USE OF THESIS

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Three Readings of the Political Philosophy of Thomas Hobbes.

Thesis submitted for the degree of Master of Arts,
Department of Political Science,
The Faculties,
Australian National University.

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DECLARATION.

I declare that authorship of this thesis is my own and that full acknowledgement of other sources have been provided where appropriate.  

Worthington. 20/5/91.

Three Readings of the Political Philosophy of Thomas Hobbes. Submitted in fulfillment of requirements of the degree of Master of Arts in Political Science at the Australian National University.
I would like to take this opportunity to express my gratitude to the staff and other post graduate students in the Department of Political Science and related disciplines at the Australian National University. They have made the often isolating experience of research work less so for their challenging and entertaining conversation. They have inspired many of the issues which I have followed in the current work. Dr. David Boucher has been a particularly influential force in providing a forum in which my interests in methodology have developed.
NOTE ON HOBBES'S WORKS.

When citing references from Hobbes's original sources I have used the following editions;


These references have been given by chapter and section.

All other references to Hobbes's works are taken from


References from this edition shall be denoted *English Works*, the volume number and page number.
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INTRODUCTION.

Hobbes's *Leviathan* has been lauded as "the greatest, perhaps the sole, masterpiece of political philosophy written in the English language."¹ Such accolades are supported, at least in the twentieth century, by the prodigious volume of literature which has been produced in the field of Hobbes studies. However, the claim for the enthronement of Hobbes as a classic thinker is not as solidly founded as might first appear when accounting for the approval which his work has met in the twentieth century. Despite declarations of Hobbes's rigorous logic and lucid expression which have become his heralds for all commentators; Hobbes scholarship is itself deeply divided over the issue of what is actually communicated in his civil philosophy. At times it would seem that the only point of agreement is the myth of his singleminded clarity!

The primary concern of this dissertation is not to provide yet another analysis of Hobbes's political thought but, rather, to examine the twentieth century scholarship that it has generated. A number of studies have already been conducted which survey the corpus of commentaries on Hobbes that have blossomed in the late nineteenth and throughout the twentieth century. These range from histories which chronicle the development of trends in attitudes towards Hobbes showing why these might have come about.² to those which seek to classify and methodologically dissect these various schools of interpretation.³ The current undertaking leans towards this latter variety of scholarship on Hobbes studies.

There are characteristics of this study which have a substantial degree in common with Greenleaf's incisive analysis of twentieth century scholarship on Hobbes. The

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current undertaking will be conducted with essentially the same objectives as those announced by Greenleaf and, in the majority of instances, will follow a similar format in achieving these ends. The first part of this thesis will classify the scholarship which is to be examined under three heads: these shall be referred to as libertine, rational choice and natural order interpretations of Hobbes. These categories, with few exceptions\(^4\), stand in an isomorphic relation to what Greenleaf has termed respectively the traditional, individualist and natural law cases for Hobbes interpretation. Greenleaf presents the distinctive features of each of these cases and then explains their diversity by showing them to have concentrated upon different areas and aspects of Hobbes's civil philosophy. I have attempted to systematise these multiform readings of Hobbes further by focusing upon the very different accounts which each school provides of his concept of obligation. The nomination of a particular device through which Hobbes's philosophy can be read should not be taken as an affirmation of the exclusive centrality of obligation to his political philosophy. Of course, accounting for obligation is an important mechanism in understanding Hobbes but it is only one of many concepts available. By proceeding to analyse the various interpretations of Hobbes via reference to a particular term of which all give account emphasis will be focused upon the relationships that exist between the various schools. And so while this study follows Greenleaf in tracing the development of three general modes of Hobbes interpretation it seeks to identify a more analytically detailed relationship between these schools.

Greenleaf also announces that he is concerned to draw out the methodological implications which are inherent in each school's reading of Hobbes. This conforms to the objectives of the second part of this thesis. Greenleaf is content to show how each school differs from the others, that is, upon which aspects of Hobbes's doctrine each interpretation chooses to concentrate. I wish to proceed from this point to examine what type of consideration might lead them to choose the areas they do in the first place. This thesis is in the character of a case study of a body of theory surrounding a particular set of

\(^4\) Some instances of this will be provided on p.5
historical texts. Its end is to elucidate and compare some of the methods which have been
set forth prescribing how best to read these texts.

An exhaustive analysis which considered every contribution to the corpus of
twentieth century Hobbes scholarship would require a work of unmanageable proportions.
With this in mind I have selected for examination a series of commentators who represent
the full range of what Greenleaf has referred to as the 'internal variation' within each
school of Hobbes interpretation.

Before proceeding to analyse the various schools of Hobbes scholarship a
cautionary note should be added. This follows from the schematic nature of the exercise
but is compounded by the inclusion of the more radical variants of each interpretation.
There is an inherent risk of over-schematising and so constructing 'straw men' who are
easily refuted through over-simplification of their accounts. All that can be done to off set
this undesirable state of affairs is to make constant allowance for qualification and where
this is appropriate I have given references. Plotting an over detailed map would lead to
unnecessary confusion on points of order. Further to this it should be remembered that I
have constructed an artificial schema. The scholarship has been arranged upon a
continuum with the libertine paradigm at one end and the natural order at the other. The
gradations in between, are to a degree, contingent on what one is looking for in the
scholarship.

An account of the theory of obligation in Hobbes's political philosophy can be
represented as a three stage development of the moral condition of the individual. At the
first level the individual can be considered to exist in a pre-moral state of chaos. Each
may use his morally unrestricted right of nature against his fellows. Nothing bar the
physical limitations which accompany each agent constrains his will. In this circumstance
'can means may'. This condition concurs with the use Hobbes makes of the state of
nature as a logical myth; this is the state of bellum omnium contra omnes. This abstract
state of nature has recently been juxtaposed with the more empirical and historical account

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5 Greenleaf, op cit. p.9
of the individual in his natural condition. The historical account coincides with the second level in the ethical development of Hobbes's individual. Here obligation can exist but only tenuously, relying on the most precarious of foundations; it is a moral state of chaos. In this condition the laws of nature are discovered by each agent through the use of his faculty of reason. However, they cannot be deemed obligatory because of the myriad of interpretations which accompany particular expressions of them in this still subjective condition. They are present in a nascent form with a capacity to counsel but not command and are therefore not laws proper. Moral obligation could conceivably exist in this condition but this is unlikely. There is want of an objectifying principle by which the laws can be interpreted and the provision for such an interpretation to be enforced upon those who would not accept it. The final stage in this evolution of Hobbesian deontology is one in which the validating conditions required at the former level are fulfilled. Hobbes devised an artificial institution which could interpret, pronounce and enforce the laws of nature. Under this regime physical and moral obligation are united in a concept of rational obligation which, only then, can be presented as a political obligation. The three stages of moral evolution can be identified by the predominance of a particular type of obligation constraining the agent; these are physical, rational and moral respectively.

Scholarship on Hobbes's political philosophy over the last century (and perhaps in its entirety) can be classified as consisting of three schools of interpretation which follow from this account of the ethical development of the individual. These interpretations can be placed along a continuum with those who emphasise the physical nature of obligation occupying one end of the spectrum. At the other end of this axis lay those who, on the contrary, stress the moral component in his theory of obligation. Falling between these heads are those commentators who concentrate on the subjective rational origins of obligation in Hobbes's deontology. Each case emphasises a particular type of obligation which is the primary determinant of those actions one is or can be

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obliged to perform. I am not making the extreme claim that one specific type of obligation is particular to each school only the softer proposition that each settles its notion of obligation primarily upon one of the above mentioned species.

I have denoted those interpretations which assert the primacy of physical obligation libertine. The title is intended to indicate the priority that this reading cedes to the right of nature in understanding Hobbes's political philosophy. A right describes one's liberty and it is from this liberty that the laws of nature derive. The right is prior to the law and so natural law cannot constrain this precedent condition of natural liberty. Reason embodied in natural law is the servant and not the master of the will.

The second category of commentary will be referred to as rational choice interpretations. The algebraic formulae and jargonistic tones which are employed in some versions of this approach may give the impression of a new strain of scientism in Hobbes studies. But the ideas expressed in this at times technically flavoured language found a marvellously literary exposition in the writings of Michael Oakeshott as early as the 1930's and 1940's. They contend that political obligation is arrived at through a combination of natural physical and artificial moral components. The rational faculty is a natural ability capable of artifice.

The final body of Hobbes scholarship will be specified with the appellation natural order interpretations. Characteristic expressions of this type of approach have been provided by commentators such as A. E. Taylor and F. C. Hood. Hobbes is taken to have intended his conception of natural law as a principle of moral order which is prior to human society. The right of nature, then, becomes a description of the courses of action left open to the agent after the demands placed upon him by the laws of nature have been met. Right derives from law. This is a diametrically opposed reading of Hobbes to that provided by libertine contentions.

I shall now give an instance of the problems, alluded to earlier, which one invariably encounters when classifying scholars in an exercise of this type. Greenleaf classifies Strauss's interpretation of Hobbes as individualist while I prefer to group his
representation as libertine (traditionalist in Greenleaf's terms). This classification is challenged even again by Watkins who refers to a 'Strauss-Warrender-Taylor-Robertson thesis'.

This association would locate Strauss amongst proponents of what I have called the natural order interpretation of Hobbes. All of these views are supportable and this brings to light an important methodological point which I shall note more than once in the ensuing discussion. In Greenleaf's words:

> Of course these are (in a way) artificial categorisations each encompasses a range of internal variation. But none is a mere abstraction and their distinctive characters can be discerned in the actual history of the scholarship.

Convincing cases can be made for the inclusion of certain commentators under banners other than the ones I have chosen for them. This must, to a large extent, be determined by one's objective in conducting a survey of Hobbes scholars in the first place.

In addition to the above, it should be noted that in sketching the criteria for these various schools of interpretation I am not identifying each with every other member of a particular stance. It must be accepted that there is a broad range of diversity in substance and sophistication of expression operating within each school of theory. The more sophisticated accounts will be, by their nature, aware of other types of obligation than those they regard as primary in Hobbes's theory; they will share a larger amount of common ground.

The argument in part one will follow through the three stages of the development of obligation examining the conditions in which each variant is perceived by a particular school to apply to the individual. The first chapter will examine the circumstance of a pre-moral chaos which occurs in the logical state of nature. The second will investigate the condition of a moral chaos where the mere laws of nature apply but cannot effectively constrain the individual. The final chapter will show the condition that accompanies the institution of a sovereign. Within each of these chapters an examination will be made of

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8 Greenleaf, op cit. p.9
the type of obligation each school presents as the basis of constraint upon the individual. Accordingly each of the three chapters will be divided into three sections. Within each chapter libertine and natural order interpretations shall be examined before their rational choice counterparts. This procedure will serve two functions: it will allow a better definition of each of these schools by placing each alongside its most extreme contrast. It will also allow the exhibition of the elements that rational choice interpretations incorporate from each of the formerly discussed schools. It is hoped that such an arrangement will show the rational choice interpretation's ability to concur with libertine notions of physical obligation as well as the conception of moral obligation in natural order theories. It will be argued that this is achieved by the development of an intermediary condition in which the mere laws of nature operate as rational theorems.

