physically challenge the authority of the sovereign. If he had no more than his own natural power and rights to use in response to such challenges it would not be possible for the sovereign to do what was required for maintaining the peace.

Furthermore, careful attention to the form of the Chapter 28 account reveals that it could represent a deviation from what Hobbes sees as his standard account (e.g., the one offered in Chapter 18) of the origin of Sovereign rights. To him, the right to inflict punishment seems to be an especially difficult case for his theory to explain because of the tension with the central right of self-preservation, so, here he could be attempting to give an alternative account. Since this Chapter 28 try does not succeed in accomplishing the explanatory task, a satisfactory answer must be found elsewhere.

Returning, then, to the first two explanations cited above, we need to explore and comprehend just how they account for the rights of the sovereign. Not until the "door" which leads to the sovereign's rights is fully exposed will we be able to proceed to the subject of understanding the content of a sovereign's rights.

[1] When the commonwealth is instituted each contractor promises to give up his right of governing himself to whomever comes to be authorized sovereign by the commonwealth. The moment the commonwealth covenants with someone (or a few) to represent it, in acting for the common peace and defense, that agent sovereign receives the transferred rights of each of those who become his subjects. As the direct recipient of the subjects' transferred rights, the sovereign comes to have rights that no one else any longer enjoys because each individual has relinquished his own

natural store and transferred them to the sovereign.

[2] In explaining some of the implications of covenants in Leviathan, chapter 14, Hobbes declares that

He that transferreth any Right, transferreth the Means of enjoying it, as farre as lyeth in his power... And they that give to a man the Right of government in Sovereignty, are understood to give him the right of levying mony to maintain Souldiers; and of appointing Magistrates for the administration of Justice.
(14,21,68)

An act of transferring rights and also the meaning of the words which characterize the act of giving up rights implies concomitant giving of the rights to the means for exercising the granted rights. The definition of the name, "covenant", as well as the act of covenanting contain the essential feature of transferring the means for exercising the relinquished right. Without the right to whatever is necessary for satisfying an obligation the duty could not be fulfilled. Since no one could be bound to do the impossible, a duty without the requisite rights would be no duty at all. Hence, having an obligation must entail having rights to the indispensable means for discharging that duty.

As authorized agent of the commonwealth, in order to fulfill the special duties he has undertaken, the sovereign gets special rights that no natural person has. The special rights he receives, when he accepts the obligation of acting for the good of the commonwealth, are those which he must necessarily have in order to fulfill his covenant undertaking. In other words, if, by his covenant with the commonwealth, he was bound to perform certain actions, he would

have the rights to do all that was necessary to accomplish their performance.

In taking this position Hobbes is making an important point about the relationship of rights and duties. For him the correlativity relationship between rights and duties is a complex relationship of entailments. The relinquishing of a natural right entails the assumption of a moral obligation which requires the now duty bound party to do something(s) (sometimes simply not interfering with another's natural rights). One who assumes a duty, in doing so, creates moral rights in others. But beyond this standardly recognized correlativity relationship Hobbes recognizes that having a duty entails having the rights to do whatever is necessary for meeting that obligation. Those who recognize another's duty and would be prepared to make claims against the duty bound person, on that ground, also assume the duty of allowing the obligated person the rights to do whatever is required, in order for him to satisfy that duty. Correlatively, then, by taking on an obligation the duty bound one also acquires moral rights.⁵³ Not only do duties imply rights for others, they also imply rights for the obliged.

By integrating these two accounts ([1] and [2]) of the origin of the sovereign's rights a satisfactory theoretical underpinning for the sovereign's authority can be constructed. From his covenant with the commonwealth the sovereign receives the duty to act for the peace and defence of the commonwealth along with the transfer of the renounced rights

of each subject. These acquired rights are those which are necessary for the fulfillment of a sovereign's duties and are, therefore, his "essential and inseparable Rights" (18,17,93). Because all of the powers of sovereignty contained in the sovereign's duty are required for performance of the obligations of that office those rights are "Indivisible and inseparably annexed to the Sovereignty" (18,18,93). By his covenant, the sovereign acquires the duties and entailed rights of that office: by the same covenant, the subjects acquire the right to have their sovereign defend the commonwealth and act for its good. Also, by laying down their natural rights, subjects take on the duty of allowing their ruler the unique rights entailed by sovereignty.

The Rights and Obligations of the Sovereign

When the sovereign enters into a covenant with the commonwealth he accepts the duty of acting for the good of the People by promoting peace and security. In order for him to accomplish these undertakings he must have the rights essential to fulfilling his obligations. Hobbes identifies eight powers that a sovereign must, therefore, be allowed. (1) Since his fundamental duty is to act for "the Peace and Defence of them all" (18,8,90) the sovereign has the tremendously broad and encompassing right

to be Judge both of the means of Peace and Defence;... and to do whatsoever he shall think necessary to be done, both before hand, for the preserving of Peace and Security, by prevention of Discord at home, and Hostility from abroad; and, when Peace and Security, are lost, for the recovery of the same. (18,8,90-91)

(2) Because subjects may do things that threaten the peace and because people's actions follow from their opinions

it is annexed to the Sovereignty, to be Judge of what Opinions and Doctrines are averse, and what conducing to Peace; and consequently, on what occasions, how farre, and what, men are to be trusted withall, in speaking to the Multitudes of people; (18,9,91)

(3) As we have already seen, for maintaining peace it is essential that the Sovereign have the right of prescribing the civil law. (18,10,91)

(4) Collaterally, the sovereign has the "Right of Judicature; that is to say, of hearing and deciding all Controversies, which may arise concerning Law" (8,11,910).

(5) He also has the "Power of Rewarding ...and Punishing" (8,14,92) according to his civil law. Without these last two rights (4 and 5) his power to stipulate the civil law would be empty, so, these powers must also be essential to sovereignty.

(6) In order to act for the common defense the sovereign must have "the Right of making Warre, and Peace with other Nations, and Common-wealths" (18,12,92). A necessary component of this right is the taxing power which enables the sovereign to pay the expenses incurred by raising and outfitting an army (for maintaining external defence and internal order).

(7) Because the human need for glory is a serious potential danger to the peace of civil society the sovereign must maintain control over those things which publicly reflect esteem. So, he must hold the power to distribute honors

"and to appoint what Order of place, and dignity, each man shall hold; and what signes of respect, in publique or private meetings, they shall give to one another." (8,15,92)

(8) Then, to be able to handle the job intellectually and physically, in order to accomplish all of his manifold obligatory functions, the sovereign must have the right of "choosing of all Counsellours, Ministers, Magistrates, and Officers" (8,13,92) and, in turn, authorizing them to act on his behalf.

The sovereign may transfer some of his powers to some particular subjects and he may allow his subjects many liberties by prescribing few specific civil laws but he must retain "the Power to protect his Subjects" (18,16,92). Since without his having all of the eight rights enumerated above he would not have the requisite power to accomplish the goal he was instituted to accomplish, none of those eight essential rights may be separated from him (18,17,92): being sovereign entails having all of the rights of sovereignty which together are both necessary and sufficient powers of the office.

Obligations of Subjects

The original covenant, between the commonwealth and sovereign, or vanquished and sovereign, is the source of all of the subjects' obligations. By that transfer of rights to the sovereign every subject becomes bound to obey all of the sovereign's commands. After the sovereign is instituted it is the subject's duty to obey all of the sovereign's civil

laws both the Humane and the Divine (26,38-40,148-150).

Beyond the obligation to observe the civil law, once a sovereign is instituted the subject is also bound to obey all of the dictates of the Laws of Nature regardless of whether they are specifically commanded by the civil law. Commencing with the time when there is security guaranteed by the sovereign's power, each individual can expect that others will also obey the Laws of Nature: afterwards there is no longer any excuse for noncompliance. Since the Laws of Nature bind everyone to the pursuit of peace, subjects are bound to comply with even more than the letter of the civil law: they are committed to conform their actions to the intention of the law which should always be presumed to be the implementation of the Laws of Nature.

Liberties of Subjects

Although the subject appears to be very much constrained by the sovereign's civil laws, the subjects of a Hobbesian commonwealth, in fact have greater freedom than people living in a state of nature.

Minimally, in the absence of any binding law governing some specific type of interaction or behavior, the subjects have liberty in that domain to act according to their own appetites and judgment. Hobbes points out the obvious truth that

seeing there is no Common-wealth in the world, wherein there be Rules enough set down, for the regulating of all the actions, and words of men, (as being a thing impossible:) it followeth necessarily, that in all kinds of actions, by the laws praetermitted [omitted], men have the Liberty, of doing what their own reasons

shall suggest, for the most profitable to themselves.
(21,6,109)

In all civil societies the subject is left the freedom to act according to his own judgment in all matters which are not specified by the civil law. (21,18,113)

According to the Right of Nature there are some actions that may not be limited by civil law and in those areas the subject always retains his liberty. "It is manifest, that every Subject has Liberty in all those things, the right whereof cannot by Covenant be transferred." (21,11,111) The rights that cannot be relinquished are the rights to defend one's body and to defend one's honor. (21,15,112) Therefore, no duty can be imposed to curtail these liberties and if a sovereign should declare civil laws that would impinge on any of these rights no subject would be bound to obey them. But still, these are not the only liberties enjoyed by subjects of a commonwealth.

For Hobbes all of a subject's actions which are done in conformance with the requirements of the civil law are also done with liberty. Technically, each subject is author of every one of the sovereign's actions, so, all of the sovereign's civil laws are the subject's own laws. (21,7,109 and 21,10,111)) Since anyone who acts according to his own will is acting with liberty, anyone who follows the laws he has authorized by his own will, is acting with liberty.

Even those subjects who do what is lawful only because they fear the consequences of violating the law act with liberty. Fear does not transform the voluntariness of an

action. In Hobbes's terms, any person who does what he wills, courageously or fearfully, attentively or carelessly, wisely or foolishly, acts with liberty. (21,3-4,108)

Furthermore, because every rational subject has willingly undertaken to obey the Laws of Nature, and compliance with the civil law is required by the Laws of Nature, as the way to achieving and maintaining peace, it turns out that each subject's acts of conforming with the civil law are acts that he himself wills. Also, since the civil laws are expressions of the Laws of Nature, the rational agent who wills only to act in keeping with the dictates of the Laws of Nature is also acting according to his own will when he obeys the civil law.

Another kind of liberty which subjects enjoy is the freedom that everyone has of believing whatever he chooses. A subject has only to conform his actions to the sovereign's commands. As long as his external actions do not violate the civil law a subject may entertain any sort of internal thoughts. The subject who obeys the dictates of the civil law is free to think, for example, that a particular law is ill conceived, unnecessary or vague, or in the case of Divine law, that it does not express God's will. Still, as long as he conforms his actions with its dictates his thinking that there should be no such law is his right.

The most significant fact about the liberty of people who live under the imperatives of civil law is that no matter how constrained by them subjects may be, in civil

society they have more liberty than they would have had in the State of Nature. Under civil society each subject has a greater probability of achieving his own personal goals than he ever could have had living without civil society. In the State of Nature everyone would always be vulnerable to the interference of others in every action. Since the sovereign's power protects each subject from the lawless interference of others, in civil society each has the increased possibility of being able to actually do what he wills and satisfy his desires. This liberty is the dependable accomplishment of the commonwealth and what makes it the preferred choice of rational agents.

THE NATURAL AND THE ARTIFICIAL

Throughout Leviathan Hobbes describes all sorts of things as being either natural (i.e., existing without human interference) or artificial (i.e., existing because of intentional human activity). The very pervasiveness of this dichotomy suggests its relevance to the project of making sense of Hobbes's theory. In this section, to illustrate the extent of his use of these concepts, I will outline and characterize the occurrences. I will then try to demonstrate the integral relation between his ethics and political philosophy that originates from the conceptual structure created by this dichotomy. As I see it, Hobbes's bifurcation produces a graphic model of the natural and the artificial which suggests an understanding of the connections between the mechanical world of matter in motion and the

domain of the artificial and its subpart, the theoretical. The model allows us to see the relation of these two realms to ethical and political behavior, where ideas cause the action of human bodies in motion.

When Hobbes describes the world he presents it as bifurcated: for him there is the realm of the natural and the realm of the artificial. In opposition to those like Rousseau, and even Locke, who find the natural state to be the most admirable, useful, and appropriate domain for human life, Hobbes finds jejuneness in the State of Nature. To him, the artificial sphere is the sustaining adjuvant for men. In contrast to those who see the human addition as perverting and destroying natural goodness, Hobbes recognizes that goodness comes from the transformation of the natural by the artificial and that morality is a quality of the artificial world which cannot be found in nature.

All that exists without being humanly transformed is natural. The artificial is what is "feigned" (16,2,80) or created by human modification and construction; it is fiction fashioned by men. Without men to create it, the artificial would not exist. But since human activity is far reaching the region of the artificial becomes quite extensive.

Pervasiveness of the Dichotomy in Leviathan

The State of the World - The State of Nature is the natural habitat for natural men. In it there is no artificial social structure. Only natural physical laws are

effective in that environment. Everything there, including men, yields to the strongest force or combination of forces. There is no morality, no justice, and no injustice. With the artificial creation of civil society new forces come into being. Morality and justice are the artificial powers that arise with the institution of civil society. Just as physical forces effect what happens in the state of nature, the artificial power of morality exerts itself on human action in civil society.

Condition of Man - Man in the State of Nature is in his natural condition. There no one can expect to be able to satisfy any appetites and the condition of human life is glaringly undesirable: it is "solitary, poore, nasty, brutish, and short" (13,9,62). The creation of the artificial civil state allows men to transform and improve upon the impoverished natural condition. While in the State of Nature a right has no more force than a simple natural power which can be overridden by any stronger conflicting natural power. But in civil society the fabricated powers of moral rights and duties have ontological currency which provide both new foundations and limitations on human action. These invented categories transform the human condition by limiting some of the hypothetical liberties of natural man and also by securing others so that they can be enjoyed. The effect of the institution of civil authority which protects moral rights is the enhancement of the human condition. With the construction of civil society men achieve the

opportunity of living with companionship, richer, more comfortable, pleasant, longer lives and increasing the possibility for satisfying their individual appetites.

Thinking - Sense, experience, prudence and conjecture are natural kinds of thinking. Dictates of prudence and conjecture are the most this natural thinking can be expected to yield naturally. Prudence and conjecture, however, are not adequate guides for action because, as Hobbes has argued, they could always be mistaken. On the other hand, the creation of the artifice, speech, allows artificial thinking with names to create the categories of truth and falsity and the certain truths, the knowledge of philosophy or science. Artificial thinking is Reason itself, the source of knowledge and the guide for escaping from the unacceptable natural state. Reason corrects the "blindness"⁵⁴ of natural men and allows them to see that they must commit themselves to the pursuit of peace in order to escape the serious problems associated with natural life in the natural state.

Appetites - Competition, diffidence, and glory and also fear of death, desire for commodious living, and hope are among the natural appetites found in all men. Unchecked natural appetites create and perpetuate the natural condition of war. The reason-generated desire for peace manufactures artificial self-restraint over the natural inclination to indulge the natural appetites. This artificial appetite makes it possible to create civil society and reap its

benefits.

Persons and Power - A natural person is "one whose words or actions are considered. . . as his own" (16,1,80): an artificial person represents another (or others) in his words or actions. The creation of an artificial person is, for Hobbes, the necessary means for escaping from the natural state of war. Since no natural person can have more than his own natural physical power, no natural person could exert the requisite authority for assuring every natural person that the others would abide by their covenants. Without such security no one could rationally trust another and so the advantages of peace could not be achieved. By counterfeit and disguise (16,3,81) the sovereign, who is an artificial person, can be instituted. The exercise of his consolidated power, or simply the threat of its use, enables peace to be secured.

Laws - Laws are commands that must be obeyed by everyone (or anything) subject to them. By nature, the physical laws of motion and gravity compel the conformance of all physical bodies to their natural forces. Social chaos and war are thoroughly consistent with natural physical laws. On the other hand, artificial laws are human commands which compel obedience from those who have committed themselves to comply and from those coerced by artificial enforcement powers: without assent and the force of the sword artificial laws have no force and are not binding. The Laws of Nature are themselves artificial, the dictates of artifi-

cial, language based Reason. They reveal the path to peace and command all those who assent to accepting Reason as their guide. The civil laws of commonwealths are also, of course, artificial and they too are morally binding only on those who assent to be governed by them. The civil laws provide the regulation necessary for having an ordered social world in which individuals may anticipate that their needs will be met and some hopes fulfilled.

Judgment - By nature everyone follows his own judgment, the conclusions of his own thinking. In the State of Nature this arrangement is exactly what leads to the grief of human interaction (13,5,61). Commensurate with the value each person attaches to himself, everyone judges the degree of respect due him from others and the fitting reaction to any signs of being undervalued. Everyone also uses his own judgment in deciding which threats constitute dangers and what the appropriate response should be. The unbridled fury erupting from individuals acting on these conflicting judgments creates the war characteristic of the State of Nature. In contrast, when everyone must accept the artificial judgment of a sovereign, the disorder of nature is transformed into the orderliness of civil society. When the sovereign's judgment is substituted for private judgment and when it determines both the worth and proper treatment of each citizen and also what counts as a danger and the correct response to it, then a primary source of the significant contention within the State of Nature is eradicated.

Allowing artificial judgment to supplant natural judgment, therefore, increases the likelihood of achieving peace. The sovereign's artificial judgment is communicated in his civil law and expressed in the authorized adjudication of legal applications in particular cases, therein providing uncontroversial judgment, and hence, eliminating a source for strife.

Constraints - Natural physical laws impose physical constraints on material bodies while artificial laws impose psychological constraints on human action. Instead of metal irons and wooden stocks, the dictates of artificial laws create artificial chains which effectively limit what people do. Those committed to following the Laws of Nature are constrained by the internal motions of conscience (7,4,31; 24,7,128; 29,7,168-169; 30,30,185) to conform their actions with the moral law. Fear of the manufactured consequences imposed on violators of the civil law constrains citizens to comply with the sovereign's commands.

Punishments - The motion of material bodies reflects the resolution of interaction with other material bodies according to natural physical laws. These effects can sometimes be seen as natural punishments and rewards. Bodies that fall (e.g., eggs) express the effects of laws of gravity and motion [punishment]: animals that consume an appropriate diet and take sufficient exercise can be expected to enjoy good health [reward]: humans who engage in unprotected sexual activity with multiple partners are

likely to contract a venereal disease [punishment]. Similarly, people can create an artificial set of punishments that will be tied to artificial civil law. Whoever covenants to accept the sovereign's judgment as his own would be bound to also respect the sovereign's dictated penalties for violating the civil law. (28,1-23,161-165)⁵⁵ In formulating the system of artificial punishments any sort of evil may be inflicted as a penalty for any infraction of the civil law. So long as the intention behind the punishment is to incline individuals (culprits and others) to obey the law, because of terror of the consequences of being caught, and the aim is not revenge, any hurt might be appropriate as a punishment. Effective artificial punishment will deter violations of the law and, therein, allow peace to flourish.⁵⁶

What Follows from the Dichotomy?

The distinction between the artificial and the natural turns out to be tremendously significant in making sense out of Hobbes moral/political theory. In Hobbes's world nothing exists but matter in motion. Since the constraints of morality, moral rights, and moral duties are not material things they cannot be discovered in the natural world. Since the original contract and the covenant with the sovereign are, primarily, theoretical fictions and, perhaps, no one ever actually explicitly or tacitly assented to living by the Laws of Nature, it may be appropriate to ask how can morality, rights, and duties have any effect on what occurs in the natural world? By acknowledging and integrat-

ing Hobbes's method, his three theses, and his natural/-artificial bifurcation we can now come to see just how such an effect is possible.

Method - According to Hobbes the "analytic method" of Reason provides the means for mentally separating and marking those Reason discovered, natural, universal qualities (causes) which are either features of our world or attributes common to all men.⁵⁷ This method accounts for the connection, which Hobbes defends, between (1) the individual material things found in the natural world [level C], (2) our natural sense and experience of them as wholes [level C; marked by names in level A] and (3) the artificial composite of universal ideas which we get from them by Reason⁵⁸ [level A].

THE ARTIFICIAL AND THE NATURAL

level A - The Artificial: thoughts marked with universal and
proper names manipulated by Reason

level C - The Natural: individual material things found in
the natural world interacting
according to the mechanical laws of
motion

The "synthetic method for putting together" (De Corpore
I,VI,10,2) the previously isolated universal ideas⁵⁹ allows

Hobbes mentally to construct his hypothetical State of Nature [all such activity occurs on level A]. This Reason constructed possible world formulation serves as a model for learning the underlying causes of civil strife and for gaining an understanding of the necessary means for avoiding the detestable war of each against each. This new knowledge comes from the syllogistic deduction of attributes of things based on what we would now call analytic containment and the intensional identity of the names used in the premises: when a thinker "remembers that those attributes are all of one and the same thing, he concludes that those three names are all of one and the same thing" (De Corpore I, IV, 13, 2).

The diagram which Hobbes's theory actually suggests shows three parallel levels of description: one gives a theoretical linguistic account, another provides a scientific mechanistic account, while the third integrates the other two in an account which corresponds to our ordinary understanding of the social world in which we live and act. Each point on any level will match a corresponding point on both other levels revealing alternative ways for conceptualizing the same thing.

THE ARTIFICIAL, THE NATURAL, AND THE SOCIAL WORLD

level A - The Artificial - the world of ideas; theoretical
account of the Laws of Nature and
the social covenant

level B - The Social - the world in which men live and act;
obligations exist here (e.g., duty to
behave morally, obligation to comply
with the civil law)

level C - The Natural - the physical world; psychological
experience of constraint on action

Three Central Theses - The first thesis of Hobbes's system, that obligation arises from assent⁶⁰, provides the key mechanism for bridging the gap between the physical world, the world of ideas, and the social world in which men live and act. When a person assents he creates a link between his natural psychological states of appetite and aversion [level C] and his artificial world of thinking with language [level A]. Whatever someone assents to, that he then feels constrained to do and not forbear: in Hobbes's psycho-physical terms, he has an appetite for doing what he assented to doing and an aversion to forbearing.⁶¹ The idea of assent [level A] and the experience of constraint [level

C] are also, at the same time, linked to one's social world because a person undertakes obligations only in that context [level B]; they are either fulfilled or failed, again, only in the context of the social world.

According to Hobbes's second thesis everyone is bound to obey the Laws of Nature.⁶² When a person assents to acting according to the dictates of Reason [level A], i.e., assents to obeying the dictates of the Laws of Nature, he artificially creates the psychological chains of new appetites and aversions [level C] which restrict his own action to the limits established by Reason. As ideas in his mind the distinguishable qualities of this new psychological constraint are grasped and named respectively "morality", "rights", and "duties". The concepts themselves of morality, rights, and duties come to exist, therefore, only because of the mechanism of assent. Nevertheless, the ideas of morality in thought [level A], when considered as the correspondingly named physical states of matter (brain and/or body) in motion (passions) [level C], can and do effect behavior [level B].

Hobbes's third thesis is the reasoned conclusion synthetically following from the the commitment to pursue peace. It declares that everyone is bound to obey his civil sovereign.⁶³ When every subject complies with this law, tautologically, there can be no conflict between subjects. When they all act from the dictates of the same artificial will, rather than each according to his own private natural

will, peace is achieved. At each moment, the operative dictate of the sovereign's civil law functions as a single artificial will. When every subject acts in obedience to the sovereign's will there is only one command to be obeyed. So, when subjects obey their sovereign, logically, there can be no war within the society.

The Natural and the Artificial - The source of moral obligations and moral rights turns out to be the human act of assent, which is a natural kind of action, and hence the experience of its self imposed constraint is also natural. However, according to Hobbes's theory no concept of morality, i.e., no Law of Nature, can exist until people use the artificial construct, language, and Reason with it. There are no morally prohibited or required acts until a sovereign, an artificial person, is instituted by the humanly constructed device of covenanting, and moral rights and duties become operative concepts only with the construction of civil society. Morality itself is, therefore, a human creation and not naturally a part of the world; it is not a natural quality which can be recognized in the world. Discovering these artificial mechanisms, (of assent, covenant, and contract) as the source of morality, requires Hobbes's talent for penetrating, careful observation and serious "analytic" Reasoning that he engaged in.

The "synthetic" construction of the hypothetical State of Nature which provides the thought experiment for bringing us to commit ourselves to morality and compliance with civil

authority is also, as Hobbes acknowledges it to be, a pure fiction. All of the conclusions which, by Reason, follow from that feigned situation are also, therefore, artificial. The Laws of Nature, the original contract, and the social covenant are all fictitious, but they are also invaluable subterfuges.

These fictions, in the tradition of Plato's "noble lies", provide the essential means to the required end. They supply an account of moral obligations and moral rights that makes sense of the structures society must have in order to exist and which it certainly needs to flourish. The survival of civil society requires that citizens acknowledge their duty to behave morally and their obligation to obey civil law. The Laws of Nature and the social covenant have unequalled instrumental value in giving a moral account of these foundational duties and otherwise theoretically problematic essential social institutions.

Consider, for example, the variety of non-Hobbesian inadequate and senseless justifications for punishment: retribution, deterrence, rehabilitation. As theories of punishment each approach is problematic. Advocating retribution for crimes, the standard deontological approach, requires deliberately causing harm and pain to another. Since causing another pain and harm is otherwise seen as immoral, this theory of punishment seems to entail a serious contradiction: causing pain and harm cannot logically be the grounds both for rightness and wrongness. The conse-

quentialist approaches to punishment, deterrence and rehabilitation, are no more satisfactory than the deontological answer. As a theory, deterrence has the peculiar result of being effective on only those who do not commit crimes: criminals obviously are not deterred by punishments since they violate the law in the face of the prescribed consequences. Strictly speaking then, deterrence only affects the innocent and that should seem to violate our sense of justice. Rehabilitation, as a theory of punishment, may be even more unjust than deterrence. Since effective rehabilitation need not have any connection with criminal acts at all, rehabilitative punishment could and should be administered to potential criminals before they actually break any laws. Again, punishing non-criminals appears to violate our notions of justice. On the other hand, Hobbes's rejection of retribution as a legitimate ground for punishment and his own positive account of deterrence provides an acceptable working account for this necessary social mechanism.⁶⁴

The Up-Shot - In this light Hobbes's Leviathan must not only be seen as offering an account of what is right and wrong, good and bad: it must be understood as providing an artificial model for distinguishing what we should do from what we must not do. Hobbes has given us a guide for living, a useful tool for getting through the horns of dilemmas, a reliable map of the unmeasurable landscape of the ethical arena that will, better than any other, help us to reach what must be our common goal of peace and the

maximal satisfaction of the array of personal goals. What he has not provided is a description of the moral truths of the natural world, and we should not even ask to have them because they do not exist. The logic for constructing the moral fictions can be provided, and he does provide it, but a fictionless picture of ethics cannot be given.

Human action is easily accommodated by this schema of Hobbes's analysis. (See diagram below.) Names [level A - "he stepped on my foot"] mark ideas from experience which are tied to material things in the natural world [level C - foot on foot, weight on body, realized by brain e.g., from interaction of nerves and muscles] which are also events with historical connections and ethical significance in the social world [level B - another stepping on one's foot occurs in an elevator crowded with other people who all usually behave according to commonly known rules of elevator etiquette, etc.]. Human psychology always has both a material and a thought component: appetites and aversions which are just specific bits of matter in some particular motion [on level C] are passions with objects in consciousness [e.g., the desire to get him back, awareness of pain, anger over injury to shoe]. These appetitive and aversive thoughts as well as their objects can also be marked with level A names (e.g., "revenge", "pain", "anger"). Conclusions from analytic and synthetic reasoning with all of these [level A] names will mark things in the natural world [level C - brain states] and both will

correspond to events in the social world [level B - "OUCH!", dramatically withdrawing foot, menacing].⁶⁵ Since deliberation about action in the social world is affected by the mechanics of appetite and our consideration about imminent action reflects social history, then having a Reason [level A] initiated appetite [levels A and C - desiring to act in pursuit of peace] to do something is the starting point for action within the social context [level B - "Think nothing of it." or "It's O.K."] which would also be a physical event [level C] reflected in a conceptual awareness [level A].

Significantly, the assentor's acknowledgement of obligation generated by thinking according to the State of Nature/ social covenant model [level A] is connected with the psychologically experienced physical state of being constrained or having an appetite to do some specific thing [levels A and C] and the [level B] social understanding that a particular act (accommodating oneself with others in a crowded elevator or keeping a dinner date) is required by the moral law. In this way an ought, a moral imperative on the theoretical level, creates a material state of internal passion and motion of the body parts, which is a fact, on the natural level, and manifests itself as action, on the social level.

DESCRIPTIONS OF HUMAN ACTIONS
A Simplified Diagram

CASE 1

level A - The Artificial (theoretical linguistic accounts -
 remember that "thought is quick")

[thought - "He stepped on my foot and I want to get him back."]	[Applying the Laws of Nature to the ideas of the case.]	[Concluding that the Fifth Law prohibits retribution.]

level B - The Social (ordinary understanding -
 historical accounts)

[Another stepping on one's foot in a crowded elevator.]	[The trampled one hesitating.]	[Not stepping on the other's foot.]

level C - The Natural (mechanical physical accounts)

[Foot, brain, etc. matter ₁ in motion ₁ .]	[Foot, brain, etc. matter ₂ in motion ₂ .]	[Foot, brain, etc. matter ₃ in motion ₃ .]

T1

T2

T3

CASE 2

level A - The Artificial

[thought - "I want to go to the ball game tonight and I promised to dine with John."]	[Applying the Laws of Nature to the ideas of the case.]	[Concluding that the Third Law of Nature requires promise keeping.]

level B - The Social

[Ken showing Joe a ticket for a ball game and Joe looking at his calendar.]	[Joe hesitating.]	[Joe declining Ken's offer.]

level C - The Natural

[Eyes, brain, etc. matter ₄ in motion ₄ .]	[Eyes, brain, etc. matter ₅ in motion ₅ .]	[Eyes, brain, head, arms, etc. matter ₆ in motion ₆ .]

T4

T5

T6

Because Hobbes sees that he needs to employ both the natural and artificial levels of explanation in his moral-political philosophy he gives them serious attention and extensive treatment in Leviathan, Part I, Chapters 1-9 (similarly in The Elements of Law, Chapters I-XII and in the first parts of De Corpore and De Homine, two books of his trilogy). To see that all three levels are required for the presentation of Hobbes's full account it may be useful to notice some of the essential features of these parallel accounts.

The natural level [level C] explains the mechanics of sense and experience, and the role of passions (appetite and aversion) in action: it accounts for the manifestation of biological and psychological needs and provides a physical account of action, the effect of passion on action and the tendency towards self-preservation. The artificial level [level A] explains the relation of ideas to each other. All theoretical reasoning for constructing the model of the State of Nature and reaching the conclusions deduced from it occur at this level. The invention of language, the Laws of Nature, the concepts of peace, contract and covenant, and the notions of commonwealth and sovereign are all constructed, by Reason, on the theoretical level. Evaluation of alternative actions (which effects natural deliberation), forming intentions, and commitment or assent, are all mental activities of the theoretical level. This framework for conceptualizing the connection of ideas to the

motions of sense and passion provides an understanding of the relation of the artificial to the natural.

Every action which Hobbes's theory is supposed to govern, however, exists in the social world where we, as mechanical bodies, interact with each other. However, our thinking about our interactions never merely represents ourselves and others as just matter in motion. We always do, in fact, think of ourselves as freely choosing to do things to each other based, in part, on our ideas of what we and others have done in the past and might do in the future. We use language as a tool for thinking and communicating with others. We do feel that there are some things which we ought to do and others which we should not do and we often have the sense that the oughts and shoulds are related to promising (e.g., assent, free gift, contract, covenant). We live in societies which have rulers and rules and we recognize that without such institutions life, as we know it, could not continue.

Our theoretical obligation to obey the civil laws of commonwealth matches the situation of our social world in which legal penalties coerce us to conform with the law. Our theoretical duty to follow the Laws of Nature coincides with the social pressures we frequently feel constraining our action. Hobbes would certainly acknowledge that the correspondence between the social world and his theoretical construct is not perfect. Yet, rather than seeing the gaps between the conceptual paradigm and the ways we live as

flaws of the theory he would maintain that the discrepancies reveal social practices that need to be corrected and made to conform with his theoretical requirements. Civil law, after all, does get changed while the Laws of Nature are immutable: the changes in actual civil law can therefore be seen as shifts towards greater or lesser degrees of conformance with the requirements of morality.

The account Hobbes develops on the theoretical level provides a means for understanding our situation in the social world in which we confront our choices. Even though we may be no more than physically determined bits of matter we do not think of ourselves in that way.⁶⁶ Reference to the theoretically constructed pure fictions of the State of Nature and the commitment to the Laws of Nature, and the sometimes feigned original contract and covenant with the sovereign, together, offer a normative structure for understanding our moral situation and for determining which actions we should perform. Hobbesian ethics is no less compelling for being founded upon these fictions. Because the theory is normative it provides a structure for determining one's obligations in the array of situations we encounter and it offers a framework for explaining and evaluating social practices and institutions.

Punishment can serve as an example of a social institution which is hard to comprehend until it is examined through the Hobbesian system. In order to coerce people to obey the civil law and honor the commitments they make to

one another it is necessary to socially institute a system of penalties. It may also be necessary to modify the behavior of those individuals who show signs of being noncompliant or disagreeable. So, for the sake of peace, the sovereign must establish a system for accomplishing these goals. Each person who is committed to obeying the civil law must then cooperate with the implementation of such a penalty system and the imposition of penalties on others. Every person must even acquiesce when he would be subject to the penalties up until the point where the penalties would threaten his own life. According to the ordinary sense of the term this approach to individuals who violate the law would not be "just" since it pointedly avoids a retributive approach. For Hobbes, though, it would necessarily be "just" since the penalties would be lawfully decreed.

The Constructed Overview

By starting from the real scarcity of resources in the natural world and the real characteristics common to all men (mortality, universal passions, epistemological limits, and physical needs) Hobbes's political/moral theory expresses truths about the real physical world. Given the correctness of his starting points and the validity of his deduction, the theory describes the unique version of the social world that reason compels men to have. Given that the world is rightly described and the laws of logical inference are observed the theory sets out what ought to be the case for

man and for society. There is no leeway in the requirements governing individual human action and there is no leeway about what government must and must not do.

Five important implications can be drawn from the reading of Hobbes's theory presented in this entire section.

(1) Hobbes's State of Nature model provides us with the correct way of understanding our social world. (2) The system of thinking through our supposed commitments to obey the Laws of Nature and our civil sovereign gives us a mechanism for determining what we ought to do in every situation that arises. (3) The theory serves as a ground for social critique: as a basis for reform it is a standard for examining existing social institutions and it can serve as a blueprint to guide in the construction of new social institutions.⁶⁷ (4) The theory provides a plausible connection between desire and duty. It offers a non-question begging derivation of the moral ought from the empirical is. (5) Looking for the basis of moral distinctions on the natural level is shown to be futile. Because morality is an artificial product of language and reason the answers to moral questions can only be found within the construct of the ethical theory. The categories of moral thinking are human constructions of thought. Although thinking of these conceptual boundaries is a motion of the brain, on the physical level, there is no material quality which we can identify and use in resolving questions of ethics. This last insight implies that natural qualities

have no role in providing answers to moral questions.

Physical responses, like pleasure and pain, and physical achievements like the viability of a fetus, cannot in themselves, provide ethical solutions. To resolve ethical problems one must consult the theoretical level.

FOOTNOTES

1. An important example of this use of capitalized and uncapitalized print is the famous paragraph about the Fool. Here it is instructive to pay particular attention to the type for the word "reason". (15,4,72)
2. W. von Leyden, Hobbes and Locke: The Politics of Freedom and Obligation (New York: St. Martins, 1982). In Chapter 3, von Leyden also views Hobbesian obligation as arising from assent.
3. The nature of the similarity between an image and a body cannot be known. Yet, believing that things are as they appear in our minds is an unavoidable feature of the human predicament.
4. Aristotle's account in On Memory and Reminiscence is much like Hobbes's account. This is just one of many point of similarity I see in the philosophies of Aristotle and Hobbes. Jean Hampton, on the other hand, makes an issue of distinguishing the two. While comparing Aristotle and Hobbes could provide insights into both philosophers' works, this interesting project goes beyond the scope of this essay.
5. In conversation, Bernard Gert called attention to the distinction that while in nature one has the physical liberty to do whatever he will, Hobbes calls only those acts which are done for the end of self-preservation rational and acknowledges them alone to be done with the Right of Nature. Hobbes Conference, 1986 (6/26/86).
6. Bernard Gert, Man and Citizen (New York: Humanities Press, 1972), Introduction, 13.
- *. A version of this section, "Obligation and Assent in Hobbes's Moral Theory", was presented at the Eastern Division meetings of the American Philosophical Association, New York, December 29, 1987. Abstract; The Proceedings and Addresses of the American Philosophical Association. (November, 1987)
7. See above, Chapter 1, 24.
8. Hobbes accounts for this reluctance in terms of conscience (7,4,31; 24,7,128; 29,7,168-169; 30,30,185), habits of the mind (26,36,148) and, contradiction or absurdity (14,7,65; 5,5,19) which cannot be maintained "against natural reason" (12,25,58).

10. I choose the word "assent" as the most fitting for expressing the idea of the internal act of committing oneself. Hobbes himself uses a variety of words to mark this concept. These terms are used repeatedly through the text, but a partial list of words used in Leviathan to more or less signify the internal act of committing oneself includes: "abandoned" (14,7,65), "granted away" (14,7,65), "entered into" (14,27,69), "renounceth" (14,8,65), "consent" (18,5,90), "Liberty we deny ourselves" (21,10,111), "the act of our Submission" (21,10,111), "approved", "took upon", "own default" (26,12,140), "undertake" (26,40,149 and 29,7,169), "assenting" (26,40,149) "layd by" (29,3,167), "bound themselves" (29,5,168), "acknowledge" (31,4,187), "laying by that Right" (31,5,187), "by Pact" (31,39,193), "took upon him" (35,3,216), "covenant" (35,4,216; 35,16,220), "promiseth" (35,4,216), "yeelded" (36,18,230), "obliging themselves" (47,19,384), "as it were the solemne oathes we make of our Alleageance" (35,19,221), "implies an oath, or promise" (35,19,221). In his The Questions Concerning Liberty, Necessity, and Chance, The English Works of Thomas Hobbes, vol.5, William Molesworth, editor: London, John Bohn, 1966. [henceforth E.W.,vol.5] Hobbes uses the terms "assent" (No.III, 54 and No.XIV, 178, 179, 180), "consent" (No.XIV, 152), "resign the ... right" (No.IV, 185), "approbation", "voluntary subjection" (No. XIV, 193). In each case the context makes it clear that some version of the same claim using "assent" would preserve the meaning of the claim. The terms "promise", "pact", "contract", "covenant" are more specific and derivative versions of assent, depending upon it but stressing a particular feature of the fundamental concept.

11. Jean Hampton, Hobbes and the Social Contract Tradition (New York: Cambridge University Press, 1986). [Hereafter, Hampton.]

12. Gregory S. Kavka, Hobbesian Moral and Political Theory (Princeton: Princeton University Press, 1986). [Hereafter, Kavka.]

13. David P. Gauthier, The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes (Oxford: Clarendon Press, 1969). [Hereafter, Gauthier.]

14. Hobbes's presentation of the situation of men in the State of Nature is very different from the situation envisioned by other authors who find the possibility for trust within their conceptions of the natural state. Hume, for example, describes the cooperation and mutual trust that develops between two people rowing a boat across a river as being akin to what would happen in the State of Nature. Hobbes, however, would see that picture differently in two respects. (1) By looking at your rowing partner you can never tell whether the person sharing the boat is a rational

agent or a vain glorious Foole (15,4,72) who might "do you in" even if that would be to his own detriment. In other words, since we know that men are not always rational and that observation cannot give us access to the character and thoughts of another, we can never know who is trustworthy.

(2) For Hobbes the boat, the arena of interaction, would not be shared merely in crossing a river but, rather, co-occupied during a crossing of the ocean of life. There is no foreseeable end to the interaction, so the possibility for the other to first conceal and later reveal his intention to "do you in" always continues as a real possibility in the State of Nature. For the prudential calculator the odds of being safe in sharing the boat always remain the same, risky; the likelihood of surviving the journey does not improve over time since past performance cannot be taken as grounds for predicting future performance. The best bet in Hobbes's State of Nature is never found in trusting but in "doing-in" the other fellow first.

15. Gauthier, Hampton, and Kavka, along with a history of other commentators have viewed Hobbes's State of Nature as something known by prudence, probabilistic generalizations from direct experience. These readings are discussed, somewhat, in Chapter 3 below, and in detail in Chapter 4.

16. Thomas Hobbes, Leviathan, translated from the English, annotated and compared with the Latin text by Francois Tricaud. (Paris: Editions Sirey, 1971). [Hereafter, Tricaud] In his edition of Leviathan, 125, fn.37, F. Tricaud points out that in the Latin version Hobbes replaces "Inference" with "deduction". This amendment seems to imply, yet more strongly, that Hobbes's method here is based on logical conclusions from definition rather than natural experience.

17. More fully in De Cive, "True reason is a certain law; which, since it is no less a part of human nature, than any other faculty or affection of the mind, is also termed natural. Therefore the law of nature, that I may define it, is the dictate of right reason, conversant about those things which are either to be done or omitted for the constant preservation of life and members, as much as in us lies." (E.W., Vol.2, 15-16)

18. This is the view created by Taylor and also held by Warrender, Hood. A.E. Taylor, Thomas Hobbes (London: A. Constable, 1908). Howard Warrender, The Political Philosophy of Hobbes: His Theory of Obligation (Oxford: Clarendon Press, 1957). F. C. Hood, The Divine Politics of Thomas Hobbes: An Interpretation on Leviathan (Oxford: Clarendon Press, 1964).

19. Most recently, this view has been put forward by Gauthier followed by Hampton, and Kavka.

20. Gauthier and Hampton, among others, argue for reading the Laws of Nature as counsels of prudence.
21. I argue for this sequence, below, 106-113.
22. Coincidentally, the counsel of prudence would offer a similar precept.
23. Gauthier, 43, fn.
24. Usually we do not use the word obligation in the context of natural constraint.
25. Tricaud, 295, fn.81.
26. E.W., Vol.5, No.XIV, 179.
27. E.W., Vol.5, No.XIV, 180.
28. Ibid.
29. Ibid. I am grateful to Ross Rudolf for referring me to this discussion. Hobbes Conference, 1986.
30. E.W., Vol.5, No.XIV, 193.
31. The argument for this position occurs later in this Chapter, 129-35.
32. Prioritizing rights to the necessities of life over rights deriving from covenants has implications for the consideration of when a citizen must obey the civil law and when he may refuse. Violating the civil law is permissible when conforming with the civil law will prevent the satisfaction of needs. Then, even though the citizen has covenanted to obey the laws of his Sovereign the Right of Nature allows him to preserve himself nevertheless: the justly sentenced criminal may defend himself from the law enforcers (14,29,69 and similarly 21,15,112) and the conscribed soldier, whose life is in jeopardy, may desert his post. When "the help of all that are able to bear Arms" (21,16,112) is immediately needed to defend the commonwealth, however, everyone must participate in the battle because without the survival of the commonwealth everyone's life would be in jeopardy and so, no one could reasonably expect that any of his needs would be satisfied in the future.
33. There are two excellent papers which explicate this point: Bernard Baumrin, "Hobbes's Egalitarianism: The Laws of Natural Equality", in Thomas Hobbes: de la Metaphysique a la Politique, ed. by Martin Bertman and Michel Malherbe, (Paris: Vrin, 1989), 109-28. Joel Kidder, "Acknowledgement of Equals: Hobbes's Ninth Law of Nature", Philosophical

Quarterly, vol.33 (April 1983), 133-46.

34. The question of whether the positive and negative Golden Rules are (1) identical but distinct statements of the same rule, each especially useful in different contexts, or (2) two different rules that need to be conjoined to express the full intent of the Laws of Nature remains an especially interesting issue for Hobbes scholarship.

35. Holy Bible: King James Version, Exodus 20:17.

36. De Cive, V,4, 167.

*. A version of this section, "Creating Leviathan, Sovereign, and Civil Society" was presented at the Wednesday Afternoon Colloquium, Ph.D. Program in Philosophy, The Graduate School, CUNY, December 7, 1988.

37. Those who ascribe to the third-party beneficiary account include Bertman, Botwinick, Copp, Gierke, Goldsmith, Grover, Husak, Ladenson, May. Martin Bertman, "Regulative and Constitutive Rules in Hobbes", in Thomas Hobbes: His View of Man, ed. by J. G. van der Bend (Amsterdam: Rodopi, 1982), 9-16. Aryeh Botwinick, "Hobbes's Concept of Law and Representation: Some Reflections on Past and Future", Journal of Social Philosophy, vol.14, (January, 1983), 34-51. David Copp, "Hobbes on Artificial Persons and Collective Actions", The Philosophical Review, vol.89, (October, 1980), 579-606. Otto Gierke, Natural Law and the Theory of Society: 1500-1800. trans. and intro. by Ernest Baker. (Cambridge: Cambridge University Press, 1934). M. M. Goldsmith, Hobbes's Science of Politics, (New York: Columbia University Press, 1966). Robinson Grover, "The Legal Origins of Thomas Hobbes' Doctrine of Contract", Journal of the History of Philosophy, vol.18, (April, 1980) 177-94. Douglas N. Husak, "Sovereigns and Third Party Beneficiaries", Journal of Value Inquiry, vol.13, (Summer, 1979), 145-53. Robert F. Ladenson, "In Defense of a Hobbesian Conception of Law", Philosophy and Public Affairs, vol.9, (Winter, 1980), 134-59. Larry May, "Hobbes's Contract Theory", Journal of the History of Philosophy, XVIII,2 (April 1980), 195-207. [Hereafter, May]

38. May.

39. May, 207.

40. May, 204.

41. May, 205.

42. May, 206.

43. M. M. Goldsmith, "Introduction to the Second Edition",

The Elements of Law Natural and Politic, ed. by Ferdinand Tonnies, (London: Frank Cass & Co. Ltd., 1969), xviii- xx.

44. It should be noted that Hobbes treats the terms "Congregation" and "People" as representing an individual unit, a single object for those who perceive the political reality.

45. In elaborating the particular aspects of the duty to procure "the Good of the People" (margin note, 30,1,175) of which "THE OFFICE of the Sovereign, consisteth" Hobbes uses such phrases as: "his duty" (30,3,175), "requireth" (30,15,180), "ought not" (30,18,181), "the care of the Sovereign" (30,20,181), "belongeth" (30,32,182), "belongeth to the Office and Duty of the Sovereign" (30,24,183), "against the Duty of the Sovereign" (*ibid*), "Business of the Sovereign" (30,25,183), "dischargeth not his Office as he ought to do" (30,25,184).

46. Gregory Kavka, who sees the actual authorization of the Sovereign as a free gift from the individual members of the society, nevertheless finds the process of creating civil society to be a two step procedure. In Hobbesian Moral and Political Theory he devotes most of his Chapter 5 to a discussion of the interval between the steps. He provides a valuable insightful Rawlsian fleshing-out of the qualities of the parties and their prisoners-dilemma analyses of the decisions to be made between the steps.

47. The intervening agreements should not be counted as additional distinct steps in the process of generating civil society because they would be irrelevant in the case of sovereignty by acquisition.

48. Tricaud, fn.15, 181.

49. In the same footnote Tricaud indicates that the Latin counterpart for (18,16,92) also includes the distinction between "civitas" and "the Sovereign".

50. My translation from Tricaud's French translation of the Latin.

51. As Hobbes recounts the incident, God consents to being replaced by a mortal King. Hobbes, however, presents no argument for this consent being a required feature of a just substitution.

52. The Sovereign's duty to aim at procuring "the Good of the People" is explicitly declared throughout Leviathan, Chapter 30, and most pointedly at (30,1,175).

53. The Laws and Right of Nature can now be seen as a case in point. When one undertakes to act according to the

53. The Laws and Right of Nature can now be seen as a case in point. When one undertakes to act according to the dictates of the Laws of Nature, taking on that duty transforms some of one's previous natural liberties into the moral Right of Nature which morally sanctions those actions it allows. When someone who assumes the duties of conforming with the Laws of Nature is required to fulfill one of these duties (e.g., to do 'x') he has the right to use the necessary means (e.g., to do 'y' and 'z') in order to fulfill that duty.

54. Leo Strauss, "On the Basis of Hobbes's Political Philosophy", in What is Political Philosophy?: and Other Studies, (New York: Free Press, 1959) (reprint ed., Westport, Conn.: Greenwood Press, 1973), 181.

55. Here the obligation on the individual is to assist the Sovereign in hurting another but it does not entail any obligation to hurt oneself or to allow another to inflict hurt on oneself. (28,2,162)

56. Johnston distinguishes the Leviathan account of punishment from Hobbes's earlier "unintelligible" accounts which do not include an articulated discussion of authorization. This is a piece of Johnston's general argument for accepting Leviathan as a distinctive work in the Hobbes corpus and the culmination of his political work, rather than merely taking it to be another restatement of his previously formulated views which is on all fours with them. David Johnston, The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation, (Princeton: Princeton University Press, 1986).

57. See above, Chapter 1, 21.

58. David Johnston calls this kind of reason, "introspection". He maintains that "introspection is the analytical or resolute stage of this [Hobbes's version of Galileo's resolute-compositive method] two part method." David C. Johnston, The New Sovereign and the Modern Subject: An Interpretation of Hobbes's Political Theory. Princeton University, Ph.D. dissertation, January 1981. 114.

59. See above, Chapter 1, 15-19.

60. See above, Chapter 2, 44-9.

61. See above, Chapter 2, 46-7.

62. See above, Chapter 2, 49-92.

63. See above, Chapter 2, 92-140.

64. Leviathan, Chapter 28, "Of PUNISHMENT, and REWARDS" (1-

65. Hampton (e.g., 18), Kavka (e.g., 14-20; 290), and others who recognize that Hobbes's mechanistic metaphysics is compatible and somehow related to his ethics, allude to theoretical differences which might be described as levels of interpretation. As far as I know, however, none of their discussions either explicates this feature to the extent I have or identifies its role in making sense of Hobbes.

66. My schema for grasping the connection between the different pieces of Hobbes's philosophy is suggested and supported by his response to Bramhall in The Questions Concerning Liberty, Necessity, and Chance (E.W., vol.5). It becomes easy to understand Hobbes's lengthy discussion of the relation of liberty and necessity when we see his solution in terms of the theoretical levels of description presented here. The concept of "necessity" is only applicable to things comprehended as physical bodies in motion, while "liberty" applies to just the theoretically distinct psychological experience of absence of opposition. Therefore, by distinguishing the two natural kinds on the theoretical level Hobbes is able to conclude that there is no inconsistency in saying of a person's doing 'x' that "it was necessary" and also that "it was done with liberty". The person's doing 'x' exists in the social world and reflects both the artificially marked characteristics of being done necessarily and with liberty.

67. I am grateful to Bernard Baumrin for this insight.

Chapter 3

THE TEST OF LEVIATHAN

PARTS 3 AND 4 AND THE NEW INTERPRETATIONS

Most of what has been written about the philosophy of Hobbes's Leviathan is based exclusively on Parts 1 and 2 of the text and ignores Parts 3 and 4. Of those few who have discussed the relationship of the two halves of the book the standard view is that the second half of the work adds nothing significant to the philosophy developed in the first half¹. Even those who have argued for the primacy of Hobbes's theological commitments in his philosophy² have largely ignored Parts 3 and 4 as a philosophically uninteresting appendage. Developing an understanding of Parts 3 and 4 seems, however, important for at least two reasons. First, they comprise more than half of the book, so their length alone seems to demand attention. Second, they can add to our understanding of the first two parts.

Recently, authors have begun to examine the importance of Parts 3 and 4 of Leviathan. In Two World's of Liberalism³ Eldon Eisenach argues, unconvincingly, that the latter parts of Leviathan provide a concept of man in history that unifies Hobbes's theory. David Johnston in The Rhetoric of Leviathan⁴ interestingly argues that Hobbes shows his new awareness of the irrational aspects of human motivation in his expanded treatment of irrational beliefs, addressed in

Parts 3 and 4. Johnston maintains that the second half of Leviathan shows a development in Hobbes's theory and should be recognized as an important part of the argument of Leviathan which, as a whole, was meant to transform public opinion for the cause of peace.

I want to continue along the path that Johnston has begun and argue that while the second half of Leviathan may not add any new feature to the philosophic theory developed in the first half of the book⁵, the relationship of the first to the last halves of Leviathan is a relationship of theoretical philosophy to applied philosophy. In Parts 1 and 2 Hobbes develops a theoretical framework which he employs in Parts 3 and 4 to the end of benefitting mankind⁶, i.e., he applies his philosophy in an attempt to resolve what he took to be the most serious political and moral problems of his time. I suggest that by examining how Hobbes applies his own theory in Parts 3 and 4 we have an opportunity to discover what he thought his general theory claimed and to see how he meant for it to work.

My claims for the usefulness of Parts 3 and 4 of Leviathan are dramatic. I see them as both clarifying the nature of Hobbes's political-moral theory and as the standard for testing any proffered interpretation of the text. Because Hobbes actually employs the theoretical concepts he developed in Parts 1 and 2 in resolving the questions of Parts 3 and 4, by examining his work in the latter sections his own understanding of those concepts can be seen more clearly. The legitimacy of any suggested interpretation of

the theory of the first parts of the text can also be tested by asking whether it could accommodate Hobbes's application of the theory in the last parts. Any interpretation that failed such a test could then be rejected as being clearly inconsistent with what Hobbes took himself to be saying. This approach also involves methodological and theoretical positions in metaethics amounting to the claims that examining an author's own applications of his theory is a valuable path to gaining insight into a moral theory and that an important test for the acceptability of a moral theory is an examination of the conclusions reached through its application.

In what follows I begin by reviewing the two epistemological foundations from which Hobbes develops his moral/political theory (more fully discussed in Chapter 1) and show how the three major theses of his theory are generated from his two foundations (more fully discussed in Chapter 2). I then go on to show that in Part 3 of Leviathan Hobbes makes use of his preferred method, reasoning from the proper signification of words, along with his own philosophic conclusions of Parts 1 and 2 in order to interpret the bible and prove that Christians must obey their civil sovereign. I will show how, in Part 4, Hobbes relies upon both Reason and comparison with experience as his epistemological methods for undermining the unfounded fears that hold people in awe of illegitimate religious powers. In conclusion I compare some interpretations of the theory of Leviathan to see if they could be compatible

with Hobbes's own application of his theory, as I understand it.

EPISTEMOLOGICAL FOUNDATIONS

In Part 1 of Leviathan Hobbes systematically expounds his epistemology. Our experience comes from sense and those ideas, in turn, are the source of both (1) our natural prudential thoughts and conjectures about the past and, (2) through careful use of universal names and correct reasoning, the wisdom of science including the sciences of morals and politics.

(1) For Hobbes "Prudence is a Praesumption of the Future, contracted from the Experience of time Past" and similarly, "Praesumption of things Past taken from other things past" is conjecture. (3,10,11 and similarly 8,11&12,34-5). Prudence "dependeth on much Experience, and Memory of the like things, and their consequences heretofore." (8,11,34) Hobbes illustrates this kind of probabilistic prudential thinking being used by someone who imagines doing a criminal act and

desires to know the event of [such] an action...[H]e that forsees what wil become of a Criminal, re-cons what he has seen follow on the like Crime before; having this order of thoughts, The Crime, the Officer, the Prison, the Judge, and the Gallows. (3,7,10)

He also adds the example of conjecture by a man

that hath seen by what courses and degrees, a flourishing State hath first come into civil warre, and then to ruine; upon the sight of the ruines of any other State will guesse, the like warre and the like courses have been there also. (3,10,11)

With a good amount of experience and serious concentration a person can develop his skill in prudential

thinking to a point where his predictions and conjectures are often correct. Yet, this natural thinking, which has its use, can never be more than probablistic estimation and, so, cannot have the certainty of scientific knowledge. According to Hobbes prudence and conjecture lead to "error of the mind without the use of words" (De Corpore I,V,1,2). He illustrates conjecture and prudence with the example of people who imagine "from the sight of swords that there has been or will be a fight, because it usually happens in this way for the most part." (ibid) This example is meant to show how such thinking can result in error. Since all of the relevant circumstances may not be observed or recalled, such prudence and "such conjecture [may] be very fallacious" (3,7,10). It is, therefore, clear that neither prudence nor conjecture, the two natural kinds of thinking, could be chosen by Hobbes to serve foundationally in his own pursuit of moral, ethical, and political knowledge.

(2) For Hobbes "SPEECH, consisting of Names...and their Connexion" (4,1,12) is necessary for Reasoning. Names are both the private marks and the public signs, or words, which are chosen to serve us as tools and assist us in recalling our ideas, i.e., our conceptions of things or other thoughts. A name can be either "one onely Word; but sometimes...[a] circumlocution of many words together" (4,8,14) and general names, which he also calls "Universall", are "imposed on many things, for their similitude in some quality, or other accident" (4,7,13).

"REASON...is nothing but Reckoning (that is, Adding and

Subtracting) of the Consequences of generall names agreed upon for the marking and signifying of our thoughts" (5,2,18 similarly, 8,13,35). Hobbes asserts that since "truth consisteth in the right ordering of names in our affirmation, a man that seeketh precise truth, had need to remember what every name he uses stands for; and to place it accordingly". (4,12,15) Hobbes, therefore, recognizes that for "true Knowledge" it is necessary "to examine the Definitions of former Authors; and either to correct them, where they are negligently set down; or to make them himselve." (4,13,15)

According to Hobbes, Reason, which is only to be understood as Right Reason [the opposite of Absurdity], starts with 'apt imposing of names' [definition]. Then

by getting a good and orderly Method in proceeding from the Elements, which are Names, to Assertions made by Connexion of one of them to another ['truth' when done properly]; and so to Syllogismes, which are the Connexions of one Assertion to another [concludes in] a knowledge of all the Consequences of names appertaining to the subject in hand; and that is it, men call SCIENCE. (V,17)

As opposed to the fallible conclusions of prudence and conjecture, the conclusions of science, are infallible knowledge.

While science provides us with truths about the world, science is not to be found in nature. Truth and falsity, science and absurdity are all artificial human creations. Hobbes fears that both the falsity and absurdity which can result from careless or deceptive manipulation of words, and the prudence or conjecture of natural thinking will create

the chaotic, nasty and brutish war characteristic of the State of Nature. His hope and faith is that the products of Reason, the human creations of truth and science, will be applied to benefit mankind, enabling men to avoid war and create peace within stable commonwealths in which they can achieve the comfort and long secure lives they desire.

MAJOR PHILOSOPHIC CONCLUSIONS

In Parts 1 and 2 of Leviathan Hobbes works out all of the consequences of the science of morals and Natural Justice by starting with definitions of his terms, connecting them in assertions, the assertions into syllogisms. Hobbes is then able to clearly contrast his own use of words according to "correct" definitions, with the colloquial use according to "negligently set down" (4,13,15) definitions. Confident that there were no errors in his reasoning, Hobbes accepts his own conclusions as infallible and goes on to apply his truths to the practical problems he confronts in the second half of the book.

Three theses of Hobbes's deduction in Parts 1 and 2 stand out as being most significant in his moral philosophy and also most salient in his biblical exegesis of Part 3. First is the claim that obligation arises only from freely given assent⁷, second, that every man is bound to seek peace and obey the Laws of Nature (at least in foro interno), and third, that everyone must be obedient to his civil sovereign.

1) In Part 1, chapter 14 (7,65) where Hobbes first discusses his concept of obligation he explains it as

arising from a voluntary act of laying aside a right. In Part 2, chapter 21, when considering "Liberty of Subjects how to be measured" (margin note 10,111) Hobbes unambiguously writes

For in the act of our Submission, consisteth both our Obligation and our Liberty; which must therefore be inferred by arguments taken from thence; there being no Obligation on any man which ariseth not from some Act of his own; for all men equally, are by Nature Free. (In Part 2 also see chap.26,40,149)

When an individual freely assents to surrendering a right then, in that very act of assent and surrender, he thereby assumes an obligation.

This Hobbesian thesis arises from the observation that we do experience our natural liberty to act according to our appetites as being constrained. By proper application of names this limitation on liberty is called "obligation". Since we experience this obligation as the self imposed requirement to act or refrain from acting we count it as voluntary. Hobbes calls such voluntary submission to voluntarily accepted law, "assent".

2) Following from Hobbes's account of obligation arising only from assent, we can see that the Laws of Nature become binding only when one assents to accepting them as the laws to guide one's actions. A rational person who recognizes that obedience to the Laws of Nature would be the best means for achieving both the natural appetitive goal of maximal satisfaction of desires and the rational end of self-preservation, gives up his liberty to act whichever way he wants, and commits himself to doing only those things

allowed by the Laws of Nature. The act of assenting to govern oneself according to the dictates of the Laws of Nature obliges a person to constrain his action accordingly. Since the Laws of Nature command the pursuit of peace, whoever commits himself to assuming those principles, as the laws of his own action, is obliged to always pursue peace. In Hobbes's terms, we are obligated to obey the Laws of Nature because we abandon the liberty not to when we take them to be our own laws.

In the famous Chapter 13 of Leviathan, in order to arrive at the understanding that assenting to the Laws of Nature is the best means for achieving a long life and the satisfaction of ones desires, Hobbes engages Reason to construct the hypothetical model of men living in a state of nature "where there is no power able to over-awe them all" (13,5,61). This move to the hypothetical-deductive method presupposes the mechanisms which Hobbes developed in the previous chapters. First, from experience of his own nature, among his many appetites and aversions each man discovers that [1] he is (at least sometimes) willing to compete with others for whatever object(s) he may desire, that [2] each finds "constant Despayre, DIFFIDENCE of our selves" (6,20,25) at the possibility of failing to satisfy his desires, and that [3] everyone recognizes glory or "Joy, arising from imagination of a mans own power and ability" (6,39,26). Then, by employing Reason and naming these experiences (with either private marks or commonly used signs [4,3,13]) each is then able to recall those

experiences, and when he recognizes similar experiences in himself or, by conjecture thinks that others are having similar experiences, he can then impose the universal names on all of them. Furthermore, a person who can use words will conclude from his observations that competition, diffidence, and glory are the natural consequences this being a world of scarcity populated with many people who each want to satisfy their similar desires. Then either by subtracting government from his conception of "human society" or by adding together the conceptions of men with multiple desires living together in a state of scarcity he comes to an understanding of such a state, "understanding being nothing else, but conception caused by Speech" (4,22,17 also 2,10,8), in this case, is the result of Reason ["Reckoning (that is, Adding and Subtracting) of the Consequences of generall names" (5,2,18)]. Man's unique ability to regulate his trains of thought to imagine the compounded possible effects of the imagined state of nature (3,5,9 also 5,6,20) allows him to think of what life in that state would be like. His train of thought reveals to him that when in the state of nature man is in "a condition of Warre of every one against every one" (14,4,64) and "the life of man [would be] solitary, poore, nasty, brutish, and short" (13,9,62). Having that understanding he then experiences the endeavor to avoid the state of war.

By carefully defining words and then applying them appropriately Hobbes deduces that the time when men would be in a state of nature would be a time of "warre of every man

against every man."(13,13,63) Hobbes also recognizes that the negative word (4,19,16) "not" conjoined with the word "war" defines "peace" which is appropriately attributed to a time when there is no state of nature. Finding, by another deduction from the passions [here the relevant passions are: "Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them" (13,14,63)] that everyone would want to avoid war Hobbes employs Reason, in the substitution of equivalent words, to conclude that everyone would want to pursue peace.

3) A rational person who recognizes that he wants to avoid war will commit himself "to seek Peace, and follow it", the Fundamental Law of Nature. The signification of the propositions expressing the other 19 Laws of Nature are "derived", in turn, from the Fundamental Law as if their words were contained in the definition of the words "seek Peace, and follow it". The 19 laws deduced from the Fundamental Law should, therefore, be seen as explications or restatements of the first Law and not as prudential generalizations based upon past experience. The commitment to the Fundamental Law of Nature which binds the assentor to "seek Peace, and follow it" obliges him, in other words, to "transfere to another, such Rights, as being retained, hinder the peace of Mankind" (15,1,71).

Hobbes finds that the third Law of Nature, "That men perform their Covenants made" (ibid) follows from the Fundamental Law. So, when a person obliges himself to obey the laws of a sovereign, either by voluntarily covenanting

with a sovereign for his life, in the case of sovereignty established by acquisition, or by freely covenanting with his equals, in the case of sovereignty established by institution, he is bound to obey the laws of his sovereign. His commitment "to seek Peace" entails that he should enter a covenant to institute a civil sovereign where there is none: his commitment to "follow" peace entails the commitment to performance on Covenants. So, whoever commits himself to the Laws of Nature (i.e. to guiding his actions by Reason) therein commits himself to obedience to the commands of his civil sovereign.

HOBBS'S THEORY APPLIED

I will now review the philosophically relevant instances of Hobbes applying his two epistemological methods and invoking the three central conclusions of his science of morals in the discussions in Part 3, "Of a Christian Commonwealth" and Part 4, "Of the Kingdom of Darknesse". Throughout Parts 3 and 4 of Leviathan Hobbes proceeds by presenting the theoretical conclusions developed in Parts 1 and 2 and compares them with his interpretations of the biblical passages that he takes to be most pertinent given his analytical treatment of the "signification" of the key words occurring in the Canonical Scriptures.

Applications - Part 3

In Part 3 Hobbes tries to explain what a committed Christian is obliged to do. Because, for Hobbes, a Christian is one who has assented to the obligations entailed in accepting Jesus as the Christ and the Bible as God's deliv-

ered Word, he must explicate just what those commitments entail.

The Method

Hobbes, in fact, begins his examination in Part 3 by declaring that in biblical analysis Christians must use his two epistemological methods as opposed to relying upon some other method such as mystical faith or revelation, or moral sentiment.

we are not to renounce our Senses, and Experience; nor (that which is the undoubted Word of God) our naturall Reason. For they are the talents which he hath put into our hands to negotiate, till the coming again of our blessed Saviour; and therefore not to be folded up in the Napkin of an Implicite Faith, but employed in the purchase of Justice, Peace, and true Religion. (32,2,195)

Accepting this as a Christian's proper charge Hobbes takes up the task of using both his Reason and experience to examine the Bible and tenants of Christian faith. His aim is to discover who has rights in a Christian Commonwealth, what they are, how those rights have evolved, and, more specifically, to clarify "the Rights of those that are the Supream Governors on earth, of Christian Common-wealths; and of the duty of Christian Subjects towards their Sovereigns" (32,9,198).

When people have no access to the Bible, and even when God's Will is expressed by mediation in the Bible and through His prophets, God does not speak to us personally (32,6,196). So, Hobbes maintains that absent God's direct communication, the God given talents of natural Reason, sense, and experience should be engaged to enable us to

comprehend the source and nature of rights in a common-wealth. These same talents should also be employed to enable us to discern and comprehend the relevant biblical texts

from which, by wise and learned interpretation, and carefull ratiocination, all rules and precepts necessary to the knowledge of our duty both to God and man, without Enthusiasme, or supernaturall Inspiration, may easily be deduced. (32,9,198)

Since, for Hobbes, "ratiocination", or Reason, is the thinking done with words, any analysis of the Bible or the words of religious figures must use the method of Reason. For him, then, it is actually obligatory to employ one's natural Reason in dispassionately confronting the Word of God when interpreting biblical texts and in assessing the genuineness of those who claim to be God's Prophets. He writes, "[e]very man then was, and now is bound to make use of his Naturall Reason, to apply to all Prophecy those Rules which God hath given us, to discern the true from the false." (36,19,231) He goes even further in asserting that Reason is men's only means for ascertaining answers to questions of what is the proper understanding of the Scripture. He claims that true interpretations of Holy Books are available to ordinary men only through the use of their natural Reason. Such truths, "which to Subjects that have no supernaturall revelation, cannot be known, but by that naturall reason which guided them, for the obtaining of Peace and Justice" (33,1,199) can be known when natural Reason is used as a guide to understanding the Scriptures and discerning who is a true Prophet. The use of natural

Reason gives us our only access to God's Will and we are obligated to employ our natural Reason and attempt to attain that understanding.

The Laws of Nature

In his discussion of the Laws of Nature in Part 3 Hobbes uses Reason as the method of his analysis and invokes Reason as the source of our knowledge of the Laws of Nature. He asserts that according to the Scriptures the God-given talent of Reason gives us the Laws of Nature as "Precepts of Naturall Reason" (42,37,282) which are "written in mans heart" (36,6,224 and 42,37,282). Hobbes refers to the Laws of Nature as "Morall Laws" (40,1,249). These laws are known to every man since they are "legible to all men that have the use of naturall Reason" (33,21,205). The Laws of Nature are naturally binding eternally as the dictates of Reason (33,21,205) and oblige men (40,10,253) to conform their actions to the commands of the Laws. As conclusions of Reason which naturally occur to every man he treats the Laws of Nature as the genuine expression of God's Will and the touchstone of all morality.

The Obligation to Obey the Ten Commandments

Hobbes uses the concept of obligation arising only from consent as the foundation for his analysis of the obligation to conform to the Decalogue. Although he concedes that all of The Ten Commandments were delivered by God to Moses, they only acquired the obligatory force of true laws when the Israelites

had obliged themselves, presently after the propound-

ing of them, to obey Moses, in these words (Exod. 20 19.) Speak thou to us, and we will hear thee; but let not God speak to us, lest we dye. It was therefore only Moses then, and after him the High Priest, whom (by Moses) God declared should administer this his peculiar Kingdom that had on Earth, the power to make this short Scripture of the Decalogue to be Law in the Common-wealth of Israel. But Moses, and Aaron, and the succeeding High Priests were Civil Sovereigns. (42,37,282)

Before the Israelites "had obliged themselves" (*ibid*) they were free to disobey at least the first four of The Commandments since they had acknowledged neither God nor Moses as their sovereign. After they did acknowledge Moses as their sovereign by their promise of obedience to him (42,38,283), they were bound to obey whatever laws Moses dictated.

Invoking his thesis that requires obedience to the civil sovereign Hobbes continues to argue that when Moses, as sovereign, proclaimed the Decalogue as law for the Children of Israel then both Tables [the first four as well as the last six Commandments] became the civil law for their nation because they had pledged themselves to obedience to whatever Moses would declare as law. For Hobbes "it is manifest, that the Scriptures were never made Laws, but by the Sovereign Civil Power." (42,41,284) No command found in the Scriptures can be law unless it is also issued by the civil sovereign and every command of the bible can be superseded by an order from the civil authority.

Again incorporating his own position on the priority of ones obligation to the civil sovereign Hobbes claims that the first four Commandments of the Decalogue contain "the law of the Sovereignty" (42,37,282). His explication of the

Commandments of the First Table reveal his own theory in their distortion of the biblical text. He explains the first Commandment ["Thou shalt have no other gods before me."⁸], "Thou shalt not have for Gods, the Gods that other Nations worship; but onely me:"⁹, as saying that

whereby they were forbidden to obey, or honor, as their King and Governour, any other God, than him that spake unto them then by Moses, and afterwards by the High Priest. (42,37,282)

The second ["Thou shalt not make unto thee any graven image..."], "they should not make any Image to represent him;" he presents as

they were not to choose to themselves, neither in heaven, nor in earth, any Representative of their own fancying, but obey Moses and Aaron, whom he had appointed to that office. (*ibid*)

The third ["Thou shalt not take the name of the Lord God in vain;"], "they should not take the Name of God in vain;", Hobbes glosses as

They should not speak rashly of their King, nor dispute his Right, nor the commissions of Moses and Aaron, his Lieutenants. (*ibid*)

The fourth commandment ["Remember the sabbath day, to keep it holy."] Hobbes explains as the order to

every Seventh day abstain from their ordinary labour, and employ that time in doing him Public Honor. (*ibid*)

While these explications of the first four Commandments only vaguely resemble even Hobbes's rendering of those first four of The Ten Commandments, they do present a rather straightforward statement of how Hobbes would reconstruct these commandments to accommodate his own theory of what the obliged subject must and must not do. In terms of his own

theory, viewing the First Table as commands that follow from "the Law of Sovereignty", Hobbes could have reissued the four commands implicit in his restatement of their biblical counterparts: 1. Subjects bound to obey their civil sovereign may not obey the dictates of any other but the God who is presented by the sovereign, as He is presented by that sovereign. 2. Subjects must not themselves choose who to acknowledge as prophets or religious leaders, but rather follow the dictates of their civil sovereign in these matters. 3. Subjects must not speak (or act) so as to undermine the authority of their sovereign, but instead, 4. they must publicly honor him (ambiguously either the sovereign or, more likely, the God presented by the sovereign) on the Seventh day.

The Authority of God As Civil Sovereign

In his explication of God's authority as a civil sovereign Hobbes relies upon Reason and its tool, proper definition. He also invokes his concept of assent as the source of obligation. In this discussion Hobbes prepares the way for his Biblical interpretation showing that a Christian's primary duty is obedience to his civil sovereign. Hobbes concedes that "[i]t is true, that God is the Sovereign of all Sovereigns" (33,1,199) so that He should be obeyed by all sovereigns and that all of His laws should over-ride any contrary laws made by other would-be sovereigns. However, since (as he already argued)¹⁰ the Prophetic Word of God can only properly be established by the command of an earthly sovereign authority Hobbes has to

show who that sovereign authority should be. Hobbes addresses this issue in his treatment of the Kingdom of God in chapters 35 and 40.

For Hobbes, God's only Kingdom is the biblical civil kingdom of the Jews. (35,11,219) It is a commonwealth governed by God, who is sovereign there, until the time when He is replaced in that role by the Hebrew kings. It is

Kingdome properly so named, constituted by the Votes of the People of Israel in peculiar manner; wherein they chose God for their King by Covenant made with him, upon Gods promising them the possession of the land of Canaan; (35,2,216)

God governs there not by His natural might, but by the authority granted to Him by His subjects when they freely contracted with Him to be their King.

Hobbes points out that since the time when God created Adam, He has ruled both by His natural might and by His Voice. God's commanding by Voice is "as one man speaketh to another" (35,3,216), issuing orders that can either be obeyed or disobeyed by those who are commanded. Adam, who is ordered by God's Voice to abstain from eating of the tree, is free to take "upon him to be as God, judging Good and Evill, not by his Creators commandment, but by his own sense'. (*ibid*) This freedom to judge good and evil for oneself makes it possible to reject and also to accept contract offers. Therefore, when God later offers to make a covenant with Abraham, Abraham is free to reject it and obliges himself and his posterity "to be subject to Gods positive Law" (35,4,217 also 40,1,249) when he accepts. Circumcision is the sign of acceptance of the allegiance,

and by this pact, God becomes King to the seed of Abraham and they become His subjects. This covenant is then renewed by Moses at Mount Sinai. By their own willing consent and covenant, God acquires the authority to make the commands of His Voice be positive law to the Children of Israel, and they become obliged to obey. Only the Jewish nation becomes bound to keep God's positive laws because it alone contracts to do so. This makes it a Holy Nation, "that which is Gods by special, not by generall Right" (35,7,218). In the civil state of the Jew's commonwealth God was King, having the special right to regulate the actions of men towards eachother and towards Himself through His Lieutenants, first Moses and later, the High Priests.

As further proof to Christians that the Kingdom of God is a civil kingdom created by covenant Hobbes points out portions of the New Testament and the Lord's Prayer which include such phrases as "Thy Kingdom come".(e.g., 42,10,270) Such phrases suggest that God's Kingdom is a real civil kingdom which existed once, ceased to exist when the Israelites elected Saul to be their king, and is yet to be restored. If God's Kingdom had existed by His natural power, Hobbes argues, it would always exist, encompassing all nations. Since, even according to the Bible, it has neither existed constantly nor everywhere, the Kingdom of God must be recognized as coming into existence only by the force of men's covenants.

The Obligation of Christians to their Civil Sovereign

In explicating the Christians' duty to obey their civil

sovereign Hobbes relies upon Reason once more. Here, again, Hobbes assumes the premise that obligation derives from assent. Christians covenant to obey God's positive law and be "his peculiar people" (35,19,221) through the New Covenant of Baptism. (35,4,217) To embrace the Gospel in this way Hobbes sees as being equivalent with "to promise obedience to Gods government" (35,13,219). Those who accept baptism and embrace the Gospel and thereby assent to God's government become bound to obey the commands of that government. In order for them to correctly identify that government it becomes necessary, therefore, for them to know through whom God speaks and specifically to whom obedience is owed (35,13,220) so that the Christian duties which have been undertaken may be discharged.

The Sovereign as Interpreter of God's Word

In Part 3 Hobbes maintains that besides learning the Word of God through the use of one's natural reasoning tools God could convey His Word directly to someone in revelation. This, of course, would be the clearest source of knowledge of God's Word. However, the epistemological difficulties involved in one being able to know whether such direct communication was authentic seem insurmountably problematic. Furthermore, it would always be impossible for another person to know whether the one who claimed to be the recipient of such divine communication was telling the truth. (32,5,196) Because of these epistemological hurdles the usefulness of direct communication from God by revelation, as a method for publicly delivering God's Word,

would be extremely limited or totally useless.

The Prophetic Word of God is delivered to men in the Scriptures and through the mediation of the Prophets. Again, the problem arises of how to know which of the reportedly authentic Books are to be regarded as Canon and which of the would-be Prophets genuinely are God's messengers. Those who are not themselves privileged with the direct communication from God are still left with the problem of distinguishing the spurious prophets from the true and the counterfeit Books from the authentic ones.

According to Hobbes, a true prophet could be recognized by the performance of miracles, which, since biblical times, have been exceedingly rare. (37,13,237) They can also be identified by their "not teaching any other Religion than that which is already established" (32,7,197 similarly 40,8,252) by the sovereign. For Christians, Hobbes argues, these methods for deciding the authenticity of prophets should be viewed as following from the Laws of Nature, entailed by Reason dictating that one should seek peace; to Christians their Christian sovereign and those whom he recognizes as such should be viewed as Gods' Prophets (36,19,232). Furthermore, in each nation the decision as to which books are Canon is to be "established for such by the Sovereign Authority" (33,1,199 similarly, 33,19,204 and 42,43,284). The sovereign's authority in deciding what is to be viewed as Canon and its proper interpretation ought to be acknowledged because this arrangement is necessary for the maintenance of peace. (also discussed in 38,2,238) With

these claims for sovereign authority as the proper source for establishing religion and adjudicating whether or not some text or someone's speech is to be included in a theology, Hobbes sets the stage for discussing who is the rightful Sovereign Authority.

The Authority of the Civil Sovereign

He argues that the civil sovereign is the proper authority over religious matters and, hence, the only legitimate authority within a civil state. Speaking only with Abraham, who, as sovereign of his family had the lawful power to covenant for his family, God contracted with Abraham for his children to obey God's laws. From this biblical source Hobbes concludes by analogy

that they to whom God hath not spoken immediately, are to receive the positive commandments of God, from their Sovereign...And consequently in every Commonwealth, they who have no supernaturall Revelation to the contrary, ought to obey the laws of their own Sovereign, in the externall acts and profession of Religion. (40,2,249)

Furthermore, he adds

that as none but Abraham in his family, so none but the Sovereign in a Christian Commonwealth, can take notice what is, or what is not the Word of God. For God spake onely to Abraham; and it was he onely, that was able to know what God said, and to interpret the same to his family: And therefore also, they that have the place of Abraham in a Commonwealth, are the onely Interpreters of what God hath spoken. (40,4,250 likewise, 40,7,252)

Similarly, as long as the people of Israel believed that God spoke to Moses they were obligated, by the old covenant with Abraham and by their new covenant with God, to obey Moses as God's Lieutenant. Beyond that, Moses also had the authori-

ty to command the people because they had promised [Exod.20.18] to obey, in both civil and religious matters, "whatsoever he should deliver unto them for the Commandment of God". (40,6,251) At God's command the power to rule in His name passed to the High Priest of the Children of Israel, who, until the time of Saul, had the supreme ecclesiastical and civil authority over the Jews.

When the people asked Samuel to make a king for them like those of other nations, God, himself, consented to the request and His Kingdom ceased to exist. Saul then became king, deposing the High Priest of his authority and assuming the power over religion and government in the commonwealth.

Having therefore rejected God, in whose Right the Priests governed, there was no authority left to the Priests, but such as the King was pleased to allow them. (40,11,254)

So, from the time of Saul's kingdom, the civil sovereign is acknowledged to be the proper authority for interpreting God's Word and the one to whom obedient action is owed.

When Christ was on earth he was not a monarch, he had no kingdom, and he commanded no obedience. (41,3,262 also, 41,5,264) Hobbes reminds the reader that Christ says, (John 18.36) "My kingdom is not of this world". He also points to Christ saying, (Mat.23.2) "The Scribes and Pharisees sit in Moses seat; All therefore whatsoever they bid you do, that observe and do;" and counselling the people to "pay tribute to Caesar". (41,3-5,262-3) From such biblical texts (others are cited at 42,10,270) Hobbes infers that Christ ascribed kingly power to the civil authorities and taught

the people to be obedient, not to Himself, but to the rightful civil authority. (41,3,261 also, 43,5,322) Given God's omnipotence, He surely could have assumed the power to command everyone's obedience: instead He left the lawful Authority "to all Princes, as well Christians, as Infidels." (42,10,270) His teachings are commands to those who have bound themselves, by baptism, to obey Him as loyal subjects. (42,18,274) However, Christ commands obedience only to the laws of the commonwealth; "that is, the Jews to the Law of Moses, and other Nations to the Laws of their severall Sovereigns, and all men to the Laws of Nature." (42,43,285)

The Authority of the Clergy

In the course of reviewing a great number of biblical passages "For the Understanding of Power Ecclesiastical" in chapter 42 Hobbes invokes the corollary of his thesis, that without assenting to someone's authority there is no obligation to obey the commands issued by that person. Hobbes argues that since Christ on earth eschewed the exercise of his natural power to enforce his teachings, His lessons are to be considered as no more than recommendations, advice, or counsels. (42,43,284-5; 42,106,310, also 43,5,322). Hobbes maintains

that the Kingdome of Christ is not of this world: therefore neither can his Ministers (unlesse they be Kings,) require obedience in his name. For if the Supreme King, have not his Regall Power in this world; by what authority can obedience be required to his Officers? (42,6,269)

The Apostles, who take their power from Him, and popes, bishops and other clergy who take theirs from the Apostles,

therefore, have no greater powers than those of Christ on earth. Hobbes declares "that there is no coercive power left them by our Savior; but onley a Power to proclaim the Kingdom of Christ, and to perswade men to submit themselves thereunto." (42,5,269) The clergy has no divinely authorized power to make or enforce laws, none to command either rulers or subjects: only the civil sovereign is so authorized. (42,15,273; 42,45,286; 42,57,291) Clerics are only empowered to preach, teach, and counsel in an attempt to persuade or convert people to have faith in Christ and believe that the Bible is the Word of God. Their preaching does not bind the hearers, but rather should suggest "that they shall doe wisely to expect the coming of Christ hereafter, in Patience, and Faith, with Obedience to their present Magistrates." (42,18,274) The church never having the authority to force people to follow even the "most perfect Rules of Christian Doctrine" and being unable to compell faith, properly works only to attempt "the inward conversion of the heart" (42,106,310) through teaching. Once having engendered the belief that Jesus was Christ clerics, should only instruct the converted to observe "the Laws of their severall Soveraigns and . . .the Laws of Nature . . .as a necessary condition of being admitted by him [Christ] into his eternall Kingdome" (42,43,285)

The Civil Sovereign's Authority

Assuming his own concept of obligation and arguing from biblical texts, Hobbes is able to conclude from Reason that a Christian civil sovereign is the only proper authority for

determining the meaning of the Word of God and issuing commands in His name. Christian sovereigns are "the Supreme Pastors, and the onely Persons, whom Christians now hear speak from God." (42,6,323) A Christian King subjects himself immediately to God, "as did the Apostles themselves" (42,44,285), and no ecclesiastics have any power over him. Christian subjects must obey their Christian King, and if clergymen command otherwise they must be disobeyed.

While both the civil sovereign and the clergy may claim to speak in God's name, reasoning with Hobbes reveals that according to the bible, only the civil sovereign has that authority, hence, the civil sovereign alone must be obeyed. He writes,

for though God be the Sovereign of all the world, we are not bound to take for his Law, whatsoever is propounded by every man in his name; nor any thing contrary to the Civil Law, which God hath expressly commanded us to obey. (42,46,286-7)

The sovereign civil ruler, whether Christian or Infidel, is the proper one to decide which doctrines are to be promulgated within the commonwealth, what is to be called good and what is to be called evil. (42,67,295) When people act from different opinions on these matters, disputes leading to civil war may arise. Hobbes maintains that "Men cannot serve two Masters" (43,1,315). So, if a man knows that his civil sovereign issues God's command, then, certainly, that is the one he ought to obey. (*ibid*)

For Hobbes "there are no Ecclesiasticall Princes but those that are also Civill Soveraignes; and their Principalities exceed not the compasse of their Civil

Sovereignty;" (42,102,308). Only a civil sovereign has the authority to make laws and command obedience, and he has that authority to legislate both the civil and religious laws. Because of the political rights consolidated in him, a Christian Sovereign can make laws both as head of state and as head of the church (42,78,299) but, without his authorization, no one else may rightfully make either civil or religious laws. Hobbes argues that it would be contrary to the Laws of Nature, which command the persuit of peace, for anyone else (e.g., unauthorized religious leaders) to make laws besides the sovereign since such possibly contrary orders would entail disputes that would threaten the Commonwealth, "and consequently all Peace, and Justice must cease". (42,109,310)

As head of the church the sovereign commands all religious power in his state and, so, according to both natural law and biblical history a king has authority over even the highest clergy. Any jurisdiction that clergy has within the state is, therefore, received from their civil sovereign (42,112-119,312-313) and it may be removed by him as well. Hobbes declares that "Kings therefore may in the like manner Ordaine and Deprive Bishops, as they shall thinke fit, for the well governing of their Subjects." (42,117,313)

Obedient Action and Conflicting Belief

While the civil sovereign can, through his laws, oblige men's external actions he cannot oblige anyone to believe that his pronouncements on religion are true or that his

laws are just. Belief and faith are completely independent of compulsion, unaffected by promises of reward or threats of punishment. Commands to have faith or believe are ineffectual. (42,9,270 also, 42,106,309) Faith and belief are related to "certainty, or probability of Arguments drawn from Reason, or from something men beleave already" (42,9,270). It often comes from hearing the words of those who have taught us from infancy. (43,8,324) However, since reasons and the words of teachers do not effect every hearer in the same way, Hobbes concludes that inward thoughts and beliefs are not voluntary actions (40,2,249) and "Faith is the gift of God" (43,9,324, also 42,11,271) as the effect of the "unrevealed will" which operates by "the power of God" (40,2,250). Since belief cannot be compelled by (civil) laws, belief must be free from legal constraints. "A private man has alwaies the liberty, (because thought is free,) to beleave, or not beleave in his heart". (37,13,238)

Men must, therefore, act according to the dictates of the sovereign in their religious practices while they remain free either to believe or not believe the commanded faith. (42,11,271) Men must also follow the civil law even when they judge it to be law that the sovereign "ought not to command" (42,106,309). In such a case what is done in obedience to the sovereign's law is to be viewed as the action of the sovereign, since the sovereign wills it to be done, while the agent, in the performance of what he does, should be considered "as an instrument without any motion of his own". (42,106,309) The agent, in willing his action to

be in compliance with God's command of obedience to the sovereign, performs an action that is intended to further peace in accordance with the Laws of Nature. Even if the act itself is, in fact, contrary to the Laws of Nature, since the agent has no authority to judge these questions for himself he, nevertheless, acts justly by obeying the lawful command.

This Hobbesian position appears to be modified in the next chapter. In chapter 43 Hobbes says, "that when a man receiveth two contrary Commands, and knows that one of them is Gods, he ought to obey that, and not the other, though it be the command even of his lawful Sovereign." (43,1,321) He also says that "if the command [of the sovereign] be such, as cannot be obeyed, without being damned to Eternal Death, then it were madnesse to obey it". (*ibid*) These statements appear to contradict the position that Hobbes takes in chapter 42, but as we shall see, upon a careful examination of the text it becomes clear that Hobbes is, to the contrary, arguing against this second position that would sometimes allow civil disobedience.

What counts for Hobbes in evaluating a man's action or performance is "the Will for the Deed" (43,4,322), in other words, "a serious Endeavour" (*ibid*), or "the inward approbation" (42,106,309) that attaches to what is done. So, Hobbes calls acting with the will to obey God's command, doing what one ought to do. "The will to obey the Laws" is "Righteousnesse" which is "the will to give every one his owne". (43,4,322)¹¹ Someone, therefore, does what he ought

when he follows Christ's counsels and obeys the laws he is subject to, "that is to say, the Laws of Nature, and the Laws of our severall Sovereigns" (43,5,322). Since acting with the will to conform to those laws is the only thing necessary for Salvation (43,3,322), to achieve God's Kingdom it is never necessary to violate the sovereign's law as long as one acts with the will to obey God's command which can always be accomplished by obeying the sovereign. Acting with the inward approbation for the action, as an act of conforming to the civil law, is in accordance with the Laws of Nature because it is an action of obedience to the sovereign. Furthermore, since there is no available infallible method for distinguishing what is, in truth, God's command in each instance of action, no one can have the required knowledge of whether any particular act conforms with the Word of God. In every particular case of acting where the sovereign has made a law, all that can be known with certainty is that obedience to the sovereign's laws is commanded by the Laws of Nature. As long as a subject acts in obedience to the sovereign's command with the will to conform to God's law he never risks eternal damnation. Therefore, Hobbes concludes that "this difficulty of obeying both God, and the Civil Sovereign on earth . . . is of no moment" (43,2,321). It can never happen because, as long as human access to God's Word is limited, there is never a conflict between the several things one is required to do: whenever the sovereign's law commands someone to do something there is only one relevant command

and any action done from obedience to that command is righteous.

The will or internal faith that accompanies an action makes the action either righteous or a violation of the Laws of Nature. Since these internal occurrences are invisible to the observing public, according to Hobbes they are not subject to the constraints of human laws. However, "the words, and actions that proceed from [them] as breaches of our Civill obedience, are injustice both before God and Man." (42,43,285)

Overview

Throughout Part 3 of Leviathan, Hobbes argues for using natural Reason as a guide in gaining an understanding of the Bible. There he finds evidence for concluding that the Christian Bible sanctions only the authority of the civil sovereign in issuing commands and making laws for Christian subjects. He therefore affirms that Christians are bound to obey their sovereigns, whether Christian or not, always, even when the orders of the civil sovereign contradict the dictates of others who claim to speak for God.

Part 4

Hobbes's three central theses have only a small role in Part 4 of Leviathan, "Of the Kingdome of Darknesse" (chapters 44-47). He does, though, invoke both of his epistemological methods, some prudential analysis but primarily Reason, in unmasking the deceptions of religious leaders. He examines several of their doctrines which tend to undermine the obedience of Christian subjects to their

civil sovereign and charges that the Kingdom of Darkness is the creation of

a Confederacy of Deceivers, that to obtain dominion over men in this present world, endeavour by dark, and erroneous Doctrines, to extinguish in them the Light, both of Nature and of the Gospell; (44,1,333)

According to Hobbes this subverting "Enemy" (44,3,334) has used four means in misleading the ignorant: 1) abusing the Scriptures by misinterpreting what they say, 2) introducing heathen demons as if they were real things rather than mere "Phantasms of the braine"(ibid), 3) mixing ancient erroneous religion together with the Scriptures, and 4) adding "fained or uncertain History"(ibid) to the Scriptures. The passage cited above seems to imply that the deception which creates the Kingdom of Darkness is always deliberate but the text of Part 4 also supports counting the deceptions as being instances of culpable negligence and "partly from Blindnesse of understanding" (46,14,371). Nevertheless, the coalition of enemies of truth who create the darkness must be resisted and unmasked with the principle tools of intellectual candor and rigor, namely the Reason and science of Leviathan, chapter 5. Hobbes uses these tools to show that the mistaken beliefs of the Kingdom of Darkness lack empirical justification or result from careless use of words ending in linguistic absurdity. Without the requisite foundational support Hobbes rejects those concepts as mere seditious fictions.

Erroneous Doctrines

In Chapter 44, "Of Spirituall Darknesse from MISINTER-

PRETATION of Scripture", Hobbes contrasts the official Church interpretation of the Bible with his own reading, based on Reason and understanding the words according to their proper signification (presented in Part 3), which he regards as the correct interpretation. Again offering his reading of relevant passages from Scripture, he contends that the "main abuse of Scripture...is the wresting of it, to prove that the Kingdome of God...is the present Church" (44,4,334). He sees other erroneous doctrines as consequences of this initial serious misinterpretation of the Bible: that the Pope has regal power, that it is necessary for Kings to be crowned by the Pope or his representative, that clergy can levy taxes (require tithes), that acts of the Pope are Canon laws distinct from and superior to civil laws, and that clergymen are exempt from the taxes and tribunals of the civil state. (44,4-10,334-37) Hobbes identifies another serious abuse of Scripture as the misinterpretation of "consecration". According to Hobbes the word "consecration" should be understood as separating something from common use to God's use, and not as "conjurat-ion", the pretended change in the nature or quality of a thing, which he regards as "Enchantment and Lying" (44,11,337) and "most grosse Idolatry" (44,11,338). Hobbes attributes erroneous beliefs in Eternal Torments, Purgatory, Ghosts, Exorcism, Indulgences, and in the separate existence of the soul to "the Misinterpretation of the words Eternall Life, Everlasting Death, and the Second Death" (44,14-15,340-41). Hobbes dismisses these Church doctrines as

founded onely on some of the obscurer places of the New Testament; which neverthelesse, the whole scope of the Scripture considered are cleer enough in a different sense, and unnecessary to the Christian Faith. (44,15,339)

After using Scripture to rebut the Church interpretations of several passages Hobbes concedes of other passages that "there is no colour in any interpretation that hath yet been given of them" (44,37,350). He even confesses that some Biblical passages

are very hardly to bee reconciled with all the Doctrines now unanimously received: Nor is it any shame, to confesse the profoundnesse of the Scripture, to bee too great to be sounded by the shortnesse of humane understanding. (44,32,347)

This amounts to the admission that the biblical explication he offers is not compatible with every sentence of the Scriptures although it does accommodate most of the Bible.

In chapter 45, "Of DAEMONIOLOGY, and other Reliques of the Religion of the Gentiles", Hobbes offers his account of how belief in demons came to be accepted by Christians. He shows that ignorance of fact leads to inappropriate beliefs and he shows how, for example, those ignorant of the "nature of sight" mistakenly conceive "Images in the Fancy" as being "of things really without us" (45,2,352) like demons or ghosts. This kind of error leads people to fear ghosts and demons "as things of an...unlimited power to doe them good, or harme" (*ibid*) and enables the enemies of truth to control the actions of the deceived by manipulating their fear. Besides offering his factual account of how a person can have an "impression made on the organs of Sight... [when there is] no such thing without him" (45,1,352) and so come

to mistakenly believe that there is an extant something which he is seeing, Hobbes shows how the Scripture can be read without implying the existence of demons.