The primary purpose of part one of the thesis is to describe the prevailing currents of Hobbes scholarship in the twentieth century. This is intended as an outline which anchors the various schools of interpretation in a common referent; the concept of political obligation. After establishing the enormous diversity amongst the treatments of this concept I shall investigate the causes which may have led to such a state of affairs in the second part of this thesis. The purpose of part two is to show the methodological mechanisms which each school of interpretation employs in support of their particular positions. Chapter four will begin by recounting libertine appeals to historiographical evidence and the status of other interpretations assessed on this criterion of validity. This chapter will trace the subject matter of arguments employed throughout the 1960's and 1970's which discuss the importance of Hobbes's seventeenth century context. This debate can be seen as an attempt to break the impasse which had been reached by the contending schools of Hobbes interpretation. Finally, in the fifth chapter, reaction to the assertion of the supremacy of historiographical method will be examined. The discussion will move even further away from direct consideration of Hobbes as general methodological concerns of how a text can/ought be read will be considered.
PART ONE
CHAPTER ONE

Physical Constraints Upon Man

If any comprehensive understanding of the Hobbesian conception of obligation in the logical state of nature is to be reached, three relationships must be examined. The first occurs as a well worn debate which has continued throughout this century. It refers to the function of the syllogistic connection between Hobbes's accounts of psychology and deontology. Libertine positions view the generation of a deontology by Hobbes as a method by which the inconsistencies of individual and social impulses, present in the human psychological condition, can be resolved. Attempting to understand Hobbes's deontology without considering psychology, on this reading, is completely misguided. This leads to the second prerequisite if a sensible account of Hobbes's natural obligation is to be reached. The emphasis on the subjective grounding of human nature requires libertine interpretations to read the use of the term 'reason' in a particular way. At the time Hobbes was writing the term was undergoing a radical transformation. Libertine interpretations take Hobbes to be at the forefront of facilitating this change. Reason is taken to signify a mental process; it is the equivalent to an act of reasoning. On this account the agent in the state of nature is confined to his own reason(ing). There is a distinct parallel between the subjective condition of the individual, taken purely as a psychological entity, and the subjective character of Hobbes's use of reason. The outcome of the above formulation expressed in terms employed directly in Hobbes's political philosophy will constitute the final area of this first section. It should not be surprising that the libertine emphasis on the subjective character of the individual in his natural condition should lead them to assert the priority of the right of nature in this circumstance. In this logically formulated myth the law of nature plays no prescriptive role whatsoever. The right of nature can be limited by only one type of constraint, i.e.
the physical limitations which are externally imposed upon the will of the agent; he can only be obliged physically.

One of the most noted of the early elucidations of the libertine interpretations of obligation in Hobbes's political philosophy was presented by Leo Strauss in 1936. Strauss discovered the grounds for his exposition in the analogies which could be shown to exist between the 'resolutive-compositive' method employed by Galileo in his examination of phenomena in the natural, physical world and Hobbes's own approach to the study of the philosophy, or science, of politics. Strauss argued that:

In accordance with the [resolutive-compositive method] the given objective of the investigation is first analysed, traced back to its reasons, and then by completely lucid deduction... again reconstituted... Hobbesian political philosophy analyses the existing State into its elements only in order that by a better synthesis of those elements the right state may be produced.

Relating this dissertation to the scope of the current investigation we can observe that the resolutive component of the process identified by Strauss is tantamount to the generation of an account of human nature (i.e. psychology). Hobbes resolved society into its primary individual constituents. These logically abstract units were then animated and given personality through Hobbes's psychological introspection and his empirical observation of the behaviour of others. The product of the resolutive function is an individual, logically isolated and completely autonomous from his neighbours. The task which Hobbes set himself was the composition of a deontology that extricates these

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psychological abstractions from their logically absolute subjective condition thus allowing them to co-exist.

Libertine accounts vary amongst themselves with regard to the degree of subjectivity they attribute to individuals in Hobbes's logically constructed state of nature. One of the most extreme accounts of subjectivity occurs in a reading provided by R. G. Collingwood. Hobbes's state of nature is portrayed as containing no unifying principle of consciousness between individuals. Hobbes is consequently censured for such overstatement. A more moderate approach issuing from the libertine ranks proposes that Hobbes only required "conflict over what to praise, or morally approve which [he] ... isolated as the cause of discord rather than the discord over wants." While Tuck's account with its allusion to morality comes close to the rational choice section of the continuum that I am outlining, i.e. a moral chaos, this notion of praise can still be equated with desire. 'Morally praiseworthy' here is still dictated solely by the will of the subject; in Spragens's terminology a subjective ontology will produce a subjective deontology. Such propositions are the hallmark of libertine interpretations of the Hobbesian state of nature; there is no unity of consciousness.

As Galileo's compositive process was dependent on the products resulting from a prior resolutive function so Hobbes's deontology required his psychological account of human nature. This provided the very material which was to be resolved. The labour with which he was confronted was no less than the Herculean task of totally reconstructing moral conventions and political institutions. The boldness of this venture was matched only with the bravura of Hobbes's own personality. His antagonistic controversialism is well documented as he dismissed all previous philosophical inquiry into morality and audaciously declared "that the science of morals is no older ... than my book De Cive." The discussion to this point requires only that a necessary cause is established between Hobbes's exposition of his psychology and deontology. The

13 De Corpore, English Works, Vol. 1, p.viii
substance of this formal link will be examined in chapter three. The material considerations do have an important bearing upon Hobbes's political philosophy; not the least is whether they can be substituted for more moderate accounts and still work.14

One important consequence of Hobbes's proposal that the state of nature is an absolutely subjective condition of desire, knowledge, etc. is the taking up of a position of scepticism against any notion of a common or natural rationality.15 Hobbes's individual is composed of his experiences. There are no experiences outside the individual (of which he can be certain); all experience is subject based. As reason can only be the product of these raw experiences it too must be deemed subject based. Hence, on this reading of Hobbes, there are as many reasons as individuals in the state of nature.

An important tenet in the libertine portrayal of Hobbes's doctrine is the inimical stance his conception of reason had against that in current usage by established philosophical tradition. This traditional use of reason was under attack in all its varied forms: God or Nature, Rational Will or Natural Law were all subject to the onward push of the phalanx of the new philosophy armed with reason as reasoning. Such concepts as those in the aforementioned list were resigned to the stature of metaphysical mumbo-jumbo by the advocates of the new creed of science. These traditional principles allowed for and indeed required the positing of a unity of consciousness and therefore experience which was common to all humanity. For Hobbes this type of argument found one of its most ludicrous expressions in Aristotle's doctrine which drew parallels between the 'political creatures' of the animal kingdom, such as ants and bees, and humanity. Hobbes found this to be the root of the major obstruction in the history of attempts to develop a moral philosophy. He redressed this error in no uncertain terms.16


15 Spragens observes this move in reverse but the relation between scepticism and nihilism is the point at issue and this is only reinforced by his thesis.

16 *De Cive*, Ch. V, Sect. 5 and *Leviathan*, Ch. XVII, Sect. 5
Hobbes's reduction of reason in its traditional form, as a unifying principle of humanity, to that of a description of a process grounded totally within the subject set him firmly in the company of earlier sceptics such as Montaigne. The consequence of his doctrine pertaining to the subjectivity of the individual in his natural state was so extreme that it was rejected by contemporaries also operating on a foundation of scepticism and endeavouring similar solutions. A major exponent of this type of exercise in the early to mid seventeenth century, Hugo Grotius,

remained wedded to the principle of sociability, and when he read Hobbes's *De Cive* shortly before his death he selected the idea of *bellum omnium contra omnes* as his main grounds for objecting to it.17

Reason had become for Hobbes a descriptive term denoting a process which necessarily found its origins in the subject. Not only had he neutralized the normative scholastic version as used, for instance, by Richard Hooker (and in his own time the Bishop of Derry), but he actively employed this new notion of reason against its predecessor. This can be seen as a particular instance of the more general assault which science was mounting against philosophers of the *ancien régime*:

religious life in seventeenth century England, still spoke of a providential God who moved in a mysterious way His wonders to perform, and to whose more or less inscrutable will it was man's prime duty to submit himself . . . But it was precisely this article of faith, it was claimed (quite correctly), was being subverted by the attempts of any and all of the scientists to 'extort' God's mysteries, and to insist that his will was nothing more than a matter of statistical probabilities and simple mechanical devices.18

An opposition is thus introduced which describes the tension between the traditional concept of Reason and the modern notion of reasoning. This leads libertine

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interpretations of Hobbes to replace the older objective institution of natural law with the subjective apparatus of natural right as the fundamental tenet in the foundation of his philosophy. This reversal of priority between right and law to that which had constituted mainstream western philosophy to this point is recognised, by those whom advocate such a reading, to contain radical consequences. Without attempting to provide an exhaustive account of these developments I shall endeavour to sketch their arguments and show how these complement positions outlined earlier in this section.

To posit natural right as the key concept on which Hobbes builds his new science of morals is accepted by most who argue such a line, as far from an obviously valid interpretation. Apart from the not unsubstantial corpus of scholarship disputing such claims, viz. natural order interpretations, prima facie, natural law seems to be a central mechanism by which Hobbes constructs his civil philosophy. Libertine interpretations trace much of this confusion to semantics. Hobbes is seen to be the genius who falls victim to an inadequate system of expression. So that while having no choice but to employ a phrase that sat so unhappily with the rest of his doctrine, he did, in fact, radically alter its meaning. Richard Tuck cites this confusion on the part of Hobbes scholars as a possible cause for the ensuing imbroglio. Hobbes, Tuck contends, was always troubled with the notion of a 'law of nature'. Modern notions such as a law of physics or mathematics had yet to come into use but are closer to what Hobbes meant than the connotations of a moral imperative that accompanies 'natural law'. Hence:

> he never advanced the view (which some modern scholars have attributed to him) that the *reason* for doing what the laws prescribe is that they are the commands of God: our *reason* for following them is that they are general principles which tell us how to preserve ourselves effectively.19

The law of nature, on this reading, takes on the character of a process describing the agent's rational faculty; it is synonymous with the process of reasoning. This is contrasted with the traditional use of natural law which functioned as the commands of an

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19 Tuck, *Hobbes, op cit.* p.79
external power. Reason becomes the counsellor but subject to the dictates of the will rather than its master. Natural law is distinguished from law proper which is the command of one who the agent has, through previous authorisation, an obligation to obey.\textsuperscript{20} Hobbes is also quite clear that one cannot be obligated to oneself for he that can bind can also loosen those bonds.\textsuperscript{21}

The reapportionment of the importance that the roles natural law and natural right play in Hobbes's political philosophy is vindicated when the content of each of these concepts is investigated. The fundamental law of nature is taken as imposing a duty to seek peace while the fundamental right of nature allows the agent the liberty to preserve himself in any situation. Herein, it is argued, lies the relationship: one may always preserve oneself and this is generally accomplished by seeking peace. "By nature, there exists only a perfect right and no perfect duty."\textsuperscript{22} Natural law is only the servant of natural right.

No great leap of the imagination is required to connect this type of argument with those who vilify Hobbes for his suggestion that the natural condition of man is one of amorality. In this condition so called moral judgements become nothing but what the agent perceives to be in his interest. Such a criticism is directed at Hobbes by Collingwood. His extreme interpretation leads him to castigate Hobbes for proposing such a condition of amorality:

The moral life consists in doing what is good and not what is pleasant, what we ought and not what we want to do. For Hobbes, this distinction wholly disappears we do always simply what we want to do: desire is everything duty is either just identical with desire or it is a myth.\textsuperscript{23}

\textsuperscript{20} \textit{Leviathan}, Ch. XV, Sect. 28
\textsuperscript{21} \textit{ibid.} Ch. XVIII, Sect. 3
\textsuperscript{23} R. G. Collingwood, \textit{op cit.} p.98
This hedonistic amorality is somewhat ameliorated on other libertiné expositions. Quentin Skinner can also remind the student of Hobbes that he "also speaks of [the citizen's] obligation to obey the laws of nature . . ." However, Skinner is speaking of individuals in an artificial, not natural, environment. At the end of the day the libertine interpretation of the Hobbesian state of nature reveals it to be an amoral condition.