In this chapter Hobbes also presents his case for regarding the Church practices of worshipping images and saints and incorporating processions, candles, and holy water into religious practice as relics of Gentilism. Similarly, he presents his case for regarding the position of the Pope as superior to other Christians as a remnant of Roman titles. Hobbes argues that historical experience shows the true origins of these ways and that an examination of the Biblical text, with the aid of Reason gotten definitions, reveals no other justification for adhering to them.

Insignificant Language

In chapter 46 Hobbes reviews his definitions from chapter 5; that right Reason uses words to arrive at "generall, eternall and immutable Truth" (45,2,367) and that prudential knowledge comes from experience and thinking about causes and effects. According to these definitions, absurdities, or senseless speech, are mistakes involving the combination of words of general signification in inconceivable assertions. Many of the mistakes "Of DARKNESSE from VAIN PHILOSOPHY, and FABULOUS TRADITIONS" are blamed on the "senselesse and insignificant Language" (46,11,369) of the Schoolmen. In chapter 5 Hobbes listed seven causes of absurdity and here, in chapter 46, he shows how three of these (#4,#6,#7) are the specific causes of

senseless doctrines. He attributes the School's absurd Aristotelian metaphysical concept of Abstract Essences, or Substantiall Formes (#4) "to the giving of the names of bodies to names, or speeches". (5,12,20) He says that the terms "Entity, Essence, Essentiall, Essentiality . . .are . . .no Names of Things; but Signes, by which wee make known, that wee conceive the Consequences of one name or Attribute to another" (46,17,372). He ascribes the mistake of teaching "that Eternity is the Standing still of the Present Time" (46,22,374) to (#7) the creation of "names that signifie nothing . . .as, . . . eternal-Now" (5,15,21). The doctrine asserting that God is both one body and many bodies and in one and many places, at the same time, is a mistake (#6) caused by counting "Almighty power of God" (46,23,374), a metaphorical term of honor, as words that could be used in the search for truth. He also argues that in physics the concepts of the Schools are (#7) nothing "but empty words" (46,24,374).

False Philosophy

Hobbes sees vain and false philosophy in the failure to acknowledge his three central theses which, for him, should be acknowledged by all reasoning beings. He counts the philosophy which extends "the power of the Law . . .to the very Thoughts and Consciences of men" (46,36,378) as erroneous since it would threaten peace and therein violate the Law of Nature. Similarly, any philosophy would be false that endorsed people in a commonwealth either considering private appetite as the measure of good (46,31,376) or

interpreting the civil law according to private unauthorized judgement (46,37,378) . Such private judgements would both violate the Laws of Nature and the obligation of obedience to the sovereign's laws as the rule of public good. Also, regardless of the form of government arbitrarily established in any commonwealth, a philosophy that considers non-democratic government as tyranny is false because it fails to recognize the authority of sovereignty. (46,34,377)

Again, in chapter 47, Hobbes assumes his thesis of the primacy of the obligation to the lawful sovereign (47,2-3,381) and therefore finds the position, that religious authority is supreme, to be "contrary to the Peaceable Societies of Mankind" (47,1,381). Relying on experience as his method in this chapter, first he observes and discovers those who have profited from the Kingdom of Darkness. Then he tries to show that since the Roman and Presbyterian clergy have benefitted from the creation of the Darkness, it should be presumed that they are its authors. Hobbes presents the evidence of their gain in twelve "Doctrines, that serve them to keep the possession of this spirituall Soveraignty after it is gotten" (47,5,382). He then forms conjectures about the reasons for promulgating these doctrines which he observes being accepted and speculates about their source and history. He suggests that these erroneous tenets should be attributed to both the aggressive appropriation of titles (e.g. the Right of Saint Peter) and the usurpation of authority by the early Roman clergy and to the shortsighted, unimaginative acquiescence of the

Christian Emperors and other Christian Sovereigns. He goes on to offer a step by step reconstruction of how legitimate kingdoms got knotted into confounding entanglement with the Kingdom of Darkness (47,19,384-5) and then, by tracing the history of England from the point when Queen Elizabeth dissolved the power of the Popes in her realm, he shows how the mess is unravelled, knot by knot. (47,20,385)

Based on the evidence he considers, Hobbes concludes his discourse with the judgement that the Papacy is comparable to a Kingdom of Fairies and that its Latin is a ghost of language. He claims that

if a man consider the originall of this great Ecclesiasticall Dominion, he will easily perceive, that the Papacy, is no other, than the Ghost of the deceased Roman Empire, sitting crowned upon the grave thereof: (47,21,386)

Through his disclosure of how the Papacy has been successful in establishing its feigned authority, Hobbes hopes to exorcise the false beliefs of the formerly ignorant. He sees his use of Reason, in the preceding three chapters, and experience, here in chapter 47, as the way to keep the "Spirit of Rome" (47,34,388) from continuing its dangerous effect on the actions of Christians. In his view, if this clean sweep, to rid Christianity of ghosts, could be accomplished "without contention" it would restore the "best" situation, "the Independency of the Primitive Christians to follow Paul, or Cepahas, or Apollos, every man as he liketh best" (47,20,385). Such a cleansing would free Christian subjects from the Church's seductive pressure which misleads its followers into violating the Laws of Nature by undermin-

ing their obedience to their civil sovereigns.

READINGS: PUTTING THEM TO THE TEST

I have claimed that Hobbes's own application of his philosophy in Parts 3 and 4 of Leviathan can serve as a tool for assessing the various attempts to explicate his theory and provide a standard for endorsing and ruling out some of these views of what Hobbes's moral philosophy is about. So, in this section I assess the compatibility of some approaches to Hobbes against my textual criterion. The theses and methods taken to be characteristically Hobbesian by different scholars will either conform with those Hobbes invokes in Parts 3 and 4 or they will be shown to be discordant and inharmonious. I expect that this test will yield an appraisal of the feasibility of each of the suggested readings of the text and offer a clear ground for rejecting or accepting them into the cannon of plausible interpretation.

Explications of Hobbes's ideas by several contemporary authors seem to stand up well under this test and their accounts of features of his theory are readily accommodated into the arguments of Parts 3 and 4. Some recent work, which interprets Hobbesian duty arising from a voluntary undertaking by the agent, appears to fit especially well with his concept of obligation generated by assent employed in Parts 3 and 4.

Foremost in this group is the work by W. von Leyden in Hobbes and Locke: The Politics of Freedom and Obligation¹². Von Leyden carefully presents the case that people become obliged only when they voluntarily accept a duty and that

even Natural Law "has to be assented to before constituting an obligation"¹³. This position can be confirmed by recalling that throughout Parts 3 and 4 Hobbes employs the concept of obligation as if he understood it to be grounded in assent.

In her article, "Subjects and Soldiers: Hobbes on Military Service"¹⁴, Deborah Baumgold endorses a similar understanding of Hobbesian obligation. She argues that while all subjects in a civil society become bound to defend their commonwealth by their subjecting themselves to its laws in the generation of the state, that duty is limited by the reserved right to protect oneself. In battle, therefore, an ordinary citizen is free to save himself when his life is in jeopardy.¹⁵ However, the volunteer soldier, who commits himself to risking his life in defense of his country, has surrendered his liberty of preserving himself when serving in battle for his country, and so, he has the special obligation to continue to fight even though he sees that his life is in jeopardy. This account coincides with Hobbes's repeatedly using the concept obligation as if he held that duty arises from an individual's own undertakings: the obligations of the ordinary citizen to defend his commonwealth, up to a point, arise in this way and the extra obligations of the soldier, to risk his life for the defense of the commonwealth, arise from assent. Baumgold's reading also squares with Hobbes's view that while all men are bound to obey the Laws of Nature, the Jews were also bound to obey all of God's other commandments only because they agreed to

obey Him as their sovereign. Reason leads all men to bind themselves to the Laws of Nature (the last six of The Decalogue) but in their unique undertaking the Jews assumed the special obligation of obedience to the rest of God's laws (the first four Commandments and the other 602 laws found in the Old Testament) as their authorized civil laws. Similarly, Hobbes finds that the Christian becomes bound to the special obligation to obey all of the laws of the Old Testament when he commits himself to accept Jesus as the Christ.

Anthony Kronman in his paper, "The Concept of an Author and the Unity of the Commonwealth in Hobbes's Leviathan"¹⁶, echoes this same understanding of Hobbesian obligation as arising from one's own commitment which appears so prominently in Leviathan Parts 3 and 4. Kronman claims that

[e]very right (as well as its corresponding obligation) is founded upon an act of the party obligated, and a right can be justified only by reference to an act of this sort. The act which establishes a relation of authorized representation is promise, or more precisely, an exchange of promises or contract.¹⁷

For Kronman a sovereign becomes one's authorized representative only by contract. This rendering is perfectly compatible with Hobbes's statements in Part 3 where he explains the proper significance of the phrase "Kingdome of God". Hobbes claims

the KINGDOME OF GOD, to signifie in most places of Scripture, a Kingdome properly so named, constituted by the Votes of the People of Israel in peculiar manner; wherein they chose God for their King by Covenant made with him, upon Gods promising them the possession of the land of Canaan; (35,2,216)

Here both God and the People of Israel become bound by their own acts of promising the other some specific performance. The Jewish People promise obedience to their sovereign's laws and God promises them the land. Hobbes makes this point again as he explains why the Jews are God's "peculiar people" (35,5,217). The reason Hobbes gives is that the Jews have made it so by their "own Consent, and Covenant" (*ibid*).

Unaccommodated Interpretations

One kind of view, perhaps the currently most popular approach to Hobbes, (most recently propounded by Jean Hampton¹⁸ and Gregory Kavka¹⁹) can obviously be challenged by holding it up to the standard of Parts 3 and 4. Here I have in mind those who see Hobbes's theory as presenting a calculating egoist who engages in prisoner's dilemma-type reckoning, decision making from a position of uncertainty. Such readings represent wide departures from the text in that they never display Hobbes as engaging in scientific reasoning involving "Consequences of General names": they see Hobbes as never advancing beyond the level of prudential presumption about the future, the kind of thinking of the Fool who would be a criminal. This approach clearly denies the main thrust of Hobbes's method. Furthermore, the total absence of a role for account-balancing decision making under conditions of uncertainty, (prisoner's dilemma-type calculation) in the entirety of Parts 3 and 4, suggests that such analyses have very little to do with Hobbes's project.

Given the intuitive plausibility of such a view it is

startling to notice that prisoner's dilemma accounts, of the sort **Kavka** and **Hampton** find to be paradigmatically Hobbesian, are lacking in all of Parts 3 and 4 where Hobbes applies his own theory. The absence suggests that in their "rethinking" and "rational reconstruction" of the theory they have drastically departed from the theory Hobbes had thought he constructed. To confirm this hypothesis, that such readings should be dubbed Hobbist rather than truly Hobbesian²⁰, we can test these readings to see if they are compatible with Parts 3 and 4.

TESTING INTERPRETATIONS

We can recall that Part 3 of Leviathan ("Of a Christian Common-wealth") discusses the duties of Christian subjects in civil society and the "Nature and Rights of a CHRISTIAN COMMON-WEALTH" (32,1,195). Hobbes's aim is to discover who has rights in a Christian Commonwealth, what they are, and how those rights have evolved, and, more specifically, to clarify "the Rights of those that are the Supream Governors on earth, of Christian Common-wealths; and of the duty of Christian Subjects towards their Sovereigns" (32,9,198). He proposes to carry out his task by examining "the Naturall Word of God" together with the "Propheticall" Word of God (chap.32,1,195), using them together to confirm his conclusions.

Knowing One's Christian Duty

The first question Hobbes takes up in Part 3 is how a Christian, one who has "embraced Christian Doctrine" (42,45,285), can know God's will. He answers that a

Christian must use his "Senses, and Experience" (32,2,195) and especially "(that which is the undoubted Word of God)" (*ibid*) his Reason to understand Christian duties expressed, directly, in revelation or, indirectly, through true prophets and in the words of the Scripture. Reason along with our senses and experience are, for him, manifestations of the Natural Word of God. Our Reason, sense, and experience are, also, our God-given tools for understanding God's Will when it is not revealed to us directly, as when God does not speak to us personally, or when people have no access to his bible, or even when His Will is expressed by mediation in the bible and through His prophets (32,6,196). Hobbes maintains that natural Reason, sense, and experience, "are the talents which he hath put into our hands to negotiate, till the coming again of our blessed Savior" (32,2,195). Absent God's direct communication these natural talents enable us to comprehend the source and nature of rights in a commonwealth. These same talents are also employed to enable us to discern and comprehend the relevant biblical texts "from which, by wise and learned interpretation, and carefull ratiocination, all rules and precepts necessary to the knowledge of our duty both to God and man, without Enthusiasme, or supernaturall Inspiration, may easily be deduced." (32,9,198)

Here the method of discovery is not a computing of probabilities to find which reading of holy texts or the directions of which purported prophets would be most advantageous to the egoist calculator. Rather, the Christian

subject is required to refer to the principles of Natural Justice (explicated in Parts 1 and 2) which are derived from the nature of men and careful deductions from apt definitions and engage his talents of understanding and Reason when interpreting God's revealed Word or Holy Scripture and assessing the authenticity of Prophets. The Christian is then to "Captivate [his] Understanding and Reason...[by] forbear[ing] contradiction" (32,4,196) or absurdity and obeying, in his words and actions, what he finds his Christian duty to be.

Whose Dictates to Follow?

As we have seen the crucial issue for the committed Christian is to determine whether he is obliged to follow the dictates of his civil sovereign or his religious leader. According to Hobbes, the one with the rightful authority will be the one who should determine which Texts and Prophets are to count as authoritative and who then determines the definitive interpretation of their words. At the end of chapter 33 Hobbes formulates this question:

Whether Christian Kings, and the Sovereigne Assemblies in Christian Common-wealths, be absolute in their own Territories, immediately under God; or subject to one Vicar of Christ, constituted over the Universal Church; to bee judged, condemned, deposed, and put to death, as they shall think expedient, or necessary for the common good. (33,23,206)

He then begins chapter 34 by setting out his method for discovering whether a Christian owes obedience primarily to his sovereign or his vicar. Since the only appropriate source for ascertaining the answer to the question is the entirety of Christian Scripture (all of the books of both

the Old and the New Testament) the means of discovery must be a careful analysis of the implications of the words found there with diligent attention to their proper signification.

Seeing the foundation of all true Ratiocination, is the constant Signification of words; which in the Doctrine following, dependeth not (as in natural science) on the Will of the Writer, nor (as in common conversation) on vulgar use, but on the sense they carry in the Scripture; It is necessary, before I proceed any further, to determine, out of the Bible, the meaning of such words, as by their ambiguity, may render what I am to inferre upon them, obscure, or disputable. (34,1,207)

Again, reasoning from the proper use of words is the method to be used for determining who is the rightful authority that the Christian subject must obey. Again, the method is not figuring the probabilities of advantage in one of the two or more alternative scenarios and determining the solution based on the odds of achieving a preferable outcome.

In chapter 35 Hobbes is concerned with explaining how a Christian subject should understand the extent of God's Kingdom. He argues, by referring to the Scriptural uses of the phrase "Kingdome of God", that because it is consistent with most of the mentions, the proper signification of "Kingdom" must be understood to be "Monarchy, that is to say, the Sovereign Power of God over any Subjects acquired by their own consent" (35,1,216) According to Hobbes's reading of the phrase it is a mistake to take the "Kingdome of God" to mean "Eternal Felicity...in the Highest Heaven" (*ibid*) as it often is "in the Writings of Divines, and specially in Sermons, and Treatises of Devotion" (*ibid*).

Understanding that God's Kingdom is a monarchy and also that the word "Holy" means "God himselfe, or that which is Gods in propriety" (35,15,220) explains that the Jews were a Holy Nation "because they became his Propriety by covenant". (35,16,220) In this discussion Hobbes is relying on inference from the text, to discover the proper definitions, and deduction from those definition, i.e. Reason again, and not a probability calculus. He also invokes the concepts of consent and covenant for grounding God's Kingdom, but not force, power, or expediency.

From the biblical text Hobbes explains that the "Word of God" is both whatever God has spoken and also the Scripture which "is taken for the Doctrine of Christian Religion" (36,3,223). He shows that the "Word of God" sometimes signifies "Words as are consonant to reason and equity" (36,5,224) and "is then also to be taken for the Dictates of reason and equity... written in mans heart" (36,6,224). So, when a Christian is confronted by any would be prophet or prophecy, which has not been authorized by the sovereign, he "is bound to make use of his Naturall Reason, to apply to all [Prophets and] Prophecy those Rules [the rules of reason and equity which are the Laws of Nature] which God hath given us, to discern the true from the false." (36,19,231) Hobbes argues that the Christian is bound to the Laws of Nature because he has agreed to be governed by (1) the Old Testament doctrine taught by "Moses the Sovereign Prophet" (*ibid*), including the Decalogue, which, according to Hobbes, in the last six commandments, issues the Laws of Nature as

civil laws for the Jews, and (2) the New Testament, which Hobbes sees as preaching only "That Jesus is the Christ, that is, the King of the Jews" (*ibid*) and so commands his subjects to obey the Laws imposed on the Jews. Once more, the operative concepts in Hobbes's analysis are Reason and agreement, and not egoist calculation of self-interest, and the effective moral concepts are assent and the Laws of Nature, and not advantage.

Through the remainder of Part 3 Hobbes continues to argue in a similar vein, using Reason to discern the proper significance of terms such as 'miracle' (chap.37), 'eternal life', 'hell', 'salvation', 'redemption' (chap.38), and 'church' (chap.39) and to explicate the role of the Saviour on earth (chap.41) and the nature and extent of ecclesiastical power (chap.42). Hobbes also invokes the concept of obligation arising from assent, developed in his science of morals and politics, to sanction the authoritative role of the civil sovereign. None of this fits the Kavka/Hampton picture.

In chapter 40, "Of the RIGHTS of the Kingdome of God, in Abraham, Moses, the High Priests, and the Kings of Judah", Hobbes argues that the Jewish People had to obey their sovereign, not from fear of the consequences of disobedience, but because they had obliged themselves by an act of assent. Abraham bound himself and his family [whose "wills were before the Contract involved in the will of Abraham" (40,2,249)] by the covenant he

made with God... to take for the Commandment of God,

that which in the name of God was commanded him, in Dream, or Vision; and to deliver it to his family, and cause them to observe the same. (40,1,249)

Therefore, Abraham was obliged to obey God's commands and the members of his family, as his subjects, were bound to obey Abraham's commands.

Hobbes goes on to maintain that Moses's authority over the People,

as the authority of all other Princes, must be grounded on the Consent of the People, and their Promise to obey him. And so it was: For the people (Exod. 20. 18) when they saw the Thunderings, and the Lightnings, and the noyse of the Trumpet, and the mountaine smoking, removed, and stood a far off. And they said unto Moses, speak thou with us, and we will hear, but let not God speak with us lest we die. Here was their promise of obedience; and by this it was they obliged themselves to obey whatsoever he should deliver unto them for the Commandment of God. (40,6,250-1)

The People were bound to obey Moses, their Sovereign Prophet, only because of their promise. If Moses's commandments were not to their advantage each was still obliged to obey. In fact, Hobbes makes the point of reminding the reader that when Corah, Dathan, and Abiram thought they would be better off governing themselves and the People, and revolted against Moses and Aaron, God brutally destroyed them. From this story Hobbes concludes that because of their promise, regardless of self-interest, each of the People was bound to obey Moses and "that whosoever in a Christian Commonwealth holdeth the place of Moses, is the sole Messenger of God, and the interpreter of his Commandments." (40,7,252)

Later, the Jewish People, "with the consent of God himselfe", (40,11,254) rejected God's sovereignty and asked Samuel to make a human king to reign over them. By that

request they assented to the rule of their new sovereign and became bound to obey him. If Hobbes had been committed to determining action according to the consideration of consequences alone then God himself (represented by His Prophet or High Priest) would always be the rightful sovereign since He, as all knowing and all powerful, would always be the most useful guide one could have. However, we can see that Hobbes finds assent, rather than consequentialist considerations, to be the ground of obligation, since he allows that God can be rejected as sovereign and that the rightful sovereign is the one to whom assent is given, even if that would leave the subjects worse off.

Law and the Obligation of Obedience

In Part 3, chapter 42, Hobbes discusses rules and compares them with laws. For him, "a Rule is a Precept, by which a man is guided, and directed in any action, whatsoever". (42,36,281) When a rule is given by someone with the power to compel that it be observed, then it is also a law. Hobbes goes on to restate his previously offered definition of law.²¹ He says that

a Law...is the Commandment of that Man, or Assembly, to whom we have given Sovereign Authority, to make such Rules for the direction of our actions, as hee shall think fit; (42,43,284)

Hobbes allows that a man can make a law "to himself" (*ibid*). Such a law a man "might again reject, by the same right he received it" (*ibid*). However, laws made by an authorized civil sovereign must always be obeyed by everyone who has subjected himself to them.

Laws acquire their obligatory force only by a person's consent. Either one can accept the laws themselves as binding or accept a person as their authorized law maker and commit himself to obey whatever laws that person should declare. People's obedience to a law is not required, "saving that they had obliged themselves" (42,37,282). A law commanded by another "obliges not, nor is a Law to any, but to them that acknowledges it to be the act of the Sovereign" (*ibid*). When one is committed either to obeying a law or a law maker, then he is obliged to follow the dictates of the commanded law and forbidden from doing otherwise. Disobeying a law that one has bound himself to observe, except in those cases where a "precedent Law, to which they were obliged to yeeld obedience, was to the contrary" (42,46,286), is an injustice.

A promise, or pact, is what binds a person to obey some law or sovereign: prudential calculation plays no role in the creation of the obligation to obey the law. Hobbes explains how God's judicial and ritual laws come to oblige the Children of Israel by reminding his readers that these laws "were delivered to them by Moses onley; and therefore also became Lawes, by vertue of the same promise of obedience to Moses." (42,38,283) No one is constrained to obey the commands of another unless he has previously entered into a pact in which he submits himself to the rule of some sovereign. Since only those who have been promised obedience and granted sovereign authority have the commision to make laws for their subjects, "They that have no

Kingdome, can make no Laws." (42,45,286)

The Obligation to Obey the Laws of Nature

The Laws of Nature are given by God to every man as precepts.(42,37,282) In that context they are not proper laws but merely advice that each person might accept or reject: no one is compelled to obey. When a person accepts them as laws for himself the Laws of Nature become compelling. Just as a convert becomes obliged to follow the dictates of "the Canon, or Rule of Faith" only because he "made them so to himself" (42,42,284) the Laws of Nature oblige only because they are "embraced" or "received...for the true" (*ibid*).

The last six of The Ten Commandments, those that Hobbes calls The Second Table, contain "the Duty of one man towards another" (42,37,282). To him the commandments of this Second Table are the Laws of Nature and, as such, are "to be acknowledged for Gods Laws" (*ibid*) which are binding on all men as "the Precepts of Naturall Reason, written in every mans own heart" (42,37,282). As precepts alone, they should not actually be called laws until they derive compelling power from the agent accepting their authority and obliging himself (presumably from the agent promising himself or making a pact with himself) to obey them either as the conclusions of his own Reason or as the recommendations of God. Again, there is no place for prudence in Hobbes's account of the generation of this obligation.

Getting into Heaven

When discussing "Of what is NECESSARY for a Mans

Reception into the Kingdome of Heaven", in chapter 43, a place in the text where it could seem that Hobbes would want to engage in weighing alternative strategies, Hobbes makes it clear that in finding his answer he is relying on Reason instead of the results of some calculus of probabilities. Here, Hobbes avoids comparing the likelihood of achieving Heaven by following alternative strategies. Instead he elects to examine the Scriptures and gather significance from the words he finds on the subject: from his search of the text he determines that obedience to the civil sovereign is the only thing required for reception into Heaven. He argues that, while a Christian is always bound to obey God, he must be able to know who truly speaks for God when he is given contrary commands by different individuals each claiming to be God's legitimate representative. He needs to know who is God's authorized agent so that he can fulfill his obligation of obedience to God and avoid "the forfeiture of life Eternall" (43,2,321). By citing Biblical texts Hobbes shows that the obedience which God requires of the believer is a sincere effort to observe God's Laws which "are none but the Laws of Nature, whereof the principall is, a commandment to obey our Civill Sovereigns, which wee constituted over us, by mutuall pact one with another." (43,5,322)

Understanding the Dark Powers

After explaining a Christian's duty to obey his civil sovereign in Part 3 of Leviathan Hobbes proceeds, in Part 4, to explain "OF the Kingdome of Darknesse". This is an

important part of Hobbes's project because he fully appreciates how effectively people can be misled by irrational fears of the Kingdom of Darkness.²² While recognizing that humans often shirk their duty to make the effort of engaging their own Reason and so allow themselves to be ruled by their unschooled passions, Hobbes clings to the faith that Reason will rule when people are made to confront the conclusions of Reason. So, Hobbes's aim in Part 4 is to educate the gullible (almost everyone) in what they should reasonably believe about the nature and powers of the Kingdom of Darkness. Since "we come to erre, by giving heed to seducing Spirits, and the Daemonology of such as speak lies in Hypocrisie, . . . with a seared conscience, that is, contrary to their own knowledge" (44,3,334), then, we can come to avoid the errors of being misled by ungrounded apprehension when we gain true understanding of the dark powers.

To learn the truth about the Kingdom of Darkness Hobbes uses the method of reasoning from the words in the Scriptural text (once more eschewing any computation of consequences) to illuminate what can be known of this realm and reveal the abuses of Scripture that lead to the mistakes in its common understanding. He also calls upon his historical understanding of social practices to account for many common misinterpretations of Scripture and checks his conclusions against his experience.

In chapter 44 Hobbes presents the biblical evidence which shows that the present Church is not God's Kingdom and

that the Pope is not His Vicar General. (44,4-10,335-7) He also shows that consecration should be interpreted as dedication and that the several varieties of mistaking such acts, as conjured changes of the nature or quality of a thing, are deceptions. (44,11-22,337-343) Through the remainder of the chapter he argues that the bible presents no ground for believing that there is "Natural Immortality of the Soule" (44,23,344) which is thought to imply the terrifying possibility of Purgatory. Since he shows that there is no support given by the Bible for the notion of an immortal soul and, also, none for the existence of Purgatory, there is no reason to believe they exist and, hence, no reason to fear the eternal torments of Hell nor count them in determining one's actions because they do not exist at anytime anywhere.

In chapter 45 Hobbes finds no definitive support in the Bible for the conclusions, which the church has averred, that "Immateriall Spirit" (45,8,355), ghosts and demons, exist. (45,1-9,352-6) Hobbes offers his account of how "the ancient pretenders to Naturall Knowledge" (45,2,352) came to believe in the existence of ghosts and demons from mistakenly believing that each experience had a physical cause outside of their own bodies. If there is no Scriptural reason to believe that ghosts and demons exist and the natural evidence can be explained by natural physical causes, then, it is rational to assume that there are no ghosts and demons: they are nothing, so nothing to fear or have exorcised.

In this discussion of ghosts and demons and in his discussion of purgatory Hobbes makes no reference to the calculation of consequences of believing in spirits and Hell. If he had, his conclusion would have been a curious turn on Pascal's Wager; the best bet for a consequentialist might be to believe in ghosts and demons and purgatory or at least to act as if one did, an option that Hobbes would clearly reject.

The subject of the remainder of chapter 45 is Christian worship of idols. (45,10-38,356-66) Once more Hobbes employs Reason, instead of cost/benefit analysis, to reveal the proper Christian position on idolatry. He finds that the Church practice of his time, which, he claims, sanctions idolatry, is based upon misunderstandings of the Biblical use of the words "worship" and "image". Hobbes corrects the interpretive errors and then distinguishes between paying appropriate respect to things that are Holy and treating those things as if they themselves were invested with supernatural qualities. He says,

To worship God, in some peculiar Place, or turning a mans face towards an Image, or determined Place, is not to worship, or honor the Place, or Image; but to acknowledge it Holy, that is to say, to acknowledge the Image or the Place to be set apart from common use: for that is the meaning of the word Holy; which implies no new quality in the Place, or Image; but onley a new Relation by Appropriation to God; and therefore is not Idolatry. (45,23,360)

No matter what the advantage may be to the population at large (by stimulating the economy or rallying public spirit) or to the individual Christian (idol maker or vendor) Hobbes concludes, without even mentioning such considerations, that

idolatry conflicts with Christian duty since it "is forbidden in the Second Commandment, and other places of the Scripture." (45,19,359)

Escaping Vain Philosophy

Chapter 46 is an interesting departure from biblical exegesis where Hobbes considers "Of DARKNESS from VAIN PHILOSOPHY, and FABULOUS TRADITIONS". Here Hobbes argues for using Reason over prudence (the consequentialist method) "to the end to bee able to produce, as far as matter, and humane force permit, such Effects, as humane life requireth." (46,1,367) He begins by reviewing his definition of philosophy,

the Knowledge acquired by Reasoning, from the Manner of the Generation of any thing, to the Properties; or from the Properties, to some possible Way of Generation of the same (46,1,367)

and distinguishing it from Prudence which is derived only from experience

and is but a Memory of successions of events in times past, wherein the omission of every little circumstance altering the effect, frustrateth the expectation. (46,2,367)

He reminds us that right Reason produces "generall, eternall, and immutable Truth" (*ibid*) while prudence carries no certainty. With the end of correcting the mistakes of the Schools, Hobbes then reviews their history and their contributions to the accumulation of errors which have been brought into Christianity. Again, with no weighing of outcomes, but with Reason, by "right limiting of the significations of such Appellations, or Names, as are of all others the most Universall:" (46,14,371) Hobbes proceeds

with his critical survey, amending the "vain philosophy" of his predecessors, until he reaches, the doctrines taught in the universities of his own period, "the Writings of Schoole-Divines" (46,39,379) which he finds irreparable. Here he faults their Reason; he is not concerned with their prudence or conjecture. To him their writings

are nothing else for the most part, but insignificant Traines of strange and barbarous words, or words otherwise used, then in common use of the Latine tongue....Which Insignificancy of language, though I cannot note it for false Philosophy; yet it hath a quality, not onely to hide the Truth, but also to make men think they have it, and desist from further search. (*ibid*)

Benefitting from Darkness

In chapter 47 of Part 4 Hobbes actually does discuss the egoist subject "Of the Benefit proceeding from such Darknesse; to whom it acceweth". However, we find no Hobbesian endorsement of consequentialist egoism in this discussion either, but a venomous attack on those who, in violation of the Laws of Nature which require people "to seek Peace and follow it" (14,4,64) choose, instead, for their own gain, to promote "these Doctrines [of the Kingdom of Darkness and other vain philosophy], contrary to the Peaceable Societies of Mankind" (47,1,381). Hobbes begins his argument by asserting the Roman legal principle, cui bono, that nothing "so evidently declareth the Author, as doth the BENEFIT of the Action." (*ibid*) After reviewing the peace-threatening doctrines examined in the previous chapters Hobbes blames those who prosper by them for allowing them to be promulgated.

To these [doctrines]...the profit whereof redoundeth manifestly, to the setting up of an unlawfull Power over the lawfull Soverigns of Christian People; or for the sustaining of the same, when it is set up; or to the worldly Riches, Honour, and Authority of those that sustain it. And therefore by the aforesaid rule, of Cui bono, we may justly pronounce for the Authors of all this Spirituall Darknesse, the Pope, and Roman Clergy, and all those besides that endeavour to settle in the mindes of men this erroneous Doctrine.

(47,17,383)

Obviously, for Hobbes, the egoist motives of profit in riches, honor, or authority do not license the violation of the Laws of Nature. Therefore, it appears that any reading which explicates Hobbes as an egoist is a misreading of the text since he clearly repudiates acting for selfish motives and endorses acting only for the achievement of peace.

CONCLUSION

The second half of Leviathan should be acknowledged as a valuable instrument for doing Hobbes scholarship. Using Parts 3 and 4 to learn how Hobbes understood his own theory and to test the fittingness of suggested explications of the text provides a means for gaining further access to Hobbes's ideas as well as a criterion for assessing which readings represent the "true" Hobbes. Based on an analysis of Parts 3 and 4 it should be concluded that however Hobbes's theory should, ultimately, be characterized, it must be acknowledged that Reason is the method he relies upon for generating knowledge, that for him assent is the basis of obligation, and that he is, throughout, rejecting egoism.

Of course, accepting my position would be more palatable if I could also show where other interpreters have

gone wrong on their way to the mistaken conclusion that Hobbes was a calculating egoist. In the next chapter I will take on this task by offering an analysis of the consequentialist interpretations of Kavka and Hampton. Here, it is enough to have shown that, for Hobbes, the pursuit and maintenance of Peace is always trump²³ and always beats any self-serving aim as the rightful end for action. This claim suggests that consequentialist readings are not compatible with Hobbes's own application of his theory and, therefore, should be rejected.

FOOTNOTES

1. e.g. R. Polin, Politique et Philosophie chez Hobbes; L. Strauss, Political Philosophy of Hobbes; M. Oakeshott, Hobbes on Civil Association.
2. A. E. Taylor, Thomas Hobbes, H. Warrender, The Political Philosophy of Hobbes: His Theory of Obligation.
3. E. J. Eisenach, Two Worlds of Liberalism: Religion and Politics in Hobbes, Locke, and Mill, Chicago, University of Chicago Press, 1981.
4. D. Johnston, The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation, Princeton, Princeton University Press, 1986.
5. M. Malherbe, Thomas Hobbes, Paris, Vrin, 1984. In chapter 6, Malherbe presents the position that the second half of Leviathan contains Hobbes's philosophy of religion. While I certainly agree with Malherbe, here I am concerned only with Hobbes's moral/political philosophy.
6. (5,20,22)
7. W. von Leyden, Hobbes and Locke: The Politics of Freedom and Obligation, New York, St. Martins, 1982. In chapter 3 von Leyden also views Hobbesian obligation as arising from assent.
8. The Bible, The Authorized Version, King James, 1611. F. Tricaud and M. Triomphe maintain that while most of Hobbes's biblical citations come from this edition, they have been unable to identify any particular version of the bible which is completely consistent with Hobbes's rendering of biblical passages. (Conversation, International Hobbes Society

Conference, June 23-26, 1986, Roosevelt House, Hunter College, New York.) If Hobbes deliberately deviated from his sovereign's officially sanctioned version of the Bible, without the authority to do so, this would, of course, be a violation of the Laws of Nature.

9. The version of the Ten Commandments given within the text by Hobbes differs, somewhat, from the King James versions.

10. The argument for this conclusion will be discussed on pp. 192-94 below.

11. Aristotle defines justice as giving to each his own.

Nichomachean Ethics

12. W. von Leyden.

13. W. von Leyden, 72.

14. D. Baumgold, "Subjects and Soldiers: Hobbes on Military Service", History of Political Thought, 4, 1, 1983, 43-64.

15. The same kind of analysis can be applied in understanding the extra obligation of a policeman, a fireman, or a physician who must continue to serve even when in mortal danger.

16. A. Kronman, "The Concept of an Author and the Unity of the Commonwealth in Hobbes's Leviathan", Journal of the History of Philosophy, 18, 1985, 159-175.

17. A. Kronman, 164.

18. J. Hampton, Hobbes and the Social Contract Tradition, New York, Cambridge University Press, 1986.

19. G. S. Kavka, Hobbesian Moral and Political Theory,

Princeton, Princeton University Press, 1986.

20. S. P. Lamprecht, "Hobbes and Hobbism", American Political Science Review, 34, 1940, 31-53.

21. Part 1; 14,3,64. Here "law" is defined as the contradictory of "right". "RIGHT, consisteth in the liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them."

22. Johnston. The thesis of Johnston's book is that Leviathan represents a development in Hobbes's political work and that differs from his earlier position primarily in the way it acknowledges human irrationality.

23. Compare with (5,3,19).

Chapter 4

GOING ASTRAY

Leviathan is the epitome of Hobbes's moral and political writings, the culmination of his thought¹ and his final statement on the subject². In his later works which deal with the same themes (A Dialogue Between a Phylosopher and a Student of the Common-Laws of England [written about, 1666; published, 1681]: Behemoth, or the long Parliament: History of the Civil Wars of England [written about, 1666; published, 1680]) Hobbes neither revised, nor renounced, nor retreated from the positions he propounded in Leviathan. So, it seems reasonable to assume that he was satisfied with what he had written there and that we should accept the views he expressed in that work as his settled opinions on those ethical and social issues he discussed.

In spite of Hobbes's satisfaction with his masterpiece, since its publication in 1651 Leviathan has been under attack.⁴ In fact, during the remainder of his life, Hobbes was repeatedly engaged in defending the positions he had taken in Leviathan⁵. In his correspondence and published responses to the criticism of Bishop Bramhall, Hobbes's reiterated defense was that his views had been misrepresented by his assailant: the form of his rebuttal

is both argument against his opponent's positions and renewed attempts to explain his Leviathan position to the reader.

In the history of philosophy the reason(s) why Hobbes and his Leviathan have been so constantly hunted and, as Hobbes protested, misinterpreted are certainly not obvious. To suggest any answers to this puzzle we will have to employ conjecture, Hobbes's less preferred method of natural thinking. Following Hobbes's own lead we can find hypotheses that explain this pair of phenomena (1. the attacks on Leviathan; 2. the misunderstandings) by considering who would benefit from skewering Hobbes, cui bono⁶? The explanation which suggests itself and coincides with the facts of this history is that those who were eager to argue against egoist theory found Hobbes to be a convenient adversary. First, it must be admitted that an edited (carefully or carelessly) selection of sentences from Parts 1 and 2 of Leviathan presents a Hobbes who sounds like an extreme egoist. Since he was also a prominent voice in his time, and probably regarded by philosophers and moralists as the strongest and most sophisticated advocate for the position, he became the most suitable target for arguments against the view. Second, because, as I have argued, the theory presented is not an egoist view, it was more easily vulnerable to attack when addressed as if it were. Then, as more and more commentators read Hobbes in the same egoist way, the seeming validity of this misreading was

reinforced. If those who argued against Hobbes were less interested in appreciating his project than in finding an example of an extreme egoist theory to debunk, it is no surprise that his theory was misrepresented because meeting their goals did not require a thorough, conscientious, unbiased reading which leads to correct understanding. The longer such practices continued the more difficult it became to fly in the face of the established interpretive tradition and to see Leviathan for what it was: the accepted practice of examining only a truncated version of the text perpetuated the unfortunate vilification of the book and its author.

It was not until the 1930's that Hobbes scholars began to attend to the non-egoist strains in Leviathan.⁷ J. Laird⁸ and A.E. Taylor⁹ (and later, H. Warrender¹⁰ and F.C. Hood¹¹) read Hobbes's ethics as a duty based rule deontological theory and argue that theism is necessary for making the theory work. In their interpretations they divorce Hobbes's materialist, mechanistic views from his moral theory and totally discount and reject his metaphysical commitments. To support their view of his ethics they then cull their own limited collection of sentences from the text and focus exclusively on them.

Leo Strauss¹² (and later W.B. Glover¹³, J.W.N. Watkins¹⁴, and M. Oakeshott¹⁵) give primacy to Hobbes's discussion of natural rights. They focus on his nominalism which they interpret as a Hobbesian commitment to the

centrality and sanctity of individuals and so come to understand his moral theory as a humanistic advocacy of individual rights. These interpretations also contend that Hobbes's pre-scientific, pre-Leviathan views are different from his later views which are the ones that should be attended to. Again we have readings which focus on a smallish part of Hobbes's theory and, so, in my view, distort the whole.

Now new interpretations have moved back to seeing Hobbes again as an egoist. This new school of interpretation, however, makes Hobbes into the hero founder of rational egoist¹⁶ decision theory. This position which holds that, for Hobbes, everyone should¹⁷ or does¹⁸ always act for self interest, again attends to only a portion of just the moral/ political theory and discounts and largely ignores other parts (including the last half of Leviathan). The most prominent of the proponents of this new version of egoist interpretation, which over the last twenty years strives to become a new standard view, are the original expounder of the view, David P. Gauthier¹⁹, and most recently joined by, Jean Hampton²⁰ and Gregory S. Kavka²¹.

It has been my contention throughout that a comprehensive reading of Hobbes's philosophy can be given and that such an interpretation would ignore none of its theoretical components and also be compatible with all of Leviathan. Chapter 2 of this work presented such a reading. The explication offered there endorsed the centerpiece of the

Taylor/ Warrender view, the deontological concept of duty as the governing element of the theory. It also accepted natural rights, the key concept of the nominalist interpreters, as an important feature of Hobbes's complex theory. In addition, it implicitly adopts Bernard Gert's understanding of Hobbes as a "tautological egoist"²². Gert maintains that, according to Hobbes, whenever men act, they are acting on or with some appetite, and, conversely, that there are no actions which are not initiated with or by some desire of the agent. Understanding Hobbes to be a "tautological egoist" is making a claim about Hobbes's mechanical psychological commitments (level C)²³ and does not, however, ascribe any sort of consequentialist moral theory (level A [linguistic theoretical commitments]) to him.

My version of the text has interwoven these several conceptual threads into a unified theory which holds that by looking at natural human motivation in the state of nature a person discovers the law that constrains him to do his duty and respect the rights of others. Since I have incorporated the interpretative elements above into my own view and since the Taylor/ Warrender grounding of the obligation to obey the Laws of Nature on fear of divine power has been adequately decried by J.W.N. Watkins²⁴, Brian Barry²⁵ and, most recently, by Gregory Kavka (K., 361-363), I will not undertake a further discussion of this exegetical matter.

In this section I will, instead, devote my critical attention to the new egoist interpretations. The thrust of my objections to all of the views I have mentioned here, including the rational decision theory interpretations I will discuss below, is that they do not take the entirety of Hobbes's philosophy into account. The consequence of such selective readings is the production of distorted interpretations of the text.

The fact which they have missed is that Hobbes's theory is both complex and lean. Hence, it involves several interrelated concepts working together and all of these theoretical pieces (e.g., a method, a set of definitions, postulates, three axiomatic principles) are integrally essential to the whole. In other words, to remove or overlook any basic feature destroys the coherence of the whole. Any attempt at a full account of the view which focuses on a single foundational concept, or any subset less than the entirety, omits crucial features of Hobbes's philosophy and, therefore, necessarily presents a distorted general picture. Worse yet, substituting in some other non-Hobbesian basic feature to replace one of Hobbes's makes it into an entirely different theory, which should only be called a 'Hobbist' view because of the use of some theses which have been identified with him (e.g., war of each against each, some good to himself).

In order to reveal how the new group of interpreters came to their erroneous views of Hobbes as an egoist, I

will undertake a detailed examination of the relevant positions offered by Gauthier, Hampton, and Kavka. By examining their uses of Hobbes's text and their explications of it, I will try to show where and how they went astray. In each case I will focus on what I see as our two fundamental points of disagreement: (1) Hobbes's method for attaining moral/ political knowledge and (2) whether Hobbes's theory is a version of egoism, or not. In each discussion I will display the points at which the related views they attribute to Hobbes do not match his text.

Because it is a very recent version of Hobbes interpretation, because the omissions, deletions, and circumscribed focus are plainly announced, because the revisionism is indicated and lauded as clarification, and because I can thus illustrate my general objection without inviting controversy over my interpretation of the commentator's argument, I will begin by discussing Hampton's Hobbes. In this discussion I will offer a rather detailed critique of some positions which she shares with Gauthier and Kavka, and then, in the subsequent discussions of the other two authors, rely upon what I say here, in the context of Hampton's views, as the argument against the others.

JEAN HAMPTON

In Hobbes and the Social Contract Tradition, Jean Hampton uses Hobbes's political philosophy as the springboard for developing her own social contract argument. Her insights constitute important contributions to the recent

discussion of social contract as the end product of Bayesian calculations. Hampton's criticisms of positions which prudential decision makers might take and her creative alternative strategies are fresh and enlightening. She claims that her examination of Hobbes's failures inspired her understanding of "what a social contract argument must have if it is to succeed" (H., 2). Nevertheless, I find that in her explication of Hobbes she reveals that she has either not fully understood his philosophy, or used a dangerously pruned version of the theory, impregnated with special modern theses, foreign to the spirit of Hobbes's view, which necessarily transform the sense of the ideas being examined. Since my project is focused on developing a coherent interpretation of Hobbes, in this discussion I will take issue only with those premises that Hampton has ascribed to Hobbes which, as I see it, have no foundation in the text. I will, therefore, neither critique her inferences nor comment on the overall structure and aim of her argument, both of which are of considerable philosophic interest but beyond the scope of this thesis.

In the introduction to her book Jean Hampton praises Hobbes as having provided "probably the finest of the traditional social contract arguments" (H., 1). She acknowledges that in presenting his theory "Hobbes worked hard to make its architecture clear in order to persuade his readers of his political conclusions." (H., 1). She therefore commits herself to a project of "taking Hobbes's

geometric analogy seriously, isolating the major premises and examining the inferences of his arguments." (H., 1-2) In the explication offered in chapters 1 and 2 of this manuscript, I payed careful attention to Hobbes's definitions and premises and his geometric method of drawing inferences from them. By referring to Hobbes's text and my own account of it, I will try to show that Hampton did not take Hobbes's method and definitions seriously enough, and therefore, reached disputable conclusions about his premises.

Method

In chapter 1 of this work I showed that Hobbes distinguished two methods of thinking, (1) natural prudential and conjectural thinking and (2) artificial reasoning from proper definitions with words. Hampton does not attribute any significance to this distinction and consequently she does not identify analytic deduction as the "Reason" which is Hobbes's preferred method.²⁶ Thus, as I shall now argue, when she disregards the distinctiveness of the relevant ways of thinking she misses Hobbes's foundational point, that only Reason can provide knowledge. Hampton is then unable to accommodate the entailed Hobbesian position that since prudential calculation is fallible it must be avoided in the sciences of morals and politics. She then interprets Hobbes to be identifying Reason as prudence and irrationality as imprudence.

Hampton finds in Hobbes an "instrumentalist notion of

reason" (H., 37) to which, apparently without argument, she adds "a Bayesian theory of risk taking. . . as a way of clarifying his intuitions in Leviathan about when risk taking is rational" (H., 37). What results is the ascription to Hobbes of a Parfit-like conception of rationality which she calls "healthy deliberation" and describes as follows:

What each of us has reason to do is what will best achieve not what he actually wants, but what he would want, at the time of acting, if he had undergone a process of "ideal deliberation" in which a) he knew all the relevant facts (where he "could have" known these facts, in some relevant sense of that phrase), b) his reasoning was free from distorting influences, and c) he was not affected by desires produced in him by diseased physiological processes. (H., 40)²⁷

Hampton's position amounts to claiming that Hobbes's concept of rationality is equivalent to sophisticated prudence and that imprudence is the same as irrationality. (H., 36) For the most part the quotations from Hobbes which Hampton displays to support her view of how reason is to be understood are neutral on the issue of the distinction between Reason and prudence, yet she reads them as if they implied that Reason is always consequentialist calculation. In the one place where she quotes Leviathan (5,2,18) to acknowledge the distinction and notes that "reasoning must involve the use of language" (H. p.44) she understands that "when we reason, we are simply carrying out, using language, more sophisticated cause-and-effect chains of thinking" (H. p.44). This statement shows that she has missed Hobbes's point. As I have demonstrated

above²⁸, for him only prudence attempts to construct a causal account of what will happen following alternative possible actions. Since the inadvertent omission or inclusion of any detail is likely to distort the estimation of outcomes, even for the best calculator, prudence cannot be the method of science. Reason, on the other hand, is not "cause-and-effect thinking" but logical deduction from the meaning of words, and therefore, Hobbes sees it as infallible. Hence, for him, Reason, but never prudence, must be used in philosophy. When Hampton concludes that "[i]n the end, reason is barely...distinguishable from mere prudence" (H. p.44), she has made an unwarranted serious departure from his theory and that deviation has dramatic interpretive consequences.

Nevertheless, Hampton acknowledges the importance to Hobbes of his "resolutive-compositive" method which, for him, is actually the method of Reason. In her explication of it, however, Hampton assumes that when Hobbes attempts to abstract or compound properties what he has in mind are constitutive material elements (which she terms "intrinsic properties" [H., 8]) such as "an airplane wing has the property of being made of metal" and "an intrinsic property of a human being is having a heart" (H., 8). But Hobbesian properties (or, as he prefers it, causes) resolved by Reason in the analysis of a particular thing are better understood as ideas, "universals" or "simples" (De Corpore, I,VI,4,1).²⁹ When he explains the resolution of the

concept of a man he specifically denies that the parts he has in mind are the physical components such as "head, shoulders, arms, and so on" (De Corpore, I,VI,2,2). Clearly, the heart (contra Hampton), or the kidney, etc. fit into this list of what Hobbes would deny he had in mind when he resolves the concept man. Contrary to Hampton's understanding, the causes or parts he intends to discover in resolution are essential properties marked by universal names such as "figure, quantity, motion, sensation, reasoning, and similar things which are accidents which assembled at the same time constitute the whole man - not his bulk but his nature." (ibid; emphasis added) It appears that Hampton is erroneously taking concrete things to be the subject for resolution and composition while Hobbes has focused his method on universal ideas. To ignore this main methodological constraint cannot, but by accident, get us a valid interpretation of the text.

Hampton concludes that "Hobbes's use of the resolute-compositive method. . . amounts to a commitment to . . . a 'mechanistic' explanation of natural phenomena" (H., 12). Here, again, Hampton seems to be shifting the emphasis of the method of Reason away from words and universal ideas and onto material physical causation. As I have argued, following Hobbes in clearly distinguishing his metaphysical commitments (level C) to matter and motion from his methodological ones (level A) to the resolution and composition of reasoning with words, seems to be the

better path for appreciating Hobbes's project since it is what he says should be done and presumably what he himself is doing.

Hampton charges that there are "maddening inconsistencies and confusions throughout Hobbes's writings on the nature of science and scientific methodology that probably rest, in the end, on an equivocation about the nature of truth." (H., 42; similarly, 48) I am suggesting that the "equivocation" disappears when you notice (as I have argued above) that in his discussion Hobbes is opposing two different methods rather than making inconsistent statements about a single method. Hobbes, we might recall, explicitly distinguishes Reason from prudence, and of these two methods of thinking he clearly embraces his version of Reason as the only method capable of producing the infallible truths of science.³⁰ In Leviathan this distinction is specifically drawn in Chapter 5, "Of Reason, and Science", (5,17,21; 5,19,21; 5,21,22; 5,22,22) and again in chapter 8, "of the Vertues commonly called Intellectuall; and their contrary Defects.", where he contrasts these two kinds of thinking (8,11,34; 8,12,35 against 8,13,35). This dichotomization is fully consistent with his later more detailed work on the subject, De Corpore (1655), where the distinction is employed and referred to throughout.

Hampton quotes Hobbes's claim that "Science is the knowledge of Consequences" (5,17,21) and she infers from this that for Hobbes "necessary connection clearly is not

logical" (H., 45) but merely the result of the interaction of physical objects according to the laws of motion. The reader will recall, however, that I presented a more complex view of Hobbes's science in Chapter 1.³¹ According to the interpretation suggested there, when someone knows the consequences of something they know both the logical consequences of the meanings of words (level A) and what follows about the things in the world named by those words (level C) because, with proper naming, words correspond to the world. In the passage immediately following the one quoted by Hampton, in which Hobbes describes his method of resolution by analysis into "The highest causes in each and every genus [which are] universals known per se" (De Corpore, I,6,5,1), he declares that "When, therefore, universals and their causes (which are the first principles of knowledge) are known, we first have their definitions (which are nothing other than the explications) of our simplest conceptions." (De Corpore, I,6,6,1) Besides the sense of necessary cause that Hampton identifies in De Corpore, II which applies to "bulk" (level C), it is important also to acknowledge the De Corpore, I, sense in which causation applies to the conceptual "nature" of things (level A). Attending to the linguistic nature of Reason and the essential nature of science produces a dramatically different picture of Hobbes's method than the one suggested by Hampton. One might prefer to pursue Hampton's non-Aristotelian, post-Humean program of the interpretation of

science but one cannot call it Hobbesian.

Right and Good

Besides blending "Reason" into "prudence", Hampton seems also to merge Hobbes's concepts of both "right" and "good" into prudential "expected-utility calculation" (H., p.84). After lengthy discussion Hampton ultimately accepts a subjectivist interpretation of Hobbes's moral concepts. (H., 28-42) On a subjectivist view an individual's personal reaction or assessment of an action is the sole criterion for moral evaluation. According to Hampton's Hobbes whatever an individual wants to do (or would want to do if he thought through the consequences correctly) is, therefore, ethical. On the subjectivist view she ascribes to Hobbes, "'right' or 'rational' actions are understood instrumentally, as those actions that are the most effective ways of attaining the good (i.e., desired) objects or states of affairs." (H., 29)

Certainly, Hampton is correct when she points out that Hobbes defines "good" and "evil" according to subjective desires (H., 29) but she also infers "[t]hat this is a baldly subjectivist ethical understanding of 'good'". (H., 29; ~~e~~emphasis added) For Hobbes, however, as is now generally well known, "good" and "evil" are strictly psychologically descriptive words and not ethical terms at all.³² On the other hand, "right" and "obligation" are his fundamental moral terms and he employs them in his deductions about duty. Since the references for the subjective terms "good"

and "evil" change over time and from user to user³³, they could not be the currency for moral reasoning. "Right" and "obligation", which clearly identify concepts that Hobbes has fixed with constant definitions, must therefore, be the terms used in his deductions. It should also be noted that "good" and "evil", terms which describe the objects of our desires and aversions (6,7,24), are intentionally distinct from "right" and "obligation", names which identify the moral status of acts (14,3-7,64-65). Therefore, when Hobbes argues that there is no objective good, he cannot be read as saying anything about the objectivity of rightness (H., 49) and, in fact, the subjectivity of good is fully compatible with the objectivity of right. This distinction is made not only by Hobbes but by many other ethical theorists, old (e.g., Aristotle) as well as new (e.g., Ross).

In understanding Hobbes we should also avoid collapsing his distinction between the "right" and the "rational" even though their extensions overlap considerably. For Hobbes, rational actions are those which are consistent with the conclusions of thinking with inferences from words. When Hobbes calls such thinking "right Reason" he is using the adjective, 'right', as a synonym for 'correct'. This adjectival use of 'right' is not to be confused with the frequently (though not always) capitalized use of 'Right' as a noun, for example, in the phrase, "having Right to all things" (15,3,72) or, "the Right to

Present the Person of them all" (18,1,88) or, "that Assembly which had the Right to Limit him" (19,12,99). The noun, 'right', names a moral liberty which is correlative with some moral obligations. The difference between these two homonyms becomes obvious when we recall the following complicated point. A person supposedly assents to accepting guidance of the Laws of Nature because he recognizes that doing some of the things he has a right [the noun] to do (before accepting the moral law) conflicts with right [the adjective] Reason (i.e., conflicts with the meaning of pursuing peace) when he desires to achieve the condition of peace.

Hampton, however, finds it useful to her project to deny this distinction. She writes,

Insofar as an action is a means to a desired object, it not only can be described with the adjectives 'right' and 'rational' but also can be characterized as an action that is done "with right", or an action that the individual has a 'right' to take. This last use of 'right' makes it a noun that indicates that the action is allowed by prudential rationality. . . . So a subjectivist can incorporate a liberty-right into his ethical position by attributing that right to a person in connection with objects or actions that are instrumentally valuable. (H., 53)

This amounts to Hampton saying that for Hobbes one has a (Hohfeldian) liberty-right to whatever one finds (with right reason) to be prudentially useful in securing a desired object or end. She presents two passages in support of her explicating Hobbes as a subjectivist on moral rights. First, she offers a quotation from De Cive.

But that which is not contrary to right reason, that all men account to be done justly, and with right.

Neither by the word right is anything else signified, than that liberty, which every man hath to make use of his natural faculties according to right reason. (EW 11, I, 7, 8-9)

She surmises that "Hobbes is saying that we can be said to 'have a (liberty) right' to do or to have whatever reason determines it is right (i.e., prudent) to do or to have." (H., 54) As I see it, the passage does not support her claims but reaffirms the distinctive adjectival and nounal senses of 'right' and asserts that a person has a moral right to do those actions which are consistent with the dictates of "Reason" and that such actions are also to be counted as just. Hampton's second example is the Leviathan definition of "The Right of Nature".

THE RIGHT OF NATURE, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto. (14, 1, 64)

She interprets the content of this right as allowing people "to do or to have anything instrumentally valuable to furthering self-preservation." (H., 54) While I followed Gert in understanding the Right of Nature to have similar content³⁴, again, it seems to me that, in this passage, this use of "RIGHT" can certainly be read as having a moral sense which does not collapse into prudence and also, "Reason" need not be understood as prudence. Hampton (1) has not presented adequate evidence for drawing her interpretive conclusion and (2) the evidence she has offered for conflation of the noun with the adjective, 'right', points

away from that conclusion because, as I have argued above, reason is not prudence.

Hampton's project of reconciling Hobbist subjectivist psychology with "the many deontological-sounding passages in Hobbes's political writings" (H., 33) is clearly a goal that I share. Hampton resolves this apparent incompatibility by combining Hobbes's carefully distinguished and separated notions of reason, right, and good and converting her amalgam into a prudential instrumentalism which she then uses to propel her interpretation of his political system. I have argued instead that Hobbes's concept of assent bridges the gap, which Hampton is attempting to close, by explaining how Hobbes's objectivist moral theory can be squared with his subjectivist psychology and thus motivate human action.³⁵ Since this assentist approach respects Hobbes's distinctions and also provides a solution to what has seemed (to Taylor and Warrender on one side and Nagel³⁶ on the other) an insurmountable inconsistency I recommend my own interpretation over Hampton's reliance upon an inflated, un-Hobbesian prudence.

The Laws of Nature

Interpretively, a great deal follows from Hampton's taking Reason to be instrumental prudence since the understanding of 'Reason' plays a significant role in the explication of Hobbes's Laws of Nature. In turn, her interpretation of the Laws of Nature determines the classification of Hobbes's moral theory while her view of their

applications, and implications dictates her overall characterization of his political theory and his philosophy of law.

According to Hampton the Laws of Nature are defined "as causal laws about what actions are necessary for peace, itself a goal that is a means to self-preservation" (H., 36). Even though she recognizes that Hobbes describes the Laws as "Conclusions, or Theoremes" (15,41,80), she does not see that they are logically entailed by the commitment "to seek Peace, and follow it" (14,4,64), but instead, Hampton finds that "they are statements of causal connection between a common desired object and certain cooperative actions." (H., 47) Under this description the Laws become prudential maxims predicting the likely outcomes of mechanical interactions. She characterizes them as Kantian hypothetical imperatives which would apply only "if one wants. . . peace" (H., 47, similarly, 89-90). Actions conforming with the Laws would then be obligatory "only in so far as it is in our interest to perform them" (H., 56).

Hampton sees this aspect of his moral science as expressing "the confusions in Hobbes's thinking. . . deriving causal propositions from first principles of motion. . .[and] resting on a conventionalist account of truth". (H., 48) But also, her "view is that Hobbes usually embraces a nonconventionalist position [on physics and morality], but occasionally, in despair, slips into a conventionalist position in both areas." (H., 48fn.) In

other words, Hampton notices what she sees as an inconsistency in the theory: for Hobbes, the Laws of Nature are objective and necessary laws (i.e., "nonconventionalist"), but they are only binding on an individual when others also comply (i.e., "conventionalist"). Nevertheless, it is possible to present a reading of the relevant text such that Hobbes is not confused.

The objective tone of necessity which Hampton sometimes hears and attributes to "a causal connection between certain actions and a desired common goal" (H., 49) is definitely an essential feature of the Laws of Nature. I have located its source in the necessary analytical containment of the last nineteen Laws within the linguistic intension of the first Law which, for Hobbes, commands obedience to the single goal that every rational agent commits himself to pursue. What Hampton hears as a "conventionalist" strain should be seen as the condition that requires in foro externo performance on the Laws by people living in civil society, rather than mere in foro interno performance (i.e., feelings of obligatoriness and striving). On this reading the Laws of Nature are always binding (in foro interno) on rational agents³⁷, although, under conditions of security they demand action in addition to intention.³⁸ The Laws of Nature are always true in the sense that they express the meaning of the goal common to all rational agents, avoid war, i.e., "seek Peace, and follow it" (14,4,64). The convention of everyone acting in

conformance with the Laws does not make them "true", rather, it is the situation which demands action according to Laws which are already true and binding. On this reading the Laws of Nature are universally binding moral principles rather than the outcomes of probability calculations which the egoist would be prudent to follow.

Understanding the Laws to be objective, universal commands follows directly from Hobbes's proclamation that "[t]he Lawes of Nature are Immutable and Eternall" (15,38,-79). According to that claim, contrary to what Hampton denies, the Laws of Nature do have "the sort of objectivity a Kantian or Aristotelian wants" (H., 49). Although Hobbes uses the words 'good' and 'evil' to signify our subjective appetites and aversions, according to him, "all men agree on this, that Peace is Good." (15,40,80) For him this universal subjective judgment is also an objective truth that follows from considering the disputes and controversies (arising from people with the passions of competition, diffidence and glory living together in a state of scarcity) that would make for the life threatening war of the state of nature. Since, when words are used properly in naming conditions and tendencies, "it can never be that Warre shall preserve life, and Peace destroy it" (15,38,79; emphasis added), the Laws of Nature, which dictate the pursuit of peace, must always be obeyed. Regardless of personal subjective desires, in each action the Laws bind everyone, always: a person is never excused from the duty

to obey because of self-interested personal advantage. This makes Hobbes's moral laws seem very much like Kantian categorical imperatives, not hypothetical imperatives, and casts the theory as a strict deontological theory of duty rather than egoism.

The Laws in the State of Nature

On less central but still significant related points Hampton's view of the Laws of Nature is at odds with some of Hobbes's explicit remarks. She argues that if the Laws of Nature were immutable and eternal everyone would always follow them (including the law which directs people to honor their contracts) and the state of nature would be "a state of relative peace" (H., 63). Since nature is not peaceful and sovereignless people do not obey the Laws, Hampton concludes that the Laws are not always binding. She suggest that individuals do not conform only because

people become 'mad' or diseased as these [competition, diffidence, glory] passions swell up inside them, rendering them incapable of pursuing their self-preservation, either by perverting their reasoning processes or by damaging the desire-formation mechanisms in their bodies. (H., 64; words in square brackets added)

What Hobbes says on this subject does not square with Hampton's view. First, according to him, the theory only speaks of and to the rational, not the 'mad'³⁹ and, contrary to Hampton's position, almost everyone, whether in the state of nature or civil society, is rational. This, no doubt, is a controversial premise but it is a central piece of the Hobbesian picture. He needs people to be able

to control their passionate impulses and conform their actions to the requirements of Reason given Laws. If they could not do so in the state of nature there is no reason to believe they could ever transform their nature to be able to control their actions in civil society. Hampton's view, that madness is the reason why people in the state of nature do not act according to the Laws of Nature, is plainly at odds with Hobbes's view of human nature.

Second, he argues that it would be irrational, and hence a violation of the Laws of Nature, to act on the Laws in the state of nature because doing so would be putting oneself at risk. He explains that

[f]or he that should be modest, and tractable, and performe all he promises, in such time, and place, where no man els should do so, should but make himselfe a prey to others, and procure his own certain ruine, contrary to the ground of all Lawes of Nature, which tend to Natures preservation. (15,36,79)

Clearly then, an individual in the state of nature, acting according to the dictates of the Laws of Nature or being first to perform on a covenant, would not conform with Hobbes's view of moral action.

Third, the concept of "relative peace" is definitely not Hobbesian. Hobbes defines 'war' and 'peace' by division. For him "WARRE, consisteth. . . in a tract of time, wherein the Will to contend by Battell is sufficiently known. . . All other time is PEACE." (13,8,62) In describing the time when people live together we can only say that they have either war or peace. As Hobbes defines his terms there is no continuum between war and peace, there is only

one or the other. Hampton, on the other hand, finds in Hobbes "his story of the development of war in the state of nature" (H., 16-17), the state of "total war" (H., 60), and then, through multiple iterations of prisoner dilemma game situations, a process "of educating the other to be cooperative on future occasions" (H., 77) in a progression towards peace. This erroneous view of the achievement of peace out of war seriously distorts the view of Hobbes's project. As I have argued, peace is achieved in a single giant step.⁴⁰ Because Hampton takes the transformation to be a longish sequence of interactions she misses an important turn in Hobbes's argument. Consequently, she is forced to give a lengthy explanation, of how the progression is accomplished (H., 58-96), for which there is no textual evidence. Focussing so much of her attention on the interactions occurring during the interval between war and peace, makes it appear that the theory may be concerned with the calculations Hampton describes. It recasts the nature of the theory to notice, instead, that for Hobbes there is no progression towards peace but a transformation occurring in a communal assenting and the institution of a sovereign. On Hampton's analysis the theory is displayed as calculating egoism, but recognition of the centrality of Reason and assent casts the theory as a Kantian type of deontology.

Completeness of the Laws

Several smaller but still significant issues hinge on

Hampton's construal of the Laws of Nature. If one accepts Hampton's version of Hobbes's concept of reason as prudence and sees the Laws as statements of causal connections then it might seem to follow that the "set of natural laws is 'morally incomplete'." (H., 100) As prescriptions for governing action in particular situations, she complains, that they are "not only vague but also fail to deal effectively with many varieties of property disputes." (H., 100)⁴¹ If the Laws are viewed as an incomplete, random list of prudential pieces of advice then Hobbes could be interpreted as merely offering a code of rules of thumb. The list could then be found lacking because it does not offer recommendations for some situations. If, instead, the Laws are taken as implications of a moral law, whether or not the laws that follow are completely laid out to cover every action, the character of the theoretical method would be analytical Reason.

Applying Hobbes's special linguistic sense of reason to understanding the Laws we realize that, to him, they were not only complete but fully sufficient, or abundant.⁴² If the nineteen that follow from the first are derived as logical consequences of the original Fundamental Law then, as Hobbes claims, in a logical sense, they need not be spelled out at all. He maintains that the Fundamental Law governs all action. Therefore, his enumeration of the rest is presented as a benevolent courtesy to those who find this reasoning difficult or "too subtile a deduction"

(15,35,79). He actually sees his explication of this list of laws as a significant contribution to his fellows since he notices that among them the requisite skill is rare. In the famous passage, "Men by nature Equall", he remarks on the disparity between people's reasoning abilities, writing that,

the arts grounded upon words, and especially that skill of proceeding upon generall, and infallible rules, called Science; which very few have, and but in few things; as being not a native faculty, born with us; nor attained, (as Prudence,) while we look after somewhat els,). (13,2,60; emphasis added)

Furthermore, he suggests that additional Laws are derivable, as needed, to cover special undertakings (26,14,141) and special character problems (15,34,78). He also reminds the reader that if it is burdensome to recall all twenty Laws, as a guide to every action it would be sufficient to keep in mind their equivalent, his version of the Law of the Gospel or "the Law of all men" (i.e., the positive and/or negative Golden Rule [14,5,65 and, similarly, 15,35,79; 26,13,140; 27,4,152]). Certainly, we can see from his answers that Hobbes was aware of the consideration Hampton raises and decided that his general Laws of Nature were sufficient, as they stood, because further laws are available by derivation from the former more fundamental ones. Also, we can see that the method he appeals to in answering the question was Reason, not prudence.

Epistemology and Objectivity

Hobbes (26,21,143) and Hampton (H., 99-101) after him notice that individuals may interpret and apply the Laws of

Nature differently. Hampton then draws the conclusion that the Laws of Nature are not objective. But for Hobbes this is just one of several empirical problems⁴³ with bearing on morality; objectivity dictates a sovereign as their political solution. As I have argued above⁴⁴, the Laws of Nature are presented as objective laws, which always apply to every action. Although Hobbes recognizes that people will disagree about the interpretation and application of the laws he does not consider this diversity of opinions to be a difficulty for his position. Self-interest sufficiently accounts for these differences. He writes,

[t]he unwritten Law of Nature, though it be easy to such, as without partiality, and passion, make use of their naturall reason, and therefore leaves the violaters thereof without excuse; yet considering there be very few, perhaps none, that in some cases are not blinded by self-love, or some other passion, it is now become of all Laws the most obscure; and has consequently the greatest need of able Interpreters.
(26,22,143)

Because of the incorrigibility of the subjectively colored point of view Hobbes concludes that, for the sake of peace, in disputed cases, the sovereign's judgment must be accepted and allowed to rule. This answer, itself an instantiation of the objective Law, holds even when the sovereign's judgment would not produce one's personal best interest. Every subject is bound to allow the sovereign's judgment to function as his substituted conscience "because the [civil] Law is the publique Conscience, by which he hath already undertaken to be guided" (29,7,169; emphasis added). Hobbes's response to the difficulties raised by

subjective judgment is a reaffirmation of his view that the Laws are universal and objective. This response also reinforces my rejection of Hampton's view that Hobbes has presented a subjectivist moral theory.

Philosophy of Law

Hampton's understanding of Hobbes's philosophy of law is another consequence of her viewing the Laws of Nature as subjective and hypothetical precepts. As she sees it,

Hobbes clearly takes a position on the nature of law that has traditionally been called positivist...No matter what a law's content, no matter how unjust it seems, if it has been commanded by the sovereign, then and only then is it law. (H., 107)

In recent Hobbes literature a number of authors argue the reverse, that Hobbes is not a legal positivist.⁴⁵ To me, this latter view seems to be the correct one.⁴⁶

Textually, Hampton bases her case for taking Hobbes as a legal positivist on his definition of what civil law is to every subject. It is "those Rules, which the Commonwealth hath Commanded him, by Word, Writing, or other sufficient Sign of the Will, to make use of, for the Distinction of Right, and Wrong". (26,3,137) Given her assumptions about the subjectivity and conventionality of the Laws of Nature she infers from his remark that

in Hobbes's view, human beings cannot establish a state in which the ruler is supposedly bound by moral laws that command him irrespective of his desires, not only because such laws do not exist but also because no law can rule human beings without interpretation by a human judge. (H., 107)

In other words, she alleges Hobbes to be saying that (1)

there are no objective laws, (2) if there were any, since they would require interpretation, they would amount to no more than the commands of the interpreter, (3) a sovereign may command anything and whatever the sovereign commands is law.

But, as I have argued, (1) the Laws of Nature are objective laws which do oblige everyone (including the sovereign), in every action, regardless of desires and self-interest. And (2) even though epistemological difficulties dictate that an interpreter is needed for the sake of peace, that requirement does not negate the objective and universal qualities of the Laws. In fact, Hobbes clearly upholds the objectivity of the Laws. In Chapter 26, "Of Civill Lawes", he maintains that "there is no Judge Subordinate, nor Soveraign, but may erre in a Judgement of Equity" (26,24,144) and that "For all Judges, Soveraign and subordinate, if they refuse to heare Prooffe, refuse to do Justice" (26,24,145). Claiming that the sovereign's judgment, expressed in his civil laws, can be in error (also, e.g., 24,7,128) reveals an objective standard against which civil laws are measured; holding that a sovereign's actions are unjust asserts that he has failed to comply with a covenant (his covenant with the Commonwealth⁴⁷) that binds him. Hobbes cleaves to the standard of the eternal, immutable Laws of Nature and in the same section of Chapter 26 he declares,

Princes succeed one another; and one Judge passeth,

another commeth; nay, Heaven and Earth shall passe; but not one title of the Law of Nature shall passe; for it is the Eternall Law of God. (26,24,144)

(3) Certainly, then, for Hobbes, the Laws of Nature are objective laws and they establish the parameters for the civil laws dictated by the sovereign. Everything the sovereign declares as civil law must be obeyed by the subjects as if it were properly lawful, but everything commanded by the sovereign does not, therefore, automatically conform with the Laws of Nature. For Hobbes only those civil laws falling within the boundaries delimited by the moral Laws can properly be called civil laws: the difficulty in distinguishing proper civil laws from unjust ones is another matter (24,7,128). When the civil laws are formulated by a rational (non-self-interested) sovereign they will require only action which conforms with the moral Laws. Properly,

The Law of Nature therefore is part of the Civill Law in all Common-wealths of the world. Reciprocally also, the Civill Law is a part of the Dictates of Nature. . . And therefore Obedience to the Civill Law is part also of the Law of Nature. Civill, and Naturall Law are not different kinds, but different parts of Law; whereof one part being written, is called Civill, the other unwritten, Naturall. (26,8,138)

If the only distinction between civil and natural law is that the former is written, the content of the two must be equivalent and the scope of civil law proper must go no further than what is allowed by the Natural. To illustrate his point that a command opposing dictates of the Laws of Nature "therefore is no Law" and "is also against Law" (26,24,145) Hobbes offers the example of a command issued

by sovereign authority which "is a manifest condemnation of the Innocent (26,24,144)." He denounces such orders unambiguously, saying "that there is no place in the world, where this can be an interpretation of a Law of Nature, or be made a [civil] Law" (26,24,244). It certainly follows that a sovereign may not command anything at all and that the content of the civil law matters a great deal.

To make the point of the sovereign's constraint by the Laws of Nature still more emphatic we can look to the entirety of Chapter 30, "Of the OFFICE of the Sovereign Representative". As illustrations of the explicitness of Hobbes's position I present some examples. He begins the chapter by declaring,

The OFFICE of the Sovereign, (be it a Monarch, or an Assembly,) consisteth in the end, for which he was trusted with the Sovereign Power, namely the procuration of the safety of the people; to which he is obliged by the Law of Nature. (30,1,175)

Later in the Chapter, in his discussion of the sovereign being required to administer justice equally to people of all social classes, he writes, "For in this consisteth Equity; to which, as being a Precept of the Laws of Nature, a Sovereign is as much a subject, as any of the meanest of his People." (30,15,180) And, at the end of the Chapter, in raising the question of the sovereign's duty in foreign affairs, he says,

Concerning the Offices of one Sovereign to another, which are comprehended in that Law, which is commonly called the Law of Nations, I need not say anything in this place; because the Law of Nations, and the Law of Nature, is the same thing. . . And the same Law, that dictateth to men that have no Civil Government, what

they ought to do, and what to avoyd in regard of one another, dictateth the same to Common-wealths, that is to the Consciences of Sovereign Princes, and Sovereign Assemblies. (30,30,185)

In the face of this explicit evidence, Hobbes should not be viewed as a legal positivist and the controlling role of the Laws of Nature, in his theory, must be acknowledged.

The Sovereign's Authority

For Hampton, Hobbes's sovereign is an absolute ruler who achieves peace through "oppressive use of state power"⁴⁸. He is "the final decider of all questions in the commonwealth, including the question whether or not he will continue to hold power". (H., 206) According to her interpretation, a sovereign is instituted and "war is ended only when all but one of us are made slaves to that one's commands: The price of peace is the destruction of all but one will." (H., 104) Taking issue with David Gauthier, who models his analysis of sovereignty on the relation between master and servant, (H., 120) she describes the relationship of sovereign to subject as being "exactly the same as a master/slave relationship". (H., 104) She also sees Hobbes as relying on "oppressive coercion" and "forcing any person to give up her deeply held views"⁴⁹ in order to secure peace. Hampton's view makes Hobbes's theory into intolerant absolute totalitarianism.

As I have argued⁵⁰, the sovereign is instead the authorized agent of the commonwealth acting under the constraints imposed by the People and accepted by him in

his covenant. The picture of sovereignty I presented does not paint Hobbes as the totalitarian Hampton makes him out to be. The text, as I read it, allows for "LIBERTY of Subjects" (Chapter 21) and requires toleration in all areas where no civil laws applies (21,18,113), it takes education (30,10-15,178-180) and public relations (30,29,185), rather than oppression, as the preferred means of social control⁵¹, and it explicitly maintains that personal views are beyond the scope of civil law (e.g., "for mens belief, and interiour cogitations, are not subject to the commands" [26,40,149; similarly, 40,2,249; 42,5,196; 46,36,378]). My interpretation allows Hobbes to be seen as a father of liberalism and a precursor of Kant and Rawls, not their antithesis.

To arrive at her overall assessment of the theory as a "distasteful" advocacy of "absolute sovereignty" (H., 3) Hampton focuses on Hobbes's discussion of slavery and his use of the word 'authorization'. After noticing that Hobbes distinguishes the term 'servant' from the term 'slave', she chooses to "ignore the distinction and use 'servant' and 'slave' interchangeably" (H., 121,fn.) partly because she sees "no difference" (H., 126) between covenanting with a sovereign and "the action of enslavement" (*ibid*). In fact, for Hobbes, the distinction is important since 'serving' is his characterization of the good subject while someone in the condition of 'slavery' is no subject at all. He writes that,

Dominion is then acquired to the Victor, when the Vanquished, to avoyd the present stroke of death, covenanteth. . . that so long as his life, and the liberty of his body is allowed him, the Victor shall have the use thereof, at his pleasure. And after such Covenant made, the Vanquished is a SERVANT, and not before: for by the word Servant...is not meant a Captive, which is kept in prison, or bonds, till the owner of him that took him, or bought him of one that did, shall consider what to do with him: (for such men, (commonly called Slaves⁴⁸), have no obligation at all; but may break their bonds, or the prison; and kill, or carry away captive their Master, justly:) but one, that being taken, hath corporall liberty allowed him; and upon promise not to run away, nor to do violence to his Master, is trusted by him.

It is not therefore the Victory, that giveth the right of Dominion over the Vanquished, but his own Covenant. (20,10-11,104)

To Hampton, "there is no doubt that Hobbes considers authorization to be an act of enslavement" (H., 122) in which all of an individual's rights are taken over by the sovereign. She points to Gauthier who, among others, argues for taking authorization as an act which "enables you to act in my place, and so with my right" (Gauthier, 124; H., 115) and she charges that Gauthier's "interpretation trades on the normal meaning of the word" (H., 116) rather than being true to Hobbes's. Arguing for her own interpretation she, however, maintains that Hobbes's contemporary critics, seventeenth century users cited by the Oxford English Dictionary, and twentieth century legal theorists have correctly characterized Hobbes's usage by defining "'to authorize' to mean 'to set up as authoritative; to acknowledge as possessing final decisiveness . . .to give formal approval; to sanction, approve, countenance.'" (H., 126) Although she concedes that in Chapter

16 Hobbes is using 'authorize' in Gauthier's sense, she maintains that in most other cases Hobbes uses the term according to her sense of enslavement. She cites just two passages from the text as illustrative of the meaning she attributes:

Chapter 18, where he says that in choosing a sovereign, "every one, as well he that Voted for it, as he that Voted against it, shall Authorise all the Actions and Judgements, of that Man, or Assembly of men, in the same manner, as if they were his own . . ." (18,1,88), and another example in Chapter 20, where he says that servants have committed themselves to "owning, and authorizing whatsoever the Master shall do." (20,13,-104) (H., 126-127)

I find Gauthier's sense of 'authorizing' as empowering an agent, which I also see as Hobbes's, to be thoroughly compatible with the above remarks. The meaning Hampton attributes to "authorization" actually appears to be the one trading on the recent legal use or the alleged standard use of Hobbes's contemporaries. It should be recalled that distinguishing what he took to be the proper use of words from their then standard use was an important part of Hobbes's project. Finding that late twentieth century legal use of Hobbes's technical vocabulary matched his non-standard use would be serendipitous. The claim would require careful textual argument which avoided unsupported assumptions; Hampton has not made out that case. Without satisfactorily demonstrating that Hobbes employs her sense of the word 'authorization' and without successfully showing that the master/slave model reflects his view of political relationships, Hampton's picture of the political

nature of sovereignty cannot be accepted.

Moral Terms

According to Hampton,

throughout *Leviathan* Hobbes seizes on traditional moral words and phrases, such as 'good', 'right', and 'law of nature', draining them of their traditional objectivist meanings and then infusing them with subjectivist meanings of his own. (H., 50)

On her view of Hobbes's use, "the words 'duty', 'obligation', and 'justice'" are all related to prudential action and "the nature and extent of our obligations [is] such that our performance of them can never conflict with self-interest" (H., 56). According to the text that I have examined and explicated in Chapter 1 above, Hobbes's technical use of these words may be somewhat idiosyncratic, but, contrary to Hampton's findings, the meaning of the moral terms is thoroughly objective. Again, I suggest that Hampton initially took a wrong turn when she traded on our now standard use of the word 'reason' and proceeded to ascribe the prudential calculating Bayesian approach to Hobbes. Hampton discounts the many passages which lead Warrender and others to reach deontological interpretations of Hobbes and she justifies her interpretation of his moral words in terms of self-interest by referring solely to the Chapter 15 answer to the Fool. She argues that,

when Hobbes explains to the "fool" who questions the rationality of contract keeping why we should keep our contractual promises, his explanation does not invoke any normative obligation that we have incurred by promising to transfer our right. Instead, he invokes self-interest, and specifically the benefits we will receive subsequent to keeping our contract because of the reputation of trustworthiness we shall acquire:

(H., 55)

She then reinterprets his Chapter 14 definitions of 'duty' and 'obligation' and his Chapter 15, paragraph 2, definition of 'justice' in terms of self-interest and concludes that Hobbes would counsel not to do one's duty if it "will damage rather than further one's best interests" (H., 56). To illustrate this conclusion she then refers to a passage in Leviathan, Chapter 21 (11,111), but quotes a parallel sentence from Chapter 14, "A Covenant not to defend my selfe from force, by force, is always voyd." (14,29,69) Hampton, however, omits the contexts of these remarks which, in both passages explain the claim similarly. To continue with the slightly fuller statement invoked from Chapter 14, Hobbes writes, "For (as I have shewed before) no man can transferre, or lay down his Right to save himselfe from Death, Wounds, and Imprisonment, (the avoyding whereof is the onely End of laying down any Right, and therefore the promise of not resisting force, in no Covenant transferreth any right; nor is obliging." (ibid) Hobbes's explication is obviously given in terms of rights and obligations, not self-interest.

The Fool and Hobbes's Response

Because the response to the Fool is given so much interpretative weight by Hampton and also by Gauthier and Kavka, a detailed examination of the relevant passages is warranted. The Fool's argument is Hobbes's version of

Plato's example of the Lydian Shepherd⁵² who puts on the ring of Gyges and can then engage in immoral acts with impunity. Like Plato's myth the position taken by the Fool raises the question of whether such unjust acts should be done, i.e., are they consistent with Hobbesian Reason? The Fool imagines a case in which someone could accomplish the greatest injustice without suffering any disagreeable consequence and asks whether such an act would violate Reason.

In following Hobbes's argument it is important to pay particular attention to his use of the word 'reason' which is employed both as a capitalized term and as a lower case term. I have already suggested that Hobbes usually shows defined terms all in capital letters, words being used in a technical sense, especially those previously defined, are given a capitalized first letter, and ordinary language usage is presented all in lower case. If my interpretative hypothesis is correct, the capitalized use of 'Reason' will be consistent with Hobbes's definition: "REASON. . . is nothing but Reckoning (that is, Adding and Subtracting) of the Consequences of generall names agreed upon, for the marking and signifying of our thoughts;" (5,2,18). Also, it is likely that the lower case use approximates his and our contemporaries' ordinary sense of 'reason', as prudence or 'common sense', which Hampton embraces.

Hobbes begins the passage in question by presenting the Fool's view.

The Foole hath sayd in his heart, there is no such thing as Justice; and sometimes also with his tongue; seriously alleaging, that every mans conservation, and contentment, being committed to his own care, there could be no reason, why every man might not do what he thought conduced thereunto: and therefore also to make, or not make; keep, or not keep Covenants was not against Reason, when it conduced to ones benefit.
(15,4,72)

Recognizing that this is the view of a fool, and that Hobbes does not consider himself a fool, the view expressed by the fool cannot be taken to represent Hobbes's position. (Other denegations of fools appear at 4,10,14 and 4,13,15) First, the Fool claims there is no such thing as "Justice", a moral obligation to perform on covenants. If this is what a fool believes then non-fools should believe the opposite, that people are bound to keep their covenants. Next, the Fool seems to allege that whenever prudential calculation (reason) suggests that breaking a covenant would be in one's interest it would not be a violation of Reason to do so. In this first sentence, besides expressing the foolish point of view, Hobbes is contrasting 'reason' with 'Reason', the Fool's method with his own.

The passage continues,

He does not therein deny, that there be Covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called Injustice, and the observance of them Justice: but he questioneth, whether Injustice, taking away the feare of God, (for the same Foole hath said in his heart there is no God,) may not sometimes stand with that Reason which dictateth to every man his own good: and particularly then, when it conduceth to such a benefit, as shall put a man in a condition, to neglect not onely the dispraise, and revilings, but also the power of other men.
(ibid)

The Fool does not dispute the existence of covenants nor

that the ideas of breaking and keeping them are marked by the names 'Justice' and 'Injustice'. However, he does question whether an injustice could be consistent with the Reason given dictates for actions that will tend (15,36,79) to achieve what everyone desires and calls good, i.e., self-preservation and the maximal satisfaction of appetites. If God exists and distributes benefits to those who do justice and harms to those doing injustice, then the Fool would find injustice unreasonable since he would predict that the unjust would eventually suffer God's penalties. Since the Fool believes that no such God exists, he has no fear of divine retribution. Then, especially if the prize to be gained is substantial (e.g., a kingship) and also if it would empower him enough as to place him beyond the censure and physical or verbal abuse of others (i.e., therein defeating their possible effects and removing those considerations from the calculation), it would seem prudent to break a covenant. So, he continues,

The Kingdome of God is gotten by violence: but what if it could be gotten by unjust violence? were it against Reason so to get it, when it is impossible to receive hurt by it? and if it be not against Reason, it is not against Justice: or else Justice is not to be approved for good. (ibid)

When, according to the Fool's calculations, there is no possibility of suffering evil consequences from a violent act of injustice, but significant likelihood of achieving great power as a consequence of the deed, he questions whether performing the act would violate Reason. The Fool argues that if an injustice can achieve good then either

injustice can be consistent with Reason or justice is not necessarily good (i.e., desired).

After offering some mythical and historical examples to illustrate the Fool's claim the paragraph is concluded as follows.

From which instances a man will be very prone to inferre; that when the Heire apparent of a Kingdome, shall kill him that is in possession, though his father; you may call it Injustice, or by what other name you will; yet it can never be against Reason, seeing all the voluntary actions of men tend to the benefit of themselves; and those actions are most Reasonable, that conduce most to their ends. This specious reasoning is nevertheless false. (*ibid*)

From the selection of examples the prudent Fool concludes that regicide, by the next in line to inherit the throne, may be an injustice but, none the less, if the act benefits the doer, it conforms with Reason. Hobbes, however, concludes that the Fool's superficially plausible "reasoning" (*ibid*) is false, i.e., not even profitable injustice can conform with Reason.

In the first sentence of the paragraph giving his response to the Fool Hobbes summarily re-poses the Fool's question.

But either where one of the parties has performed already; or where there is a Power to make him performe; there is the question whether it be against reason, that is, against the benefit of the other to performe, or not. (15,5,73: emphasis added)

Unequivocally he answers, "And I say it is not against reason." (*ibid*: emphasis added) Certainly, Hobbes is declaring that when the compliance conditions for the Laws of Nature are met covenants must be kept regardless of the

costless advantage that would be achieved. By twice using the lower case 'reason' Hobbes also clearly demonstrates that he is responding to the Fool in terms a fool can understand. An important part of Hobbes's argument throughout Leviathan is that prudential thinking, what the Fool calls 'reason', is fallible. If the Fool had understood and employed Reason, the preferred method of thinking, he would never have reached his false conclusion that breaking covenants can conform with Reason. Since the Fool is therefore to be recognized as one of the many who do not think with Reason, though some fools might erroneously credit themselves with the ability, it would be pointless for Hobbes to offer him a response in terms of Reason. Therefore, in what follows, Hobbes presents him with a prudential argument for keeping covenants. Just as it would be an error to construe the passage to be saying that Hobbes sanctions covenant breaking for self interest, it would be a serious mistake to understand that Hobbes is endorsing the method of prudential thinking. Because his reliance on prudential calculation in this paragraph can be understood to be Hobbes talking the Fool's language in order to impact on his foolish behavior, the passage can support, rather than contradict, his otherwise uniform adoption of logical analysis as the method of Reason. In the light of the above alternative interpretation it is difficult to accept Hampton's (also Kavka's and Gauthier's) view that this single passage provides Hobbes's concept of

reason as prudential calculation, and derivatively defines his concepts of obligation and morality. Taking Hampton's position seriously is especially difficult because it requires the reader to discount all of the passages which cast Reason in an analytical light and demands that the reader ignore all of those sections giving obligation a deontological "sound".

In support of his conclusion that breaking contracts is against "reason" Hobbes offers two prudential considerations to impress all would be fools with the imprudence of unjust acts. His answers to those who entertain committing injustice also display the general problem with accepting prudential thinking as one's method. First, he points out that it is not reasonable (prudent) to do an action of the sort which tends to produce evil consequences for oneself when aiming at the achievement of one's own good. Although there are occasions when unpredicted events produce beneficial outcomes, where only undesirable ones could be anticipated, "yet such events do not make it reasonably or wisely done." (15,5,73) Second, he argues that covenant breakers "cannot be received into any Society, that unite themselves for Peace and Defence, but by the errours of them that receive him;" (*ibid*). Since civil society is founded on a covenant, anyone who, in his actions, shows himself as unjust (i.e., a covenant breaker) demonstrates, to the other covenanting parties, that trusting him to honor the social contract is imprudent. Hence, the unjust Fool would

not be accepted into civil society and, therefore, could not gain the significant benefits achieved with the security of civil society. Again, no one could "forsee, nor reckon upon" (*ibid*) his fellows failing to recognize the unjust Fool as what he is and, so, accepting him by mistake into their midst. Breaking covenants is "consequently against the reason of his preservation" (*ibid*) since it should be expected that it would put the person excluded from civil society in the worst position for maintaining his life and achieving the satisfaction of his desires.

Addressing the special "instance of attaining Sovereignty by Rebellion" (15,7,73) he claims that because it is most likely for rebellious acts to jeopardize one's security, a beneficial outcome "cannot reasonably be expected" (*ibid*). To illustrate his point Hobbes could have invoked Shakespearian literary examples of unjust seizure of royal power: Macbeth and Claudius (Hamlet's uncle, the ignoble Dane), who both calculated that they could successfully achieve sovereignty through injustice and then be immune to criticism and attack, each overlooked details which ultimately lead to their undoing. While Macbeth and Claudius may have been well-educated guessers (i.e., prudent [3,7-8,10]) their reliance upon prudential thinking was their fatal flaw. "Signes of prudence are all uncertain; because to observe by experience, and remember all circumstances that may alter the successe, is impossi-

ble." (5,22,22) If Macbeth and Claudius had followed Reason, regardless of the rewards they imagined to be achievable by covenant breaking, they would never have engaged in their unjust acts.

Against those fools, who "think the breach of Covenant may conduce. . . to the attaining of an eternall felicity after death" (15,8,73), Hobbes argues that their conclusions are also unreasonable. Since their method of probabilistic calculation is based upon previous experience and none of the relevant sort is available to any living human their conclusion is, on their own grounds, unfounded. As Hobbes argues in Chapter 43 and simply states in this discussion, "there being but one way imaginable; . . . of gaining the secure and perpetual felicity of Heaven, . . . and that is not breaking, but keeping of Covenants." (15,6,73)

At this point, in order to confirm that my reading could be compatible with all of the relevant text, it is useful to examine two later passages of Leviathan which deal with related issues. In the Chapter 27 discussion "Of the Passions that most frequently are the causes of Crime" (27,13,154) the passion Hobbes lists first "is Vain-glory, or a foolish over-rating of their own worth" (*ibid*). He continues to explain that vain-glorious fools are

prone to all such Crimes, as consist in Craft, and in deceiving of their Neighbours; because they think their designs are too subtle to be perceived. These I say are effects of a false presumption of their own Wisdom. For of them that are the first movers in the disturbance of Common-wealth, (which can never happen

without a Civill Warre,) very few are left alive long enough to see their new Designes established: . . . which argues they were not so wise, as they thought they were. And those that deceive upon hope of not being observed, do commonly deceive themselves, (the darknesse in which they believe they lye hidden, being nothing else but their own blindnesse;) and are no wiser than Children, that think all hid, by hiding their own eyes. (27,16,154)

The "false presumption of their own Wisdome" is precisely the source of the proposals for crime by the Fool of Chapter 15 who believes his injustice to be "reasonably or wisely done" (15,5,73). Foolishness arises when people rely upon prudential thinking instead of Reason and vain-gloriously presume that their own consequentialist calculations can achieve certainty. According to Hobbes no one's prudence can, but only fools mislead themselves into following prudential considerations when they could obey Reason instead.

In Chapter 31, in a passage which is fully consistent with his earlier criticism of prudential thinking, he actually declares that injustice will receive (God's) natural punishment.

There is no action of man in this life, that is not the beginning of so long a chayn of Consequences, as no humane Providence, is high enough, to give a man a prospect to the end. And in this Chayn, there is linked together both pleasing and unpleasing events; in such manner, as he that will do any thing for his pleasure, must engage himselfe to suffer all the pains annexed to it; and these pains, are the Naturall Punishments of those actions, which are the beginning of more Harme than Good. And hereby it comes to passe, that Intemperance, is naturally punished with Diseases; Rashnesse, with Mischances; Injustice, with the Violence of Enemies; Pride, with Ruine; Cowardice with Oppression; Negligent government of Princes, with Rebellion; and Rebellion, with Slaughter. (31,40,193: emphasis added)

In this passage, because the sort of thinking being discussed is not Reason but prudence, no mention of Reason is made. Again, Hobbes's message is that prudential thinking is an inadequate guide since no one can see the end of a causal chain begun by his action (perhaps because there is no end). Furthermore, anyone who wants to guide his action by consequentialist calculation should include consideration of the natural pattern of punishments that usually follow: Fools contemplating injustice specifically need to take the outcomes of injustice, pride, and rebellion into their accounting.

These passages suggest that Hampton (like Gauthier and Kavka) took a wrong turn in forming her understanding of Reason, obligation, and justice out of Hobbes's response to the Fool. In the light of his consistent dismissal of prudential thinking and acceptance of Reason, interpreters need to be careful to avoid conflating these distinct methods of thinking by calling prudence, 'reason'.

Self-interest guides the Fool's action so Hobbes directs him to be more farsighted in determining his egoist actions. However, Hobbes's argument shows that no matter how distantly one looks no one can know the ultimate consequences of any action: unpredicted and perhaps unpredictable tangential occurrences can make a big difference in outcome and so can small, easily overlooked differences between the particular situation being considered and the model standardized by previous experience. Therefore,

certainty cannot be provided by Hobbes's more comprehensive prudential considerations of outcome and he has to call farsighted prudential calculators as well as nearsighted ones, 'fools'.