Relating the libertine interpretation of obligation in Hobbes's state of nature back to the type of obligation identified earlier we find that physical obligation is the only effective variety at work. The concept of physical obligation being used here has the same terms of reference as natural obligation identified in the forces of nature acting upon an object. It describes the overcoming of a lesser force by a greater and, as such, is solely a register of power. Physical obligation manifests itself in the external relations of natural phenomena one to another. For instance, a projectile launched into the air could be said to be physically obliged to travel in the direction assigned to it. This continues to be the case until other forces (gravity, friction, etc.) become greater than the initial force and physically oblige the projectile to alter its cause.

In a state of nature one can only be obliged to act against one's desires by a greater physical force. The notion of covenant does not add any understanding to the character of obligation in this condition because the agent must interpret subjectively the requirements that are placed upon him by such an act. The only method of enforcing covenants is by application of a greater force over the other covenanting party. In this condition the subjective psychological perceptions of the agent are the sole measure of the deontological adjectives that he employs. So that "Good and Evill are names given to things to signify the inclination, or aversion, by them who they are given." These signs, then, are arrived at by the subject oriented process of reasoning and not speculation over the existence of the metaphysical giverness of an external morality. Given these factors the notion of covenant becomes superfluous. Physical obligation, finally, manifests itself in the relations between individuals in the state of nature as the

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25 De Cive, Ch. III, Sect. XXXI
unrestricted right of each to all things. One can only oblige another by the sword; the word has yet to be established.

Proceeding from libertine interpretations to the other end of the spectrum which describes Hobbes scholarship I turn now to investigate natural order interpretations of his political philosophy. Claims originating from this school can be seen, once again, to have their beginnings in attitudes stating the existence of the relationship between Hobbes's accounts of psychology and his deontology. On this reading, however, it is argued that his deontology stands as a complete system independent of his psychological postulates. Furthermore, it is contended that it is his perverse account of psychology that has offended the vast majority of his critics over the past three and a half centuries. Hobbes, on this reckoning, stands as a respectable figure in his capacity as a moral philosopher.

The positing of a deontology independent of the empirical psychological formulations of Hobbes directs this line of interpretation to argue that there is a significant component of common rationality shared by individuals in a state of nature. This equates with an invocation of what could be denoted as 'the capital R variety of reason'. And so Hobbes can be placed quite firmly within the tradition of teleological scholasticism of which libertine interpretations assert he was the antithesis. Indeed, one is immediately inclined to dismiss such an unhappy association on the grounds that the great philosopher himself would have found this preposterous in the extreme. His works are riddled with sarcastic invective against the enemies of reasoning. While all this may be granted it is worthwhile paying heed to a general maxim: when "interpreting Hobbes's method we are well advised to look at what he does rather than at what he says [he does]." Leading weight to this cautionary principle is the unanimity of scholars in accepting that both humanist and sceptic traditions operate in his thinking. Tuck, for example, eruditely

26 Kavka, op cit. p.10 Although I am classifying Kavka as a rational choice theorist I think his proposition is a valid one regardless of one's preferred interpretation of Hobbes.
displays this dualism maintaining Hobbes's debt to Aristotle while emphasising the ascendency of the sceptical tenets in his work.27

The libertine emphasis on the role Hobbes's empirical psychology plays in his political philosophy has been seen to lead them to posit natural right as the key concept in understanding his civil philosophy. Whereas the natural order theorists, with their concentration on his idealistic deontology, assert that natural law is the concept most important to understanding his science of society. Here an individual's natural right is that which he cannot be obligated to alienate; it springs from the absence of a prior natural law. It would appear that the type of obligation which can and indeed does exist in the state of nature is higher than physical: it is moral.

Natural order interpretations of Hobbes's political philosophy find one of their most salient expressions in the writings of A. E. Taylor. This theory was delivered as "The Ethical Doctrine of Thomas Hobbes" in 1938 although this was not Taylor's first contribution to this field.28 As is the case in libertine interpretations, those from natural order accept the existence of a dichotomy between psychology and deontology in Hobbes's political philosophy. But rather than seeing this as a syllogistic relationship which could be expressed as 'if individuals are X, then they require ethical system Y to reach ends Z', natural order theorists take Hobbes's psychological account to be unnecessary for a complete understanding of his deontology. Hobbes, on this reading, developed two systems each of which can be investigated without recourse to material contained in the other. The aforementioned article by Taylor states this concisely: "It is not a logical necessity [for understanding Hobbes's deontology] that we should also accept his egoistic moral psychology."29 The suggestion being put forward is that while links can be made between Hobbes's psychology and his deontology it cannot be argued,

27 Tuck, Hobbes, op cit. p.11 see also Spragens's project which comprehensively maps Hobbes's debt to Aristotle as well as his innovations.
a fortiori, that his psychology provides a necessary condition to understanding his deontology.

This disjunction enables its proponents to conduct two lines of enquiry not available to the libertine school. Firstly, they may examine Hobbes’s deontology as an internal logical whole. This removes the worry attached to using material from other areas of Hobbes which may have been factually erroneous, viz. his psychological assumptions. And secondly they can attack these other areas of Hobbes’s philosophy without altering the validity of his deontological structures. They are presented with the possibility, alluded to earlier, to rebuke the psychological monstrosity which Hobbes created - something that many have wished intuitively to do - while maintaining his system of ethics intact.

Taking the second proposition first natural order theorists defend their position by attacking those who affirm the connection between psychology and deontology. Either, these interpretations commit, or they force Hobbes to commit, G. E. Moore’s naturalistic fallacy. Whether or not Hobbes intended such a move is of little consequence; the assertion is that he need not have derived his values from (his) facts. The is/ought problem can be seen as symptomatic of the differing epistemologies he employs in developing his psychological and deontological systems. The peculiarity of Hobbes’s doctrine is that, while he agrees with the empiricist that ‘the first beginnings of knowledge are the phantasms of sense and imagination’, he almost entirely neglects the problem of inductive logic, how ‘general and immutable truths’ can be educed from these particular isolated phantasms.30

A distinction is being drawn between the inductive and therefore fallible process that accompanies his empirical psychology and the deductive and therefore infallible process which accompanies natural order theory. Hobbes’s psychology is based on a Baconian scientific method (and this is an instance of a rare aberration if one is to believe Taylor)31 which attempts to describe how individuals do behave. His deontology, on the

31 *ibid.* p.45
other hand, derives from a series of \textit{a priori} rationalist deductions and prescribes how individuals ought to behave. Hence the inconsistent epistemologies bear relation to two very different types of exercise. The disagreement between libertine and natural order theories can be exhibited further by the emphasis each places on the relative importance that history and geometry hold for Hobbes's generation of his deontology. Strauss gives much credit to Hobbes's early work on Thucydides\textsuperscript{32} while natural order theory diminishes this, so instead "History might teach men prudence, but it could not teach them morality."\textsuperscript{33}

Hobbes posited the product of inductive knowledge as opinion and opposed this to true scientific knowledge, so that by his own admission his empirical psychology was uncertain. Rather than moving to consider whether or not Hobbes's psychological postulates are false, all that is needed is that they be discounted when considering the content of his deontology. The above may give the impression that natural order interpretations of Hobbes are concerned with explicating deontological accounts of his philosophy at the expense of his psychology and in extreme cases this is so. But there are moderate exponent of this approach who prefer to take the line that "Hobbes was concerned to shoot down those who were amenable [to obeying the powers that be] with a theory of duty, and those who were not amenable with a theory of self interest."\textsuperscript{34} Hobbes does use his psychological theories of human nature to the same ends as his deontology. There is disagreement over the relative importance of these theories, one to the other, in securing obedience of the individual. This ranges from extreme accounts such as that of F. C. Hood, who considers Hobbesian theories of psychology largely irrelevant, through to the more moderate views offered by Warrender, who takes them to be an important back up to the precepts delivered in his deontology. The point on which

\textsuperscript{32} Making reference to Strauss in this instance really upsets the scheme of things as many libertine interpretations of Hobbes use precisely this point to support their pigeon-holing him as an advocate of reading Hobbes as a natural order theorist. I shall discuss the teleological function ascribed to Hobbes's historical endeavours by Strauss in greater detail in chapter four.


\textsuperscript{34} Warrender, "Political Theory and Historiography . . .", \textit{op cit.} p.932
this school of Hobbes interpretation closes ranks is the validity and necessity of separating psychology from deontology. Taylor speaks for all when he proclaims that the point that he is

really trying to make is that Hobbes's ethical theory is commonly misrepresented and unintelligently criticised for want of sufficient recognition that it is, from first to last, a doctrine of duty, a strict deontology.35

So, the psychology that provided the basis for the construction of an artificial deontology (or more accurately would not permit the existence of a natural one), on a libertine reading of Hobbes is not available to natural order interpretations. They must formulate an alternative foundation. Such an activity can be followed, as in libertine accounts, through a discussion of their conception of Hobbes's use of reason. The strong subjective character which libertine readings impart to reason is due to the lack of a unifying principle in the human experience of a state of nature. Natural order interpretations are not required to acknowledge this subjectivism which is the sine qua non of (anti)social sentiment and experience in the state of nature. Rather than positing the evolution of a deontology from the incapacity of natural individuals to agree in this condition natural order theorists founded Hobbes's deontology upon a common rationality. Individuals are capable of reaching a concord in moral matters over a much greater field than in libertine accounts. I shall now argue that this shared experience which individuals inherit propels natural order interpretations of Hobbes's conception of reason towards its 'capital R' variant.

It may add clarity to what I am attempting by pre-empting a criticism which could, quite reasonably, be levelled at what has just preceded. It may appear that I am accusing those who argue what I have identified as the natural order line of placing Hobbes amongst the ranks of mainstream traditional patriarchalist thinkers like Filmer and Bodin. This is not what I have argued although there are some natural order interpretations that

35 A. E. Taylor, "The Ethical Doctrine . . .", op cit. p.54
do come close to this. As with the libertine school of interpretation there is a significant
degree of variation in natural order theories of Hobbes. A moderate reading has already
been identified in Warrender. He devotes a significant amount of time and energy in his
work to insisting that Hobbes is not a natural law theorist of the traditional type.\(^{36}\) This
is an explicit denial of any attempt to associate Hobbes's use of reason with the scholastic
employment of this concept. Such issues shall be dealt with fully in chapter four. Even
on the more extreme readings of Hobbes the occasional qualification is offered:

\[
\text{the crucial point for the validity of Hobbes's civil philosophy is whether it can be known on the principles of nature (i.e. Natural reason) that there are any laws of God at all, and this is an issue which he never faced.}\(^{37}\)
\]

Without travelling too far from the task at hand - the exposition of natural order
interpretations of reason - it should be briefly noted the fundamental way in which
Hobbes is viewed to differ from his more traditional contemporaries. The scholastic
notions of reason and nature require the provision of both means and ends in
understanding an individual's behaviour. Hobbes confines reason to a function of a
means to an end. He thus destroys the teleological office it provided for its scholastic
employers. I shall now proceed to describe how interpretations which assert the
independence of Hobbes's deontology from his psychology tend to posit a notion of
reason approaching objective Reason. The discussion will then be precipitated into
natural law/rights terminology.