Actually, he claims that his Laws of Nature direct people to perform those actions which only tend to produce the desired consequences: he does not claim that following his Laws will always produce one's best interest, or good, or security, or maximal satisfaction of desires. According to his own arguments he could not know so much about the consequences of any actions. Yet he also claims that his Laws are infallible and eternally, immutably true. To understand what he means, by claiming that the Laws are true, we must return to his own definition. In Chapter 4 he explains,

When two Names are joyned together into a Consequence, or Affirmation; as thus, A man is a living creature; or thus, if he be a man, he is a living creature, If the later name Living creature, signifie all that the former name Man signifieth, then the affirmation, or consequence is true; otherwise false. For True and False are attributes of Speech, not of Things.
(4,11,14)

Hence, it should be recognized that the truth of the Laws is not a reflection of the likelihood of their achieving the desired outcome. Their truth represents the containment of the last nineteen Laws in the signification of the words of the first Law and their infallibility is a logical attribute of them. Yet, since Hobbes appears to hold that the truths expressed on the theoretical level of language correspond with institutions on the social level and

physical states of matter in motion on the mechanical level⁵³, he would expect our conforming with his Laws of Reason largely to match our experience of success in achieving the goals of pursuing peace.

Conclusion's on Hampton's Hobbes

The architecture of Hobbes's theory is an integrated edifice where every element is essential to the whole. And, as Hobbes claims, "where men build on false grounds, the more they build, the greater is the ruine" (26,11,140). So, when Hampton takes her view of Hobbes's method and his concept of obligation from the Fool's rejected positions she seriously undermines her own interpretive efforts. To Hobbes the Fool's self-interested calculation represents the antithesis of his method. Also, the Fool's conclusion, advocating the violation of covenants when it appears that conformance "will damage rather than further one's best interests" (H., 56), (a recommendation Hobbes never makes!) is inimical to the foundation of Hobbes's moral theory which holds assent and promise as the basis of obligation⁵⁴. Hobbes's sense of 'Reason' is not prudence and his sense of obligation is normative and not merely prudential advice that can be disregarded. Furthermore, instead of taking the Fool as a model he should be seen as Hobbes sees him: the Fool believes he is wise but he is like a vain-glorious child (27,16,154) who can only understand simple prudential thinking which relates to the immediate gratification of his self-interested desires.

As Hobbes himself might charge, initial interpretive moves that disregard his definitions and ascribe modern (other) senses to his technical words get one "entangled in words, as a bird in lime-twiggs; the more he struggles, the more belimed." (4,12,15) The result is that by shifting the grounds of Hobbes's theory Hampton has produced something essentially different from the original. By leaving behind some familiar cornerstones in the process of removing and replacing pieces of the Hobbesian edifice she has reconstructed a theory with serious structural flaws that just happens to look vaguely like the old one. For all of its charm, Hobbes would still certainly repudiate this attempt at renovation, and call it a "ruine".

DAVID GAUTHIER

Jean Hampton and also Gregory Kavka are disciples following in the interpretive footsteps of David Gauthier. They adopt his most significant interpretive commitments, whole cloth. For example, Hampton's and Kavka's sense of Hobbesian reason and their taking the response to the Fool as the interpretive touchstone for understanding the theory are both features which figure importantly in Gauthier's reading. Hampton, like Gauthier, focuses on the subjectivity of 'good' and she also imitates Gauthier's radical revisionism⁵⁵ and his preference for the ordinary meaning⁵⁶ of terms over Hobbes's special usages.

In presenting his interpretation of Hobbes, above all, Gauthier displays himself as a scholar. He is fully in

command of the text and he integrates his discussion of the theory with critical citations from De Cive, Leviathan, and De Corpore Politico, drawing attention to the uniformities, as well as the differences, as he finds them. In his careful and detailed analysis he is scrupulously faithful to the works and where he finds difficulties with the theory the reader can clearly recognize his attempt to give Hobbes a fair reading. The fullest version of Gauthier's interpretation of Hobbes is presented in his book, The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes (1969). However, revisions and additions to that view appearing in his later article, "Thomas Hobbes: Moral Theorist" (1979), and in his critical review of Hampton and Kavka, "Taming Leviathan" (1987)⁵⁷, make these recent works relevant to this discussion.

Gauthier correctly characterizes the recent attention to Hobbes as a response to Rawls who resurrected "contractarian theory as a respectable option in moral and political thought" (G.1987, 281). He sees that Hobbes's theory offers an alternative version of contractarianism "without the suspect moral underpinnings of Locke, Kant, or Rawls" (G.1987, 284) and he isolates three dogmas as the modern noncontroversial foundation of Hobbes's project.

The first is that value is utility - a measure of subjective, individual preference. The second is that rationality is maximization . . . The third is that interests are non-tuistic: interacting persons do not take "an interest in one another's interests". (G.1979, 547)

He claims that with these three dogmas Hobbes manages to

reconcile "maximizing rationality with constraining morality. . . establishing a place for morality as a conventional constraint on our natural behavior." (*ibid*)

As I see Hobbes's ethics it does not rest on any of Gauthier's three dogmas. And, according to my reading of the text, Hobbes's theory is an objective moral theory with conventions playing a role only in the hypothetical motivation of its presentation. In my discussion of Hampton, I have already argued that Hobbesian rationality is not maximization and that Hobbesian morality is not merely conventionalism. Also, it seems to me that although Gauthier's first dogma is a feature of Hobbes's thought, it is not a foundational component of his moral theory. Consequently, while I agree that Hobbes's theory presents an excellent version of contractarianism, I see it as standing much closer to the Kantian and Rawlsian versions than to Gauthier's characterization.

In this section I try to show how and why Gauthier went astray in his interpretation of Hobbes. Therefore I do not discuss his many valuable insights into the text and the many points at which I fully agree with his reading. This discussion is limited to an analysis of the crucial points at which I believe he took the wrong turn. Before taking up Gauthier's view of Hobbes's theory of obligation and treatment of God I examine his three dogma's and try to show that they are not Hobbes's "underpinnings". In doing so I review Gauthier's account of why he finds Hobbes to be

a prudential egoist. In presenting my argument against Gauthier's reading I will continue to press the centrality of Hobbes's faith in the method of Reason and the three theses which I have identified in Hobbes: (1) the assumption that obligation derives from assent, (2) the recognition of the obligation to obey the Laws of Nature, and (3) the acknowledgement of the moral obligation to obey the commands of the sovereign.

The First Dogma

I concur with Gauthier's observation that Hobbes presents a mechanistic account of the passions and acknowledges the subjectivity of desire. But then he goes on to offer an overly simplified version of Hobbes's psychology and convert that reading into a non-Hobbesian moral theory. After noting that Hobbes's subjective definition of "good", as "the object of any mans Appetite or Desire" (6,6,24), does not express any Hobbesian commitment about the objects that are good, (G.1969, 7) he, nevertheless ascribes one to Hobbes. He maintains that Hobbes's account is "formally subjectivistic" because it identifies "good" with "an object enhancing vital motion" (G.1969, 8). This initial unsupported move overly simplifies Hobbes's rich picture of human psychology and, most significantly, it transforms his descriptive definition into a theory of value, in particular, a consequentialist theory in which "value is utility". Taking this first step away from Hobbes's own account has compounded implications down the road.

Reducing the manifold of desires which can motivate action to the single desire for self-preservation, as Gauthier does, invites the otherwise unfounded conclusion that man is exclusively self-regarding, "necessarily selfish" (G.1969, 7) or "self-centered" (G.1969, p.8). This is not Hobbes's view and the much weaker claim, that people can be selfish, is the only psychological underpinning he requires as theoretical motivation. Understanding that the other who one confronts in the state of nature may be selfish is enough to generate the diffidence which would lead, even those who were neither vain-glorious nor overly competitive, into war.

The Second Dogma

Assuming the first dogma ("that value is utility - a measure of subjective, individual preference") and already following the flow of his own exegesis, Gauthier takes (2) rationality to be maximization. He finds support for his reading from Hobbes's reply to the Fool (15,5,72) where he understands Hobbes to be identifying "what is 'against reason' with what is 'against . . . benefit'". (G.1979, 549) You will recall that in the previous passage (15,4,72) Hobbes juxtaposes his technical usage of 'Reason' with the colloquial sense of the term, given by the lower case, 'reason'; by obliterating Hobbes's capitalization (G.1969, 61-62; 84) from his reading of the text⁵⁸ Gauthier misses this distinction (just as Hampton overlooked it). As I interpret the passage with attention to the contrast,

Hobbes is maintaining that Reason always commands doing justice although, to a Fool, who mistakes 'reason' for 'Reason', violating covenants may seem reasonable when he believes he can benefit from the deed.

Gauthier, like the Fool, sees 'reason' as practical (G.1969, 61) advice (G.1969, 21).⁵⁹ His version of the concept emerges in the context of the phrase "has some reason to do X" (G.1969, 25) where 'reason' reflects previous experience (G.1969, 3) of mechanistic (G.1969, 25), causal connections (G.1969, 3) between objects of the type desired and their achievement. But this, I have maintained⁶⁰, is not Hobbes's technical sense of Reason.

In his initial explication of Hobbes's method Gauthier mentions "logical entailment" as one of the two methods in both physical and political science. But then, for him, one of the two immediately evaporates leaving behind only the one Hobbes calls the method of 'prudence'. According to Gauthier's rendering, "sciences. . . explain phenomena in terms of consequential relationships which Hobbes seems to have taken indifferently as causal connections or logical entailments." (G.1969, 3) First, Hobbes is not "indifferent" to the distinction between his two methods: he opposes them to each other and holds up 'Reason', the method which relies upon logical entailments, as the proper method for science. To sum up what was previously explained, 'Reason', based on the necessary containment of meaning in words (i.e., their logically 'causal' entail-

ment) is always infallible (i.e., 'right Reason) and therefore fitting for the pursuit of truth. 'Prudence', based on experience of mechanistic causal connections is rejected as an inappropriate method for science because it is always fallible. Second, Hobbes's science gives explanations in terms of the consequences of names but not in terms of the material consequences observed in previous experience. His method of Reason must, therefore, be recognized as explaining phenomena in terms of linguistic relationships and it must not be confused with prudence, the Fool's-gold which fools call 'reason'.

Once the dangerous pitfall of conflating the two methods is recognized, Reason cannot be confused with maximization because maximizing calculations depend upon prudential expectations of outcome. Consequently, it is a mistake to assume that prisoner's dilemma-type calculation of the likely outcomes of alternative acts is, or could be, an integral feature of Hobbes's system and that working out the details of such thinking is the most fitting approach for analysis and clarification of the theory. (G.1969, 78ff.) What has lately come to be called rational decision theory does not fit with Hobbes's concept of Reason.

The Third Dogma

In promoting his third dogma Gauthier again tries to push a calculating instrumental view of Hobbesian Reason. Here he cites Hobbes's definition of Reason as "Reckoning (that is, Adding and Subtracting) of the Consequences of

generall names." (5,2,18) Once more he misses the point that Hobbes is concerned with an analytical operation rather than "the maximizing conception of rationality" (G.1979, 549)

Considerations of the concept of Reason aside, I find no support in the text for Gauthier's last dogma. Gauthier presents only Hobbes's account of the value of a man to justify his conclusion (3)"[t]hat persons are conceived to take no interest in one another's interests" (G.1979, p.549). He cites the following text:

. . . his Price; that is to say, so much as would be given for the use of his Power: and therefore is not absolute; but a thing dependant on the need and judgement of another. (10,15,42)

The passage, and indeed the Chapter, "Of POWER, WORTH, DIGNITY, HONOUR, and WORTHINESSE", emphasizes the subjectivity of value, but I fail to see how that can be read as evidence for Gauthier's view. In fact, in the same short Chapter, Hobbes speaks of varieties of honoring and dishonoring which reflect a good deal of taking an interest in another's interest. He speaks of "love" (10,23,43), "pity" (10,24,43), "Magnanimity, Liberality" (10,38,44), "Equity" (10,43,44) and speaking "to another with consideration, to appear before him with decency, and humility" (10,25,43). All of these feelings and actions imply one person's interest in another's interest and suggest Hobbes's recognition of the possibility of "tuistic" motivation. Furthermore, returning to Hobbes's Chapter 6 discussion of the passions, we can find several examples of passions which

reflect interest in others' interests described in other-regarding terms.

Anger for great hurt done to another, when we conceive the same to be done by Injury, INDIGNATION.
Desire of good to another, BENEVOLENCE, GOOD WILL, CHARITY. If to man generally, GOOD NATURE. (6,21-22,26)

Griefe, for the Calamity of another, is PITY; and ariseth from the imagination that the like calamity may befall himselfe; and therefore is called also COMPASSION, and in the phrase of this present time a FELLOW-FEELING: . . .

Contempt, or little sense of the calamity of others, is that which men call CRUELTY; (6,46-47,27-28)

In the discussion of laughter in the same Chapter, Hobbes actually declares his own valuing of others' interests when he writes, "For of great minds, one of the proper workes is, to help and free others from scorn" (6,42,27). And then, the most obvious example of Hobbesian valuing of others is summed up in his own recapitulation of the Fundamental Law of Nature as "that Law of the Gospell; Whatsoever you require that others should do to you, that do ye to them." (14,5,65)

Certainly, Hobbes does not assume that interests are "tuistic" but he also does not deny that they may be. Gauthier recognizes that one of the advantages of Hobbes's theory is that he eschews the frequently embraced questionable foundational premise of "tuistic", other-regarding, benevolent motivation. In its leanness, the theory is yet more admirable than Gauthier realizes because it makes no commitment to either "tuism" or "non-tuism". Hobbes acknowledges the variety of motivation but he avoids claiming that any particular sort predominates. Rather he

acknowledges the universality of the passion of glory and the desire to satisfy one's desires. Also he claims that people universally can feel competition and diffidence especially under state of nature conditions. These common passions are directed towards the self but they do not rule out the possibility of people having altruistic or benevolent feelings as well. Since Hobbes's theory can accommodate all passions it is broadly applicable to selfish, generous, and ordinary people with a mixed assortment of motives. Because Hobbesian motivation is not simply self-centered his theory can not be classified as egoism and because his concept of rationality has no relation to maximization the theory should not be seen as any other species of consequentialism.

Obligation

Gauthier derives his understanding of Hobbes's sense of obligation (a) from his view of reason as prudence and (b) from the concept of covenant. He maintains that "Hobbes is trying to convince us that we have certain moral and political obligations, and the arguments he uses are based on considerations of prudence and self-interest." (G.1969, 28) In other words, Gauthier contends that Hobbesian obligation has "a prudential basis" (*ibid*) in his psychology. Nevertheless, since I have identified Hobbes's method as Reason, not prudence, I would of course describe the basis for obligation differently. I see the universal desire for obtaining the objects of one's delectation as

the motivation for avoiding war. Then, because the words "avoid war" mean "seek Peace, and follow it" (14,4,64), the person who guides his action by Reason will undertake the pursuit of peace.

Gauthier acknowledges that the moral concept of obligation is independent of Hobbes's psychology and that it is defined in non-prudential terms. He carefully collects citations from Leviathan to demonstrate his understanding of the concept.

To grant away one's right to perform some action, or to possess some object, is to undertake an obligation not to perform that action, or possess that object. When, and only when, one has granted away one's right in some manner, one has an obligation in that matter.

All obligations, then are self-imposed. (G.1969, p.40)

Thus far I find Gauthier's reading of obligation fully compatible with my own. However, his next step is a bit too long and leads him off the track in what seems to be an unsupportable interpretive direction. He decides that

The principal device by which men oblige themselves is covenant. A covenant is that species of contract, or 'mutual transferring of right' (E.W.iii, p.120), in which at least one of the parties 'is to perform in time to come' (E.W.iii, p.121). (G.1969, p.41)

At this point his analysis of the obliging device is still fully compatible with a broad notion of promise which conforms with the view I have pressed. Five pages later, however, he retreats from this position and says,

this wider definition is not in fact used by Hobbes, who generally speaks as if covenant were the way of laying down rights. We propose, therefore, not to advance this broader equivalence as Hobbes's formal definition of justice, but nothing of importance in

Hobbes's argument turns on this point. (G.1969, 46)

From his own analysis of the assumption of obligation it should have been clear that a person himself, by his own act, creates obligation, as in the simplest case, gift, as well as contract, and acts of consent and assent. No participation by another is required. Therefore, Gauthier should have concluded as I did, that assent is the "device by which men oblige themselves" (G.1969, 61), and not covenant which requires two parties.

This seemingly mere difference in terminology, between assent as the obliging device and covenant as the device, nevertheless, has serious interpretive consequences which Gauthier does not recognize. When he examines the Right and Laws of Nature, because he has taken the device to be covenant, he finds that individuals in the state of nature are not bound to obey the Laws of Nature. The thinking here is straight forward: before the institution of a sovereign there is no covenant binding so no one can be obliged to conform with the Laws. So, Gauthier argues "that the laws of nature are prudential maxims, telling us to put ourselves under obligation" (G.1969, 60). If he had recognized assent as the foundation of obligation he could have understood that while "[t]he laws of nature do not create obligation" (G.1969, 48) rational individuals bind themselves by assenting to the Laws before the institution of the sovereign. This prior assumption of obligation commits the individual to observe the Laws and serves as

the ground for requiring people to covenant and enter civil society (the First Law) as well as the reason for binding them to fulfill their covenant with the sovereign (the Third Law).

Undertaking the obligation to constrain one's actions within the limits of right Reason (which is the essence of the commitment to the Laws) defines the boundaries of moral action as allowing one only the liberty to do just those things which are consistent with right Reason. The parameters of permissible liberty are expressed in the Right of Nature; people who have assented to the Laws of Nature are duty-bound not to exceed those boundaries. Because he fails to see the assent created bindingness of the Laws of Nature Gauthier also misses the moral quality of the Right of Nature. To him "[t]he right of nature. . . has nothing whatsoever to do with what a man may do. It is a purely descriptive concept, stating what he can do, in order to preserve himself." (G.1969, 65) He therefore believes that "[t]he right of nature entails no correlative duties." (G.1969, 30)

Gauthier's (1) misunderstanding of Reason, combined with (2) mistaking covenant to be the ultimate foundation of all obligation, compounded with (3) the failure to identify the source of the duty to obey the Laws of Nature and his (4) overlooking the moral quality of the Right of Nature brings him to declare that "the Hobbesian moral system collapses in inconsistency." (G.1969, 62) As he

sees it,

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. (ibid; similarly p.94)

Gauthier reformulates Hobbes's position making it turn out that the Fool "is, after all, no fool" (G.1969, 88). After his modifications the system consistently requires covenant keeping because it appears advantageous to the farsighted prudential agent. However, the remaining "system has no place for moral obligation" (G.1969, 97).

Conclusion on Gauthier's Hobbes

Instead of rescuing the theory Gauthier's reformulation is a further distortion of Hobbes's theory. Strictly speaking, the appalling inconsistency which Gauthier claims to have revealed, does not exist as a problem for Hobbes. As I see it the theory does not present inconsistent conclusions which would have a person free to break and bound to keep the same covenant. According to the interpretation which I presented above, the meaning of the words "seek Peace, and follow it" entails that only covenant keeping can be consistent with Reason. An exchange of promises which compromises one's life could not be counted as a covenant, so compliance with such an arrangement would be prohibited by the Laws. Hence, no inconsistency.

The net effect of all of Gauthier's efforts makes Hobbes seem to be a prudential, probability calculating

egoist. A reading which stays close to Hobbes's path allows him to be seen as a contractarian with a metaphysical commitment to certainty and truth achieved through the method of Reason, based on linguistic meanings that reflect the material world.

Gauthier's Testing

Before turning from Gauthier to Kavka I would like to draw attention to the final chapter of Gauthier's book which is simply titled, "God". The chapter is of special interest in the context of this essay because it deals with Parts 3 and 4 of Leviathan as I did, using Hobbes's discussion of the interface between theology and politics as the test for verifying an interpretation of the moral theory presented in Parts 1 and 2. As Gauthier envisions this confirmational portion of his project, he "must show also that what Hobbes says about God does not require us to revise that interpretation." (G.1969, 178) Working from his own reading of the theory Gauthier again finds Hobbes's views troubled with "genuine difficulties" (G.1969, 195) and "inconsistency" (G.1969, 187) and, therefore, stuck in a "dilemma" (G.1969, 194) with no satisfactory way out. Unfortunately, he missed this opportunity to recognize that these problems might be signs of flaws in his own reading of the theory. I would argue that the difficulties which Gauthier identifies during his testing disappear as soon as one pays careful attention to Hobbes's own definitions and recognizes his premise, that obligation arises from assent

rather than consent.

Resolving the status accorded to the Laws of Nature in Parts 3 and 4 presents Gauthier with the greatest difficulty. He is particularly concerned with the question of whether the Laws are obliging in themselves or, as Taylor and Warrender had maintained, obliging because God commands them. After refuting the first position he argues that,

[i]f the laws of nature are not commands as they proceed from nature, then natural reason discerns them as precepts. It provides no ground whatsoever for supposing that, because God has given man reason to guide him, God must be supposed to command as laws what reason ascertains as precepts. (G.1969, 186)

Gauthier is certainly correct in pointing out that when reason discerns the Laws they are merely precepts with no naturally or divinely binding power. However, in all of Hobbes's claims that the Laws oblige, Gauthier takes "oblige" to have the sense of "it would be irrational for him to do otherwise" as when someone "is obliged to give up his money to an armed robber, to avoid being shot." (G.1969, 192) Then he concludes that we have a "rational obligation" to follow the Laws but not "a moral (or practical) obligation to obey". (*ibid*) Nevertheless, employing this imported sense of oblige has no foundation in the text.

Clearly, Gauthier's understanding of the Laws as non-moral, rational, precepts does not jive with Hobbes's many declarations of the Laws' bindingness in action and in conscience. Gauthier's appeal to a particular, metaphorical, natural language sense of "obligation", as what one

must do "to avoid being shot" by an armed robber, is a far-fetched attempt to reconcile his reading with the text of Parts 3 and 4. His analysis of Hobbes's sense of the obligation to obey the Laws of Nature in terms of that understanding of "obligation" does render Hobbes's account "unsatisfactory" as a moral justification. It leads Gauthier to say that there is "no alternative account" which would provide an ethical content for the obligation. (G.1969, 195)

Perhaps this problem arises for Gauthier because he never recognizes the mechanism of assent as the source of obligation: the concept of assent does provide a clear picture of the moral obligation to obey Laws of Nature. Because Gauthier finds the theory to be "not satisfactory as it stands" (G.1969, 198) he modifies it so that the obligation to obey the Laws of Nature rests on a covenant with God. Instead, without modification, the concept of assent could have been invoked to supply the account of the obligation to obey both the Laws of Nature and God. This reading would fit the text without alteration.

As explained in Chapter 3 above, Hobbes offers two main arguments for a Christian's obligation to obey the Laws of Nature. The Jews bind themselves to accepting God as their sovereign ruler through their assent. His commands are then binding because they therefore have the status of civil law. Besides the Jews, whoever commits himself to Christianity undertakes obedience to God and his

biblical Ten Commandments which include the Laws of Nature. Individuals (e.g., Christians) who have also bound themselves to obey God's commands are obliged to follow the Laws as His dictates. Furthermore, Hobbes has argued that Christians are committed to following their sovereign's civil laws which (when properly formulated) amount to fuller expressions of the Laws of Nature.

Furthermore, when an individual commits himself to guiding his actions by Reason, he binds himself to following the precepts discovered by his Reason. By his assent, he becomes bound to comply with the Laws of Nature. Since Hobbes considers our Reason to be God's creation, in that derivative sense the Laws are divine although they are not originally commanded by God. So, using the concept of assent we come to see that Hobbes's individuals are morally bound to obey the Laws of Nature and that the theory presents a genuine ethic.

GREGORY S. KAVKA

Gregory Kavka's rendition of Hobbes is a further development of the new Hobbesianism. Especially in his book, Hobbesian Moral and Political Theory, and his recent article, "Some Neglected Liberal Aspects of Hobbes's Philosophy", Kavka offers an extraordinarily insightful and inventive look into the heart of Hobbes's moral and political theories. In many respects his understanding stands in line with Hampton's and Gauthier's readings, finding Hobbes a consequentialist and also the founder of the game theo-

retic approach to decision making in situations of uncertainty. Yet, in other ways, Kavka's conclusions about Hobbes are quite compatible with the reading I offer and, therefore, his view presents my interpretation with its greatest challenge.

In short, Kavka departs from the Gauthier-Hampton view of Hobbes as an act egoist. He classifies Hobbes's ethics as a rule egoist theory while I would place it among the act deontological theories. Despite the radical metaethical gulf between our classifications, even from my own perspective, given Kavka's description of what makes a rule egoist theory (K., 359), there is no obvious answer about which one of us is right in the end. Although Kavka's characterization of the text is genuinely appealing and the implications of taking one of our views over the other are less dramatic than alternative choices, I will argue that my own characterization of Hobbes is most compatible with the text taken as a whole.

In the end Kavka's goal is to construct the best theory, while the goal of my own project has been somewhat different. I have concerned myself with examining the text to find out what Hobbes does say and to determine whether the pieces of the theory, as presented, are consistent with each other. With this significant difference of focus in mind it is still possible to compare our views on Hobbes.

Before engaging with the interpretive issues that unite and separate us, because it is easy to misinterpret

Kavka's project, fairness requires a comment on his approach. The method of presentation adopted by Kavka is both unusual and subtile (K., xiv). Unless it is noticed and acknowledged one can easily criticize him for faults for which he is blameless. Kavka frequently takes the interpretive positions of other Hobbes scholars as his starting points. Without committing himself to those views he examines them, corrects and modifies, revises and reformulates until he arrives at what he claims Hobbes should have maintained on the issue. Typically in this process he carefully avoids arguments about what Hobbes's text actually does say and, so, often his conclusions, after this whole enlightening process, represent just what a sympathetic reader would have found in the text without any adjustments.

Agreement and Disagreement

Kavka's positions and my own coincide on several key points where we would both take issue with Hampton and Gauthier. We both find Hobbes to have presented a genuine moral theory (K., 303-309; 341; 353), while Hampton and Gauthier find none. We take the Laws of Nature to be always binding on everyone, even the sovereign and binding even in the state of nature (K., 364); they do not. We recognize that "right" is Hobbes's key moral term (K., 297-303); they emphasize "good". In other respects Kavka is aligned with both Gauthier and me. The three of us understand that the Fool is obliged to fulfill his con-

tracts as long as the other party has acted first and as long as the probability of facing danger by complying has not increased during the interval between contracting and fulfillment of the contract (K., 137-156; 351-352). Also, Kavka's reading of the authorization of the Sovereign (K., 385-391) is much closer to mine and Gauthier's than to Hampton's. When it comes to the questions of method and the foundation of obligation, Kavka and I part company and he stays on the side of the prudentialism of Gauthier and Hampton. Like them he takes prudence to be Hobbes's method and he sees obligation primarily related to what they all call "rational decision".

Method

At the very beginning of his book Kavka declares that "[t]he general method of Hobbesian moral and political theory is the method that Hobbes himself uses - - logical and conceptual analysis combined with empirical observation and probabilistic reasoning." (K., 4) Kavka sees that the version of the geometric method which Hobbes adopts involves "starting, in philosophy, from clear definitions of one's terms and then spelling out, step by step, their logical consequences." (K., 5) Besides recognizing both the empirical and the logical components of Hobbes's method Kavka acknowledges Hobbes as "[p]referring the apparent certainty of the geometric method to probabilistic conjectures based on observation" (K., 7).

Kavka sees all of this in Hobbes but he finds these

methodological commitments "grounded in a mass of methodological confusions" because "Hobbes fails to distinguish properly between logical and empirical relations." (K., 8) He identifies the core of the problem in Hobbes's defining causation in terms of logical necessity, which Kavka distinguishes from what we now take to be causal reasoning. He also goes on to claim that Hobbes's "actual method did not correspond to this geometric method." (K., 9) In his view although "Hobbes pays continued lip service to using the geometric method in politics. . . in most important cases. . . [he] depends on empirical observations and probabilistic reasoning." (K., 10) Therefore, in the rest of his discussion Kavka barely mentions what Hobbes and I have called the method of "Reason" and has rested his interpretation on the assumption that Hobbes's method was prudence, although he usually refers to it with the colloquial "reason".

As I have argued, Hobbes does define causation in terms of logical deduction and he does actually use his geometric method of Reason. Empirical observations and probabilistic reasoning do have a place in Hobbes so Kavka is not mistaken in finding them there. Hobbes appeals to empirical observation as the basis for establishing the definitions from which his philosophy proceeds. He also confirms his logical conclusions by testing them against empirical observations. And he appeals to probabilistic reasoning in arguing against the Fool because fools only

attend to such thinking. These uses of prudential thinking are clearly different from adopting prudential thinking as his method. When Kavka misses this point his subsequent interpretation of the text becomes skewed in an unHobbesian direction.

Obligation

On the one hand Kavka recognizes an assentist foundation in Hobbes's concept of obligation. In his chapter on "Moral Concepts" he maintains that rights "and the various moral concepts Hobbes defines in terms of rights" (K., 297) play an important role in his moral and political theories. Kavka finds that for Hobbes rights represent a kind of liberty or the absence of normative impediments. (K., 299) He also sees that, in the state of nature, there are no legal or moral impediments on our action - - "at least until we consent to or create them" (K., 300). He therefore recognizes that

The main idea that filters through this set of definitions is that the moral relations among people described by such terms as "obligation", "due", "free gift", "contract", "covenant", "justice," and "injustice" are created by those people's actions. (K., 305)

This view gives Hobbes what Kavka calls "a hypothetical consent theory" as a justification for both moral and political obligation. In principle, I agree with this position, but I think it is more accurate to call the action that creates obligation, "assent" since it rests on the undertaking of an individual and, as compared to consent, it need not involve a correspondent.

Kavka, however, finds a second foundation for obligation in Hobbes, and here we part company. According to Kavka, "Hobbes also justifies fulfilling obligations by treating the keeping of agreements as a "law of nature" or rule of his rule-egoistic moral theory." (K., 308) For him "the laws of nature are grounded in self-interest and may be considered rules of rational prudence." (K., 309; similarly, 356)

Kavka says the barest minimum by way of argument for this view of Hobbes. He maintains that the theory is about rules because "the laws of nature. . . are general prescriptive rules of conduct." (K., 360) The passage which he identifies as the "key" to his interpretation of Hobbes as a rule-egoist comes from Leviathan, Chapter 15 (15,40,80). There Hobbes is arguing that everyone agrees "that peace is good" and therefore the means to peace (namely, the Laws of Nature) are also good. "Good", however, as Kavka himself has argued, is not a moral term: for Hobbes, it expresses the relation of people's desires to particular objects or states of affairs. (K., 293) Earlier in his book he saw that, instead of "good", "right" is Hobbes's moral term. Consequently, Kavka should have seen that the paragraph in question could not describe any moral quality of the Laws of Nature. The passage must be taken as simply making a point about why individuals find it desirable to follow the laws, such as "justice, gratitude, modesty, equity, mercy". That most people will want

to act for self-preservation and their best interest does make Hobbes's psychology into what Kavka calls "predominant egoism"⁶². This commitment in psychological theory, however, says nothing about Hobbes's moral theory.

Kavka claims to see evidence for reading the Laws as "fundamentally rules of prudence" (K. p.360) in the "definition of, descriptions of, and comments on the laws of nature" (*ibid*) in three of the political works (Elements of Law; Philosophical Rudiments; Leviathan). Yet, taking these sources as evidence is question begging because their egoistic, prudential interpretation rests on Kavka's non-Hobbesian interpretation of Reason as prudence. For example, in The Elements of Law Hobbes states that,

There can therefore be no other law of nature than reason, nor no other precepts of NATURAL LAW, than those which declare unto us the ways of peace, where the same may be obtained, and of defence where it may not. (Part 1, Chap.15, sec.1)

In De Cive, also known as Philosophical Rudiments Concerning Government and Society, he says,

Therefore the law of nature, that I may define it, is the dictate of right reason, conversant about those things which are either to be done or omitted for the constant preservation of life and members, as much as in us lies. (Chap.2, sec.1)

In Leviathan he writes,

A LAW OF NATURE, (lex Naturalis,) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. (14,3,64)

Since nothing in these selections explicitly or implicitly embraces either prudence, or egoism, or consequentialism

and since these and similar passages can be understood without "the general rule-egoistic interpretation" (K., 360)) Kavka has no warrant, from these sections, for his exegetical conclusions. Besides the passage in which Hobbes declares "that peace is good" and the definitions and elaborations on the Laws (discussed above) Kavka offers no further textual arguments for taking Hobbes to be a rule-egoist.

Nevertheless, Kavka's formulation of what he takes to be Hobbes's rule-egoist derivation of the Laws of Nature deserves careful examination because of the way it seems to fit the text. He maintains that the rule-egoist

principle evaluates (sets of) rules according to the consequences of the agent's accepting them (i.e., attempting to act on them), not according to the consequences of the agent's always succeeding in acting on them. Rules, or sets of them, are evaluated in terms of the expected consequences of the agent's trying to act on them. This means that prior expectations of the consequences of general adherence to the rules, not their actual post hoc consequences, are what counts. (K., 359)

In this analysis Kavka adopts what I have shown to be the Hobbesian position on the source of the duty to comply with the Laws⁶³: here he commits himself to acceptance (i.e., assent) as the Hobbesian foundation for the obligation. Also, as I have argued in Chapter 2, for Hobbes, the agent's intention to conform with the Laws, or, in Kavka's words, his "trying to act on them" (emphasis added), is what counts in making his actions right. That Kavka has committed himself to valuing intentions ("expected outcomes"), rather than outcomes ("actual post hoc consequenc-

es"), can easily be seen. In order to try to do something one must first have formulated the intention to do that thing. If the trying is trying to act on a rule, then first one has to commit himself to complying with the rule (accept it, assent to it), then, in his action, he must intend to conform with the rule, and then try to have his action wind up being in conformance with the rule, which can certainly turn out some other way. Since Kavka adopts these two interpretive commitments, to assent (acceptance) as the ground of obligation and to intention as the object of moral evaluation, it seems to me that he should not conclude that Hobbes is a rule-egoist.

Any theory that counts intentions, rather than outcomes, could not be a consequentialist theory. Since desirable intentions do not necessarily produce the desired results, the intentions and the outcomes are clearly distinct and there is no systematic connection between the two. Therefore, choosing either one as the sole object for moral evaluation precludes the moral relevance of the other. Given Kavka's acknowledgement of Hobbes's emphasis on the moral quality of intention, his Hobbes could not be rendered as a consequentialist without also arguing (which Kavka does not) for a colossal inconsistency in Hobbes's theory. If intentions are acknowledged as the Hobbesian standard for the moral evaluation of action then, because rule-egoism is a version of consequentialism, it could not be a satisfactory classification of the theory.

The non-consequentialist character of Hobbes's theory becomes more apparent when we examine the implications of Kavka's view. According to Kavka, a rule is accepted because we want to have the consequences we expect from general adherence, i.e., our aim in adopting an action guiding rule is to achieve the consequences of general adherence. However, it could turn out that a significant majority of individuals in a particular community (perhaps even the community of all earthlings) fails to achieve the desired outcome when sincerely trying to act on the rules. Imagine, for example, the implementation of the fifth Law of Nature, "That every man strive to accommodate himselfe to the rest." (15,17,76) Because of a congenital short-sighted focus on one's own needs (and desires), those who attempt to conform their actions with this Law might regularly see their own needs inflated and the needs of others diminished. This would lead them to take "more room from others" (*ibid*) than they would if they had an objective view of their situation. So, regardless of their laudable intentions their unintended unaccommodating behavior would result in an undesirable return to war. It seems that in such a situation either, as a rule-egoist, Hobbes would have to agree to amend the rules in order to achieve the desired result, or, if he would not, we would have to infer that he was not a rule-egoist. Since Hobbes maintains throughout that "[t]he Lawes of Nature are Immutable and Eternall" (15,38,79) they could not be

changed to accommodate the unwanted behavior of any group. Apparently, then, we should find that he is not a rule-egoist.

As an ultimate demonstration that Hobbes could not be a Kavkaesque rule-egoist recall Hobbes's prescription for implementing the Laws of Nature. He maintains that a person

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 ballance, and his own into their place, that his own passions, and selfe-love, may adde nothing to the weight; (15,35,79)

Clearly, the direct aim of this recommended method is to subvert egoistic intuitions, the very position Kavka wants to attribute to Hobbes. Rule-egoism, therefore, does not describe Hobbes's ethics.

Kavka himself seems to have a similar consideration in mind when he "adopt[s] the objectivist view of the content of the laws of nature, because this is essential for construction of a rule-egoistic Hobbesian moral theory." (K., 341) He comes to this conclusion when he is concerned with Hobbes's Law of Nature requirement that an agent is forbidden to jeopardize his life and "to omit, that, by which he thinketh it may be best preserved" (14,3,64; Kavka's emphasis). Here Kavka accuses Hobbes of "waffling" about whether the content of the Laws is objectively or subjectively determined. He recognizes that if he allows that Hobbes accepts subjective determinations of the content of the Laws (Hampton's view), then it might be

possible for some to conceive dangerous activities as benign (and vice versa) and then act accordingly. It would be unlikely for action, in accordance with such mistaken conceptions, to maximize self-preservation. Therefore, because the subjectivist view could not be reconciled with taking Hobbes as a rule-egoist, according to Kavka Hobbes's Laws should only be given an objective interpretation.

Nevertheless, acting according to what you think the Law commands is an integral part of acting with the intention to conform. Indeed, forming your own conception of what the rule dictates is the first step in following it for those who intend to do so. Kavka is correct in his recognition that allowing subjective judgment to fix the content of the Laws undermines his egoist classification of Hobbes. He fails to see, however, that accepting intention as the evaluative standard for action has the same result, of undermining his rule-egoist interpretation, that accepting subjectivist interpretation of the Laws also has. Since he accepts intentions, rather than outcomes, as the standard for moral evaluation (perhaps owing to his scrupulous adherence to this portion of the text or the intuitive appeal of the position) he should also see, in that commitment, the necessity for abandoning his rule-egoist interpretation of Hobbes.

In his construction of civil society Hobbes seems to have been sensitive to the problems raised by attributing moral worth to intentions while requiring the content of

the moral Laws to be objective. His solution is the sovereign who becomes, in effect, the surrogate decision maker for his subjects. By dictating the civil law the sovereign is taken to express the objective content of the Laws of Nature. By authorizing the sovereign's actions, subjects accept his judgment about the meaning of the Laws as the surrogate for their own private judgment. In this way, the sovereign's civil laws can be understood, by subjects, as expressing the objective meaning of the Laws of Nature. Then, so long as the subject acts with the intention of obeying the moral Laws, when he conforms his actions with the civil laws his actions have moral worth. The sovereign's civil laws may, or may not, reflect the objective meaning of the Laws of Nature. But, because only intentions are assessed in the moral evaluation of action, the subject, who intends to conform to the Laws by obeying his sovereign's commands, fulfills the moral Law. This picture of Hobbes's resolution of the theoretical tension between the moral assessment of intentions and the objective quality of the Laws of Nature reveals no thought to egoist outcomes, just careful preservation of the non-consequentialist features of his moral theory.

Kavka's Value

In spite of my final disagreement with Kavka's characterization of Hobbes's moral theory, Kavka's view is very much like mine on key issues. In relation to my own efforts, he provides an excellent analysis (K., 291-292)

which supports my view⁶⁴ that Hobbes has a "strategy for bridging - - or sidestepping - - the purported gap" (K. p.291) between "is" and "ought". Also, his prudential rule-egoist analysis, showing that people should obey their sovereign's commands and the Laws of Nature, even in situations where it might seem advantageous not to honor contracts, confirms what I have argued is Hobbes's view on the parallelism between conclusions of Reason and careful prudential thinking. His careful prudential account also confirms the parallelism, which I have taken Hobbes to advocate, between the theoretical (the domain of accounts from Reason), the physical (the domain of prudential accounts), and the social (the domain where we attempt to apply the conclusions generated from such accounts).

The value of Kavka's work on Hobbes must not be underestimated. Kavka's applications of modern decision theory, to the conceptual regions beyond the limits of analytical Hobbesian Reason, teach us a great deal about the details of what Hobbes's ethics and politics actually hold. He employs the prisoner's dilemma strategy to demonstrate the unacceptability of anarchy because of inevitable conflicts and unachievable cooperation. He also uses it to explain bargaining as the solution to the problem of fear. This approach achieves particular (possibly unique) answers to the "impure coordination problem" (K., 185) of resolving the complicated interactions of individuals and small groups confronting each other in war

and then managing to construct a state and choose a sovereign.

Furthermore, Kavka's insights into the ethical and political theories illuminate important features of Hobbes which display him as a liberal and a model for contemporary political theorists. He emphasizes the Hobbesian focus on needs as being more compatible with modern Welfare State Liberal theory than the Lockean fixation on private property rights. (K.1988, 91-102) He also provides us with grounds for seeing a liberal pro-revolutionary position in Hobbes. (K.1988, 102-105) Placing Hobbes among the founders of modern liberalism transforms his historical image from a figure resembling a philosophical bad-boy who thinkers could "dismiss . . .out of hand", into a philosopher "for them to study . . .and to learn from" (K.1988, 106) today.

CONCLUSION

Trying to locate the historical source for contemporary decision theory is an interesting quest. Gauthier, Hampton, and Kavka have all attempted to identify Hobbes as its original author. Because of the light they shed on the scope and implications of decision theory, their grappling with the Hobbesian corpus is clearly a valuable contribution to that field. In spite of the originality in their approaches to the text, they have not succeeded in showing that Hobbes was the creator of prisoner's dilemma analysis. Their historical agenda and prior commitments to the

prudential thinking and consequentialist ethics typically associated with decision theory, predispose them to fundamental misunderstandings about the larger picture of Hobbes. Their resulting views of Hobbes suffer from their having taken wrong turns at crucial points in their interpretations. Gauthier's, Hampton's, and Kavka's many contributions to the understanding of details of Hobbes's project should be incorporated into a new view of Hobbes. Their new egoist interpretation, however, should be recognized as a distortion of the theory and, therefore, rejected.

FOOTNOTES

1. David Johnston. The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation (Princeton: Princeton University Press, 1986).
2. Thomas Hobbes. Leviathan (Latin edition, 1668). De Corpore (Latin edition, 1655; English edition, 1656)
3. e.g., his correspondence Molesworth, E.W.VII and O.L.V.
4. Samuel Mintz, The Hunting of Leviathan (Cambridge: University Press, 1962).
5. Published exchanges with Bishop Bramhall: Of Libertie and Necessitie (1646); The Questions concerning liberty, necessity, and chance (1656); An Answer to a Book published by Dr Bramhall (1668, published in 1682).
6. Chapter 3 above, 241.
7. Following W. H. Greenleaf, "Hobbes: The Problem of Interpretation," in Hobbes and Rousseau: A Collection of Critical Essays, eds. Maurice Cranston and Richard S. Peters (Garden City, NY: Anchor-Doubleday, 1972), 5-36.
8. John Laird, Hobbes (London: Ernest Benn, 1934).
9. A. E. Taylor, Thomas Hobbes (London: A. Constable, 1908).
10. Howard Warrender, The Political Philosophy of Hobbes: His Theory of Obligation (Oxford: Clarendon Press, 1957).
11. F. C. Hood, The Divine Politics of Thomas Hobbes: An Interpretation of Leviathan (Oxford: Clarendon Press, 1964).
12. Leo Strauss, The Political Philosophy of Hobbes: Its Basis and Its Genesis (Oxford: Clarendon Press, 1936).
13. Willis B. Glover, "Human Nature and the State in Hobbes," Journal of Philosophy, 4 (1966), 293-311.
14. J. W. N. Watkins, Hobbes's System of Ideas: A Study in the Political Significance of Philosophical Theories (London: Hutchinson, 1965). Hereafter, Watkins.
15. Michael Oakshott, Hobbes on Civil Association (Berkley: University of California Press, 1975).
16. Bernard Gert, "Hobbes Account of Reason," Journal of Philosophy, vol.76 (October, 1979), 559-561. Man and

Citizen (Garden City, New York: Anchor-Doubleday, 1972). Hereafter, Gert. Although Gert calls Hobbes a rational or tautological egoist, his should not be grouped along with this line of interpretations. Because of his focus on Hobbes's reliance on reason I prefer to see Gert as an ally and my own view as closely aligned with his.

17. Ethical egoism.

18. Psychological egoism.

19. David P. Gauthier, "Thomas Hobbes: Moral Theorist," Journal of Philosophy, vol.76 (October, 1979), 559-561. Hereafter, (G.1979). The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes (Oxford: Clarendon Press, 1969). Hereafter, (G.1969).

20. Jean Hampton, Hobbes and the Social Contract Tradition (New York: Cambridge University Press, 1986). Hereafter, (H.).

21. Gregory S. Kavka, Hobbesian Moral and Political Theory (Princeton: Princeton University Press, 1986). Hereafter, (K.).

22. Gert, intro., 6-7.

23. For a discussion of this distinction see Chapter 2, 149-151.

24. Watkins.

25. Brian Barry, "Warrender and His Critics," Philosophy, 43 (1968) 117-37.

26. See above, Chapter 1, 23-30.

27. Note that Hobbes's definition of deliberation does not match this use of the term. He defines it as, "the whole summe of Desires, Aversions, Hopes and Fears, continued till the thing be either done, or thought impossible". (6,49,28).

28. See above, Chapter 1, 12-14.

29. See above, Chapter 1, 24-25.

30. See above, Chapter 1, 32.

31. See above, Chapter 1, 28-30.

32. See above, Chapter 2, 40-41.

33. Andrew Alexandra, "'All Men Agree on This. . .':

Hobbes on the Fear of Death and the Way to Peace", History of Philosophy Quarterly, vol.6, no.1 (January, 1989), 38.

34. See above, Chapter 2, 42-45.

35. See above, Chapter 2, 45-50.

36. Thomas Nagel, "Hobbes's Concept of Obligation," Philosophical Review, 68 (1959), 68-83.

37. See above, Chapter 2, 50-51.

38. See below, 138.

39. Gert, intro., 13-14ff.

40. See above, Chapter 2, 108-109.

41. Hobbes discusses issues of property in Leviathan, Chapter 24.

42. The question of knowing whether your judgment is right comes up in this context, where the issue is knowing the correct interpretation or application of the Laws of Nature. It also arises as Hobbes's answer to the fool where he argues that no one can be certain of either having been completely accurate in his assessment of a situation or in his prudential calculation of the action which would be most advantageous. (15,5,73) The problem comes up again in the context of character assessment of others (e.g., De Cive, EW,ii,pref.,xvi) where trusting becomes an issue for contracting in the state of nature.

43. Jean Hampton is entirely consistent, maintaining the same view of Hobbes in her recent article, "Should Political Philosophy Be Done without Metaphysics," Ethics, vol.99 (July, 1989) 791-814. (Hereafter, H.1989) She calls his concept of justice "merely a modus vivendi".

44. See above, Chapter 2, 86-91.

45. The following papers include arguments against reading Hobbes as a legal positivist:

Bernard H. Baumrin, "Hobbes on the Coextensiveness of Natural and Civil Law"; presented at the Colloque International, Hobbes et la Loi (Universite Jean Moulin [Lyon III]; Centre d'Histoire et d'Analyse Politique; March, 1989)

Paulette Carrive, "Hobbes et les Juristes de la Common Law", in Thomas Hobbes: de la Metaphysique a la Politiques, editors Martin Bertman and Michel Malherbe (Paris: Librairie Philosophique J. Vrin, 1989), 149-172.