As has been seen, natural order theories ground Hobbes's deontology in a quality
which is shared by individuals even when those individuals are completely autonomous.
This would allow the implication that a faculty something akin to Reason or moral
sensibility existed externally to the subject. Such a case would hold even if this only
means that the faculty is shared by others without having an external manifestation. Here
we find characteristics of reason which identify strongly with more traditional

\(^{36}\) Warrender, "Political Theory and Historiography . . .", op cit. pp.932-3

\(^{37}\) Hood, op cit. p.229
conceptions. Once notions such as a common rationality have been allowed the first steps are taken toward the Aristotelian argument that humanity is by nature a political creature. Such a proposition implies that private interest is synonymous with the public. The obvious problem associated with accrediting Hobbes with such arguments is his explicit censures of those who maintained this very position.

Natural order theorists would find the suggestion that they were loading Hobbes's account of human nature with collective overtones untenable. This would put them in the position of accusing a thinker, renowned in the twentieth century for his lucidity and rigorous method, of confusion and contrity. How then, it may be asked, is one to square Hobbes's well documented atomistic subjectivism; with claims that instead "he relied to a great extent on a concurrence of natural wills moved by private interests"?38 Natural order theorists would rebut this line of attack by proposing that it makes a category mistake; it ignores the very dichotomy they wish to define between psychology and deontology. The refusal of Hobbes to posit a commonality of individuals in his logical state of nature is confined to his psychological account. This condition would never allow a deontology to get off the ground. Having already shown Hobbesian psychology to be inappropriate and unnecessary to understanding his deontology the natural order theorist is free to look for a collective phenomenon in his ethics. The unifying element which exists between the individual and his fellows is natural reason and this gives rise to a common moral sensibility. Reason is no longer reliant on the passions for its direction but exists in an antagonistic relation and is either slave or master to them.

Reason describes a completely different set of mechanisms by which one arrives at knowledge. Psychologically the agent uses reason to acquire what it is he wills and is in his power to obtain. On a deontological account of reason the agent must accept that he is one of many beings who share the faculty of reason. Psychologically his reasoning faculty can be judged on its success at procuring the subjects' desired ends. Ethically the

38 ibid. p.135
measure of a reasonable agent is that he must justify his actions in terms of behaviour to which he would not be averse if the roles were reversed and he became the acted upon rather than the actor. This justificatory process presumes other beings (or at least one other) who would and could accept or reject his claims as reasonable or unreasonable. On a deontological level, then, the natural order theorist attributes a collective experience or faculty to the natural human condition. Humanity does, in fact, have the natural ability to communicate or, at least, a faculty of mutual understanding not completely reliant upon language. We have, if this account is correct, the beginnings of a moral sensibility which was developed a century later in the writings of Enlightenment philosophes such as Hume, Rousseau and Kant.

This exposition of common rationality does not logically require a creator or other external device, although the positing of such mechanisms is compatible with propositions of this nature. It does, however, require the existence of other agents who have similar experiences and react to these in a similar way. This can be seen as a type of external entity or force and the collective consciousness gives an imperative character to reason. Even in a logical state of nature one ought to be able (though probably would not care to) act not on the narrow subjective or psychological principle of "preserve yourself . . . but 'act so that all men can be preserved except when this is inconsistent with your own preservation".39 Reason still exists at one level on the subjective base but has been augmented without human artifice through the positing of like-minded individuals capable of the same mental processes. Natural order theory emphasises the humanist influence on Hobbes at the expense of his sceptic tendencies. It is worth noting at this point that emphasising humanist strains tends to lead toward a treatment of Hobbes as, if not a traditional natural law theorist, a type of limited utilitarian. The limits referred to are imposed by his subjective psychology but more on this at a later point.

The common rationality which natural order interpretations posit in a Hobbesian logical state of nature has a major bearing upon their conception of natural law and its

39 Howard Warrender, "A Reply to Mr. Plamenatz" in Hobbes Studies, op cit. p. 97
relation to the individual's natural right. What can only be called a natural moral sense, or natural morality, is built out of the knowledge an individual receives from the 'light of his natural reason', to use an idiom more characteristic of John Locke. This natural morality, typically, can be codified into a body of natural law: "these laws are known to all men by the use of reason, regardless of their political society or religion"\textsuperscript{40} or, presumably, the lack of either or both. This possibility, that all can know the laws of nature in some objective sense, allows the claim that all should then abide by the precepts they lay down. Thus the laws of nature gain an imperative character.

Before considering what this type of formulation of the law of nature will hold when expressed in relation to the right of nature an objection to this disposition must be confronted. A more primary point of contention hinges on whether natural law can be regarded as law in the proper sense. Law requires one who can command, which in return requires one who is obligated to obey. Libertine interpretations assert that natural law fails this test on the grounds that the giver of this \textit{corpus juris} can never be known in any objective sense. Diverse solutions have been presented by natural order theorists ranging from a naive faith that Hobbes was a sincere Christian who simply presumed the laws of nature were the commands of God and that all would take them as such.\textsuperscript{41} To the more sophisticated allowance of the removal of God from the scheme while maintaining that the laws of nature could function as uncommanded commandments.\textsuperscript{42} There is enough material on this intra-school debate to fill a separate chapter, if not another thesis. I allude to the defence offered on this issue only by way of showing that scholars arguing for a natural order interpretation of Hobbes have not passed over a point so fundamental to their position.

Returning to the central argument, natural order theorists suggest that the laws of nature, God-given or not, are the fundamental mechanisms of obligation operating in

\textsuperscript{40} \textit{ibid.} p.98
\textsuperscript{41} e.g. Taylor, "The Ethical Doctrine ..." \textit{op cit.} & Hood, \textit{op cit.} p. vii
Hobbes's logical state of nature. Individuals generated in this condition are mere abstractions of civilised persons considered without the artificial institutions which may have nurtured their common rationality in the first place. Therefore the laws of nature are known prior to them regaining their natural right. It must, as a result, be considered a defining condition of that right.

In an attempt to view the relationship between the law and right of nature in contrast to the libertine views outlined earlier I shall repeat the substitution of the phrases that were used in that section. The abstract terms law and right of nature will be substantiated as species of action by showing them as operations of 'seeking peace' and 'preserving oneself' respectively. As previously stated libertine interpretations uphold the psychological function of preserving oneself as primary and the ethical seeking of peace as secondary importance when considering Hobbes's political philosophy. Natural order theories reverse this hierarchy by reinterpreting the right of nature. On their reading the right of nature "does not imply that men are entitled to everything [that is in their power to obtain], but [that] they cannot be obliged to renounce anything." The right of nature is called into play by the laws of nature when certain conditions which validate those laws, e.g. reciprocation, are not met. The natural right of an individual cannot override the laws of nature in the moral arena and on the occasions that it does it is to be considered a moral failing whether a physical triumph or not. A victory over a physical impediment often occurs as a result or instance of a moral stumbling. A duty exists first and foremost for every individual to seek peace and if this is not possible then he may resort to those cardinal virtues of war: force and fraud.

Interpretations from natural order cite Hobbes's contention that the law of nature always obliges *in foro interno* and only external conditions can prevent these obligations *in foro externo* as grounds supporting their position. And so

It is to be observed from the first and even when he was speaking of the conditions of things in his imaginary 'state of nature', Hobbes

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44 Hood, *op cit.* p.121
clearly describes the items of natural law as *dictamina*, or dictates, never as *consilia* or pieces of advice...45

Whether the precepts contained in the law issue from God or Nature they are seen to be posited by Hobbes as commands and this summons up a species of obligation more far reaching than that posited by libertine interpretations. Physical obligation has reference to the internal limits of one's power and the external checks upon this by other forces. The moral obligation propounded by the natural order theorists is an internal constraint which limits the physical power that an agent would be otherwise at liberty to exercise. There is no chaotic pre-moral state of nature from this perspective but a chaotic immoral state of nature. Each individual is capable of moral action, i.e. being morally obligated, but the circumstances, i.e. the uncertainty of others to do likewise, makes this possibility unlikely. The moral status of individuals in this condition hovers elusively between immorality and amorality. On the final reckoning it is only God and/or the individual instructed by his own conscience who knows which.

iii

Thus far the antipodal points of the hypothetical continuum, along which Hobbes scholarship is being mapped have been identified. Between these two poles lays one school for which I am yet to account. This medial body of Hobbes interpretation has in the introduction been referred to as rational choice theory. I have opted to treat this middle group of commentators last for two reasons. Firstly, the juxtaposition of libertine and natural order interpretations allows for a more definite contrast at their points of disagreement. Secondly, from the identification of the basic contentions within Hobbes scholarship rational choice interpretations can be seen as offering solutions to specific points of disagreement.

The discussion of Hobbes's notion of obligation in a logical state of nature discovers rational choice interpretations to be largely in concurrence with their libertine

45 Taylor, "The Ethical Doctrine...", *op cit.* p.40
counterparts. Modifications of the libertine position do occur but when these are confined to considerations within the logical state of nature do not change the character of obligation which remains in its physical genus. However, specifications to arguments offered by libertines in support of their case are not merely exercises in pedantry. Their full significance is felt when they are viewed in the context of the developments they enable their proponents to make when considering concepts of obligation in later stages of Hobbes’s moral theory. This development moves concepts of obligation away from the physical and toward the moral, via the propounding of a new type of obligation: rational. This device provides an important indicator regarding the area in which rational choice interpretations alter their accounts of Hobbes’s logical state of nature. Rather than declaring in the unequivocal manner of the libertines that reason, for Hobbes, was solely a subjective process rational choice theorists are inclined to associate a certain amount of ambivalence with this term. They are prepared to accept that Hobbes’s usage of this term is confused and inconsistent. At times it corresponds with the interpretation offered by libertine and at others with that propounded by natural order readings.

David Gauthier is one of the most perspicuous exponents of the rational choice approach to Hobbes’s political philosophy. His reading of Hobbes is an appropriate beginning for an exposition of the rational choice critique of Hobbes’s political philosophy. His work can be seen to act as a bridge between the literary style of Oakeshott and the more mathematical formulations of later rational choice theorists such as Kavka. In his exegesis he identifies two approaches to Hobbes. The first rests Hobbes’s moral concepts, quite correctly, on a prudential foundation but then invalidly proceeds to propose that his moral concepts are nothing more than prudential principles. The second, once again quite correctly, begins with the proposition that Hobbes’s moral concepts are not prudential but then myopically concludes that these concepts have no prudential basis what so ever. These two misreadings of Hobbes’s logic can be seen as the underlying assumptions of what have been identified here as libertine and natural

46 Gauthier, op cit. p.28
order interpretations respectively. The summation implies that Gauthier and like minded commentators have attempted to navigate the straits which lay between the rocky shores of libertine and natural order interpretations of Hobbes. They are neither content to remain with the libertine in an empirical world where only physical obligation is existent; although this is the situation from which they must begin their enquiry. Nor do they accept the ideal world of moral obligation in which the ivory towers of natural order theorists are constructed; although this discovers the proper end to which a system of political philosophy ought to strive. The libertines correctly ground their notions of obligation in the empirical world of power but do not provide an avenue by which it can be developed. Natural order cases correctly identify the ends of political philosophy in moral obligation but ignore issues raised by the Realpolitick thus resigning their formulations of obligation to the role of a neglected and impotent instructor.