46. See above, Chapter 2, 90-91.
47. See above, Chapter 2, 105.
48. Hampton (1989), 801.
49. Ibid.
50. See above, Chapter 2, 135-137.
51. Paul Johnson, "Leviathan's Audience," in Thomas Hobbes: de la Metaphysique a la Politique, editors Martin Bertman and Michel Malherbe (Paris: Librairie Philosophique J. Vrin, 1989), 221-236. Johnson argues that Hobbes intended that education should mold individuals into law abiding citizens.
52. David Gauthier, "Three Against Justice: The Foole, the Sensible Knave and the Lydian Shepherd," Midwest Studies in Philosophy, vol.7 (1982), 11-29. Hereafter, (G.1982) This comparison is examined by Gauthier.
53. See above, Chapter 2, 151.
54. See above, Chapter 2, 45-50.
55. He makes it his goal to "present the theory he [Hobbes] never gave." David Gauthier, "Thomas Hobbes: Moral Theorist," The Journal of Philosophy, vol.LXXVI, no.10 (October, 1979), 548. Hereafter, (G.1979).
56. E.g., David Gauthier, The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes (Oxford: Oxford at the Clarendon Press, 1969), 29-30. Hereafter, (G.1969).
57. David Gauthier, "Taming Leviathan," Philosophy and Public Affairs, vol.16, no.3 (Summer, 1987). Hereafter, (G.1987).
58. In conversation with David Gauthier he claimed that he had never attributed any significance to Hobbes's use of capitalization. "Conference on Methods", New York, December 5, 1987. The citations from Hobbes included within his own text (e.g., G.1969; G.1987) are actually purged of the Hobbesian capitalization. This kind of defect infects many reprints of the Leviathan, where italicization, capitalization, spelling and marginal glosses are changed or eliminated, removing so many of the guideposts that Hobbes used to help us find our way into and through his theory.
59. Gauthier discusses the Fool along similar lines in

G.1982 and in G.1969, 61-62; 84-88; 94.

60. See above, Chapter 1, 23-29; Chapter 4, 244-54.

61. Gregory S. Kavka, "Some Neglected Liberal Aspects of Hobbes's Philosophy", Hobbes Studies, vol.1 (1988). Henceforth, (K.1988).

62. Gert's view of Hobbes's psychology as "tautological egoism" is similar to this view. Gert, intro., 7.

63. See above, Chapter 2, 49-50.

64. See above, Chapter 2, 161-62.

Chapter 5

CONCLUSION

AND

APPLICATIONS

According to the interpretation I have developed Hobbes has presented us with the paradigmatic assentist moral theory. For him all obligations arise from personal commitment: without assent there is no moral duty, and hence, no moral right. An individual's history gives the whole story of his obligations, although, we also have to examine his interactions with others to get the full picture of his rights. On this reading, Hobbes has created a deontic theory which derives duty (and rights) from the individual undertakings of rational agents. Prudential considerations play no part in the account of duty although they might figure into the psychological motivation which leads a person to undertake those obligations to which he ultimately assents.

The explication I have presented makes Hobbes sound like a Kantian without Kant's questionable metaphysical underpinnings. As I read him, Hobbes assigns moral worth to the individual's intention to conform with the moral Law, the way Kant values a good will. The dictates of the imperative commanding the pursuit of peace, like the dictates of Kant's categorical imperative, are determined by

Reason. They are binding because of personal commitment given in assent to the Laws of Nature, irrespective of consequences, just as Kantian commands are immune to revision as a function of consequences. Seeing Hobbes as a precursor of Kant and standing in a direct line to Rawls has serious implications for the metaethical classification of the theory and for placing the theory within the history of philosophy. If I have succeeded in capturing the essential features of Hobbes's position in this rendition, then the history of ethics has sorely misjudged Hobbes and his work. Minimal fairness will require that future histories reevaluate Hobbes's relation to other great moral theorists and reassess the merits of his theories.

In any evaluation of a moral philosophy, its worth is certainly established, in part, by its originality and the uniqueness of its approach to the philosophical domain of significant issues. However, relevance and usefulness of an ethical theory are, perhaps, even more significant criteria for assessing its worth because of its normative thrust, the possible immediacy of its normative connection to imminent action. If a theory is sound and its derivation valid and its results impoverished, its value is near nill. And, of course, if its foundation is unsound then its value is nill. But given a plausible base and a rich output, what more could we want?

What we learn from studying a figure from the history of ethics, therefore, may become immediately applicable to

choices in the actions before us. Gauthier, Hampton, and Kavka found great value in Hobbes because what they found in his work taught them about subjects which are important for our decisions today: social cooperation, reform of social institutions, evaluation and alteration of economic conditions, amending law, the scope of the social contract, the nature and limits of sovereignty, the need for a state, and, more generally, current questions in government and morality. Hobbes, himself, finds value in the results he can achieve by using his theory: for him Leviathan is "occasioned by the disorders of the present time" (Review and Conclusion, 17,395) and the mark of its success is its setting "before mens eyes the mutuall Relation between Protection and Obedience; of which the condition of Humane Nature, and the Laws Divine, (both Naturall and Positive) require an inviolable observation." (*ibid*, 396) Similarly, I find tremendous value in Hobbes's theory because, as I see it, his theory is broadly applicable and, with remarkable consistency, its conclusions are both fruitful and intuitively satisfying.

In this chapter, as an appended demonstration of my claims for the fecundity and acceptability of Hobbesian solutions, I present three separate and independent discussions of moral issues we face today. Each offers the kind of analysis which, from my reading of the text, I imagine that Hobbes could have given. Each discussion, presented from the Hobbesian perspective, achieves a resolution of the

issues addressed and each concludes with answers which I find more acceptable than the alternatives.

The first discussion deals with the general question of the relation of rights and duties and, as a specific example, the ubiquitous duty of beneficence. I present a Hobbesian derivation of the duty of beneficence which then accounts for the rights others have to one's beneficent treatment. This analysis is contrasted with Gewirth's view of beneficence which derives the duty of beneficence from rights which he presumes people already to have. By opposing the two accounts I try to show the advantages of the Hobbesian position.

In the second discussion I confront the age old problem of infidelity which now has special currency and urgency because of the changing definition of family, the sexual revolution, women's liberation, the fear of herpes and the terror of AIDS. In this section I present arguments from both of Hobbes's methods, first an argument from prudence, and then one from Reason. With this approach I intend (1) to illustrate the contrast in methods, (2) to highlight the greater cogency of solutions reached by Reason, and (3) to demonstrate Hobbes's contention that when each of the two methods is properly employed their conclusions will be the same, in that they will both call for the identical action in the social world.

The third and last discussion takes up the heated and timely question of abortion. This issue takes on special

weight in the context of this work on Hobbes because its treatment typically involves assumptions about the natural right to life. Any such assumption challenges a central claim which my reading attributes to Hobbes. On my view Hobbes holds that there are no natural rights: every moral right comes from someone (sometimes oneself, often another) undertaking an obligation. If this extreme, pure version of contractarianism can be defended it must be able to support an assentist argument which can generate the widely recognized right to life. Since the right to life is standardly claimed as the ultimate foundational basis for all other natural rights and as the ground for accepting natural rights views, providing an assentist alternative account for that right seriously undermines the usual justification for standard natural rights theories. Because the right to life is at the crux of many arguments over the question of abortion, I take up the abortion issue as the forum for presenting the Hobbesian, assentist response to natural rights theorists. The abortion question also provides an opportunity for showing the power of the Hobbesian approach. This discussion begins with Don Marquis's recent critical review of the array of abortion arguments and an argument against Marquis's novel approach to the problem. It then proceeds to develop a Hobbesian answer. The success of my Hobbesian argument, in reaching a solution to this intransigent, persistent problem, is a further demonstration of the practical value of the Hobbesian theory.

While the preceding four chapters of this essay aimed at establishing a particular view of Hobbes's theory, the goal of this last chapter is to show why Hobbes's moral and political philosophy should be specially esteemed. I expect that the three discussions below will clarify any lingering ambiguities about what I take to be the essential assentist, non-prudential character of Hobbes's ethics. Hopefully, the three discussions will also present a strong case for recognizing the normative "Power" of his theory and for therefore valuing this Hobbesian point of view. To Hobbes

Timely Resolution, or determination of what a man is to do is Honourable; as being the contempt of small difficulties, and dangers. And Irresolution, Dishonourable; as a signe of too much valuing of little impediments, and little advantages: (10,39,44)

According to Hobbes, the efficacy of his theory should constitute a significant contribution to its worth and bring it the honor it deserves. In contrast, the pettiness and irresolution of prudential theories, which attempt to calculate the likelihood and extent of particular advantages and disadvantages of alternative actions, should discredit them. In the end, those who can appreciate and honor Hobbes's theory should either embrace it as the touchstone for their own moral reasoning, or else, accept the challenge of disputing it, in its strongest version, instead of doing battle with some straw man who merely resembles Hobbes and his mighty Leviathan.

Discussion 1

DUTIES AND RIGHTSA Hobbesian Response to Gewirth*

Hobbes was probably the first of the British moralists to champion the thesis of the correlativity of rights and duties. In his recent paper, "Why Rights Are Indispensable"¹, Alan Gewirth claims, however, that while correlativity holds for "strict" duties it may not apply to "loose" duties, such as generosity and charity²; perhaps, because the grounds for "strict" duties are different from the grounds for "loose" duties. Gewirth intends this distinction to show that rights have a distinct and preeminent role in ethics: this position, in effect, denies the universality of the correlativity thesis.

According to Gewirth³, everyone must accept the necessity of freedom and well-being as conditions for all actions of one's own and, by "reciprocal universality"⁴, each must acknowledge them as necessary for the actions of others. He claims that these necessities are the foundation of all generic rights and the source of his Principle of Generic Consistency (PGC), "Act in accord with the generic rights of your recipients as well as of yourself."⁵ Because everyone, qua subject, has these generic rights, every other, qua respondent, has "strict" duties correlative to those rights: everyone has "the right to be treated in the appropriate way

when he has the need and the duty to act in accord with the right when the circumstances arise that require such action"⁶. A person's title to his generic rights is the "justifying purpose"⁷ for the corresponding "strict" duties being personally owed to him. For Gewirth, however, "loose" duties are not correlative with rights and their "fulfillment is not morally required"⁸.

In his discussion of the Gewirth paper, Hugh Upton⁹, who is committed to correlativity, recognizes that to settle the question of whether or not correlativity is universal "we need a convincing account of"¹⁰ "loose" duties. Since moral theories offer different foundations for rights each might offer a different account of "loose" duties. I would like to take Hobbes's part and enter the discussion between Gewirth and Upton to argue that with a Hobbesian analysis correlativity holds for all duties.

Hobbes's position suggest an alternative to Gewirth's analysis and it includes an account of "loose" duties. Hobbes's theory explains the origin of duties as the source of rights, as opposed to Gewirth's project which views rights as the basis of duties. By starting with duties Hobbes shows that correlativity between duties and rights holds universally.

In what follows I offer a Hobbesian assentist (or contractarian) account of the generation of all duties (both "strict" and "loose"). To illustrate how this account explains every duty I take, as an example, the duty of

benevolence, a "strict" duty for Gewirth, which, however, on this analysis, is of a piece with generosity and charity, "loose" duties for Gewirth. Using Hobbes's theoretical mechanism to explicate the foundation for the duty of benevolence shows 1) that all rights and duties are correlative. But, even more significantly, it challenges Gewirth's main thesis because it shows 2) that duties, rather than rights, "are prior...in the order of justifying purpose or final causality, in that"¹¹ recipients have correlative rights because assenters undertake certain duties. The account which I present is neither completely nor explicitly expressed in one place in Hobbes's writing but, instead, in bits and pieces, here and there, as the underlying apparatus of his moral theory.

A HOBBSIAN ACCOUNT OF RIGHTS AND DUTIES

Throughout this account I will adopt Upton's formulation of correlative rights and duties. Upton, borrowing from Gewirth's formulation of the correlativity thesis characterizes the relation as "if A has a right to X against B then this logically implies that B has a duty to give X to A ... and the reverse implication holds as well."¹² Accordingly, whenever someone has a right some identifiable person(s) has a duty to satisfy that right and whenever someone has a duty some definite person(s) has a right to benefit from the fulfillment of that duty.

Hobbes's assentist position¹³ rests on the fact that there are no naturally occurring moral obligations, so, in

Leviathan, he offers an account of how such obligations arise. For him duty, or moral obligation, only arises from someone's voluntarily assenting to limit his right of free action in some specific way and binding himself to constrain his action accordingly: as he says "There being no Obligation on any man, which ariseth not from some Act of his own."¹⁴ According to Hobbes one lays down or divests himself of a right

either by simply Renouncing it; or by Transferring it to another. By Simply RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner 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,¹⁵ not to make voyd that voluntary act of his own.

When someone lays aside a right, in either way, then he is morally bound to fulfill his duty. When an obligation is assumed by an agent, B, in either way, a right is created to allow the enjoyment of the given X "without hindrance from him"¹⁶ who relinquished it. For Hobbes this single account at once describes all duties and all rights, including Gewirth's "strict" and "loose" duties as well as property rights.

Someone who needs a lifesaving kidney transplant would only get the right to one of my kidneys by my agreeing to give it up (i.e., assenting, assuming a "strict" duty). No one has the right to be entertained in my home unless I invite him (i.e., assenting, assuming a "loose" duty). In

the trivial case of giving up one's right to one's own umbrella the owner could renounce his right to it, without caring who derives the benefit from its use by leaving it in a trash can or, the right to its use could be transferred to some particular person by handing it over to him. Either way, when the right to the umbrella is relinquished the former owner becomes bound to adhere to his newly self-created duty. However, duties created by the alternative acts of divestiture are not identical. When the right to the umbrella is transferred, the person to whom it is given receives the right to use it as he will and the giver becomes bound to allow that person the liberty of using it as he chooses. On the other hand, when the umbrella is left in a trash can, there is no single new owner to whom the former owner now has a duty. Rather, the obligation assumed by the former owner is the potential duty to every potential claimant which is only actualized if and when someone actually picks up the discarded umbrella. Then, in claiming the umbrella, the new owner actually picks up the previous owner's renounced right and the former owner actually becomes obliged to allow that new owner the liberty of using the umbrella.

Correlativity is preserved for both the transfer of rights and the renunciation of rights. When the full right to the umbrella is transferred A has a right to X (the use of the umbrella) against B; B has a duty to (give)¹⁷ X to A; and the reverse. When the right to the umbrella is re-

nounced Each Member of the Moral Community (henceforth, EMMC)¹⁸ has a potential right to X against B; B has a potential duty to (give) X to EMMC; and the reverse. If the umbrella is never picked up, which is frequently the case with discarded umbrellas, then neither the right to B's performance nor B's duty to perform is ever actualized. However, if and when the umbrella is retrieved from the trash can then the person who claims it, A, has a right to X against B; B has a duty to (give) X to A; and the reverse.

The cases of renouncing rights that are most important in moral theory involve an individual's commitment to govern his actions by general moral principles. When an individual undertakes to constrain his own action by some moral code or principle (e.g., The Decalogue, Hobbes's Laws of Nature, Kant's Categorical Imperative, Bentham's Principle of Utility, Gewirth's Principle of Generic Consistency, or the individual's own rules of benevolence or promise keeping) then that individual assumes the obligation to abstain from actions that would be prohibited by the principle he undertook to observe. Within the same act of renouncing a right he creates a duty for himself, which restrains his former right to act with liberty in those designated matters, and he creates rights in others. The obligation he creates is the duty to perform as he pledged himself to perform if the conditions for actualizing his duty should arise: the right he creates is actualized only if the specified conditions should arise. Until the conditions that require the perfor-

mance do prevail both the right and the correlative duty remain unactualized potentials.¹⁹

It should, therefore, be clear that when someone commits himself to acting to meet another's urgent need when that other specifically needs his performance (i.e., when someone assumes the obligation to conform his actions to this principle of benevolence) then he is renouncing his previous right to act with liberty in such situations and assuming the obligation for benevolent action if ever and whenever he should find himself in a situation in which his benevolent action is required. When a person undertakes the duty of benevolence EMMC has a potential right to X (benevolent treatment) against B; B has a potential duty to give X to EMMC; and the reverse. A particular person's potential right to a designatable other's benevolent action becomes an actual claim against the committed other when the condition of need is actualized. However, someone who had committed himself to benevolence who afterwards never is in a situation where he is needed to rescue a drowning child, put out a fire, sound an alarm, fund needed research, donate to "Save the Children", etc. could not be said to have failed to perform his duty. As long as he remains sincerely willing to do whatever benevolence requires, his potential duty to EMMC would never be more than a potential duty and his potential beneficiaries, with respect to that potential duty, would never be more than bearers of potential rights. Obligations to act according to general moral principles

can, therefore, also be seen as conditional duties which are only actualized when the specified conditions pertain.

Conditional broad obligations, undertaken by renouncing rights, actually appear to be the moral foundation from which particular rights of transfer and renunciation derive their bindingness. On this analysis, someone becomes bound to abide by a moral rule when he assents to being governed by it, and then, whenever it is applicable he has the duty to conform his action to that rule. For example, unless someone had previously undertaken the general obligation to respect property rights, by renouncing his former liberty to do so or not, he would not be bound to respect any property right: there is no obligation to honor a particular property right if one does not already have the broad conditional duty to honor all property rights. Without first having assumed the universal obligation to respect property rights, there would be neither the assumption of particular obligation(s) nor the renouncement of specific right(s) entailed in observing another carry, make, or buy something.

According to this Hobbesian analysis, regardless of how the beneficiary is specified, rights and duties are correlative when rights are renounced as well as when they are transferred. When one assumes a commitment to constrain one's actions according to the dictates of a broad moral principle the particular person(s) who will actually benefit by having a right satisfied is not named. This is also true in cases of renouncing particular rights (the umbrella left

in the trash can) as well as in some cases of transferring rights (as when some benefactor pledges a particular sum of money to be given that day to whoever wins a certain race). In each of these cases having the proper name filled in or left open does not effect the nature of the moral relationship or the relationship of rights to duties.

The Duty of Benevolence - The correlativity of rights and duties may be more graphically illustrated by examining the rights and duties involved in the dynamic situation of a person committed to benevolence who comes across a drowning child floundering in a park lake. Case #1 - The person, who had bound himself to meet another's urgent need when that other specifically needs his performance, sees that he is the only spectator on the scene. The obligated agent, who has had the potential duty to aid everyone who might come to need his assistance since he had assented to his rule of benevolence, now actually has the duty because he is confronted by an urgent situation in which his performance is required. The flailing child who previously had the potential right to the aid of the duty-bound agent now actually has the right to that aid, as if claiming it, just by being in that desperate situation. The potential duties were correlative with potential rights before the dire situation arose; when it arose the potentialities actualized and then the veritable rights were correlated with veritable duties.

Case #2 - The same person, B, who has committed himself to benevolence, sees, A, the floundering child in the lake.

This time B also sees a group of robust adults standing on the far end of the lake, on the shore which is nearest A. Since B is not needed to perform the rescue, B still has only a potential duty to A; A has only a potential right against B.

Case #3 - The situation is the same as Case #2 but now it is a minute later. Realizing that no one in the group of robust adults is making any attempt to rescue A and that no one else is better situated than he to offer aid²⁰, since his relief is now needed, B's potential duty to A is now actualized and A's potential right against B actually becomes a right against B.

Case #4 - This is the same as the original Case #2 but the robust adults on the shore of the lake and closest to drowning A are, in fact, blind and deaf adults on an outing and their group leader has left them to make an unrelated important brief phone call. Following the distinction formulated by W.D.Ross²¹, B would have an "objective" duty to rescue A and A would have the correlative objective right against B which would require B to attempt the rescue. However, his "subjective" duty, which for Ross is determined by the individual's perception of his situation, would remain as just a potential duty to A because B did not know that the condition of A needing his aid had, in fact, been satisfied.

Case #5 - This is the same as the original Case #3 only the robust adults are now film makers and the child flailing

about in the lake is an expert swimmer-actor playing the part of a drowning child. On Ross's analysis, since for him subjective duty is determined by the perception, B's subjective duty would be to try to save the drowning child. However, since A did not need any urgent assistance from B, A would have no right to be saved by B. From the God's Eye point of view B would have no objective duty to render a benevolent rescue to A and A would not have an objective right to have B attempt the rescue.

In each of the cases above rights and duties are correlatively related: potential duties are correlative with potential rights; objective (actual) duties are correlative with objective (actual) rights. To the extent that someone's subjective appraisal of his situation accurately reflects the reality of the situation, subjective duties will be correlative with rights. However, if someone's subjective assessment of a case differs significantly from the objective reality of the situation, so that crucial conditions affecting the genesis of rights and duties are misjudged, then there could be a discrepancy between rights and duties. Someone could subjectively conclude (as in Case #4) that he has no duty to A when A actually has the right to B's performance and B objectively does have the duty to 'give X to A'; he could also erroneously judge (as in Case #5) that he has a duty to A when he does not and A has no right to have B 'give X to A'. Such peculiar results, though, have no effect on the validity of the metaethical

correlativity thesis. They only point out that in such situations the epistemological issue of the discrepancy between appearance and reality interfaces with the ethical issue of rights and duties. Ross's distinction between objective and subjective duty addresses this problem of what to say when what appear to be rights and what appear to be duties are actually not.

FROM RIGHT OR FROM DUTY?

Hobbes's and Gewirth's accounts of the relationship of rights and duties reflect many similar intuitions: both accept rights and duties as playing a major role in ethics, both see at least strict duties as correlative with rights, both find that rights are personally oriented, and both understand unclaimed rights as potential rights. However, consideration of the differences between the Hobbesian account of duties as the source of rights, developed above, and Gewirth's account that starts with rights in order to generate duties shows the Hobbesian to be preferable.

Having Answers - Gewirth's ethics, founded upon rights, is unable to answer some of the theoretical questions that need to be addressed and since Hobbes's ethics, which starts from duties, does provide such answers it appears to be the more likely story.

Gewirth's argument derives rights "from the necessary conditions of action and successful action in general."²² This approach can explain "strict" duties but offers no obvious way to understand how Gewirth would account for

"loose" duties. In those cases when "the object (X) of the right, what it is a right to"²³ is not clearly something necessary for action (e.g., an umbrella) it seems that no adequate reading emerges from his theory. Either Gewirth has not offered an account of the rights and duties that could be involved in the use or ownership of the unnecessary X, or he would have to account for the rights and duties by so broadening the set of "additive rights", those which would serve "to increase one's capabilities for successful purpose-fulfilling actions"²⁴, as to have the concept apply to everything one could possibly claim and so, empty it of content and also empty the class of "loose" duties.

Gewirth is committed to the personal orientation of "basic" rights. By the correlativity thesis he would then also be committed to a personal orientation of these duties. For "strict" duties, by "an application of the logical principle of universalizability"²⁵, Gewirth concludes that "every other person [besides the claimant] also has these rights against him"²⁶. However, this formulation does not succeed in picking out who, precisely, has the duty to perform whatever is required in a particular circumstance. Since everyone has the duty to meet the needs of the needy claimant (e.g., the child drowning in the lake) each of those duty-bound people who recognizes that in some situations performance by all is not needed could ask about his performing, "Why Me?". While there could be situations where EMMC has the duty to meet a need there are others

where the duty seems to belong only to some particular person (e.g., my child's right to be fed and sheltered). Again, Gewirth seems to have no way of distinguishing these cases.

Conforming with Experience - There are some further considerations that tend to favor the Hobbesian view of the assumption of duty as the origin of the right/duty relationship. Experience seems to show that assent, and not need, is the source of such relationships.

It appears that the recipient of the "free-gift"²⁷ of an umbrella only gets his rights to it because the giver assents to the giving. Also, in contrast with Gewirth's treatment of the example of parents who preexist their children²⁸, it seems that the parent's obligations to the child only arise because the parent assumes the duties to the child and thereby creates the child's rights. The would be parent who opts for abortion or giving the child up for adoption assumes no obligations to the child and the child gets no rights to that parent's care. On the other hand, the adopting parent becomes duty bound to care for the child only by assenting to that obligation and the child gets rights against its adopting parents just from their assumption of the duties.²⁹ It also seems that pledging a particular sum of money to a cause on a specified regular basis is the source of that obligation whether the beneficiary is "Save the Whales", "The Neediest", the public library, or an aged relative. Until and unless one assumes the obligation,

on the specified date the grantee has no right to that sum from the grantor, and when one does assent to the giving only then does the recipient have the right. Though there are significant differences between "strict" duties (to "The Neediest" and the aged relative) and "loose" duties (to "Save the Whales" and the public library), in our experience their form and generation seem to be the same.

Further evidence for the Hobbesian account from its compatibility with our experience of rights and duties is the extent of citizens' rights to health care (a Gewirthian "nonsubtractive right" relative to "basic well-being"³⁰) and education (an "additive right"³¹). The extent of these rights varies in accordance with the commitments of particular societies through their passage of legislation, acceptance of taxation policies, and their establishment of charities. Again, this suggests that the ground for even strict duties and their correlative rights is assent rather than need since, presumably, the need for health care and education could be the same in different societies (or even in the same society at different times) while the citizens' rights to health care and education could (and do) differ.

Even the perceived importance of saying or hearing another say "Yes", "OK", "Sure", or something equivalent suggests that in our experience rights and duties arise from accepting obligations. The observation that individuals accept the bindingness of votes and elections again rein-

forces that sense.

Further Considerations - In some respects it may seem that Gewirth's theory offers the preferable account in that it does support some strong common moral intuitions. Nevertheless, a careful examination shows that there are no grounds for such a preference. Gewirth's and Hobbes's accounts of rights and duties appear to diverge in their handling of the issues of dignity and the accommodation of needs. The Hobbesian treatment of dignity is more in keeping with our usual understanding of the concept and both views turn out to be alike in their recognition of basic needs. Furthermore, both views seem to be vulnerable to the same charge of possibly resting too much faith in reason.

Dignity - For Gewirth having a right entails having a justified claim and he sees "[t]he position of being a claimant . . . as an important source of the dignity that having rights confers on persons."³² Gewirth confers right-holders' dignity even when right-holders cannot make claims on their own behalf because having something "owed to them" makes them something "to be reckoned with"³³. Granting dignity to claimants seems to be a necessary move for those who want to derive duties from rights because dignity then justifies the moral imperative requiring the satisfaction of people's needs (as opposed to the needs of other animals and plants). This reasoning, however, seems specious. A pet (e.g., snake or rat) can have the right to care from its owner or even the right to an inheritance, yet those rights

do not create dignity in it. Gewirth uses the concept of dignity as a Kantian type of ground for treating people with special consideration, but being a claimant does not create moral worth or make something an end in itself. Actually, a demanding claimant, grumbling about being overlooked or mistreated by others or clamoring to have his rights satisfied, is not the picture of dignity. On the other hand, if the assumption of obligation creates duties and rights, then, those who can voluntarily assent to binding themselves with burdensome duties have the special ability of creating their own duties and governing their own action accordingly. The voluntary acceptance of obligation is an autonomous act worthy of dignity and respect; being a physically needy being is an unfortunate accident of nature. Therefore, those who could assume duties would be the ones with dignity or moral worth as ends in themselves. Those beings with needs but no such ability would have no obvious basis for dignity whether or not they had any rights. This understanding of dignity as attaching to those who assume duties rather than those who claim rights provides yet another ground for choosing the Hobbesian account over Gewirth's.

Accommodating Needs - Gewirth makes the extreme, strong, and apparently true claim, "that without the objects of the [basic] human rights the actions with which morality is concerned are either impossible or deficient"³⁴. Here Gewirth recognizes that there are certain preconditions for moral human action. Without a minimum of at least suste-

nance, health, comfort, and security people could not be expected to concern themselves with considerations of what morality requires them to do. Recognition of this fact of human nature is the basis for Gewirth's derivation of rights from needs. If the Hobbesian system failed to take this fact into account then it could, on that ground, be rejected as inadequate. However, the concept of preconditions for morality is equally foundational for Hobbes who actually expands the list of needs that must be met to include the psychological need for, what he calls, "glory"³⁵. According to Hobbes there could be no "Peace" unless the society could provide for those "basic" needs. Every rational person who committed himself to "seek Peace, and follow it"³⁶ would, therefore, be constrained to accept civil laws which would provide for meeting those needs and each sovereign would, therefore, be bound to structure his commonwealth so that, for each citizen, those needs would be met. A careful reading of Hobbes reveals that the recognition of basic needs is essential to the grounding of his ethics.³⁷

Acknowledgement of needs turns out to be another intuition shared by Hobbes and Gewirth rather than a basis for distinguishing between them.

Reason - Someone with Gewirthian intuitions might object to the Hobbesian derivation of rights from assent because he would "see" that the drowning child has a right to benevolent treatment from EMMC and not just from those who might have committed themselves to benevolence. Hobbes,

like Gewirth, would, however, maintain that EMMC is obliged to aid the drowning child. For Hobbes, every rational being would recognize the necessity of avoiding war and, so, commit himself to seeking peace. By assuming the obligation to pursue peace every rational agent would thereby commit himself to each of the basic duties expressed in the "Laws of Nature" as entailed in his commitment to seek peace. So, when coming upon the desperate child EMMC would be obliged to help because every rational agent would already be bound to benevolence by his reason.³⁸

Plainly, reason does a lot of work in Hobbes's system. If, however, the burden born by reason is a problem for Hobbes, it is equally a problem for Gewirth. Reason carries the weight of the two main theses which imply Gewirth's Principle of Generic Consistency.³⁹ Only logic, or reason, can reveal 1) that there are necessary conditions for successful action and 2) that they apply universally: only logic, or reason, can conclude that "every agent logically must accept"⁴⁰ Gewirth's "supreme moral principle". The similarity in their ceding to reason the heavy weight of supporting their theories is, then, another common feature shared by the two theories and, perhaps, could be their common pitfall.

CONCLUSION

Since the Hobbesian account of duties and rights accommodates Gewirth's most significant insights while providing solutions that are beyond the reach of Gewirth's

theory we have prima facie justification for accepting the Hobbesian position that only the assent to an obligation creates duties and rights. Because the Hobbesian account preserves correlativity there is no reason, at least on these grounds, to doubt the universality of the correlativity thesis and no reason to suppose that rights have priority over duties. Moreover, accepting the Hobbesian understanding of the genesis of duties and rights along with its analysis of potential duties and potential rights enables us to conceptualize clearly and assess frequently confusing moral relationships.

FOOTNOTES

*. A version of this discussion was presented at the American Philosophical Association, Eastern Division Meetings, December 29, 1988. Abstract; The Proceedings and Addresses of the American Philosophical Association (November, 1988). [Also read at the New Jersey Regional Philosophical Association, Spring, 1988.]

1. Alan Gewirth, "Why Rights Are Indispensable", Mind, vol. XCV (1986) 329-44. References to this article will be by author's name and page number.

2. Gewirth, 337.

3. Gewirth's position expressed in the paper cited above is offered as a summary of his theory in Reason and Morality, (Chicago: University of Chicago Press, 1978) and also reaffirmed in his response to Upton's discussion of his paper, Mind, vol. XCVII (1988) 441-46.

4. Gewirth, 340.

5. Gewirth, 339.

6. Gewirth, 342.

7. Gewirth, 333.

8. Alan Gewirth, "Rights and Duties", Mind, vol. XCVII, 387 (July, 1988) 441-46.

9. Hugh Upton, "Rights and Duties - A Reply to Gewirth," Mind, vol. XCVI, 383 (July, 1987) 381-85. References to this article will be by author's name and page number.

10. Upton, 385.

11. Gewirth, 333.

12. Upton, 381. Upton extracts this formulation from Gewirth, 330. The full version of Gewirth's formulation is, "if A has a right to X against B, then, as a matter of logic, B has a duty to give X to A or to help A to have or do X, or at least to refrain from interfering with A's having or doing X." This full formulation captures more of the sense of what rights could possibly entail and I will take it that Upton's shorthand statement is intended to capture all that is implied by Gewirth's more detailed statement. However, in spite of the awkwardness and limitations of Upton's shorthand version of Gewirth's formulation, I will adopt his form for brevity and consistency always

intending it to stand for Gewirth's fuller statement.

13. While this is not yet the standard reading of Hobbes it is the interpretation I have argued for in this essay and an interpretation that is growing in popularity in recent Hobbes scholarship. As I have already mentioned above, detailed explications of this reading can be found in chapter 3 of W. von Leyden's Hobbes and Locke: The Politics of Freedom and Obligation (New York: St. Martins, 1982) and in my paper, "Obligation and Assent in Hobbes's Moral Theory", APA Eastern Division Meetings, December 29, 1987. This reading is also implicitly adopted by: Deborah Baumgold, "Subjects and Soldiers: Hobbes on Military Service," History of Political Thought, 4,1 (1983) 43-64; Joel Kidder, "Acknowledgement of Equals: Hobbes's Ninth Law of Nature," Philosophical Quarterly, 33 (1983) 179-212; Anthony Kronman, "The Concept of an Author and the Unity of the Commonwealth in Hobbes's Leviathan," Journal of the History of Philosophy, 18 (1980) 159-175.

14. Hobbes, (21,10,111).

15. Hobbes, (14,7,65).

16. Hobbes, (14,6,65).

17. There are, of course, many verbs which describe the details of B's duty depending on the situation. Here, the way we express it is a matter of indifference.

18. The extent of the relevant moral community can be determined by a separate analysis.

19. Gewirth (342) offers a similar account of potential rights in terms of dispositional and occurrent rights. The Hobbesian basis for this analysis is implicit in the nature of the commitment to the Laws of Nature. Once a person has assented to being governed by the Laws, the Laws of Nature always oblige him "in foro interno ...[binding] to a desire they should take place" (Hobbes,15,36,79). However, when the condition of Peace prevails then the committed person is bound to actually conform his actions to the Laws. The potential modality of the duty to obey the Laws of Nature is reflected in the two clause structure of the Fundamental Law of Nature from which all of the other Laws are derived. The Fundamental Law commands "to seek Peace, and follow it" (Hobbes,14,4,64). According to the first clause the obligated agent must attempt to establish conditions of Peace and/or try to find a peaceful society for himself: according to the second clause when the condition of the first clause is satisfied then he is bound to follow the Laws of Peace (i.e. the Laws of Nature). From the time one assents to the Laws of Nature he has a potential duty to obey them and that becomes an actual duty when the condition of Peace

is satisfied. [Gregory S. Kavka, Hobbesian Moral and Political Theory (Princeton: Princeton University Press, 1986) 344-45, has also attempted to analyze the two clause structure of Hobbes's Laws of Nature. He sees the main clause as requiring some traditional moral behavior and the second clause as indicating the conditions under which one is released from all constrictions on his action. Our opposing readings have serious interpretive consequences for understanding Hobbes's theory. I find significant textual support for my reading, but all of that is beyond the scope of this discussion.]

20. All things considered, persons equally well situated to offer aid would have equivalent duties.

21. Sir W. David Ross, Foundations of Ethics (Oxford: Oxford University Press, 1939).

22. Gewirth, 338.

23. Gewirth, 329.

24. Gewirth, 340.

25. Gewirth, 339.

26. Gewirth, 340.

27. Hobbes, (14,12,66).

28. Gewirth, 333.

29. I have argue for this analysis in the discussion of abortion later in this chapter.

30. Gewirth, 340-41.

31. Ibid.

32. Gewirth, 335.

33. Gewirth, 336.

34. Gewirth, 343.

35. Hobbes's recognition of the fact that each person has a need for "glory" (i.e., respect or dignity) leads him to make the acknowledgement of "equality" a necessary condition for society. These concepts are discussed at length by: Bernard Baumrin, "Hobbes's Egalitarianism: The Laws of Natural Equality", in Thomas Hobbes: de la Metaphysique a la Politique, ed. by Martin Bertman and Michel Malherbe, (Vrin: Paris, 1989), pp.109-128; Joel Kidder, "Acknowledgement of Equals: Hobbes's Ninth Law of Nature," Philosophical

Quarterly, 33 (1983) 179-212.

36. Hobbes, (14,4,64).

37. The fifth Law of Nature, "Mutual accommodation, or Complacassance" commands "That every man strive to accomodate himselfe to the rest." (15,17,76) Hobbes's explication of this Law makes it clear that for him rights to the necessities of life have priority over rights which derive from contracts or covenants.

38. Bernard Gert, "Hobbes's Account of Reason", Journal of Philosophy, 76, 10 (October 1979) 559-561. Gert explains the centrality of reason in Hobbes's determination of obligation.

39. Gewirth, 338-39.

40. Ibid, emphasis added.

Discussion 2

INFIDELITY*

Recently we have seen fidelity fall from the exalted position of an admirable virtue to the status of mere foolishness bordering on vice. Fidelity, like courage in battle,¹ is a virtue in declining esteem, while sincerity and promise-keeping continue to be taken seriously. If the truths of philosophy are not subject to seasonal changes of fashion, then virtues must remain virtues. Unless we are willing to maintain that sincerity and promise-keeping are virtues always, except in sexual relations, we may be pressed to return to the old-fashioned view and unabashedly reclaim fidelity as a virtue.

Arguments for faithfulness, or sexual fidelity, have traditionally, in common parlance, rested tottering unfirmly, upon two legs. The first argues that the fun of promiscuity is not worth the risk of some likely consequence[s] such as contracting and/or passing along a serious sexually transmitted disease, pregnancy, or the dissolution of families. The second argues that promises ought to be kept, marriage entails a promise of fidelity, so, married people ought to be faithful.

The first argument loses its strength in the face of the human psychological fact of denial; in behavior, when confronting the probability of unfortunate consequences,

people seem to be extremely agile at adopting the view that disaster will never strike them. Furthermore, arguments for fidelity based on the likelihood of contracting disease or initiating a pregnancy evaporate in the face of effective prophylaxes or cures (e.g., abortion in the case of an unwanted pregnancy). Arguments for fidelity based on the likelihood of transmitting a disease or contracting one for which there is no known cure (e.g., AIDS) amount to no more than prudential advice for the gambler. As it stands, this argument seems unable to compel compliance to the moral duty of fidelity that it was designed to enjoin.

In spite of the strength of the principle that promises ought to be kept, people, even philosophers, have found ways of circumventing or ignoring the injunctions of the marital promise. The flaw in this second argument for fidelity appears to lie within the bogus conception of the marriage contract itself. The marriage contract is usually understood as a promise to love, honor, and cherish until death. Loving, honoring, and cherishing are commonly taken to be feelings, and these feelings are thought to engender a desire to be faithful. However, a promise to feel a particular way has to be a promise without force since our feelings are not ours by choice. We just have the feelings that we have and we cannot have any others. Since we are never bound to do what we are unable to do, we are not bound to feel love, honor, and cherishing.

So, if the marriage contract is not a promise to feel,

since such a promise could not be binding, then perhaps, it is a promise to act as if we feel love, honor, and cherishing, whether or not we actually do have these feelings. The marriage contract would then bind the parties to feel love honor and cherishing or feign those feelings. On this construal, when the feelings are not present we would be bound to deceive. But, since promise-keeping involves abstaining from deception about ones performance², promising to deceive, in the same matter (i.e., binding oneself both not to deceive and to deceive), would entail a contradiction in the conception of the promise. Therefore, this interpretation could not be legitimate either. If the marriage contract is to be understood as a genuine instance of promising rather than quaint, ceremonial, jejune babblement, and if sincere emotion rather than selfish, maneuvering deception is to be valued, even in sexual matters, then a legitimate alternative interpretation needs to be found. Furthermore, since many romantic relationships which seem to demand faithfulness do not involve marriage or even promises of fidelity, a new argument to address this kind of obligation is called for.

While, perhaps, no argument can effectively proscribe action, nevertheless, in the face of the ineffectualness of the standard arguments in support of faithfulness, I would like to add two more Hobbesian arguments to the array, addressing the question from both of his methods of think-

ing. The first Hobbesian argument is from prudential thinking, i.e., rational self-interest: the second is an argument which employs Hobbesian Reason. With the understanding that such relationships may be rare, I wish to confine my Hobbesian arguments for fidelity to the clearest cases, just those where a person is already involved in a relationship which he wants to maintain as it is.

The Argument from rational Prudence

This Hobbesian prudential argument is an attempt to put forward a stronger version of a consequentialist argument. According to Hobbes, "Prudence is a Praesumption of the Future, contracted from the Experience of time Past".

(3,10,11) Careful prudential thinking provides a probabilistic estimation of the consequences of contemplated actions based on memory of previous experiences. One of the alternatives can then be selected (presumably on the basis of self-interest) and enacted. Because relevant details of past experience may be overlooked or forgotten and because significant differences between the proposed future action and apparently similar past actions may go unnoticed, the conclusions of probabilistic calculation may fail to accurately reflect the nature or likelihood of outcomes. Therefore, Hobbes recognizes that prudential predictions are necessarily subject to an array of errors. He also sees that prudence plays important roles in our thinking, particularly as confirmation for our thinking with Reason. Furthermore, since some people use only the prudential

method in their thinking, Hobbes realizes that arguments in terms of prudential considerations must be addressed to that portion of his audience. As both supporting confirmation for the rational argument which will follow, and as a service to 'fools', I offer a prudential argument for fidelity. As Hobbes would caution, there is room for finding exceptions to the general prudential rule which emerges because unexamined details of particular cases can make for significant differences in the evaluation of the consequences of particular acts of infidelity.

Generally stated, it is certainly possible that someone can derive a unique and sublime pleasure from an intimate, exclusive relationship. If this is true of one person, it may, very likely be true of others. However, without experiencing the delight of an intimate, exclusive relationship no one could know whether or not it was better than a more liberal alternative.³ If someone were to try fidelity and like it, there is no way of his⁴ being assured that he was not risking the destruction of his special pleasure by becoming unfaithful. Therefore, if he is willing to submit to the dictates of rational prudence he must, necessarily, remain faithful if he wants to maintain his love relationship as it is.

The counter-thesis which maintains that aspects of a relationship are separable, so that one could dispense with one part of an existing arrangement (e.g., fidelity), while preserving the rest, seems to be seriously questionable.

While fidelity may appear to be a distinct and dispensable part of a relationship, in the mind of one partner, it may not be, for the other. Then, what might be intended as a small change, by one partner, could mean the end of the relationship, for the other. Also, to change one aspect of a relationship (and sexual fidelity is often an especially emotionally laden aspect of a relationship) might result in a change to the whole without the total effect being either envisioned or desired. Again, prudence suggests that fidelity is necessary for those who want to keep their basic relationship intact.

For the many who do not have a rare and special relationship which they want to protect, infidelity may not be an irrational choice. The management of their affairs does not fall under the scope of this paper and the arguments offered here are likely to have no bearing on the successes and failures of their relationships.

A person contemplating an act of infidelity who also wants to maintain his established, currently exclusive, rare and sublime relationship could ask himself, "Should I be faithful?" In his established relationship he will either have already pledged himself to fidelity, or made no such promise. If he has made a promise of faithfulness, then, if he were to indulge in promiscuity he could either choose to tell his established partner about this activity or keep it as a secret. Similarly, if he has made no promise of fidelity he could again either choose to disclose or secret

his act of infidelity. Let us examine these four alternatives and subject each scenario to the prudential method of presuming the likely outcomes based on the experience of somewhat similar interactions in the past.

1. For the one who has pledged faithfulness, if he commits an infidelity and reveals it, the predictable outcomes will be destructive of the established relationship that he wants to maintain. Of course, the institution of promise-making and promise-keeping, between the couple, would be weakened. Suspicions will be aroused in each party with respect to the behavior of the other: the confessing partner could easily imagine that his partner may have committed one or more similar indiscretions without having admitted to it, the silent one could readily conceive of there having been additional betrayals that were not admitted, and each could also acknowledge that he himself was under such suspicions.

It could also be predicted that guilt would obtrude into the relationship. The erring partner could feel guilty about what he had done and also angry at his partner whose hurt is the cause of his guilt. The faithful partner could feel guilty as well for inflicting the punishment of anger and suffered hurt.

It is likely that feelings of inadequacy would emerge and lead to the augmenting pressure of competitiveness. The faithful partner might begin to doubt his value as a person and as an attractive mate, suspect the quality of his per-

formance, and question his judgment of the feelings and characters of others. To prove his value to himself and his partner he could seek ways of demonstrating it. The unfaithful partner, who might also question his value as a person having been a "betrayed" and weak, could also look for ways to demonstrate his value. Since competition is an activity that pits one against another, this kind of behavior would tend to pry the relationship apart.

Emotional wounds inflicted by one partner upon the other cause pain and anger that distance rather than unite. Besides the implicit threat of alienation of affections that attends an act of infidelity, the emotional distancing that accompanies other reactions to the event and its disclosure might intensify the foreboding expectation of abandonment.

Anyone who has promised to be faithful who seriously wants to maintain his current relationship, and who considers these likely outcomes would recognize that to preserve his relationship, he ought to be faithful. The probability of one or more of these predictions coming to be is real, and any one of them alone could jeopardize the relationship that he wants to keep. If none of the terrifying predictable reactions occur, the unfaithful one is then most likely to feel rejected, unwanted, unloved, and unsure of himself just because of the lack of predicted reaction, so, the desired relationship would still be put at risk. To promise fidelity, and be unfaithful, and tell seems to be a "no win" situation.

2. The alternative to be considered, by someone who is pledged to faithfulness and wants to commit an infidelity, is to do it and not tell. Pursuing such a course does not augur well for the future of the relationship either. Having betrayed a trust and not been found out, one could suspect his partner of having betrayed him and kept secrets as well. In this way mistrust could replace the trust of the relationship. Living with the fact of having betrayed and deceived could well cause guilt, and then anger over that guilt. He may also begin to question his own worth as a person as he acknowledges himself to be an unfaithful and deceitful lover. Having chosen not to divulge his act it is predictable that he would worry about being revealed, and then, therefore, abandoned, reviled, or himself betrayed.

Perhaps, the most serious foreseeable effect of a secret infidelity would be the creation of a gulf of unshared experience, a life private from one's partner. The act of infidelity and the lies that conceal it amputate a sector from the communal life and establish a barred, private domain. With such a creation, estrangement ineluctably follows. The unfaithful partner with his private life becomes caught in a relationship that depends upon his pretending to be what he is not, i.e., faithful. In keeping his secret he takes on the fear of being found out as well as the burden of never being allowed to be himself: if he is loved as what he pretends to be he might be rejected, belittled, or despised when his true self is revealed. For

the person who wants to maintain an established relationship, pursuing this path will again, predictably, involve him in frustrating his own objective. Living with a secret life will be likely to destroy the intimacy of his relationship. Once he creates a part of his life that definitively excludes his partner, total intimacy is no longer possible within that relationship.⁵ Intimacy involves a mutual revealing of true selves and a mutual willingness of partners to share their naked being. Living a secret life disguises and conceals the true nature of the unfaithful partner from the other. So, while a relationship may continue after infidelity, it no longer will be the same intimate relationship that the unfaithful partner had wanted to preserve.

It seems that any prudent person who does not want his established relationship to be destroyed and has promised fidelity, must be faithful. However, that would still seem to leave many partners free to pursue private undertakings. Many on-going intimate relationships involve no promise of fidelity while some even involve a commitment to sexual freedom. Yet, a person unencumbered with promises, contemplating an act of sexual promiscuity could still ask himself, "Should I be faithful?" If he chose to be promiscuous he would still have the option of revealing his act to his partner or keeping it secret.