Rational choice interpretations accept libertine contentions that "Hobbes's psychology is essential to his moral and political theories." While admitting the syllogistic relationship between psychology and deontology they do not, however, wish to confine themselves to accepting the content of Hobbes's psychological account of the individual blindly as do the libertines. They maintain the advantages that each of the libertine and natural order interpretations possess while discarding each reading at the point at which it becomes untenable. By not severing the link between psychology and deontology rational choice interpretations avoid some thorny problems which force commentators to represent Hobbes as more of a realist or idealist than is perhaps warranted. They are at once in a position to alter Hobbes's extreme psychology while maintaining its link with his deontology so that the link no longer seems quite so undesirable.

Rational choice interpretations divide the link they make between Hobbes's psychology and his deontology into two categories. The first refers to a formal or logical relation which could be expressed 'if psychology X, then deontology Y'. This equation

47 ibid. p.1
remains algebraically true in Hobbes's political philosophy despite the conflict between the values that may be ascribed to the variables, whether Hobbesian or not. The second category identifies the actual values which Hobbes attributed to 'X' and 'Y' and assesses these in relation to our world. In this case the referent is material and substantive not formal and logical. Rational choice theorists alter 'X' while maintaining Hobbes's method to obtain a new value for 'Y'. The formal link is retained while the material is free to be corrected. On this type of undertaking "Hobbes's psychological theory will still support his normative conclusions, but the support will be substantially weakened."48

The move from empirical psychological descriptive statements to normative deontological prescriptive ones, even in its 'substantially weakened' form, does not remove the naturalistic fallacy objection which natural order theorists have levelled at libertine interpretations. It would seem that rational choice theorists are still claiming an invalid step from is to ought for Hobbes. This line of attack has, however, been refuted on linguistic grounds;

Whereas empirical statements do not justify the assertion or presumption of logically necessary connections, theoretical statements establish, assert, or imply such connections. Statements like 'Men necessarily desire self-preservation', must therefore be interpreted as [tauto]logical statements. Contrary to one of the crucial contentions of those who adopt the Taylor view, Hobbes's psychology does not consist primarily of empirical statements, and his doctrine concerning egoism and self-preservation cannot be interpreted as empirical postulates which may be denied without damage to his theory ... 49

Instead of basing his deontology on an empirical psychology Hobbes inserts values into his account by beginning with non-controversial hypothetical postulates. Rational choice interpretations draw attention to the mythical character of Hobbes's logical state of nature

48 ibid. p.24
by suggesting that he is considering "the interaction of patterns of *ideally* rational
individuals under hypothetical circumstances." The 'ideal' and 'hypothetical'
specifications should alert the interpreter of Hobbes to the presence of introduced values
no matter how subtle or non-controversial they may be. Rational choice interpretations
avoid the naturalistic fallacy by positing that Hobbes's apparently value-free exposition of
psychology is in fact self-consciously prescriptive in its description of the individual.

Rational choice theorists concur with their libertine counterparts accepting the
existence of a formal relationship between Hobbes's psychological propositions and the
development of his deontology. And as a subjective reading of the way in which Hobbes
used the term 'reason' is symptomatic of libertine interpretations on this matter, so it is
for rational choice readings. For example, Michael Oakeshott describes the nature of
reason "as Hobbes understood it [as] not the arbitrary imposition upon the passionate
nature of man; indeed it is generated by the passion of fear itself." Rational choice
theorists do not however feel themselves compelled to follow Hobbes in admitting the
content of his psychological hypotheses and so are at liberty to alter his deontological
conclusions. Turning to an examination of their readings of reason as used by Hobbes
we shall now encounter some of these material qualifications.

The hypothetical postulates with which Hobbes fills his philosophical system are
used by rational choice theorists to support their claims that he is more concerned with the
relations between things than the nature or essence of things. Thus they can extricate
themselves from the substantial constraints imposed by Hobbes's world of absolute
subjectivity in the logical state of nature. It is no longer the case that this condition should
describe individuals who are completely isolated in terms of rationality from one another.
Speculation can now take place to the effect that "surely our concept of self-interest or
personal benefit contains an objective component based on what people normally want

50 Kavka, *op cit.* p.20.
51 Michael Oakeshott, "The Moral Life in the Writings of Thomas Hobbes" in *
p.132 and Watkins *op cit.* Ch.8
and have reason to want, not simply on the particular agents desire." 53 Reason on such a reading, takes on much of the external character it was ascribed by the more sophisticated natural order interpretations. This occurs in a twofold manœuvre where there is an appeal to 'normal wants' in the logical state of nature and this can signal nothing short of the presumption of an innate common rationality. The second part of this exercise draws out connotations which are latent in notions of a common rationality and concludes with prescriptions about how an agent ought to behave.

In the account outlined above reason takes up a dual function in Hobbes's political philosophy. It refers to both the means by which an agent can procure the object of his will while also specifying what that object must be. It has become both the servant and the master of the will. Reason takes on a Janus faced character in Hobbes. For

if (as Hobbes understood it) the office of reason is that of a servant revealing . . . the probable means by which desired ends may be attained whence comes its authority to determine a man's choice of conduct? . . . we may, perhaps, suspecting that seeming here to recommend the pursuit of peace and the rejection of glory as 'rational conduct he was being forgetful of his view 'that reason serves only to convince the truth (not of fact, but) consequence and was taking improper use of that older meaning of 'reason' in which it was recognised to have qualities of a master or at least an authoritative guide. 54

To digress briefly by way of offering an explanation for this rare and uncharacteristic exhibition of inconsistency on the part of Hobbes, it should be noted that the term reason, itself, was undergoing a major transformation. Hobbes was living in a time when the type of objective reason that built Richard Hooker's Ecclesiastical Polity was being reborn as the subjective creature of John Locke's Human Understanding. 55 It is perhaps

53 Kavka, op cit. p.40
not surprising that the scale of confusion which accompanied such a major metamorphosis was transported into the great thinker's works.

The quotation in the preceding paragraph locates the referent of 'rational conduct' in the activity of 'seeking peace'. With the advent of such substantiations it is timely to proceed to considerations of the roles which natural right and natural law play in rational choice interpretations of Hobbes's logical state of nature. It was shown that such accounts of reason in Hobbes's political philosophy incorporate both the libertine character of a subject based concept of reason with the natural order notion of a common rationality. So, it may reasonably be expected that the transcendence of the right over the law of nature, or vice versa, will not be as absolute as that in the two previous readings. I am suggesting, however, that in the logical state of nature the subjective principle of reason, which promotes right over law, is the dominant character. The objective principle is present but ineffective. Its importance becomes apparent only in hindsight as it provides the mechanism to move from a pre-moral chaos where physical obligation reigns supreme to a moral chaos where the concept of rational obligation requires attention.

The ascendancy of the right over the law of nature is clearly promoted in rational choice interpretations when considering Hobbes's logical state of nature. As in the libertine accounts all the agents "thoughts and actions [are] answerable to none but himself". It is not pertinent whether the 'thoughts and actions' can be or are assessable by his fellows in this condition; the overriding clause is that they are 'answerable to none but himself'. The only conceivable way in which an individual could be answerable (using this term very loosely for Hobbes holds that a slave could never be taken to be answerable to his master), to another is if the latter were to hold physical power over the former. This synoptic account of the libertine arguments which were outlined earlier must conclude with them that the only 'prescriptive' axiom which operates in a logical state of nature is 'can means may'.

56 Oakeshott, "Introduction", op cit. p.xxxiii, lli, lix and also Gauthier, op cit. p.33
57 De Cive, Ch. VIII, Sect. 4 and Leviathan, Ch. XX, Sect. 7 & 8
The difference between libertine and rational choice pronouncements on the character of obligation operating in Hobbes's logical state of nature will become apparent in due course. It will be found, to anticipate the following chapter, that for the rational choice interpretation the logical state of nature is unimportant or at least describes a type of obligation which is not useful when considering Hobbes's deontology. This conclusion could lead to a particular case of a more general criticism of the chapter so far: neither rational nor moral obligation have been defined. While this may be seen as opening me to the charge of deliberate obscurity I would defend these omissions on the grounds that their inclusion presupposes material which is to be covered in the subsequent chapters. Without a comprehensive mapping of the prevailing circumstances in which each of these species of obligation can be realised any attempt at definition would be wanting. Thus far only the physical variety has been given such treatment.
CHAPTER TWO:

Reason and Obligation in
the Historical State of Nature

In the introduction the idea of a historical Hobbesian state of nature was placed on a higher level of ethical significance than his logical construct. Both versions describe a situation of prevailing chaos but the completely subjective position of the individual in the logical state of nature effects a pre-moral chaos, while the albeit sparse social relations which accompany the historical state of nature allow for a moral chaos. Libertine interpretations, however, would consign the appellation 'moral chaos' to the status of a nonsense. Chaos is the antinomy of morality; just as the greatest threat to the objective order provided by the artificial sovereign is the subjective psyche of the natural individual. Chaos is a natural tendency and is opposed to the artificial order of an imposed morality.58

It was observed in the discussion concerning the logical state of nature that, because of the isolation which resulted from relying on subject based experience, no effective conception of natural law or natural morality could gain purchase. Not even basic general axioms could be derived from one's reason. There was no prescription which was binding upon the agent setting forth how he ought to conduct himself in relation to others. In the absence of a binding public decision procedure there were as many divers laws of nature as there were interpreters.59 It would seem then that nothing could be added to an understanding of libertine interpretations by drawing a logical/historical dichotomy out of their conception of a Hobbesian state of nature. No internal obligation exists which can be said to be general to humanity as a result of the

58 The Hobbesian re-identification of nature with a homogenous chaos of motion as opposed to the Aristotelian conception of a hierarchically ordered gestalten is well documented in Spragens, op cit. specifically Ch.4
59 De Cive, Ch. XII, Sect. 6 and Leviathan, Ch. XXIX, Sect. 5
individual's nature. Constraint remains an entirely external and physical phenomena; the agent is rationally and morally at liberty to act as he wills.

Despite the apparent inappropriateness of using the logical/historical model of the state of nature when relating libertine interpretations of Hobbes; the latter part of this juxtaposition does provide an opportunity to examine their account of the origin and substance of the civil laws. Although no sovereign or civil society yet exists by their accounts the materials and tools from which these structures are to be fashioned do attend the state of nature. The raw matter from which the commonwealth is to be constructed presents itself in the physical power of the natural individual. The tool which directs this power is physical obligation. The two phenomena which will be examined here are the substance of sovereign power and the relation this power has to his subjects or the type of obligation that is entailed by the civil laws. It must be accepted that ethically nothing has changed for the libertine individual from that condition in which he found himself in a logical state of nature. But this does not invalidate considerations of how libertine interpretations allow the individual to extricate himself from such an undesirable condition. Such an exercise approaches the character of a historical narrative.

Libertine interpretations begin their story, not with the supremacy of the right of nature over the law of nature but, with the effective negation of the possibility of a natural law. Although making a different point to the one being made here - yet one which is a corollary - Leo Strauss notes that:

The intention becomes for Hobbes the one and only moral principle because he no longer believes in the existence of an 'objective' principle according to which a man must order his actions - in the existence of a natural law which precedes all human volition.60

With the failure of nature to order individuals, but with an obvious necessity for order if they are to ameliorate that worst of all conditions, the omnium bellum contra omnes, an order must be created by human artifice. It is civil law and not natural law which must be

60 Strauss, The Political Philosophy . . ., op cit. p. 55
attended. The lack of a shared internal impendiment or obligation (although as is clear from the above quotation individuals may impose obligations upon themselves) requires the institution of a set of checks on the individual from without. External impediments have been experienced by all in their natural state; all to varying degrees have been obliged to forego the object of their will. Self imposed internal impediments, beliefs about what one is obligated to do on rational or moral grounds, are the causes of further conflict; physical obligation with its indisputable objectivity and finality is the common constraint with which Hobbes must work.

It should be stressed, by way of presenting a fair and properly sophisticated treatment of libertine interpretations, that the appellation 'just' is not a total misnomer within their representation of a Hobbesian state of nature. On the contrary, the individual who loves justice for its own sake ought to be considered just in any environment. An idea of the type of man envisaged by Hobbes is presented in the portrait of Sidney Godolphin in the dedicatory of Leviathan to his brother Francis. While libertine interpretations may acknowledge the possibility of the just man in Hobbes's schema they draw attention to the rarity of such occurrences. Political philosophy is about tackling the problems associated with injustice; "the invocation of fallen man and Hobbes's assumption of the innate wickedness [which provided his] political premiss." Wickedness might not be a term that Hobbes himself would have used but it is certainly an appellation to which his contemporary critics gave voice at his portrayal of a disordered state of nature.

The faculty which determines the just character of an action is the intention. Only the individual (and God) can know the individual's own intention and so moral conjecture of this type must be considered beyond the pale of politics. The justice of an act, however, can be assessed on altogether different grounds. An act is the consequent of the will and has its referent in the external world. Because its effects can be observed by

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61 De Cive, Ch. III, Sect. 5 and Leviathan, Ch. XV, Sect. 9
all the will of another may also be assessed but never infallibly known. In the state of
nature one judgement is as valid as another, but with the advent of a judge authorised by
all to rule objectivity is introduced. In civil society justice is a concept which is
inextricably bound to the will of the sovereign; the civil law. Without civil law there is
no public decision; the moral problems associated with subjective justice replace the
political solutions which can be offered by an objective species of justice.

Arguing that political power solves the problem of subjective morality is tangential
to the task which is currently being undertaken. It shows why we need a public decision
procedure but not how to get one started. The quandary which confronted Hobbes can be
stated thus: how to get individuals to surrender their natural right to use the power with
which nature has endowed them? What is more, such individuals as those who have
hitherto been capable of perceiving their neighbours gain only in the more poignant terms
of their own loss. Personal loss in this situation is always felt to outweigh another's gain
because of the proximity of the agent to that which is lost. Libertine interpretations posit
that fear is the spur which motivates these completely subjective agents to forego their
rights to use their power. This fear manifests itself in the agent as either a general fear of
the multitude which results in a commonwealth by institution or fear of a particular
individual's power which results in a commonwealth by dominion. Without examining
the wider psychological issues and implications pertaining to fear which have received
extensive scholarly treatment, it is sufficient for the present purposes to show that "the
obligation which Hobbes described was sustained not by congruence with any natural
law, but by power itself." The sovereign is instituted by each of his subjects who
collectively authorise him to use their natural rights. By this means he gains a power of
terrific proportions; he becomes the object of their common fear.

Strauss calls this replacement of the traditional function of authority with power
by Hobbes a transformation from the 'morality of obedience' to the 'morality of
prudence'. At this point I am concerned only to show that the 'morality of prudence' is inadequate in supplying an effective source of political obligation. The morality of prudence obligates the individual only when (he thinks) it is in his interest to obey. Collingwood's portrayal of Hobbes as a disciple of hedonism is just one of many attacks instanced by this type of reading. These are moral criticisms and are taken up by those who defend Hobbes as a moral philosopher. I wish to concentrate on a more serious difficulty which libertine readings must answer. This questions whether physical obligation can affect a physical obedience of any lasting character. As Hobbes's mortal God is not, as his spiritual counterpart, omniscient, omnipresent, or omnipotent, occasion will arise inevitably when it is prudent and so moral for the subject to break the law. *A fortiori* because of their prudence such unlawful actions may even be deemed to have become obligatory in the sense of being considered necessary. The Bishop of Derry, John Bramhall, made such an attack when he compared a subject of Hobbesian genesis to an unfaithful wife who would take her master for better but never for worse! Hobbes did anticipate such criticisms and attempted to avoid them with such devices as the (of late much cited) passage against the fool: "The fool hath said in his heart there is no such thing as justice..." After an extended and extensive chastisement of such self-seeking beliefs Hobbes concludes that the free-rider option must always be considered a bad gamble. As a bad gamble it is against prudence and so immoral. Although in this imperfect world there can never be such a thing as a perfect crime or revolution he can only counsel (and sometimes not very convincingly) against such acts.

With such an extensive allusion to prudence, the reader could be forgiven for being somewhat sceptical of the distinction I have been making between physical and rational obligation. A defence of such distinctions would entail examining rational order interpretations next instead of those from natural order. In order to retain the overall aim

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66 Strauss, *The Political Philosophy...*, op cit. p.98
68 Leviathan, Ch. XV, Sect. 3
of showing rational order interpretations as a synthesis of libertine and natural order readings of Hobbes I shall maintain the order with which I have been working.

ii

Libertine interpretations must ultimately place the origins of public morality within the political power generated by an artificial sovereign. Artificial morality is the ethical antonym of natural chaos. Hence any distinction between logical and historical phases in the state of nature misses the whole point of Hobbes's discussion of the natural condition. Natural order interpretations, by contrast, are in a position to place much less importance on the role of the political apparatus when exposing the foundations of Hobbes's deontology. Morality, expressed as the laws of nature which are suggested to the agent by the force of his natural reason, exists despite the chaotic state of nature. These laws of nature are ineffective in any positive way because of the disregard displayed for them by a significant number of individuals in the state of nature. Natural order interpretations, then, discard the logical state of nature of a pre-moral chaos and style this situation instead as a chaos of moral, or more accurately immoral, dimension. I shall now proceed to examine the consequences of positing Hobbes's laws of nature as the primary deontological mechanism in his civil philosophy. This shall be expressed in terms of the relationship described between morality, as revealed in the laws of nature, on the one hand and politics, occurring as the laws civil, on the other.

The state of nature which Hobbes propounded, according to natural order interpretations, was far from a condition of amoral liberty but neither was it one which allowed effective obedience to the laws of nature. If humanity is taken to be naturally a moral/political (the words are synonymous in this Aristotelian sense) species, that is if the individual behaved as he ought, then there would be no need for the art of politics and this is clearly not the case in Hobbes. Natural order interpretations are not unaware of the parallels their readings of Hobbes have with the post-lapsarian model of man which
dominated much Renaissance thinking. On this argument the individual has chosen simply not to heed the laws of nature or his original sapientia. This is a trait which was characteristic of the original sin of pride or vain-glory. By placing his private interest above the actions demanded of him within the cosmological order the agent was responsible for the continuing fall into chaos. Both chaos and morality occur within the natural world. Chaos is not so much the product of the absence of a moral order, as in libertine readings, but rather a disregard for the latter.

Taken as a body of dictamina natural law provides a moral code which binds every natural individual in common. Such a morality must be taken as natural. It springs from the metaphysical first cause, often represented as divine artifice and is incomparable in its perfection when considered with the ephemeral attempts at artifice by humanity. Civil or positive laws are but poor imitations of their divine counterparts. As physical secondary causes are dependent on the first metaphysical cause, so the political institutions constructed by humanity are reliant, for their obligatory force, upon the higher moral institutions provided by God, Nature, or Reason. This principle of order becomes manifest in social relations expressed in the idea of civil law. Civil law cannot bind an individual to obedience without a prior moral obligation. Such a decree is presented by Hobbes as his second law of nature which requires the keeping of covenants. Warrender argues in accordance with this line;

If a subject is to be regarded as obliged in sense 'S' to obey the civil law, he must be regarded as obliged in sense 'S' to something in the State of Nature; he has a moral obligation of the same type to something before the sovereign was instituted . . . the civil sovereign can never himself provide the moral foundation which is to be used in his own justification . . . the obligation of the citizen to obey the civil law is a type of obligation that is essentially independent of the fiat of the civil sovereign.

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69 Hood, op cit. pp.10-1
Civil order must be founded on something more enduring than the transient notion of civil power. The laws of nature herald from the infinite power of God and irresistible power is the one occasion that power obliges morally. Divine power is the sole source from which all authority must ultimately derive.

The relationship between the civil or politic and natural or moral is not, however, as straightforward as it may first appear. It is not simply a case of moral authority descending from the heavens and finding physical embodiment in the sub-lunary realm of the sovereign. Such a line of argument is a simplified version of the divine right of kings account of political authority. The laws of nature are as reliant on the existence of the sovereign as he is on them, so that

there is a natural obligation to obey the civil law; there is [also] an artificial obligation to obey the Law of Nature in the sense that the subject ought to make his words and deeds conform to the sovereign's interpretation of the Law of Nature.

Subject and sovereign have both natural and artificial personae. The above quotation represents Hobbes as attempting to have his cake and eat it too. An artificial decision about what is demanded by the laws of nature will not always concur with each subject's understanding of how to act in the same circumstance. The sovereign may derive his authority from the morally compelling laws of nature (those eternal pillars of truth) but these are contingent manifestations dependent on the whim of a mere mortal! Diverging for a brief moment, it is interesting to note that Rousseau offered a solution out of a similar predicament with the parody of a politically dubious (although morally unimpeachable) device: la volonté générale.

Rather than settling upon such ambiguous mechanisms as a Rousseauian general will, natural order interpretations claim that Hobbes extricates himself from the limbo between the moral and the political by giving precedence to the moral. God's will must be preferred over the will of a mere sovereign. It is in the order of things that the natural

71 De Cive, Ch. XV, Sect. 5-7 and Leviathan, Ch. XXXI, Sect. 5
72 Hood, op cit. p.198
precede the product of nature - the artificial. The civil laws must be taken as fallible expressions of their natural counterparts. If the civil laws require one to break a natural and so moral precept two courses of ethical action lay open. One may abide by the sovereign's will which will cause the sovereign as a natural person to be guilty of an iniquity as David was in arranging the death of Uriah. Or one may choose martyrdom. In such an instance one may not comply passively with the civil law and dutifully suffer the consequences in an artificial capacity (as a subject, and not as a natural individual) although this may involve the ultimate natural sacrifice of death. While on this point, it may serve to bring Hobbes into perspective by noting that suicide, or the putting oneself into a situation in which death was ensured, was considered the act of one non compis mentis. Hobbes would not wish to deny the implication that in his own time, as now, there existed only a fine distinction between the feelings of intense righteousness invoked by the zealot and the ravings of a lunatic.

The priority of moral over political order in natural order interpretations of Hobbes's deontology results in the agent becoming the most important entity in the political as well as the moral arena. Politics is no longer concerned with the disembodied consequences of actions as if they had no origin. The sovereign must now consider his artificial subjects in their capacity as natural persons. In addition, he is made aware of his own natural morality or ability to sin. The moral fate of one's own natural person, which is determined by one's intention, becomes the paramount concern. This can be taken to a point where, sometimes, the moral action may have politically unsound consequences; one such case is martyrdom which has been alluded to above. This is not to suggest that the consequences that attach to an action are not significant in determining the moral character of that action. In the majority of instances one must accept the priority of political consequences in social affairs. Hobbes is merely asserting that there are moments for the individual when moral concerns will, or at least ought to, occupy the

73 De Cive, Ch. XVIII, Sect. 13 and Leviathan, Ch. XLIII, Sect. 23
front seat. This line of argument places Hobbes in sympathy with the ideas which prevailed amongst the Independent party and the Sectaries of the 1630's, 40's and 50's. The natural individual must realise "God's law does not command specific actions but conscientious action, action in accordance with an honest though fallible judgement of what the Law requires . . . in a particular situation." Political institutions, by regularising and regulating the law of nature through the promulgation of civil law allow moral behaviour; the sovereign enforces not creates moral obligation. The artificial and political sovereign is formed from the matter of the natural and moral multitude.