3. To be unfaithful and tell when no promises are involved would leave the relationship unscathed with respect

to the institution of promising. However, in all other ways it appears as if this course of actions would turn out as badly as case 1. Given that the people involved care about maintaining their relationship, they could suffer unwanted consequences similar to those that might effect those who had promised to be faithful. It is possible that the trust in their relationship could be compromised, and, more likely, that anger, guilt, and competition would be aroused. Feelings of self-doubt, inadequacy, rejection and pain could also ensue. Any of these reactions could, by itself, be enough to damage a relationship; a combination of them could be more devastating. If none of these reactions followed upon a revelation of infidelity, the confessor could feel the demoralizing rejection of indifference, hence, the prediction of a destructive effect on the relationship would seem to be unavoidable.

4. The last case would involve the person who, though he has never promised faithfulness, commits an infidelity and conceals it. If he wants to maintain his established relationship, this approach would also be self-defeating. The trust of the relationship could be trampled while anger, guilt, and insecurity are bred. The unshared life would invade the relationship and enforce a gulf between the partners. The predictable result would be the destruction of what he had wanted to preserve, his relationship as it was, so, this alternative would not be acceptable to a person desiring to stay in his relationship.

Based on rational self-interest (i.e., prudence), this argument shows how there is no predictable way of achieving the desired goal of maintaining an established relationship, without damaging it, while indulging in infidelity. Some people act on the feeling that they can beat the odds, but, the best a gambling "foole"⁶ could hope for is having his relationship merely eroded and not destroyed. On this analysis, the only course of action which could be predictably avoid a contradiction of willing, both the maintenance of a particular relationship and its destruction, is the straight and narrow road of fidelity.

The person contemplating infidelity might also consider whether sexual exclusivity is a necessary condition for the relationship he desires. It has seemed to many that there is a plausible connection between intimacy and romantic love, and sexual exclusivity. While the above argument from prudence would be supported by such an outcome, the argument in no way hinges on that connection. The argument for such an entailment relies on a view of human nature which may not presently be verifiable, but it also corresponds with what people think.

It appears that intimacy is requisite for experiencing the treasured and sublime pleasures of a sincere romantic love; stability and exclusivity seem to be conditions for intimacy. To be loved as what we are we must remove our facades and lower our defensive guard so our partner may see how we really are. To love another for himself requires

uncovering him so we can know him. Intimacy involves this mutual revelation and discovery. Only when partners share the intimacy of seeing and allowing themselves to be seen as what they are, disrobed of pretext and charade, is it possible for each to love the other for what he is. This intimate revealing can only occur within the context of an ongoing relationship. People have to experience the security of shared time before they are willing to put aside their shame and disclose aspects of themselves that they usually take great pains to conceal. Sexual exclusivity may also be a necessary condition for an intimate relationship. When a part of a life is deliberately kept secret from a love partner, intimacy may become impossible, because some behavior, and some personal history, and some hidden truths about the secreting partner are kept concealed by the one from the other. Patterns of behaving and the shrouded history of each extra sexual relationship constitute an unshared segment of a partner's life. Sexual behavior seems to be an especially sensitive, central domain in intimate romantic relationships, so conformance with the general rule that requires sharing, rather than concealing, seems even more important in romantic relationships when it comes to sexual behavior. It then appears that one can experience the special delights of a romantic love relationship only within the context of an intimate, ongoing, relationship that is probably also a sexually exclusive relationship.

Argument from Rational Justice

According to Hobbes's methodological commitment the Argument From Rational Justice should be inherently more certain and convincing than any Argument from rational Prudence. The prudential argument is vulnerable to objections over the applicability of the general analysis to some particular case[s]. Objections may be based on the supposed immunity of particular individuals to the projected feelings described in the analysis or they may be based on the special circumstances of some relationships which would provide immunity to the envisioned effects. The Argument from Rational Justice offers a universal conclusion which Hobbes would see as being immune to the kinds of objections which could be raised against the prudential argument. This essentially deontological argument depends, however, on two controversial premises and the controversial model of assumption of duty which I have ascribed to Hobbes. The first premise is that human beings need to have a love relationship.⁷ The second premise is that each person has a duty to avoid actions which would make it impossible for another's needs to be satisfied. The model for moral obligation, here, is Hobbesian assent, a broad sweeping version of contractarianism.

The method of thinking in this argument will be Hobbesian Reason, as opposed to prudence. For Hobbes, "REASON. . . is nothing but Reckoning. . . of the Consequences of generall names." (5,2,18) Hobbes maintains that

after carefully identifying ideas with names, general action guiding rules can be discovered through a series of valid inferences from the definitions of the names. The conclusions of such thinking with names count as infallible knowledge and, therefore, the rules are binding on all who commit themselves to following Reason. Prudential calculation of consequences has no part in Hobbesian Reason.

Hobbes, Kant, and Rawls all agree that in one's actions the requirements of justice make it imperative to take the needs of others into account. To accomplish this Hobbes makes the test for action weighing your contemplated acts against your contemplated acts as done by another to you⁸; Kant uses the formulation of the categorical imperative as the criterion for a maxim of action conforming to duty; Rawls demands meeting the test of willing from behind the veil of ignorance as the standard for accepting moral rules. Each of these mechanisms is designed to circumscribe actions so as, at least, to accomodate the basic needs common to every human being.

Reason, while conforming with its own self given rules (of logic), acknowledges the physical and psychological needs of rational beings like us, and incorporates that knowledge into the rules of right action which it generates. Each of the theories above has recognized the basic needs we have, as mortals, for those things which are required for our continued living.⁹ This tradition has also acknowledged the psychological necessity of being treated with respect,

e.g., Hobbes in his attending to the demands of the passion of glory¹⁰, and Kant in his requirement of always recognizing others as ends and never treating them as means only. Other human psychological needs can be distinguished as well. One of these is the need for a love relationship.

Experiments performed on young mammals involving maternal deprivation have yielded results leading psychologists to conclude that such denials do effect behavior and protracted denials seriously harm the mammal. Studies of human behavior have lead psychologists to conclude that humans need love to develop normally and thrive.¹¹ Whether we become habituated to need romantic love by our youthful experience of having love, or come to want it badly from seeing others have it, or need love out of some necessity of our human nature, it is an empirical fact that we do all, though in different ways, want it, need it, and pursue romantic love. What we search for is to be loved as we are, for what we are, by someone whom we know and love. This need for love can be genuinely gratified only within an intimate, ongoing relationship.

People always seem to want to be involved in such a relationship in the same way that everyone can be said to want good health. We want someone to be with so that we are not alone, someone with whom we can be our uncensored selves who is at ease with us, someone to share hopes with and to make plans with, someone to lean on when we feel weak and to lean on us and make us feel strong, someone to care about

the highs and lows of our day who we are concerned about too, someone to please who is delighted by what we do, someone to please and delight us, someone to have fun with and be intimate with. It is generally held that we always want such a relationship in which we can love and be loved, and throughout our lives we need one (or more, seriatim) to thrive.

For evidence in support of my claim that adults always need a romantic relationship, I appeal to everyone's own heart of hearts¹² where we each know that we want to share a relationship with our own "Ms. Right". Besides the evidence of our own introspection we can observe the universality of the need for love demonstrated in so much of the world's literature and popular music. Also support is readily found in the feelings and behavior of those who believe they already have their desired relationship. Satisfied with what they have, while they may look around, they neither pursue nor want to pursue another intimate relationship. Apparent counter examples might be explained, e.g., as cases of insecure posturing behind cynical masks, people laboring under some serious misunderstanding, phobic behavior, or a kind of transference. Nuns might think that they have found their "Prince" in God, and despite his denials, Hugh Hefner must have dreamed of finding the "bunny" who would be just right for him. The behavior of people who deliberately or inadvertently confound the satisfaction of their need for an intimate relationship need not be thought to refute this

claim either. People who we understand as desiring good health irrationally smoke cigarettes, injure themselves with poor eating habits, eschew exercise, and put their lives at risk by attempting dangerous tasks. Similarly, when a person mistreats his love or in some other way puts their relationship in jeopardy, it need not demonstrate that he wants no intimate relationship, for he might be short-sighted, confused, disturbed, irrational, or operating from false premises. The claim that everyone needs an intimate love relationship also coincides with the observation that, commonly, no one is judged happy without such a relationship, while sharing such a relationship is seen to contribute largely to people's happiness.

The need for love is important to this argument because human needs carry moral weight. Each person has the right to try to satisfy his own basic needs, and concomitantly, everyone has the duty to allow others to try to satisfy those needs. When the needs are physical needs we sometimes even have the duty to satisfy those needs in others, i.e., duties of beneficence. When the needs are psychological, no one (with the possible exception of parents to children) appears to have a duty to satisfy those needs for another. (It may be that no one could have a duty to satisfy the emotional needs of another since, it seems that the largest part of that gratification has to come from oneself.) It does seem, however, that even if no one is obligated to gratify the psychological needs of another, everyone is

bound, where possible, to avoid frustrating the satisfaction of those psychological needs. For example, while no one may be obliged to give another a feeling of self-respect (if it were possible to do so), each is obligated to treat the other with a recognition of the dignity due him as a human being, and, therefore, not to hinder the development of his self-respect by treating him as a thing instead of as a person. Similarly, while no one is obliged to satisfy the love needs of another, everyone is bound to refrain from actions which would thwart the satisfaction of those needs. To ignore these duties that we bear to others, is to deny others their rights and to treat them unjustly. The principle of justice demands that the right to try to satisfy needs be observed and that we each acknowledge our duty not to obstruct others so as to make it impossible for them to achieve the gratification of their needs.

With an understanding of the need for love and the status of needs in ethical considerations we can go on to examine how these concepts bear on sexual morality. Now, I claim that in a society such as ours, where romantic relationships and marriages are undertaken with, and only because of, the voluntary agreement of the parties involved, the ethics of a romantic relationship can best be understood by seeing its step-by-step development as a sequence of conditional contractual agreements¹³. Starting with the first step, at the initial meeting of two people, and at every succeeding step, each of the contracting parties takes

on the obligation to perform his part of an interaction with the understanding that, if he is pleased with the encounter, he will be willing to proceed to a next step in the development of the relationship, and if each step goes well that he should be willing to proceed to the ultimate level of the relationship which is the commitment to a long term, intimate, relationship.

If Joe sees Mary on a street corner and he does not know the way to the Metropolitan Museum of Art but wants help in getting there, he could ask for directions. She could respond in any number of ways, for example, she could not reply at all, simply tell him the way to the Museum, or try to "chat-him-up". If Joe noticed that Mary had tried to engage him in a flirtatious conversation he could either pursue it or part company. If he chose to pursue the conversation and joined in the "chatting-up" himself, he would be undertaking a contract to share in some flirtatious conversation, and, if pleased, to pursue the interaction a small step further, towards the ultimate end of establishing an intimate committed relationship. After some talk, Joe might invite Mary to join him for coffee before visiting the Museum. If she agreed, each would be assuming the obligation to have coffee together with the understanding that if each was pleased each would be willing to proceed to a next (smallish) step in building the relationship which might (after a longish series of smallish steps) develop into the fulfillment of the need for an intimate, ongoing rela-

tionship. At each step the moral action would be the performance of the contracted act¹⁴ with the intention of proceeding in the relationship on the condition that the present interaction is found to be pleasant. The conditional nature of the relationship continues throughout the life of the relationship. Each party remains committed to building or maintaining the relationship as long as the interaction continues to be satisfactory: when one of the parties no longer finds the interaction satisfactory, then his obligation to continue in the relationship ends. Likewise, the parties become committed to a sexually exclusive relationship only when they contract with each other, by implicit or explicit signs, to accept the condition of sexual exclusivity. This contractual analysis seems to capture the historic reality of the development of romantic relationships and the psychic reality of our expectations in such relationships.¹⁵ It therefore, at least, fits the facts and may be better than the alternative account of egoistic emotionalism.¹⁶

On this account relationships between people (again with the exception of the relationship between parents and children) start out being stringless; individuals weave their own webs with the commitments they make to each other. At their first meeting people have no special obligations to each other, and when they tacitly agree to move forward in their relationship they have no guarantee that love, or intimacy, or exclusivity will follow. The paths along which

relationships develop, when they do, are open, and the particular sequence and pattern in which a relationship is woven depends, at least in part, upon the willingness and openness of the parties involved in undertaking commitments to one another.

In a budding relationship both parties usually understand what performances they are committing themselves to do through explicit or subtle signs and social conventions.¹⁷ Occasionally, there are misunderstandings about what the words or signs mean; for the purposes of this discussion I will ignore this difficulty. For the most part, the words and signs used to contract between parties are well understood. It will be enough to say here that when both parties believe that they have contracted to do something, each is committed to do the kind of act that he thinks the other expects the benefit of. Immorality can arise from either party failing to perform: immorality can also arise from the nature of the intentions of either party.

In "Sexual Immorality Delineated"¹⁸, Baumrin argues for a contractual view of sexual interaction. While he recognizes the contractual nature of particular performances he fails to acknowledge the proper place of the corresponding long range intentions in others and ourselves. As Hobbes points out¹⁹, people are moral agents only because they have the ability to include, in their reasoning about what they ought to do, an appraisal of the foreseeable consequences of their acts. This ability enables them to assume obliga-

tions. To ignore the likely expectations which our act will foster in others, when calculating our action, is to overlook a crucial fact of the situation. Doing so systematically and voluntarily would be showing an icy disregard for the needs of others and, in effect, treating others as what they are not, namely, as beings who act only for the moment, beings with no distant goals. Furthermore, the moral quality of our actions is determined, in part, by the intentions we have when doing what we do. Inadequately characterizing one's intentions in acting misrepresents the moral quality of our act. The same action might be described either as shooting a gun at a target and intending to hit it, or as shooting at one's enemy and intending to kill him for revenge. The first description, which omits part of the intention, fails to capture the moral quality of the action, while the second description, which includes an adequate description of the intentions reveals the action as murder. Characterizing a commitment to sexual interaction as only an agreement to physical performance, when the intention is actually much more encompassing, misrepresents the moral quality of the action. Without giving the intentions of each agent due consideration, a contractual view of sexual morality would be inadequate.

To complete this Argument from Rational Justice we must invoke a Kantian insight about promising. From Kant²⁰ we have learned that there is a difference between making a promise with the intention of honoring it, while later on

not honoring it, and making a promise with the intention of breaking it. We can imagine circumstances in which it might be prima facie right to break a promise, yet, as Kant argues, it is not morally permissible to make a promise with the intention of breaking it. Whether or not Kant is correct in claiming an absolute prohibition against making promises with the intention of breaking them, he is at least correct in both pointing out the distinction between promising with and without the intention of keeping the promise, and emphasizing the moral gravity of making a promise with no intention of honoring it. Recognition of the moral weight of promising with the intention of fulfilling the promise is sufficient as the underpinning of contractual ethics.

Undertaking an obligation to participate in some flirtatious interaction without the intention to proceed conditionally in building the relationship step-by-step (rapidly or slowly) into an intimate relationship, when the other person implicitly expects you to, is making a promise with the intention of breaking it, or at any rate, making a promise without the intention of keeping it. Since sharing in such a relationship is a human need we must each assume that all others whom we meet desire to satisfy that need, and we must recognize that others generally assume the same to be true of us.²¹ Therefore, to involve oneself in a flirtatious interaction would be to promise conditionally to continue the relationship towards the establishment of an

intimate, (and possibly exclusive) relationship, if at each succeeding step the interaction continues to be satisfying²². When someone has no intention of ever fulfilling that promise his flirting would then be making a promise with the intention of breaking it, and hence, immoral.

Sexual bantering among people, between whom it is known that the teasing talk has no romantic implications, is behavior that can appear as flirting, to a casual observer, but be nothing of the sort. In such a case, since there is no implicit offer being made with the conversation, there is no immorality of the kind described above, and what is being done should not properly even be called flirting. It is also clear that people do engage in flirtation with intentions other than securing a love relationship, e.g., for entertainment, for the fun of manipulating another, or for demonstrating to themselves or others that they can be enticing. Goals are frequently complex and more than one intention can be operative at the same time. However, when someone engages in an action, designed to provoke another's interest in forming a romantic relationship with him, but has no intention, at all, of establishing an intimate relationship with that person, that flirtation is immoral. It is meant to be understood as a promise for more and thereby intended to interfere with the recipient's agency.

Anyone involved in a relationship which he has no intention of leaving and who then involves himself in another relationship would be making a promise without the

intention of keeping it (or with the intention of breaking it). Some individuals mistakenly believe that admitting to their "new love" that they will never leave their old love avoids the immorality by establishing a contract on special terms. When the "new love" agrees to accept the terms of a contract with no commitment being made to strive for an intimate (and possibly exclusive) relationship then, it might seem, there is no immoral promising entailed. However, this appearance distorts the reality.

In Leviathan, Hobbes explains that, "of the voluntary acts of everyman, the object is some Good to himselfe. And therefore there be some Rights, which no man can be understood by any words, or other signes, to have abandoned or transferred."²³ He concludes that "if a man, by words, or other signes, seems to despoyle himself of the End, for which those signs were intended; he is not to be understood as if he meant it, or that it was his will"²⁴. A person who undertakes to begin a romantic relationship intends to secure for himself the pleasures of a love relationship. Committing oneself to a relationship, which could never reach that satisfactory desired end, commits the person to frustrating the attainment of that end and also blocks the possibility of satisfying that need in some other relationship. A person who agrees to accept the terms of a relationship, which must rob him of the desired goal of romantic involvements, must be viewed as a person who has not agreed to anything. To accept such an arrangement would be a

paradigmatic case of Kantian contradiction or conflict of willing.²⁵ Accepting the special terms of a contract to establish a relationship, which never will be allowed to develop and achieve the fullness necessary for the satisfaction of the need, is occupying one's time, attention, and romantic energy in a way that is necessarily self-defeating. It would not only be wrong for someone to enter such a relationship, because it was irrational to will both a good end and its frustration, but, it would also be wrong, for the elsewhere committed party, to accept a contract of this kind or even to view any agreement to such a relationship as a commitment. It would be unjust to view a person who agrees to accept such a necessarily limited and frustrating relationship as having surrendered rights since it would be irrational for that person to divest himself of the right to protect himself from an insincere emotional assault. On this view, it must also be unjust to accept the transfer of those irrationally relinquished rights.

The person who appears to accept the terms imposed by the one already committed to some other relationship may view the limited relationship as desirable. When wearing rose-colored glasses it could appear that, for love, it was worth suffering. However, deciding this question on prudential, consequentialist grounds suffers from the same practical difficulties as other solutions sought on prudential consequentialist grounds. We cannot know how much pleasure or pain we will eventually accrue from pursuing any particu-

lar course of action, since the future has not yet occurred; we cannot know how much pleasure or pain we would eventually collect from alternative courses of action, so that we can compare them and choose between them, because we can only do one of them. Following a best hunch would be mere subjectivism. Relying on prudential calculations based on apparently similar previous experience could be misleading because the situations being compared could differ in some overlooked, but significant, respect. On the other hand, Reason can lead one to acknowledge that entering a constrained relationship could never satisfy the desired end; any other view is irrational. A person agreeing to such an irrational arrangement may seem to be entering a relationship with eyes wide open, but, the lenses might be covered with cataracts.

The tests of justice require us to view acceptance of irrational contracts as if no divestiture of rights was made at all. If this attitude is paternalistic it is appropriately so. When an agent is about to suffer some harm, owing to his physical incapacity or mental incompetence, and when you have a duty to interfere, paternalism is appropriate. Pursuing a counter-productive course of action is irrational, and everyone has the duty to avoid injuring another. So, a person who involves himself in a relationship with another who is irrationally choosing to be involved in a counter-productive relationship would be acting unjustly in an act of infidelity by accepting contractually transferred

rights where no contract could be understood to be in force. Hence, it is clear that justice requires continuing fidelity of everyone who intends to remain in another, "primary" relationship.²⁶

Disagreements and Retorts

It is to be expected that some will disagree with this last argument. Frederick Elliston²⁷, for example, might argue that such paternalistic rejection of sex violates the Kantian requirement of treating each person with respect by recognizing the other as a self-determining moral agent. However, when someone apparently agrees to accept an arrangement which will frustrate the satisfaction of his needs, his act should not be viewed as the autonomous action of a moral agent: making a self-defeating contract is the irrational act of an individual for whom paternalistic rejection is, at least in this kind of case, fitting.

While I am claiming that an assentist, contractarian understanding of romantic relationships is the appropriate perspective for viewing the moral aspect of such interactions, I am not claiming that contracts are essential to the development of the feelings of intimacy and love. It is certainly possible for a person to commit himself to a relationship with another for whom he feels no love and for people to love each other and not commit to building their relationship into an intimate, need satisfying, love relationship. What I am suggesting is that, upon examination, we may find such arrangements emotionally and morally

problematic.

People who maintain that they are only contracting for casual sex, with nothing more intended, may also be acting immorally by accepting, or even offering, such an arrangement. Since positions on love and sex are rarely discussed, introspectively examined, or honestly expressed, those who claim to want "plain sex"²⁸ may be dissimulating or may actually not know their own position on the matter. Therefore, it could be rash to assume that a person who claims to want only recreational sex really did intend for there to be nothing more involved. It is difficult to be certain about whether or not you have clearly understood your partner's intentions. It would be most unlikely that anyone should be confident at having distinguished a relative stranger's insincere proclamation of a casual approach to sex²⁹ from a sincere declaration. Perhaps, when the person in question is someone you know well, you might be clearer about the meaning of their nonchalant attitude. But because such attitudes do change when one gets involved with the "right" person, and because having a love relationship is a need, and gratifying it is important to everyone, it may be that we never could be sufficiently certain of another person's casualness, in offering or accepting only a sexual tryst, to be justified in accepting their promise. Since accepting the contract as offered, when the professed casual approach to sex is disingenuous, could involve a violation of one's duty not to inflict emotional harm or frustrate another in

the satisfaction of his needs, such contracts should be avoided.

Contracts for engaging in casual sex have to be distinguished from contracts for the exchange of goods or for specific performances like sharing a restaurant dinner³⁰. In those contractual arrangements it may generally be appropriate to allow freely consenting adults to make whatever honest bad bargains they may choose. However, contracts for plain sex are significantly different. First, men and women are not fungible the way nuts and bolts and "dishes"³¹ are, so if they are damaged (emotionally) in a sexual exchange of favors they cannot be made whole again or replaced. Also, because people are unique, treating people like interchangeable things (I'm returning the thin one and taking the plump one), which they are not, cannot be moral. Second, since people often link sexual behavior with intimate need satisfying relationships, and since frustrating another in his attempt to satisfy his needs is prima facie wrong, special care should be taken to avoid that possibility in sexual relations. Making an agreement to engage in recreational sex may be more like enlisting someone to be the subject of a potentially crippling medical experiment than inviting someone out to dinner. The need for good health, like the need for an intimate love relationship ought to be given special consideration: while paternalistic protection from a boring dinner date may be inappropriate because nothing serious or irretrievable is at risk, in

sexual relations, as in human experimentation, there are times when paternalistic rejection is required: then the contract must not be made.

The Arguments' Results

Subscribing to an assentist contractarian view of relationships has the consequence of turning the tables on some accepted dogmas about intimate relationships. This view maintains that infidelity must be avoided by those already involved in a relationship because it involves treating a new party unjustly. Seeing infidelity as unjust treatment of the new partner turns the "home-wrecker" into the injured party.

This view of relationships also illuminates the nature of emotional relationships as a series of conditional undertakings. The goal of an ongoing, intimate relationship is, therefore, not a fixed end but a part of the sequence, and the continuation of the emotional relationship is always conditioned upon the continued satisfactoriness of the interaction. Viewing established relationships as a series of conditional contracts replaces the traditional marital attitude of complacent security with an atmosphere of vigilant attention to mutual nurturing.

The contractual view of sexual relationships offers new understandings of the traditional marriage contract. After eliminating the view of the marriage contract as a promise to love, honor and cherish, only two alternative readings remain: either the marriage contract is merely an economic

contract for exchange of services entailing neither emotional commitment nor sex, and therefore, is no block to true romantic love, or, it emotionally binds the parties to each other for only as long as they continue to feel satisfaction in their relationship.

The Argument from Rational Justice additionally provides us with a new model for sorting out the morality of our sexual acts. As a result of this argument the moral gravity of all flirtatious behavior is revealed and we are bound to take trifling seriously.

The Argument from rational Self-Interest and the Argument from Rational Justice each provides a ground for the committed person who wants to be promiscuous to remain faithful. After consideration it becomes clear that such infidelities are both irrational and immoral, and hence, should not be committed. According to Hobbes, conclusions of careful prudential thinking should coincide with the conclusions reached with the method of Reason. Hence, taken together, the conclusion of each of the above arguments serves as support and confirmation for the conclusion of the other.

FOOTNOTES

*. An earlier version of this paper, "Reconsidering Infidelity", was read at Fall 1984 meeting of the New Jersey Philosophical Association.

1. Joseph Heller, Catch 22 (New York: Simon and Schuster, Inc., 1955).

2. When a promise commits an agent to some specific action(s), to dissemble in that performance thereby becomes a violation of the promise.

3. Obviously the "more liberal alternative" may offer its own special pleasure which is just what makes such a course so attractive. However, comparison shopping for the most pleasurable path is not an available option for those who want to maintain their presently exclusive relationship since exploring non-exclusive relationships may jeopardize their existing one. Shopping around has costs: a) the original choice may not remain open, b) shopping uses up time and energy, and c) engaging in the activity can change the nature of the shopper.

4. As a stylistic preference I shall use masculine pronouns throughout this paper.

5. I do not wish to imply that any couple shares everything. Time constraints alone would make this impossible. When a refusal to share a part of one's life replaces a previous willingness to share all (even though, in practice, only a part of the lives were shared) the original intimacy is clearly diminished.

6. Thomas Hobbes, Leviathan, (15,4,72).

7. If one thinks that the need for romantic love is merely the sociological product of western culture in our historical epoch then it is enough to read what follows as being true for us now.

8. I take this to be the proper meaning of Hobbes, Leviathan, (15,34,79), "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 ballance, and his own into their place, that his own passions, and self-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."

9. Barbara Herman, "Kant and the Duty of Mutual Aid", paper read at the American Philosophical Association; Eastern

Division, 1982. Herman has distinguished between needs and wants, and pointed out that we have a duty to regard the needs of others.

10. Hobbes, (13,5-7,61-62). Leo Strauss places a major emphasis on Hobbes's attention to the appetite for glory. The Political Philosophy of Hobbes: Its Basis and its Genesis, trans. by Elsa M. Sinclair (Chicago: The University of Chicago Press, 1952), especially, Chapter II., "The Moral Basis". 6-29.

11. In psychology a good deal has been written on this subject starting with the work of Rene Spitz in the 1920's and continuing in recent journals [e.g., Stephen C. Brake and Myron A. Hofer, "Maternal deprivation and prolonged suckling in the absence of milk alter the frequency and intensity of sucking responses in neo-natal rat pups", Physiology and Behavior, vol.24 (1980), 185-189. and Claude H. Miller, "The stress of deprivation in human relationships", American Journal of Psychoanalysis, vol.41 (Fall, 1981), 227-234.] and in current research, at the University of Chicago and the Mount Sinai School of Medicine, which is also examining neurological damage caused by maternal deprivation.

12. Locke and Hume make such appeals to reflection or introspection.

13. Law, promise, intention, injurious reliance, etc. are different possible bases for contractual obligation. Each may give rise to different philosophical considerations. In this paper I am not relying upon a legal basis for contract. Rather, I have focused on the foundations of explicit promise, intention, and injurious reliance. A general analysis would probably follow Grice ["Meaning", Philosophical Review, 66,no.3 (July, 1957)] and Nagel ["Sexual Perversion", Journal of Philosophy, 66,no.1 (January, 1969)] and certainly a lot more could be said. A related question which could be asked at this point is whether the result would be the same regardless of the ground. I suspect that a fully articulated notion of explicit promise as a foundation for contractual obligation would incorporate consideration of intentions and injurious reliance with these features operating to different extents in different situations.

14. Of course, contracts are open: invariably, some issues are unspecified, and so, unresolved by the contract.

15. If the progression does not occur then the casual encounter remains just that. But, if the progression continues, the relationship does bear the conditional long-term commitment I have described.

16. e.g., Richard Taylor, Having Love Affairs (Buffalo, NY:

Prometheus Books, 1982).

17. There being a good deal of infidelity in our society does not bear on this point. Social conventions may effect what sign counts as communication and the meaning those signs carry. However, in any non-conventionalist account, the conventionality of infidelity within a society is not what makes it either moral or immoral.

18. Bernard H. Baumrin, "Sexual Immorality Delineated", in Philosophy and Sex, ed. by Baker and Elliston (Buffalo, NY: Prometheus Books, 1975).

19. Hobbes, (3,5,9-10; and similarly 5,6,20)

20. Immanuel Kant, Foundations of the Metaphysics of Morals, second section, 422.

21. It is not necessary to be conscious of this motivation for it to be efficacious: we are often unaware of our long-range goals as they move us to choose our acts, although, they can be revealed to us by attentive introspection.

22. What goes into making a relationship "satisfying" varies from relationship to relationship and varies within a relationship over time. There is no need to further characterize it here.

23. Hobbes, (14,8,66).

24. Ibid.

25. Immanuel Kant, Foundations of the Metaphysics of Morals, second section, 423, cases 3 and 4.

26. It is probably true that involving oneself in a new relationship when one is prepared to abandon the old one is also immoral. Sartre points out that in all of our commitments there is the anxiety of not knowing whether we will keep the appointments we have made with ourselves (Being and Nothingness, Part One, 1,v.). Gabriel Marcel makes a similar point specifically about fidelity [Being and Having: An Existentialist Diary, trans. by Katherine Farrer (New York: Harper & Row, 1965) 41-56. William James, among others, emphasizes how difficult it is to break away from our habits (The Principles of Psychology, vol. 1, Habit). These two claims taken together reveal how unreliable it would be for someone to undertake a commitment to a new love the satisfaction of which would depend upon breaking a habit of a year, or thirty years, of being joined with another. The danger of being too weak to break the bonds is strong enough to make it morally prudent to cut the old strings before tying new knots.

27. Frederick Elliston, "In Defense of Promiscuity", Philosophy and Sex, Baker and Elliston, Prometheus Books, Buffalo, N.Y., 1975.

28. Alan H. Goldman, "Plain Sex", Philosophy and Public Affairs, vol. 6, no. 3 (Spring, 1977).

29. The person who says he just wants plain sex might be: defensive, afraid of rejection, interested in avoiding an evening of loneliness or boredom, wanting to appear to "know the score" or to be modern or liberated, eager to impress a partner with his sexual expertise, anxious to save face if the other person turns out to want no further involvement, etc..

30. The comparison between sharing sex and sharing a restaurant dinner is made by both Frederick Elliston, "In Defense of Promiscuity" and Richard Wasserstrom, "Is Adultery Immoral?", in Today's Moral Problems, ed. by Richard Wasserstrom, (New York: Macmillan Co., 1975).

31. Elliston, 237.

This paper has benefitted from discussions with Bernard Baumrin and Jody Azzouni, and comments by James Muyskens, David Goldberg, and Mark Weinstein.

Discussion 3

ABORTION AND INFANTICIDE*

Introduction

Some argue that abortions are not morally permissible: this claim follows from the principle that no innocent human life may be taken and that fetuses are human. Others say that abortions are permissible: so far, this claim is in need of a supporting argument. Advocates of the right to abortion typically maintain that fetuses are not persons and, hence, have no right to life while delivered infants are human and have at least this right. Such advocates of the right to abortion usually also argue against infanticide as unjust taking of human life. As yet these advocates of abortion rights fail to show how or why the disregarded fetus is transformed into the franchised "person" by moving from inside to outside of the womb or by reaching some stage of development. Supporters of abortion rights are also lacking a moral principle that would justify killing human fetuses. As it stands this view has the appearance of an irrational, dogmatic moral stance. If abortion is to be viewed as morally permissible and not merely as an act that is sometimes convenient, then a moral argument must be presented.

Hobbes's ethics offers some insight into this complex moral problem. In what follows I suggest a Hobbesian argument for permitting abortions. This discussion also takes up the issue of infanticide as an extension of a proper treatment of the abortion question. A central core of attempts at solving the problem of abortion involve claims about the right to life. I review these proposals and present some arguments which tend to show that the standard versions of these solutions are unsatisfactory.¹ Other approaches to answering the abortion question focus on issues of consequences and naturalness. Although these positions have something to say on the issue, the most promising route to an answer, and the one most relevant to a Hobbesian analysis, seems to be an approach through consideration of the right to life. However, since the standard right to life views remain problematic, I offer a new solution from a Hobbesian approach. This strategy assumes the correlativity of rights and duties and then treats the right to life as arising from the conditional assumption of a special obligation. I display how such an assentist account could be constructed and result in intuitively satisfying answers to related troubling questions. Giving an account of the right to life founded on special obligation, as opposed to its being founded on a natural right, also suggests that natural rights theory is without its paradigmatic example.

Abortion, Infanticide, and the Right to Life

Many have suggested that a solution to the abortion issue lies in the examination of the notion that human offspring have a right to life. In his recent article, "Why Abortion Is Immoral"², Don Marquis presents a cogent critical analysis of a selection of the most celebrated pro-choice and anti-abortionist arguments which rest on the right to life.³ According to his crisp analysis of their positions, typical versions of both positions have a similar flaw. As he sees it, "[t]he pro-choicer will argue or assert that fetuses are not persons or that fetuses are not rational agents or that fetuses are not social beings"⁴. On the other hand, the anti-abortionist argues or asserts "that life is present from the moment of conception or that fetuses look like babies or that fetuses possess a characteristic such as a genetic code that is both necessary and sufficient for being human."⁵ Marquis points out that both positions suffer from either drawing invalid inferences of the same sort or from circularity. The validity problem, which undermines both opponents' arguments, involves inferring a moral conclusion (an ought) from factual, non-moral premises (an is): the pro-choicers maintain that "psychological characteristics [e.g., personal identity, experience of emotions, ability to feel pain, thinking of goals and plans] should make a moral difference" while anti-abortionists take biological characteristics to make a moral difference. Proponents of each type of theory are also vulnerable

to the pitfall of making personhood (the psychological quality) or humanity (the biological quality) into moral categories. As Marquis points out, such a move has the effect of obliterating the grounds for establishing the "essential premise"⁵ in their respective arguments.

Marquis suggests that "the way out of this apparent dialectical quandary" lies in identifying "the essence of the matter"⁶. He finds that killing, which is the essential issue, is wrong because it entails the loss of "the value of a future-like-ours"⁷. He argues that

[w]hat primarily makes killing wrong is . . . its effect on the victim. The loss of one's life is one of the greatest losses one can suffer. The loss of one's life deprives one of all the experiences, activities, projects, and enjoyments that would otherwise have constituted one's future. Therefore, killing someone is wrong, primarily because the killing inflicts (one of) the greatest possible losses on the victim.⁸

According to Marquis, "[t]he point of the analysis is to establish which natural property ultimately explains the wrongness of the killing, given that it is wrong"⁹ and, as he sees it that property is the "natural effect" of "the loss to the victim of the value of its future"¹⁰.

Marquis claims that his analysis leads to a conclusion about the ethics of abortion. Asserting that the futures of a "standard fetus", an adult human, and a young child are "identical", he concludes that abortion is, therefore, "prima facie seriously morally wrong"¹¹ because of the loss inflicted on the fetus. He sees that by starting with the value of a human future one could "infer that fetuses have the right to life, and then call fetuses 'persons' as a

result of their having the right to life"¹². He finds that this argument avoids the fault of deriving "ought" from "is" because its initial premise, "it is wrong to kill us"¹³, has moral content and because the category of personhood is not used as a question begging premise to generate the argument, but only in the statement of the conclusion.

Marquis's argument succeeds in avoiding some of the traps which undermine other abortion arguments that invoke the right to life. Nevertheless, it appears to be vulnerable to other problems. (1) Assigning morally relevant value to a future-like-ours seems itself to be question begging. The same charge that Marquis brings against those who make 'personhood' or 'humanhood' into moral terms seems applicable to his own criterion. Since the point of the argument is to establish the claim that such a future has moral value, the value cannot simply be assumed. Also, while we cannot call the principle of valuing a future-like-ours speciesism, Marquis provides no justification for attributing moral worth to our sort of futures while awarding none to the futures which can be anticipated by whales, dogs, earthworms, etc.. (2) There is room for skepticism about the assumption that a future-like-ours always has ultimate value to an individual. The fact that many people sometimes, and some people often, put their futures at risk by engaging in dangerous activities (across the spectrum from rock climbing, to driving without seatbelts, to working on the construction of skyscrapers, to performing surgery on

people with AIDS) and the fact that some sane people end their own lives¹⁴ questions the assumption that everyone values a future-like-ours. Empirical limitations even challenge the possibility of finding grounds for the assumptions that everyone values his future and certainly that the values of futures are "identical" because we have no access to the fact that people value their own futures, much less the extent to which they value them. (3) Marquis's argument for the wrongfulness of killing is based on the affect on the victim of the loss of his future. The victim of a killing, however, experiences no loss since after a killing there no longer is a subject for any experiences.¹⁵ The victim of being made blind, experiences the pain of being sightless and some of that pain may be related to the loss of the kind of future he had previously imagined for himself. Yet, the victim of a killing experiences nothing, because a corpse has no experience. Just as Marquis maintains when he argues against extending his value of a future-like-ours argument to contraception, "[n]othing at all is denied such a future"¹⁶. Since, according to Marquis, the "effect on the victim's friends and relatives"¹⁷ does not count towards making killing immoral and, since after a killing there is no subject to experience anything, there is no loss of value to be reckoned into the determination of the wrongfulness of killing; no loss, no pain; no pain, no ground for Marquis to ascribe wrongfulness.

As Marquis has shown, neither the biologically based right to life type of argument against abortion, nor the psychologically based pro-choice right to life type of argument offers an acceptable answer to the abortion question. As I have argued, Marquis's value of a future-like-ours account is also, unacceptable. None of these critiques, however, shows that a right to life argument can or cannot be given but rather that certain forms of argument are not successful. A Hobbesian rational, assentist analysis¹⁸, however, generates a right to life solution which is not done in by Marquis's objections because it avoids the question begging moves of these other right to life arguments. Such an account, therefore, is useful in producing an answer to the abortion question and making distinctions between cases. Furthermore, its conclusions match many of our intuitions about when abortion is permissible and when it is not.

A Hobbesian Account

According to Hobbes, any discussion of rights is also a discussion of duties. Defending the correlativity relation between rights and duties he can be taken to maintain that every right of A against B implies an obligation or duty of B to A. Then, in the context of the abortion debate, to rest an argument on the claim that an infant, A, has a right to life we would have to be able to answer the question who has the concomitant duty. Identifying the duty bound agent will, in turn, require an investigation into the origin of

the duty. The extreme assentist position presented by Hobbes holds that there are no natural moral obligations: all moral obligations are kinds of special obligations which arise from one's undertaking particular commitments. On this analysis, the right to life would also arise from someone's right creating act of assuming an obligation. This is the position that I am inclined to accept and the one that seems most fruitful for unraveling the abortion question.

To explain this position further consider that if the right to life does not simply come from being conceived by a woman or from possession of some particular anatomical characteristics (e.g., blond hair and blue eyes), then it may be reasonable to consider whether it arises in the way that other rights come to be. The rights of a weekend guest arise when one takes on the duties of hosting him. Rights of citizenship for an immigrant come into being by the state accepting the responsibility for him as a citizen. The right of a patient with kidney failure to use your kidneys only arises when you accept the obligation to him.¹⁹ The right of a school administration to performance by a teacher comes from the teacher accepting the obligation to be a member of the faculty. In each of these situations the right of A against B comes from B's accepting the obligation to A.

Rights and duties are reciprocal or have corresponding parts. The relation is reciprocal when there is a right of

kind₁ of A against B and a right of kind₁ of B against A. When B accepts the obligation to scratch A's back, A gets the right to have his back scratched by B; if A also accepts the obligation to scratch B's back, giving B the right to have his back scratched by A, then, A and B have reciprocal rights and duties. The relation of rights and duties have corresponding parts when there is a right of kind₁ of A against B and a right of kind₂ of B against A. When B accepts the obligation to scratch A's back, A gets the right to have his back scratched by B; if, now, A also accepts the obligation to rub B's feet, giving B the right to have his feet rubbed by A, then A and B have corresponding rights and duties. These should be viewed as cases of simultaneous or conditional assumption of duties. However, not all binding acts involve assumption of duties by more than one party. Binding acts may involve only oneself (e.g., A = B), thus entailing no reciprocal or corresponding rights in others, as when one resolves to become diligent or courageous. Some binding acts may create concomitant rights but no reciprocal or corresponding duties. This last arrangement of rights and duties is the one of parent and child. The parent assumes the duty of caring for and nurturing his child while the child gets the right to be cared for and nurtured. (It is often claimed that the child has the corresponding obligation to care for aged parents and that parents have a right to such care, but, it is inconceivable that infants so bind themselves.²⁰)

By application of this scheme of analysis the answers to the questions above become clear. An infant's right to life comes from the parents²¹ accepting responsibility for the care and nurturing of their offspring (care until it can be independent and able to assume obligations as a moral agent; nurturing to develop and train the child to be a responsible moral agent).²² The parents who accept the responsibility are then the ones who have the duty to try to care for and nurture their child.

Using this analytic mechanism the origin of obligation can be pinpointed in time for each parent. Parents who are trying to conceive are bound to constrain their actions, in accordance with the requirements for care and nurturing, from the time they begin trying. For example, they must avoid situations which they believe might endanger the health of their baby from the moment of their decision. So, since it is known that the health of infants may be adversely effected by a mother's smoking or drinking alcohol during the first days after conception (before the fact of pregnancy could be known), then she would be bound not to smoke or drink once she set herself to try to become pregnant. When an unplanned pregnancy occurs there is no obligation on the parents (to the fetus) until they decide to have the child. Since the fetus, at that point, has no right to life, there is no violation of the fetus' right when a mother decides to abort the pregnancy instead of having the baby. When a pregnant woman decides to bear her child and then place it

for adoption, she accepts the duties of acting to preserve her baby's health and arranging for a placement which would provide the baby with adequate care and nurturing. Adopting parents, while not engendering a right to life, have the obligation for the care and nurturing of their baby only because they accept it.

An assentist approach permits the abortion of any fetus before the parents invest it with rights. This same approach can also be extended to understanding the morality of treatment of defective fetuses and infants. When a person undertakes a responsibility of a certain kind, (x) , he is only bound to accept the duties of that kind. He is not bound to accept, instead, duties of another kind, (y) , or an additional kind, $(x+y)$. For example, when a teacher accepts a position on a faculty and arrives at his post to discover that the administration expects his service to include janitorial tasks, it would appear that the teacher is not bound to take up the position. It seems that the commitment made was to the performance of a certain kind of task that did not include janitorial work. If the teacher had discovered his students to be less than brilliant and enthusiastic, or classrooms that were not as attractive and spacious as they might have been, then, the teacher (unless he had been promised otherwise) would still be obliged to fulfill the obligations of his post. The teacher who accepts a position accepts the obligation to try to perform a kind of act that he believes he can perform at the level he believes

he is expected to perform within a reasonable range of conditions that would count for performance of the task. Variations of these sorts would not change the obligation in kind: a rational agent should anticipate deviations from the ideal conditions in every undertaking. Similarly, a prospective parent accepts the obligation to try to perform a certain predictable set of acts, i.e., caring for and nurturing his child until the time when it can be independent and able to assume obligations. When parents are delivered of a child so defective or deformed that it could never be expected to become an independent moral agent, then, the responsibilities entailed, being lifelong, are of a kind different from those obligations assumed beforehand by the parents. A responsibility to care for an offspring through its entire life is different in kind from a responsibility to care for one until it can be independent and able to assume obligations as a moral agent. That these responsibilities are different in kind is illuminated by noticing that it is impossible for the parents of the severely defective or deformed child ever to satisfy the previously assumed obligation for the care and nurturing of their offspring until it can be an independent moral agent, because, that time will never come. Since the goal cannot be satisfied, ought implying can, the original resolve is not binding.

Like the teacher confronted with janitorial responsibilities, the parents or prospective parents of a grossly

defective infant are not obliged to care for the child; the child is not automatically invested with the right to life. Instead, as the teacher who could in a new undertaking assume the obligations of the position that involved janitorial tasks, the parents of a seriously defective infant could, in a new act, choose to accept the responsibility for the care of the child who could never be expected to lead an independent life. Until and unless parents assume the obligation for the care of their defective infant²³, it has no right to life. Having no right to life, killing the defective infant would not violate its right, and so, could not be immoral on that ground.

The criteria of having the capacity to develop into an individual who is independent and morally responsible for his own actions prevents the possible objection that anything less than a perfect child may be sacrificed. For an infant who had conditionally been granted the right to life it is the potential for becoming a moral agent which entitles that infant to the right to life of a member of a moral community. An infant's having both (1) the capacity to develop into an independent individual and (2) the capacity to develop into one who is morally responsible for his own actions are each necessary conditions and jointly sufficient conditions for investing that conditionally promised infant with a right to life. (1) While the set of physical capacities requisite for independence differs in different societies (e.g., a deaf person could be independent in our

society but probably not in a jungle society²⁴), and while few could be independent of all society, the ability to achieve independence within the society into which an infant is born seems to be a necessary condition for its claim to a right to life. Anyone who cannot be independent will always be dependent upon others for his continued existence. If there is no designatable person/s obligated to provide needed care, then, the dependent person will have no right to that care, and, hence, no right to what is necessary for his survival. Furthermore, one who will be unable to intentionally do, will not become an agent since he will not be able to enact the things a person ought to perform. (2) It is because adult humans can be held liable for their actions that they can form and maintain societies: accountability is what counts. Because children and madmen are not accountable for their actions they are systematically excluded from rights and duties of citizenship. An infant, who could not become morally responsible for the things he might do, could never have all of the rights and obligations of a citizen. No society could tolerate members for whose actions no one was liable. It may not be difficult to imagine a society in which every individual could become independent (think of the government of Kuwait guaranteeing a non-Kuwaiti body servant to each Kuwaiti who might need one to achieve independence), still, it is unimaginable that unowned acts of killing or destruction could be allowed. In society, the liability for every human action, and even some

omissions, is owned by someone. For every window broken by a thrown baseball, there is someone liable for the repair. Since the members of society are moral agents they are morally responsible for their own acts and also the acts of those for whom they assume responsibility. When a person cannot assume responsibility for what he does, and no one who may take up that obligation does so, then he cannot claim the rights of membership in the society.

Invoking these two criteria makes it clear that the birth defects of most children would not compromise their right to life. Clearly, a child who is born tongue-tied, with only four fingers on one of his hands, or with crossed toes would be one with birth defects who could be expected to develop into an independent individual. Clearly, a child born with Down's Syndrome or a myelomeningocele could not.²⁵ Hence, it follows that the conditional right to life previously granted to defective fetuses and newborns may be withdrawn when it is determined that the child could not develop into an independent moral agent.

Understanding the acceptance of parental responsibility as the source of the right to life provides definitive answers to questions of whether to treat defective infants. Many infants with birth defects die very young if not given special treatment. Withholding treatment from an infant who dies as a result of this denial is morally no different from killing him.²⁶ Withholding treatment from those who die early prolongs the agony for the infant and parent and

therein seems to be unnecessarily cruel. Those who do not die from this neglect suffer by not having benefitted from possible treatment which would have improved their conditions if it had been administered. When parents accept the obligation for a malformed infant they become bound to provide it with care and nurturing. Treatment is, therefore, obligatory if it is the means most likely, or indeed, the only possible means of satisfying the infant's need to be free from pain and treatment is obligatory when it is the most likely means for nurturing whatever development is possible. On the other hand, parents who do not assume responsibility for a malformed infant give it no right to life, hence, it can be killed. Moreover, if one also adopts the principle of humane alleviation of suffering (infant's, parent's, or both), it ought to be killed.