'Soft' natural order interpretations exemplified by Warrender have contended the possibility of identifying prudence with morality, (rather than morality with prudence as the libertines were seen to hold). Here we encounter an argument for the prudence of morality rather than Strauss's morality of prudence. Such propositions take divine punishment and reward as the corollaries of negative and positive attitudes to the laws of nature. Using a Pascallian-type wager argument it becomes prudent to love justice and seek peace, that is, intend moral behaviour. This view would be rejected by exponents of 'harder' versions of the natural order line, such as Hood and Taylor. They would argue, as they have against the libertines, that moral obligation is incompatible with notions of self-interest, regardless of how long range this self-interest might be. The entire raison d'être of moral philosophy is to prescribe how one ought to behave rather than how one would like to or actually does behave. Taylor does come some way toward accepting the importance of Hobbes's arguments from self-interest, but always takes these as secondary to his moral philosophy. This type of intra-party dispute serves as further warning against the over-schematization of the various schools of Hobbes scholarship. It shows them instead to consist of various shades and degrees. Beyond the disagreement, however, this exegesis serves to indicate that most natural order interpretations of Hobbes find him dealing with immoral individuals who would be unjust if allowed the

75 Hood, op cit. p.7
77 Warrender, "Political Theory and Historiography . . .", op cit. p.932
opportunity. He requires a sovereign to create an artificial situation in which it is in their interest to behave guiltlessly. The sovereign is a means of constraining immoral agents so that the moral may have the opportunity to implement the positive clauses of seeking peace and keeping covenants as provided for in the laws of nature. Politics is an activity which focuses upon the immoral; these individuals exist outside the deontological sphere properly defined.

Moral considerations, especially when linked with divine blessing and wrath, show the successful fool to be none the less a fool for his success. A major problem concerning the consistency of 'moral' behaviour which the libertines encountered has thus been overcome. However, while natural order interpretations provide a more consistent reading of Hobbes, their accounts are riddled with practical difficulties. As has been seen, not all individuals acknowledge a moral obligation to behave as the laws of nature decree and this becomes problematic when attempting to come to grips with life in the world of the Reapoli
tick. Hobbes, the moral champion of natural order, can no more convince the atheist that to break the civil law is unwise or immoral than can Hobbes, the libertine. Natural order interpretations strengthen their case for reading Hobbes as a moral philosopher by citing his attitude toward the atheist. He is more than a foolish subject; he is the inevitably doomed enemy of God.\(^78\) The atheist is the wilful herald of chaos and so the declared adversary of morality.

At this point it is sufficient that on natural order grounds the obligation of an agent to be moral has been established. Of what moral obligation consists will be discussed in the next section. I have thus far shown that neither libertine nor natural order interpretations allow for a distinction between pre-moral and moral conditions of chaos. On each account physical or moral obligation is the sole determinant of an individual's moral status. Chaos makes both these forms of obligation ineffectual and as a result a war of all against all reigns. The sovereign has effectively (and inadequately) recourse to one type of obligation only. The final part of this section will show how, by including a

\(^{78}\) De Cive, Ch. V, Sect. 2 and Leviathan, Ch. XXXI, Sect. 2
logical/historical distinction of phases within the state of nature, rational choice interpretations provide a dynamic which allows for a progression from a condition of physical to moral obligation.

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Rational choice interpretations accept the natural order propositions that Hobbes believed a condition of moral obligation was both attainable and desirable within the field of human affairs. While advocates of natural order theory ground notions of moral obligation in a metaphysical principle which is manifest in the laws of nature, this option is unavailable to proponents of rational choice theory. They maintain that Hobbes began his deontological dissertation from a physical world of physical obligation. Hobbes is confronted with a pre-moral chaos exhibiting all the attributes of libertine accounts of his state of nature. He must discover a process in which the morally neutral materials of nature - natural individuals - can be fashioned into a form from which moral obligation may proceed. Moral obligation, then, is the product of order which has issued from the secondary physical causes of human artifice rather than a first metaphysical cause; it is an artificial, not natural, phenomenon.

It was observed earlier in the first chapter that rational choice readings of Hobbes have incurred charges of invalidity on the grounds that they overlook the fact/value distinction. Recapitulating such accusations serves as an opportunity to introduce the utility of making the qualification between logical and historical states of nature. Such an exercise directs attention toward the moment at which Hobbes inserts a value-laden concept to allow the transition from descriptive to prescriptive language. It has already been argued that such a value is delivered via the contriving of a notion of reason or rationality which oscillates between subjective internality and objective externality. Examining this concept is not an altogether straightforward task when it is remembered the ambivalent way in which Hobbes uses reason.

Rational choice interpretations agree, either implicitly or explicitly, that reason has the dual function for Hobbes of providing both the means and the ends of the agent's
conducted. Translated into 'historical' terms the confusion can be expressed thus: if rationality is a means to morality it must be present before the institution of the sovereign. The sovereign occurs as a result of placing oneself under obligation. One may reasonably inquire under such circumstances why rationality on its own is not capable of resolving the conflict which is encountered in the state of nature. 79 Here, rationality is being taken to designate a prescriptive end of an action. There is an obligation to be rational in much the same way as natural order interpretations take Hobbes to be propounding a natural obligation to be moral: Morality and Rationality have become synonymous. This is not how rational choice interpretations take Hobbes to be using rationality. They do not, however, wish to incapacitate reason as a deontological device by consigning it to the complete subjectivity of libertine accounts. Reason is not the unconditional means by which an individual may procure the arbitrary objects of his desires.

The device by which rational choice interpretations begin construction of a Hobbesian deontology must exist prior to a moral order but only in a \textit{potentially} effective form. This indeterminate phase approaches what could be described as a condition of moral chaos. With libertine and natural order interpretations united in their opposition of morality and chaos one could be excused for approaching such suggestions with a certain amount of trepidation. Rational obligation occupies an ethical twilight zone in which it exercises potential but not actual effectiveness.

Hobbes grounds his notion of rational obligation in the psychological processes of the agent. In the first chapter rational choice interpretations were seen to make a formal connection between Hobbes's psychological postulates and his deontology. It is now appropriate to move to consider of what these propositions materially consist. I will not proceed to show how rational choice interpretations alter Hobbes materially; at this point I

79 Watkins, \textit{op cit.} pp.78-9, provides a way out of this quandary comparing the individual stranded in the state of nature to the novice chess player. Both wish to leave their wretched conditions and to actualise their potentials but this is only possible through the acquisition of skill at game playing. Both will a particular outcome it remains for them to find the appropriate means to realise their objectives.
am concerned only to investigate the mortar which holds the psychological foundations together and upon which Hobbes's deontology is built.

Libertine interpretations hold that in the presence of fear other psychological stimulants pale rapidly into insignificance. It is fear which induces the agent to enter into covenants with his fellows and it is these bonds that provide the 'levers' or skeleton over which the social fabric of the body politic is stretched. This fear is a deep rooted and elemental emotion but its services are all too often fleeting. Some libertine interpretations have translated fear in such a way that it overcomes, to a significant degree, the problems associated with its transient nature. In such circumstances it becomes quite a reliable spur to good behaviour for the individual. Fear comes close to taking on the characteristics of a moral emotion or sensibility.\(^8^0\) Rational choice interpretations concur with such positions, arguing for the existence of an intimate relationship between fear and reasonable or 'moral' conduct in Hobbes's political philosophy. They are, however, more cautious (or less desperate) in the faith that they place in the ability of fear over reason to act as an effective rein on an individual's behaviour. While there are moments when libertine and rational choice interpretations are well nigh indistinguishable, one from another,\(^8^1\) a fundamental reversal of the priority of fear to reason places them at odds. Rather than the fluctuating levels at which fear is experienced making for the fickle subject, rational choice interpretations take reason to be a surer device when formulating a basis for political obligation.

Both libertine and rational choice interpretations take fear to be an emotion which is caused by the agent's perception of his proximity to an object or event which may cause him to suffer an evil. As the object of fear recedes or is withdrawn so his fear will proportionately abate. So, fear is an emotion which is directly dependent on external stimuli and herein lies the crux of the problem of the successful fool. If there is no possibility, or very little probability, of suffering adverse consequences associated with a

\(^8^0\) For a most developed instance of this argument see Strauss, *The Political Philosophy*. . ., *op cit.*

\(^8^1\) An instance of this can be seen in Strauss's and Oakeshott's treatment of fear.
socially unacceptable mode of behaviour, then an agent must be considered at liberty to proceed with the desired course of action regardless of any of the attached consequences. Fear does not seem to be an adequate restraint when taken on its own. By affirming reason as the direct foundation of political obligation rational choice interpretations have attempted to develop a function which is both more resilient and ubiquitous in controlling the agent's behaviour than fear. It is an ability which, while initially inspired by fear, gains its own momentum even when the object of fear is removed. It is internal and so essentially independent of changes in the external world. It may even be submerged in the presence of stronger more primal passions only to re-emerge at a later stage in an agent's train of experience. Gauthier exemplifies the aim of the rational choice preference for reason over fear when he argues that "to say that obligations are undertaken for prudential reasons is not to say that we are under obligation only so long as we find it to be in our interest." 82

Just as fear is an experience we can all be sure to endure, although the object of that fear will vary from agent to agent; so reason is a process which is common to all, even accepting that diverse agents will reason about common objects in as many varied ways as their number permits. A common ability is of little use to Hobbes's construction of a deontology unless he can make general statements as to how this faculty would be used. It is at this point he must use reason as if it were an ends in itself. To this purpose he introduces a general albeit non-controversial, postulate that all rational conduct must take as its summum malum the cessation of desire which is death. Once again libertine and rational choice affinities are exposed on this point. Leo Strauss made vital inroads to an understanding of Hobbes by showing the centrality of the role played by the metaphysic of the fear of death. It provided an end common to all and for which all humanity strove or rather did their best to avoid. With the advent of assured common goals (which presupposes the possession of a common faculty) Hobbes is now in a position to communicate by means of the 'laws' of reason or nature the way in which individuals

82 Gauthier, op cit. p.60
in general could avoid the *summum malum*. The foundations had been laid on which a concept of rational obligation could be developed.

Before pursuing an investigation into what type of action might actually be entailed by rational obligation it would serve the interests of clarity to qualify this concept to show what it is not. The term rational obligation is, in a sense, a misnomer. It is not used to denote a species of obligation: an obligation to be rational. And this specification provides the basis for rational choice theorists reading the laws of nature as a body of *consilia*, or counsels of reason, rather than *dictamina*, or dictates of reason. Rational obligation is a notion in which the attributive 'rational' is of greater significance than the substantive 'obligation' which is of so much importance in understanding physical and moral obligation. It is indicative of the character of rational choice approaches that more emphasis is placed on the formal activity of being rational than the material recommendations that are delivered by reason. Obligation is significant only as it is the product of the activity of reasoning. It will become apparent in the third and fifth chapters that Hobbes was not prescribing a rationality applicable to all men in the way natural order theorists read him as prescribing a blanket morality.