It may seem that this conclusion, which sometimes requires infanticide, could be avoided whenever someone, other than the parents, was willing to take on the obligation for the lifelong care and nurturing of the seriously defective infant. However, this is not the case. If all rights arise from human relationships, only because of some special relation can someone have a right. In bearing the obligation for their every act, parents have the responsibility for the offspring they produce. That obligation gives only them the rights necessary for fulfilling their responsibilities, hence, only they have the right to decide about the fate of their infant who, by failing to meet the

criteria, is not invested with a right to life at birth.²⁷ No benevolent institution has the right to wrest that decision from them.²⁸

Involuntary euthanasia for the non-infant is certainly different from killing a malformed fetus or newborn. Nevertheless, abortion and killing the malformed newborn, in the cases isolated herein, involve no violation of a right to life while it seems at least debatable that all other killings do. Discovering some acts of abortion and infanticide to be right or permissible, therefore, does not entail judgments about euthanasia in different kinds of situations. If any other instance of euthanasia can be shown to be permissible, that must be independently demonstrated on the basis of other principles.

Potentiality and the Abortion Question²⁹

The above Hobbesian analysis of conditional granting of the right to life shows that abortion and infanticide may be permissible. This discussion implicitly assumes a classical notion of potentiality and actuality. Ironically, there is a common sense argument against abortion³⁰, not yet addressed in this discussion, which also employs this same pair of concepts. Briefly, this type of argument presses the position that the potential for personhood or humanhood gives the fetus the right to life. Could such a view reveal a foundational error in the Hobbesian approach? The obvious disagreement over application of the concepts of potentiality and actuality suggests confusion or want of discernment

in at least one of its applications and, therefore, calls for clarification.

It appears that an Aristotelian account of potentiality and actuality is the view typically invoked, in the hand waving of the common sense accounts, and, it also seems to be the one invoked by Hobbes, when he implicitly calls on the concepts. Hobbes seems to appeal to the Aristotelian concepts of potentiality and actuality when he isolates the unique qualities which distinguish human beings from other creatures. The two characteristics which he identifies as the significant marks of persons are (1) the capacity for thinking with the sort of regulated train of thoughts which involves that in our "imagining any thing whatsoever, wee seek all the possible effects, that can by it be produced" (3,5,9) and (2) the capacity for speech, "whereby men register their Thoughts; recall them when they are past; and also declare them one to another for mutuall utility and conversation; without which, there had been amongst men neither Common-wealth, nor Society, nor Contract, nor Peace". (4,1,12) For Hobbes, possession of these two qualities indicates the necessary potentials for moral behavior. Without the first characteristic kind of thinking a person would not be able to compare alternative actions and so could not choose to commit himself to one path rather than another; without the capacity for speech a person could not formulate rules. Therefore, unless a person had both of these necessary qualities he would neither be able

to formulate nor recognize the moral Law, neither accept nor adhere to the Laws of Nature. Having these capacities, an individual may actually come to behave morally. Similarly, a sovereign must have all of the power to do whatever he might actually need to do in order to maintain the peace and security of his commonwealth. Without the requisite potentials, he could not fulfill his duties.

Since this Hobbesian approach sounds so much like Aristotle's, and since Hobbes never offers his own account of the concepts, and since the common sense view seems to refer to the same source, explicating the Aristotelian view, at this point, is appropriate. In Metaphysics, IX, Aristotle maintains that the concepts of potentiality and actuality can only be explained by analogy. He illustrates their relation (1048b30) but does not define them exactly. He explains that whatever exists had to first exist potentially. Whatever actually exists is also whatever it could become without anything more being added to it. Without additions or alterations a thing has the potential for being just those things which it could become. So, in a sense, whatever exists actually possesses qualities that can be seen as the potential possession of some other qualities. From something actually having a quality it can be inferred that it previously possessed the potential for having that quality, and from something potentially having a quality it can only be inferred that it would not be impossible for it to come to actually having the quality in question. "Every

potency is at one and the same time a potency of the opposite."(104b30) Potentiality is a capacity or ability to change or be changed. It is the ability of something that does not exist as a complete reality to come to exist as a complete reality.

If we accept Aristotle's account, then, whatever has a potential right to life can either actually develop into a being with a right to life or one without such a right. According to this analysis, although a fetus has the potential for a right to life, an alteration must occur in order to actualize that right. Therefore, for a fetus to have a right to life, either the agent must decisively will it, or the change must be made by some other kind of addition. Since it does not seem that either a fetus or a newborn is capable of the conceptual thinking necessary for willing the actualization of its right to life, it is unlikely that such willing could be the source of its right. On the other hand, an adult, acting as the source of change, could be the originating source for the actualization of the right to life in a potential bearer of that right.

According to the common sense antiabortion argument fetuses have an actual right to life. For them, whatever has the potential for becoming a human (including every human fetus and malformed newborn) actually has the right to life. However, the use of the concepts of potentiality and actuality here are empty because the alleged connection is essential rather than contingently developmental. This

argument depends on a bald assumption about the right to life being as essential quality of potential humans. This analysis is unacceptable since no justification for that crucial premise is offered for those who have neither discovered its a priori truth nor accepted any religious warrant for the connection.

I want to maintain that, in Aristotle's sense, actual humans are potential possessors of moral rights and moral obligations. [Here I am using the word "human" to mean no more than its common use, non-moral sense of "living human".] Humans are able to acquire moral rights and assume obligations just because they actually have that potential. If humans are viewed as having the capacity to possess rights then they potentially have those rights. As a potentiality, the right to life could then be actualized, or not. Actualizing the potential right to life of a fetus or newborn would then require something to originate that change. I envision such a change as a parental act of undertaking the obligation to care for and nurture the child. Until and unless that change occurs, killing the fetus or newborn could not violate its right to life, since it still has none.

While the capacities to be independent and accept moral responsibilities are natural qualities, invoking these potentials to account for the genesis of moral rights does not violate principles of valid deduction. According to my account above, in the usual case, a fetus or newborn is

conditionally granted the right to life subject to its having the potential to develop into an independent moral agent. In the context of the right-generating undertaking of parental responsibility, the moral quality (has the right to life) is not inferred directly from the natural quality (the potential to develop into a moral agent): the child's right to life derives from the obligation creating act of the parent[s]'s conditional promise and the natural qualities of the child satisfying the morally relevant conditions which activate the binding force of the parental promise.

Conclusion

The analysis of potentiality and actuality within a Hobbesian response to the abortion question was instrumental in refining the abortion answer which I have already offered. According to my understanding of the general Hobbesian view, morality only arises in our freely choosing our response to the situations that present themselves to us. To the extent that any unintended pregnancy or the birth of a seriously malformed infant is "chance", "luck", or even an "act of God", no one is morally responsible. There is nothing moral or immoral about these events. But treating the continuation of such fetal lives as inevitable and, therefore, not a subject of choice is an immoral act of avoiding responsibility. Potential parents have the obligation for making a decision about their potential offspring. The moral choices would be either to reject parental duties and accept the responsibility for abortion or infanticide,

or to fully accept and fulfill the standard parental duties or the special duties of being a parent to a defective child.

FOOTNOTES

*. An earlier version of this paper, "Birth Defects, Infanticide, and Abortion", was read at the Spring meeting of the New Jersey Philosophical Association, May, 1981.

1. After reviewing a variety of arguments offered on both sides of the issue Callahan concludes that the abortion debate continues because "it has been frustratingly hard to find a single aspect of the problem that allows for a decisive settlement by philosophical, religious, or scientific means." (p. 41). Daniel Callahan, "How Technology is Reframing the Abortion Debate", Hastings Center Report, Vol. 16, No. 1 (February 1986).

2. Don Marquis, "Why Abortion Is Immoral", The Journal of Philosophy, vol.86, no.4, (April, 1989) 183-202. Hereafter, Marquis.

3. Joel Feinberg, "Abortion", in Matters of Life and Death: New Introductory Essays in Moral Philosophy, ed. by Tom Regan (New York: Random House, 1986), 256-93; Michael Tooley, Abortion and Infanticide (New York: Oxford, 1984); Mary Anne Warren, "On the Moral and Legal Status of Abortion", The Monist, vol.LVII, no.1 (1973), 43-61; H. Tristram Engelhardt, Jr., "The Ontology of Abortion", Ethics, vol.LXXXIV, no.3 (1974), 217-234; L. W. Sumner, Abortion and Moral Theory (Princeton: University Press, 1981); John T. Noonan, Jr., "An Almost Absolute Value in History", in The Morality of Abortion: Legal and Historical Perspectives, ed. by Noonan (Cambridge: Harvard, 1970); Philip Devine, The Ethics of Homicide (Ithica: Cornell, 1978).

4. Marquis, 184.

5. Marquis, 188.

6. Ibid.

7. Marquis, 195.

8. Marquis, 189.

9. Marquis, 190.

10. Marquis, 192.

11. Ibid.

12. Ibid.

13. Marquis, 189.

14. On the subject of suicide Marquis tries to argue that "my future can be valuable to me even if I do not value it [because]. . . such. . . futures are ultimately valuable to them". (198) Since Marquis's argument rests on the value of experience he has no ground for making this sort of move. Furthermore, his optimistic view, that everyone who attempts but fails in a suicide attempt will ultimately recognize the value of his future, deserves no more credit than other bits of wishful thinking.

15. This insight comes from discussions with Jody Azzouni on the subject of the rationality of suicide.

16. Marquis, 201.

17. Marquis, 189.

18. Judith Jarvis Thomson suggests a version of an assentist argument for allowing abortions in her well-known paper, "A Defense of Abortion", [Philosophy and Public Affairs, Vol. 1, No. 1 (1971)]. Because I consider her assentist analysis inadequate I will treat the Hobbesian account as the genuine version. In her paper Thomson maintains that even though a fetus is human it has no right to use its mother's body as a host unless she grants it that privilege, because rights can only arise out of a voluntary undertaking. Although she employs an assent schema of obligation, in this piece of her argument, she does not go far enough, with her assentist analysis, to fully resolve the question of abortion. Thomson fails to deal with the question of the origin of the fetus' right to life. This is a fatal flaw to her argument since, if it were assumed that, as a person, a fetus necessarily has a right to life, then, as Baruch Brody argues [Abortion and the Sanctity of Human Life: A Philosophical View (Cambridge, Mass.: MIT Press, 1957)], the fetus' right to life should take precedence over the mother's right to determine what happens to her own body for a few months. Nevertheless, in midstream Thomson abandons her assentist start and then continues her discussion in terms of an unexplicated and undefended notion of Minimally Decent Samaritanism.

19. This example is offered by Thomson.

20. This has already been pointed out by Immanuel Kant, Lectures On Ethics, "De Obligation Activa Et Passiva", (Harper Torchbooks, New York, 1963), 21.

21. The question of exact parameters of which parent can accept the responsibility for an offspring is separable from this discussion.

22. Having a child and placing it up for adoption, when the adoption mechanism can be expected to insure care and

nurturing, seems to be an acceptable alternative way of fulfilling the obligation entailed in engendering the right to life.

23. Obligation is assumed in any words or actions of a moral agent that are sufficient to mark his intention as assuming that obligation (Hobbes, Leviathan, 14, 3-16, 66-67). Any action performed or authorized by a parent, that causes a child to continue to live (prevent it from dying) marks the undertaking of parental responsibility. Usually, feeding an infant is the action that signifies the assumption of obligation. (Infants can live unfed without suffering harm for as long as 24 hours after birth.) That many people perform such morally significant acts as taking up and caring for their infant without appreciating the significance of those acts does not undercut their importance as moral commitments: some acts are immoral and some agents are morally careless or blind.

24. In a more technologically developed society the physical requirements for achievement of independence are probably diminished.

25. Choosing the moral principle appropriate to the situation and comparing general criteria to particular cases are always matters of moral judgment: these principles and criteria are also used as the tools in making moral judgments. As with other difficult moral dilemmas, a clarification of the issue resolves the question for instances at the extremes. The criterion of having the capacity to develop into an independent, morally responsible individual is useful in deciding most cases. However, solutions to kinds of cases falling in the murky middle, e.g., the infant who is blind and brain damaged or the quadruple amputee, remain obscurely gray and more subject to considerations of the complex whole of the particular situation.

26. James Rachels, "Active and Passive Euthanasia", The New England Journal of Medicine, vol.292, no.2 (January 9, 1975), 78-80.

27. See above, Chapter 2, p.68.

28. To further illustrate this point imagine a strong young man wanting to take on the obligation of carrying my heavy packages for me. It seems that I have a right to refuse the assistance, and he has no right to impose that assistance on me. Imagine a wealthy dowager who believes that every able child should have ballet lessons since they can be shown to be the most beneficial form of exercise. If she were willing to take on the obligation of providing those classes would she have the right to have my male child participate or would I have the right to refuse? It seems clear that the dowager would not have the right, while I would.

29. I appreciate having had the opportunity to comment on Sara Ann Ketchum's paper, "Potentiality and Rights", at the APA Pacific Division Meetings, March 1985. Ketchum's thoughtful and thought provoking discussion of potentiality and rights, as related to the question of abortion, led me to consider how these concepts related to my own views.

30. This argument is attributed to antiabortionists by Ketchum, Peter Singer, Practical Ethics, (Cambridge: Cambridge University Press, 1979), and Joel Feinberg, "Abortion", Matters of Life and Death, Tom L. Regan editor (Random House, New York, 1980), 185-202.

BIBLIOGRAPHY

Works by Thomas Hobbes

- De Corpore, Part I: Computatio Sive Logica, Logic.
Translated and commentary by Aloysios Martinich.
Edited and with an introductory essay by Isabel C.
Hungerland and George R. Vick. New York: Abaris Books,
Inc., 1981.
- Leviathan. [Reprint of the 1651 edition.] Introduction by
W. G. Pogson Smith. London: Oxford University Press,
1909, reprinted 1965.
- Leviathan: traite de la matiere, de la forme et du puvior de
la republique ecclesiastique at civile. Translated
from the English, annotated and compared with the Latin
text by Francois Tricaud. Paris: Editions Sirey, 1971.
- Leviathan; or The Matter, Forme and Power of a Commonwealth,
Ecclesiasticall and Civil. Michael Oakeshott, ed. and
Introduction, vii-lxvi. Blackwell's Political Texts.
Oxford: Basil Blackwell, 1957.
- Man and Citizen: Thomas Hobbes's "De Homine" and "De Cive."
Edited by Bernard Gert. Atlantic Highlands, New
Jersey: Humanities Press, 1968.
- The Elements of Law, Natural and Politic. Edited with a
Preface and Critical Notes by Frederick Tonnies.
Second edition with a new Introduction by M. M.
Goldsmith. London: Frank Cass & Co. Ltd., 1969.
- The English Works of Thomas Hobbes. Edited by W.
Molesworth. London: John Bohn, 1840.

Other Works

- Abbott, Philip. "The Three Families of Thomas Hobbes."
Review of Politics, vol. 43, 2 (1981), 242-58.
- Alexander, Andrew. "'All Men Agree on This . . .': Hobbes
on the Fear of Death and the Way to Peace." History of
Philosophy Quarterly, vol. 6, no. 1 (January, 1989),
37-55.
- Amati, Frank and Aspromourgos, Tony. "Petty Contra Hobbes,
An Unpublished Manuscript." Journal of the History of
Ideas, vol. 46 (Jan-Mar, 1985), 127-32.
- Ashcraft, Richard. "Ideology and Class in Hobbes's
Political Theory." Political Theory: An International
Journal of Politcial Philosophy, vol. 6, 1 (1978),

- Ball, Terence. "Hobbes' Linguistic Turn." Polity, vol. 42, 4 (1985), 739-60.
- Barnouw, Jeffrey. "The Separation of Reason and Faith in Bacon and Hobbes, and Leibniz's Theodicy." Journal of the History of Ideas, vol. 42, 4 (1981), 607-28.
- "The Pursuit of Happiness in Jefferson and Its Background in Bacon and Hobbes." Interpretation, vol. 11 (May 1983), 225-48.
- Barry, Brian. "Warrender and His Critics." Philosophy, 43 (1968), 117-37.
- Baumgold, Deborah. "Subjects and Soldiers: Hobbes on Military Service." History of Political Thought, vol. 4, 1 (1983), 43-64.
- Hobbes's Political Theory. Cambridge: Cambridge University Press, 1988.
- Baumrin, Bernard H. Hobbes's Leviathan: Interpretation and Criticism. Belmont, California: Wadsworth Publishing Company, Inc., 1969.
- "Sexual Immorality Delineated." Philosophy and Sex. Edited by Baker and Elliston. Buffalo, NY: Prometheus Books, 1975.
- "Hobbes's Egalitarianism: The Laws of Natural Equality." Thomas Hobbes: de la Metaphysique a la Politique. Edited by Martin Bertman and Michel Malherbe. Paris: Vrin, 1989.
- "Hobbes on the Coextensiveness of Natural and Civil Law." Paper presented at the Colloque International: Hobbes et la Loi, Lyon, March, 1989.
- Bend, J.G. van der. Thomas Hobbes: His View of Man. Amsterdam: Rodopi; distributor, Atlantic Highlands, NJ: Humanities Press, 1982. Collection includes articles by:
- Bertman, Martin A.
 - Campodonico, Angelo
 - Goyard-Fabre, Simone
 - Johnson, Paul J.
 - Karskens, Machiel J.J.
 - Kemp, John
 - Lott, Tommy L.
 - Sacksteder, William
 - Schoneveld, Cornelis W.
 - Tricaud, Francois
 - Willms, Bernard

Berman, David. "Some Light on the Hidden Hobbes", Topoi, vol. 5 (Summer 1986), 197-99.

Bernstein, Howard R., "Coratus, Hobbes, and the young Leibniz", Studies in the History and Philosophy of Science, vol. 11 (March, 1980), pp.26-37.

Bertman, Martin A. "Hobbes'Homo Lupus Covenanted." International Studies in Philosophy (1977), 23-42.

"The Natural Body and the Body Politic." Philosophy and Social Criticism, vol. 5 (January 1978), 17-34.

"Hobbes and Performatives." Critica, vol. 10 (December 1978), 41-53.

"Hobbes' Science of Politics and Plato's Laws." Independent Journal of Philosophy, vol. 2 (1978), 47-53.

"Hobbes on Language and Reality.", Revue Internationale de Philosophie, vol. 32 (1978), 536-50.

"Hobbes: Language and the Is-Ought Problem." Philosophical Studies, vol. 26 (1979), 146-58.

"Regulative and Constitutive Rules in Hobbes." Thomas Hobbes: His view of Man. Edited by J.G. van der Bend. Amsterdam: Rodopi (1982), 9-16.

"Semantics and Political Theory in Hobbes." Hobbes Studies, vol. 2 (1988), 134-42.

Editor. Hobbes Studies, vol. 1 (1988). Includes articles by:

Ashcraft, Richard
Barnouw, Jeffrey
Bertman, Martin A.
Gert, Bernard
Kavka, Gregory S.
Malherbe, Michel
Schumann, Karl

"Heidegger on Hobbes." Hobbes Studies, vol. 2 (1989), 104-25.

Editor. Hobbes Studies, vol. 2 (1989). Includes articles by:

Bertman, Martin A.
Flinker, Noam
Goldsmith, M.M.
Goyard-Fabre, Simone
Mintz, Samuel I.
Nunan, Richard
Pacchi, Arrigo

Bertman, Martin, and Malherbe, Michel, editors. Thomas Hobbes de la Metaphysique a la Politique: Colloque Franco-americain de Nantes. Paris: Librairie Philosophique J. Vrin, 1989. Collection includes articles by:

Barnouw, Jeffrey
 Baumrin, Bernard
 Bernhardt, Jean
 Bertman, Martin
 Borot, Luc
 Carrive, Paulette
 Gert, Bernard
 Goyard-Fabre, Simone
 Johnson, Paul
 Malherbe, Michel
 May, Larry
 Rhodes, Rosamond
 Rudolph, Ross
 Tricaud, Francois
 Triomphe, Micheline
 Zarka, Yves-Charles

Botwinick, Aryeh. "Hobbes's Concept of Law and Representation: Some Reflections on Past and Future." Journal of Social Philosophy, vol. 14 (January, 1983), 34-51.

Hobbes and Modernity: Five Exercises in Political Philosophical Exegesis. Lanham, Maryland: University Press of America, 1983.

Bramhall, John. A Defence of True Liberty from Antecedent and Extrinsecall Necessity. Being an answer to a late Book of Mr. Thomas Hobbs of Malmesbury, intituled, A Treatise of Liberty and Necessity. London: John Crook, 1655. [Facsimile edition, New York: Garland Publishing, Inc., 1977.]

Brody, Baruch. Abortion and the Sanctity of Human Life: A Philosophical View. Cambridge, Mass: MIT Press, 1957.

Buck, Peter. "Seventeenth-Century Political Arithmetic: Civil Strife and Vital Statistics." Isis, vol. 68, 241 (1977), 67-84.

Bull, Hedley. "Hobbes and the International Anarchy." Social Research, vol. 48, 4 (1981) 717-38.

Callahan, Daniel. "How Technology is Reframing the Abortion Debate." Hastings Center Report. vol. 16, no. 1 (February, 1986).

- Campbell, Richmond, and Sowden, Lanning, editors. Paradoxes of Rationality and Cooperation: Prisoner's Dilemma and Newcomb's Problem. Vancouver: The University of British Columbia Press, 1985.
- Cantalupo, Charles Roger. Hobbes the Writer. New Brunswick: Rutgers University Press, 1980.
- Carriave, Paulette. "Hobbes et les Juristes de la Common Law." Thomas Hobbes: de la Metaphysique a la Politiques. Edited by Martin Bertman and Michel Malherbe. Paris: Vrin, 1989. 149-72.
- Cohen, Marshall. "Moral Skepticism and International Relations." Philosophy and Public Affairs, vol. 13, (Fall 1984), 299-346.
- Colella, E. Paul. "Mercantilism and Hobbes' Leviathan." Journal of Thought, vol. 17 (Summer 1982), 89-100.
- Coleman, Frank M. Hobbes and America: Exploring the Constitutional Foundations. Toronto and Buffalo: University of Toronto Press, 1977.
- Commers, Ronald. "Thomas Hobbes and the Idea of Mechanics in Social Sciences and Ethics." Philosophica, vol. 24, (1979), 147-83.
- "Thomas Hobbes in a World-System-View." Philosophica, vol. 24 (1979), 7-54.
- Copp, David. "Hobbes on Artificial Persons and Collective Actions." The Philosophical Review, vol. 89 (October 1980), 579-606.
- Cotton, James. "James Harrington and Thomas Hobbes." Journal of the History of Ideas, vol. 42 (July-September, 1981), 407-21.
- Damrosch, Leopold Jr. "Hobbes as Reformation Theologian: Implications of the Free Will Controversy." Journal of the History of Ideas, vol. 40 (July-September 1979), 339-52.
- Danford, John W. "The Problem of Language in Hobbes's Political Science." Journal of Politics, vol. 42, 1 (1980), 102-34.
- Daniel, Stephen H. "Civility and Sociability: Hobbes on Man and Citizen." Journal of the History of Philosophy, vol. 18 (April 1980), 209-15.
- Devine, Philip. The Ethics of Homicide. Ithica, NY: Cornell, 1978.

- DiStefano, Christine. "Masculinity as Ideology in Political Theory: Hobbesian Man Considered." Women's Studies International Forum, vol. 6, 6, (1983) 633-44.
- Eisenach, Eldon J. Two Worlds of Liberalism: Religion and Politics in Hobbes, Locke, and Mill. Chicago: University of Chicago Press, 1981.
- "Hobbes on Church, State and Religion." History of Political Thought, vol. 3 (Summer 1982), 215-44.
- Elliston, Frederick. "In Defense of Promiscuity." Philosophy and Sex. Edited by Baker and Elliston. Buffalo, NY: Prometheus Books, 1975.
- Engelhardt, H. Tristram, Jr. "The Ontology of Abortion." Ethics. vol. LXXXIV, no. 3 (1974), 217-34.
- Farrel, Daniel M. "Reason and Right in Hobbes' Leviathan." History of Philosophy Quarterly, vol. 1 (July 1984), 297-314.
- "Hobbes as Moralism." Philosophical Studies, vol. 48 (September 1985), 257-84.
- Feinberg, Joel. "Abortion." Matters of Life and Death: New Introductory Essays in Moral Philosophy. Edited by Tom L. Regan. New York: Random House, 1986, 256-93.
- Forsyth, Murray. "Thomas Hobbes and the External Relation of States." British Journal of International Studies vol. 5, 3 (1979), 196-209.
- "Thomas Hobbes and the Constituent Power of the People." Political Studies, vol. 29, 2 (1981), 191-203.
- "The Place of Richard Cumberland in the History of Natural Law." Journal of the History of Philosophy, vol. 20, 1 (1982), 23-42.
- Gauthier, David. The Logic of Leviathan: the Moral and Political Theory of Thomas Hobbes. Oxford: Oxford University Press, 1969.
- "Why Ought One Obey God?" Canadian Journal of Philosophy, vol. 7 (Summer, 1977) 425-46.
- "Thomal Hobbes: Moral Theorist." Journal of Philosophy, vol. 76 (October, 1979), 547-59.
- "Three Against Justice: The Foole, the Sensible Knave and the Lydian Shepherd." Midwest Studies in Philosophy, vol. 7 (1982), 11-29.

- Morals by Agreement. Oxford: Clarendon Press, 1986.
- "Taming Leviathan." Philosophy and Public Affairs, vol. 16, no. 3 (Summer, 1987) 280-98.
- Gert, Bernard. "Hobbes, Mechanism, and Egoism." Philosophical Quarterly, xv (October, 1965) 341-49.
- "Hobbes and Psychological Egoism." Journal of the History of Ideas, xxviii, 4 (December, 1967) 503-20.
- Man and Citizen. Editor and Introduction, 3-32. Garden City, NY: Anchor-Doubleday, 1972.
- "Hobbes's Account of Reason." Journal of Philosophy, vol. 76 (October, 1979), 559-61.
- "The Law of Nature as the Moral Law." Hobbes Studies, vol. 1 (1988) 26-44.
- "Hobbes's account of reason and the passions", Thomas Hobbes: de la Metaphysique a la Politique. Edited by Martin Bertman and Michel Malherbe. Paris: Vrin, 1989.
- "The Right of Nature." Paper presented at the Colloque International: Hobbes et la Loi, Lyon, March, 1989.
- Gewirth, Alan. "Why Rights Are Indispensable." Mind, vol. xcv (1986), 329-44.
- "Rights and Duties." Mind, vol. xcvi (1988), 441-46.
- Glass, James M. "Hobbes and Narcissism: Pathology in the State of Nature." Political Theory, vol. 8, (August, 1980), 335-64.
- Glenn, Gary D. "Inalienable Rights and Positive Government in the Modern World." Journal of Politics, vol. 41, 4 (1979), 1057-1080.
- Glover, Willis B. "Human Nature and the State in Hobbes." Journal of Philosophy, 4 (1966), 293-311.
- Goldman, Alan H. "Plain Sex." Philosophy and Public Affairs, vol. 6, no.3 (Spring, 1977).
- Goldsmith, M. M. Hobbes's Science of Politics. New York: Columbia University Press, 1966.
- Gray, Robert. "Hobbes' System and His Early Philosophical Views." Journal of the History of Ideas, vol. 39 (April-June, 1978), 199-215.

- Greenleaf, W. H. "Hobbes: The Problem of Interpretation." Hobbes and Rousseau: A Collection of Critical Essays. Edited by Maurice Cranston and Richard S. Peters. Garden City, NY: Anchor-Doubleday, 1972. 5-36.
- Grover, Robinson. "The Legal Origins of Thomas Hobbes' Doctrine of Contract." Journal of the History of Philosophy, vol. 18 (April, 1980), 177-94.
- Hampton, Jean E. "Hobbes's State of War." Topoi, vol. 4 (March, 1985), 47-60.
- Hobbes and the Social Contract Tradition. New York: Cambridge University Press, 1986.
- Hanna, Robert. "Persons and Personation in Hobbes's Leviathan." Southern Journal of Philosophy, vol. 21 (Summer, 1983), pp.171-192.
- Hanson, Donald W. "Thomas Hobbes's 'Highway to Peace.'" International Organization, vol.38,2 (1984), 329-54.
- Hartman, Mark. "Hobbes's Concept of Political Revolution." Journal of the History of Ideas, vol.47 (July-September, 1986), 487-495.
- Harwood, John T. The Rhetorics of Thomas Hobbes and Bernard Lamy; edited with an introduction and critical apparatus. Carbondale: Southern Illinois University Press, 1986.
- Heinrichs, Terry. "Hobbes and the Coleman Thesis." Polity, vol. 16, 4, (1984) 647-66.
- Herbert, Gary B. "Thomas Hobbes's Counterfeit Equality." Southern Journal of Philosophy, vol. 14 (Fall, 1976), 269-82.
- Thomas Hobbes: The Unity of Scientific and Moral Wisdom. Vancouver: University of British Columbia Press, 1989.
- Herman, Barbara. "Kant and the Duty of Mutual Aid." Paper presented at the Eastern Division Meetings of the American Philosophical Association, 1982.
- Herzog, Don. Without Foundations: Justification in Political Theory. Ithaca: Cornell University Press, 1985.
- Heyd, David. "The Place of Laughter in Hobbes's Theory of Emotions." Journal of the History of Ideas, vol. 43, 2 (1982), 285-96.

- Hinnant, Charles H. Thomas Hobbes. Boston: Twayne Publishers, 1977.
- Thomas Hobbes: A Reference Guide. Boston: G.K.Hall, 1980.
- Hoffer, Myron A. "Maternal deprivation and prolonged suckling sucking responses in neo-natal rat pups." Physiology and Behavior, vol. 24 (1980), 185-89.
- Hoffert, Robert W. "Scripture and the Expression of Liberalism." Social Science Journal, vol. 21, 2 (1984), 15-31.
- Hood, F. C. The Divine Politics of Thomas Hobbes: An Interpretation of Leviathan. Oxford: Clarendon Press, 1964.
- Hudson, Stephen. "Right Reason and Mortal Gods." Monist, vol. 66, (January, 1983) 134-45.
- Hurtgen, James R. "Hobbes's Theory of Sovereignty in Leviathan." Reason Papers, (Winter 1978) 89-94.
- Husak, Douglas N. "Sovereigns and Third Party Beneficiaries." Journal of Value Inquiry, vol. 13, (Summer, 1979) 145-53.
- Johnson, Curtis. "The Hobbesian Conception of Sovereignty and Aristotle's Politics." Journal of the History of Ideas, vol. 46, 3 (July, 1985).
- Johnson, Paul J. "Hobbes and the Wolf-Man." Thomas Hobbes: His View of Man. Edited by J.G. van der Bend. Rodopi: Amsterdam, 1982, 31-44.
- "Leviathan's Audience." Thomas Hobbes: de la Metaphysique a la Politique. Edited by Martin Bertman and Michel Malherbe. Paris: Vrin, 1989.
- Johnston, David. The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation. Princeton: Princeton University Press, 1986.
- The New Sovereign and the Modern Subject: An Interpretation of Hobbes's Political Theory. Unpublished Ph.D. dissertation, Princeton University, January, 1981.
- Journal of the History of Philosophy. San Diego, California, vol.18,2, April, 1980.
- Jones, Harold W. "Thomas Hobbes: Loose Ends and Blind Alleys." Revue Internationale de Philosophie, vol. 33 (1979), 506-511.

- Kant, Immanuel. Lectures On Ethics. New York: Harper Torchbooks, 1963.
- Kavka, Gregory. "Hobbes's War of All Against All." Ethics, vol. 93 (January, 1983), 291-310.
- "When Two Wrongs Make a Right: An Essay on Business Ethics." Journal of Business Ethics, vol. 2 (Fall, 1983), 61-66.
- "Right Reason and Natural Law in Hobbes's Ethics." Monist, vol. 66 (January, 1984), 120-33.
- "The Reconciliation Project." Morality, Reason, and Truth. Edited by David Copp. Totowa: Rowman and Allanheld, 1984. 297-319,
- Hobbesian Moral and Political Theory. Princeton: Princeton University Press, 1986.
- "Some Neglected Liberal Aspects of Hobbes's Philosophy." Hobbes Studies, vol. 1 (1988) 89-108.
- Keim, James, A. "Strauss and Watkins on Hobbes's Political Philosophy: A Review." Political Science Reviewer, vol. 13 (1983), 179-212.
- Kidder, Joel. "Acknowledgement of Equals: Hobbes's Ninth Law of Nature." Philosophical Quarterly, vol. 33 (April, 1983), 133-46.
- Kraynak, Robert P. "Hobbes's Behemoth and the Argument for Absolutism." American Political Science Review, vol. 76, 4 (December, 1982), 837-47.
- "Hobbes on Barbarism and Civilization." Journal of Politics, vol. 45, 1, (1983) 86-109.
- Kronman, Anthony. "The Concept of an Author and the Unity of the Commonwealth in Hobbes's Leviathan." Journal of the History of Philosophy, vol. 18 (April, 1980) 159-75.
- Ladenson, Robert F. "In Defense of a Hobbesian Conception of Law." Philosophy and Public Affairs, vol. 9 (Winter, 1980), 134-59.
- Laird, John. Hobbes. London: Ernest Benn, 1934.
- Lamprecht, Sterling P. "Hobbes and Hobbism." American Political Science Review, 34 (1940), 31-53.
- Landesman, Charles. "Conduct and Rational Causation." Journal for the Theory of Social Behavior, vol. 11 (October, 1981) 241-52.

- Leshen, Joel A. "Reason and Perception in Hobbes: An Inconsistency." Nous, vol. 19 (Summer, 1985), 429-37.
- Letwin, Shirley R. "Hobbes and Christianity." Daedalus, vol. 105, 1 (1976), 1-21.
- Levin, Michael. "A Hobbesian Minimal State." Philosophy and Public Affairs, vol. 11 (Fall, 1982), 338-53.
- "Reply to Pennock's 'Correspondence'." Philosophy and Public Affairs, vol. 13 (Summer, 1984), 263-67.
- Leyden, W. von. Hobbes and Locke: The Politics of Freedom and Obligation. New York: St. Martins, 1982.
- Lott, Tommy L. "Hobbes's Mechanistic Psychology." Thomas Hobbes: His View of Man. Edited by J.G. van der Bend. Rodopi: Amsterdam, 1982. 63-76.
- Luecke, Neil R. "Is Hobbes's View of Property Bourgeois?" Philosophical Topics, (supplement 1980), 133-42.
- Lund, William Robert. Time and the Masterless Men: The Historical Consciousness in the Political Philosophy of Hobbes. Seattle: University of Washington, 1983.
- Lyons, William. "Against an Orthodox Interpretation of Hobbes." Philosophical Quarterly, vol. 27, (October, 1977), 302-12.
- Macpherson, C.B. "Hobbes' Political Economy." Philosophical Forum, vol. 14, (Spring-Summer, 1983), 211-24.
- Malherbe, Michel, Thomas Hobbes ou l'oeuvre de la raison. Paris: Vrin, 1984.
- Marcel, Gabriel. Being and Having: An Existentialist Diary. Translated by Katherine Farrer. New York: Harper & Row, 1965.
- Marquis, Don. "Why Abortion Is Immoral." The Journal of Philosophy, vol. 86, no. 4 (April, 1989), 183-202.
- Marshall, J.D. "Thomas Hobbes: Education and Obligation in the Commonwealth." Journal of Philosophy of Education, vol. 14 (November, 1980), 193-204.
- Martin, R. M. "on the Semantics of Hobbes." Philosophy and Phenomenological Research, 14 (1953), 205-11.
- May, Larry. "Hobbes's Contract Theory." Journal of the History of Philosophy, vol. 18 (April, 1980), 196-207.

- Moss, Laurence S. "Some Public-Choice Aspects of Hobbes's Political Thought." History of Political Economy, vol. 9, 2 (1977) 256-72.
- Miller, Claude H. "The stress of deprivation in human relationships." American Journal of Psychoanalysis, vol. 41 (Fall, 1981), 227-34.
- Mintz, Samuel. The Hunting of Leviathan. Cambridge: University Press, 1962.
- Missner, Marshall. "Hobbes's Method in Leviathan." Journal of the History of Ideas, vol. 38 (October-December 1977), 607-21.
- "Skepticism and Hobbes's Political Philosophy." Journal of the History of Ideas, vol. 44 (July-September, 1983), 407-28.
- Myers, Milton L. The Soul of Modern Economic Man: Ideas of Self-Interest, Thomas Hobbes to Adam Smith. Chicago: University of Chicago Press, 1983.
- Nagel, Thomas. "Hobbes's Concept of Obligation." Philosophical Review, 68 (1959), 68-83.
- "Sexual Perversion." Journal of Philosophy, vol. 66, no. 1 (January, 1969).
- Nerney, Gayne R. "Hobbes: The Twofold Grounding of Civil Philosophy." History of Philosophy Quarterly, vol. 2 (October, 1985), 395-409.
- Nielsen, Kai. "Hobbesist and Humean Alternatives to a Religious Morality." International Journal for Philosophy of Religion, vol. 14 (1983), 33-48.
- Noonan, John T., Jr. "An Almost Absolute Value in History." The Morality of Abortion: Legal and Historical Perspectives. Edited by John T. Noonan, Jr.. Cambridge: Harvard, 1970.
- Norrie, Alan. "Thomas Hobbes and the Philosophy of Punishment." Law and Philosophy, vol. 3 (August, 1984), 299-320.
- Oakeshott, Michael. Hobbes on Civil Association. Berkeley: University of California Press, 1975.
- Okin, Susan Miller. "The Sovereign and His Counsellours: Hobbes's Reevaluation of Parliament." Political Theory, vol. 10 (Fall, 1982), 49-76.
- Ostrom, Vincent. "Hobbes, Covenant, and Constitution." Publius, vol. 10, 4 (1980), 83-100.

- Parsons, J.E. and Blair, Whitney. "The Life of Thomas Hobbes of Malmesbury, a Translation." Interpretation, vol. 10 (January, 1982), 1-8.
- Peters, R. S. "Hobbes, Thomas." Encyclopedia of Philosophy. 1967. vol. 4, 30-46.
- Pennock, J. Roland. "Correspondence." (see Michael Levin), Philosophy and Public Affairs, vol. 13 (Summer, 1984).
- Polin, Raymond. Politique et philosophie chez Thomas Hobbes. Paris: Presses universitaires de France, 1953.
- Pollack, Sheldon. "Hobbes and Narcissism: Pathology in the State of Nature." Political Theory, vol. 9 (May, 1981), 257-59.
- Popkin, Richard H. "Hobbes and Skepticism." History of Philosophy in the Making. Edited by Linus J. Thro. Washington, D.C.: University Press of America, 1982. 133-48.
- Prufer, Thomas. "Two Notes on Nature." Graduate Faculty Philosophy Journal, vol. 11 (1986), 107-110.
- Rachels, James. "Active and Passive Euthanasia." The New England Journal of Medicine, vol. 292, no. 2 (January 9, 1975), 78-80.
- Raphael, D. D. Hobbes: Morals and Politics. London: George Allen & Unwin Ltd., 1977.
- "Natural and Artificial Law in the Thought of Hobbes." Paper presented at the Colloque International: Hobbes et la Loi, Lyon, March, 1989.
- Rawls, John. A Theory of Justice. Cambridge: Harvard University Press, 1971.
- Rauch, Leo. The Political Animal. Amherst: University of Massachusetts Press, 1981.
- Reik, Miriam M. The Golden Lands of Thomas Hobbes. Detroit: Wayne State University Press, 1977.
- Riedel, Manfred. "Paradigm Evolution in Political Philosophy: Aristotle and Hobbes." Graduate Faculty Philosophy Journal, vol. 9 (Winter, 1982), 109-24.
- Ripstein, Arthur. "Foundationalism in Political Theory." Philosophy and Public Affairs, vol. 16, 2 (Spring, 1987), 115-37.

Rogow, Arnold A. Thomas Hobbes: Radical in the Service of Reaction. New York: W.W.Norton, 1986.

Ross, Ralph; Schneider, Herbert W.; and Waldman, Theodore. Thomas Hobbes in his Time, editors. Minneapolis: University of Minnesota Press, 1974.

Ross, William David. Foundations of Ethics. Oxford: Oxford University Press, 1939.

Russell, Paul. "Hume's Treatise and Hobbes's The Elements of Law." Journal of the History of Ideas, vol. 46, 1 (1985), 127-32.

Ryan, Alan and Siedentop, Larry. "Hobbes, Toleration, and the Inner Life." The Nature of Political Theory. Edited by David Miller. Oxford: Clarendon Press, 1983. 197-218.

Sacksteder, William. "Hobbes: Teaching Philosophy to Speak English." Journal of the History of Philosophy, vol. 16 (January, 1978), 33-45.

"Speaking about Mind: Endeavor in Hobbes." Philosophical Forum, vol. 11 (Fall, 1979), 65-79.

"Hobbes: The Art of the Geometricians", Journal of the History of Philosophy, vol.18 (April, 1980), 131-46.

"How Much of Hobbes Might Spinoza Have Read?" Southern Journal of Philosophy, vol.11 (Summer, 1980), 25-40.

"Some Ways of Doing Language Philosophy: Nominalism, Hobbes, and the Linguistic Turn." Review of Metaphysics, vol. 34 (March, 1981), 459-86.

"Hobbes: Geometrical Objects." Philosophy of Science, vol. 48 (December, 1981), 573-90.

"Hobbes' Logistica: Definition and Commentary." Philosophy Research Archives, vol.8, no. 1463, (1982).

"Hobbes: Man the Maker." Thomas Hobbes: His View of Man. Edited by J.G. van der Bend. Rodopi: Amsterdam, 1982. 77-88.

Hobbes Studies (1879-1979): A Bibliography. Bowling Green, Ohio: Philosophy Documentation Center, 1982.

"Hobbes: Philosophical and Rhetorical Artifice." Philosophy and Rhetoric, vol. 17 (Winter, 1984), 30-46.

- "Man the Artificer: Notes on Animals, Humans, and Machines in Hobbes", Southern Journal of Philosophy, vol. 22 (Spring, 1984), 105-22.
- "The Artifice Designing Science in Hobbes." International Studies in Philosophy, vol. 17 (1985), 35-51.
- Sarasohn, Lisa. "Motion and Morality: Pierre Gassendi, Thomas Hobbes and the Mechanical World-View." Journal of the History of Ideas, vol. 46 (July, 1985), 363-80.
- Saxonhouse, Arlene W. "Hobbes and the Horae Subsecivae." Polity, vol. 13, 4 (1981), 541-67.
- Schwartz, Joel. "Hobbes and the Two Kingdoms of God." Polity, vol. 18 (1985), 7-24.
- Seifert, Gary. "The Philosophy of Hobbes: Text and Context and the Problem of Sedimentation." Personalist, vol. 60 (April, 1979), 177-85.
- Shapiro, Gary. "Reading and Writing in the Text of Hobbes's Leviathan." Journal of the History of Philosophy, vol. 18, 2 (April, 1980), 147-57.
- Sherlock, Richard. "The Theology of Leviathan." Interpretation, vol. 10 (January, 1982), 43-60.
- Singer, Marcus G. "Rights, Duties, and Justice in Hobbes." Philosophy Research Archives, vol. 6, no. 1417 (1980).
- Singer, Peter. Practical Ethics. Cambridge: Cambridge University Press, 1979.
- Sorell, Tom. Hobbes. New York: Routledge & K Paul, 1987.
- Stephen, Leslie. Hobbes. Ann Arbor: The University of Michigan Press, 1961.
- Stevenson, Leslie. The Study of Human Nature. New York: Oxford University Press, 1981.
- Strauss, Leo. The Political Philosophy of Hobbes: Its Basis and Its Genesis. Translated from the German manuscript by Elsa M. Sinclair. Oxford: Clarendon Press, 1936. (Reprinted at Chicago: The University of Chicago Press, 1952.)
- "On the Basis of Hobbes's Political Philosophy." What Is Political Philosophy?: and Other Studies. New York: Free Press, 1959. (Reprint edition, Westport, CT: Greenwood Press, 1973.)

- "Preface to Hobbes Politische Wissenschaft." Interpretation, vol. 8 (January, 1979), 1-3.
- Suits, David B. "On Hobbes Argument for Government." Reason Papers, pp. 1-16, (Winter, 1978).
- Sumner, L. W. Abortion and Moral Theory. Princeton: University Press, 1981.
- Tarleton, Charles D. "Levitating Leviathan: Glosses on a Theme in Hobbes." Ethics, vol. 88 (October, 1977), 1-19.
- "The Creation and Maintenance of Government: A Neglected Dimension of Hobbes's Leviathan." Political Studies, vol. 26 (1978), 307-27.
- Taylor, A. E. Thomas Hobbes. London: A. Constable, 1908.
- "The Ethical Doctrine of Hobbes." Philosophy, vol. 13 (October, 1938), 406-24.
- Taylor, Richard. Having Love Affairs. Buffalo, NY: Prometheus Books, 1982.
- Thomson, Judith Jarvis. "A Defense of Abortion." Philosophy and Public Affairs. vol. 1, no. 1 (1971).
- Tooley, Michael. Abortion and Infanticide. New York: Oxford, 1984.
- Tuck, Richard. Natural Rights Theories. New York: Cambridge University Press, 1979.
- Ullman-Margalit, Edna. The Emergence of Norms. Oxford: Oxford at the Clarendon Press, 1977.
- Upton, Hugh. "Rights and Duties - A Reply to Gewirth." Mind, vol. xcvi, 383 (July, 1987), 381-85.
- Van Den Enden, Hugo. "Thomas Hobbes and the Debate on Free Will: His Present-Day Significance for Ethical Theory." Philosophica, vol. 24 (1979), 185-216.
- Vaughn, Frederick. The Tradition of Political Hedonism. Bronx: Fordham University Press, 1982.
- Verdon, Michael. "On the Laws of Physical and Human Nature: Hobbes' Physical and Social Cosmologies." Journal of the History of Ideas, vol. 43, 4 (1982), 654-64.
- Wagner, Paul A. "Policy Studies, Hobbes and Normative Prescriptions for Organizational Theory." Journal of

- Thought, vol. 16 (Summer, 1981), 81-90.
- Warren, Mary Anne. "On the Moral and Legal Status of Abortion." The Monist, vol. LVII, no. 1 (1973), 43-61.
- Warrender, Howard. The Political Philosophy of Hobbes: His Theory of Obligation. Oxford: Clarendon Press, 1957.
- Wasserstrom, Richard. "Is Adultery Immoral?" Today's Moral Problems. Edited by Richard Wasserstrom. New York: Macmillan Co., 1975.
- Watkins, J. W. N. Hobbes's System of Ideas: A Study in the Political Significance of Philosophical Theories. London: Hutchinson, 1965.
- Wellek, Rene and Lowde, James. A Discourse Concerning the Nature of Man. New York: Garland, 1979. (a reprint of the 1694 edition)
- Whelan, Frederick G. "Language and its Abuses in Hobbes' Political Philosophy", American Political Science Review, vol. 75, 1 (1981), 59-75.
- Wilson, John F. "Reason and Obligation in Leviathan." Interpretation, vol. 8 (January, 1979), 30-57.
- Windolph, F. Lyman. Leviathan and Natural Law. Princeton: Princeton University Press, 1951.
- Zaitchik, A. "Hobbes's Reply to the Fool: The Problem of Consent and Obligation." Political Theory, vol. 10 (May, 1982), 245-66.