The way in which the advisory role of the laws of nature in Hobbes's deontology are asserted has developed into what could almost be described as a conventional format. It consists in showing the laws of nature to be inadequate as laws proper by Hobbesian definition. This exercise has often been carried out with specific reference to Warrender as the most convincing exponent of natural order theory. It consists in cataloguing the disparities between the laws natural and civil

namely that their author is known and that he has acquired an antecedent right to command, that they have been published and are known, that there is an authentic interpretation of them and that those who obey have a sufficient motive for doing so.  

Although many attempts, varying in degrees of imaginativeness, have been made to show that natural law meets all the requirements of a body of dictamina it is far from clear that such views have been successful. This point has, in fact, been conceded by Warrender himself.\footnote{Warrender, "Political Theory and Historiography . . .", \textit{op cit.} p.932} Rational and moral are most certainly not of the same genre of obligation: the dictates of a moral code originate externally to the agent whereas rationality is arrived at by internal deliberation.

Taking Hobbes's laws of nature as consilia is by no means without its associated difficulties. For instance, it makes inexplicable his contention that the atheist should be treated as an enemy. If the laws of nature are taken as counsels, rather than the dictates of reason, then the atheist should be considered as an unfortunate along with the lunatic and the child. His "failure to act on the laws of nature is not due to a defect of will but a defect of reasoning akin to an inability to put two and two together."\footnote{Brian Barry, "Warrender and his Critics" in \textit{Hobbes and Rousseau}, Cranston and Peters (eds), (New York, Anchor Books, 1972), p.60} Hobbes must be taken to be either inconsistent or diplomatically callous in despising the atheist instead of pitying him. Rational choice interpretations settle uncomfortably with contradicting Hobbes and usually, after alluding to this correction - ignoring it - the implication being that this is a peripheral issue.\footnote{Watkins, \textit{op cit.} pp.96-7, spends an unusual length of time in discussing Hobbes's view on this matter.} Following these issues further leads into a discussion of historiographical stances which will be addressed directly in the fifth chapter.

The laws of nature, then, counsel the agent and are internally generated by his rational faculty rather than externally dictating what course of action that faculty ought to adopt. Such emphasis directs attention away from the deontological substance of Hobbes's enterprises and focuses it instead on his onomasiological concerns. Hobbes's laws of nature instruct the agent in the activity of communication rather than communicating a body of knowledge to him. Natural law takes on the character of a formal device which Hobbes uses to identify the type of rational process an individual must carry out to affect the creation and/or maintenance of Hobbesian civil institutions.
The proto-political person is revealed in the laws of nature. They are not a set of unconditional moral imperatives which prescribe how all individuals behave.

This type of reading of the laws of nature locates them in the moral twilight of the historical state of nature. From such a position rational choice theorists have more than a little trouble illuminating their finer features. Within this indistinct half-light Kavka believes "it is better to think of the laws of nature as moral ought principles, general moral prescriptions created by neither command nor consent." The preceding passage exhibits the confusion which can be generated in such indeterminate territory. The uncommanded and unacknowledged laws of nature take on many of the anomalous qualities that rational choice theorists have just been seen to scorn their natural order counterparts for indulging. To salvage natural law from the (in political philosophy) debilitating status of a deus ex machina the moral connotations that Kavka attaches to them must be removed. This can be accomplished by emphasising their onomasiological function rather than their deontological status. The laws of nature describe the parameters of validity in terms of an individual's rationality rather than prescribing a universally binding imperative under which that faculty ought to labour. Hobbes's political philosophy does not operate for individuals outside the rationality described by the laws of nature. The laws of nature function primarily as a conception of rationality; their force as tools of obligation is only secondary in that it suggests the particulars of a course of action at which an individual will arrive if he reasons correctly i.e. in a Hobbesian way.

Natural law cannot deliver prescriptions of how an individual ought to behave; his overriding right of nature sanctions whatever course of action upon which he decides to embark. Instead, Hobbes uses natural law to describe what type of rationality will impel an individual to embrace his civil philosophy. The laws of nature, then, are

87 Kavka, op cit. p.341
88 Oakeshott, "The Moral Life . . .", op cit. p.262
89 Hobbes also addresses other types of individuals with other arguments and appeals but with similar ends in view. A compelling statement of the manifold layers of argument in Hobbes was given by Conal Condren in an unpublished conference paper "The Rhetorical Foundations of Leviathan" at the Quentin Skinner Seminar held at the Australian National University in April 1989.
descriptions of a type of conduct which is to be considered reasonable if and only if the Hobbesian end of avoiding the *summum malum* is to be obtained. This *summum malum* is the highest evil only in terms of Hobbes's philosophy. The laws of nature do not of themselves oblige the individual to accept these Hobbesian ends or *a fortiori* even pursue these ends in a 'rational' way. Of course, dissenting parties would be deemed irrational, by Hobbesian standards, (but not immoral).

Rational choice interpretations identify two things [which] may be expected from [Hobbes's civil philosophy]. First, it will exhibit the internal mechanism of civil society as cause and effect... And secondly, we may expect it to settle the generation in terms of a hypothetical efficient cause, of the artifact as a whole; that is to show the work of art springing from the specific nature of man.90*

Political obligation will evolve when a collection of like-minded individuals agree to undertake a certain course of action. Such an individual is taken to reason, to the best of his ability, in accordance with the method that led Hobbes to declare his laws of nature. In terms of political action such individuals will place themselves under an obligation to obey one who has the ability to maintain an effective system of obligation. Rational obligation does not prescribe an obligation to be rational but rather describes rational conduct as the placing of oneself under an obligation. One must acknowledge the rationality of such acts before one implements their counsels. Thus the priority of being rational to the actual act of placing oneself under obligation is established.

The idea of a moral chaos is given the opportunity to develop by the positing of a historical state of nature. Hobbes used historical examples in which family groups formed a minimal society citing the situations of the ancient inhabitants of Hellas as well as those who occupied the Americas of his own time. In such circumstances tenuous obligations linked individuals. These obligations were morally binding but because of the instability caused by constant conflict often made void. To continue this discussion

would lead to an explication of the moral/political dichotomy that I have made in the two prior subsections. While this type of exercise can be conducted with libertine and natural order interpretations at this early stage because of their static notions of obligation this is not the case with rational choice theory. At this point all that is required is a foundation for a discussion of rational choice conceptions of moral obligation by showing the relationship 'rationality' has to 'obligation'.
CHAPTER THREE:

The Moral World of the Sovereign.

With the advent of a sovereign the environment in which a natural individual acts is radically altered. In such circumstances obligation develops a capacity to constrain the agent effectively without requiring him to infringe the natural rights of others to ensure his own self-preservation. This is made possible through the establishment and maintenance of a political order. In the state of nature, whether logical or historical, a natural obligation does exist in its various forms but is incapable of preventing the human condition from deteriorating into a situation where the *summum malum* reigns on a universal scale. In fact in most instances it was responsible for this condition. Natural obligation, according to all three traditions of Hobbes scholarship, is not a compelling enough influence upon the individual to divert him from actions which would eventually lead to the *bellum omnium contra omnes*.

This schema holds valid for describing the mechanics of Hobbes's political philosophy, whether natural obligation is taken to be physical, rational or moral. So, effective political obligation is the result of a political order but the essence of this order is to be found ultimately in artificially organised natural obligation. Political obligation can be seen as a processed version of natural obligation. Continuing the analogy of manufacture; the sovereign can be viewed as the refining plant which makes this conversion possible. One's conception of natural obligation on this model will obviously determine much of the function one expects from one's refinery as well as the type of product one envisages the installation to turn out.
Libertine interpretations are those accounts which equate natural obligation with physical obligation. This leads them to emphasise the importance of the physical power which Hobbes's sovereign holds. I shall proceed to examine the political implications such readings have for the relationship which is seen to exist between the artificial personae of the Hobbesian sovereign and subject. The discussion will conclude by considering whether the sovereign's right to rule is best seen in terms of his *jus naturale* or *jus regni*. This conclusion will provide a path which opens into the following chapter which will discuss representations of Hobbes as a *de facto* and *de jure* theorist of power.

Libertine interpretations require that the Hobbesian sovereign be essentially dependent upon his artificially acquired physical power; this is the only reliable check against undesirable actions on the part of his subjects. The sovereign must regulate relations between his subjects with the ability he has to support his will in matters of arbitration by using his awesome physical power. This is not the sovereign's only function, he is the very substance of society. He performs in the role of judge as well as the legal personae of prosecutor and counsel for the defence; he is the word by which the law is communicated. Hobbes is taken to be demanding a regulative as well as the much more fundamental constitutive role for his sovereign in regards civil society. Civil society is as much as the state an artificial construct: it is completely reliant on the existence of the sovereign. R. G. Collingwood finds yet another source for offence in these politically illiberal tendencies of Hobbes's philosophy. Hobbes's works become reactionary and regressive as "the monarch [can be compared to] the Platonic reason, a constitutive organ when he ought to be regulative . . ." 91 By placing the primary social function of forming society with the sovereign an enormous scope of activity is granted him. This is required as a result of the complete natural subjectivity of the individual in his relations with his fellows. Collingwood’s portrayal of the Hobbesian account of human nature as a development of moral hedonism 92 leads him to represent the will of the Hobbesian

91 Collingwood, *op cit.* p.103
92 *ibid.* p.27 & p.82
sovereign (who is, after all, in a state of nature) as morally unimpeachable. Later libertine interpretations have accepted the paramountcy of the political to the civil in Hobbes's philosophy but have stopped short of Collingwood's suggestions about the objective moral standing of the sovereign's will. Hobbes "conceives sovereign power not as reason [as the ancients] but as [fallible] will."93

Hobbes equates power with will rather than with reason, as was the case with the ancients. This modern equation exhibits his view of the proper role of political philosophy which ought to address itself to a physical world inhabited by humanity. He is conducting an enquiry which primarily aims at resolving the conflict encountered by individuals in their everyday interaction with each other. The more distant concern of scholastic conjecture about a providential order figures only as it approximates the field of human affairs. The problems which provide a focus for Hobbes's investigation of civil institutions originate from within human nature itself. The individual considered in his natural condition of solitude is inadequately equipped to harmonize the use of his power with that of his fellows. A rather comprehensive list detailing instances of conflict occurs under the banner describing the incommodities that accompany a state of nature.94 These incommodities are presented as a list of conclusions which have been derived from two premises, delivered as self evident assumptions, about the nature of the individual. The first presumes that each individual has by nature an equal moral right to pursue whatever course of action he desires. The second grants that each of these individuals must be considered to have an effectively equal power by which he can support this moral right.95 The possession of an equality of power has two consequences; it makes conflict inevitable by providing each with an equal hope of success in attaining the object of his desire. From this equality of power each individual's natural right is effectively voided.

93 Strauss, The Political Philosophy . . ., op cit. p.160 This is not to suggest that Collingwood was unaware of the modern aspects of Hobbes with his change from Reason to will as the central mechanism of power. Collingwood does acknowledge this innovation but sees it presenting itself in a fully modern (and moral) form in Rousseau's volonté générale.
94 Leviathan, Ch. XIII, Sect. 5
95 De Cive, Ch. I, Sect. 11
The sovereign is intended to produce an artificial inequality of power. In such a condition the equal hope of success is removed before the unassailable strength of the sovereign so that each may effectively exercise (a portion of) his natural liberty.

The fundamental task of politics is the resolution of conflict which arises from the possession of equal natural powers by individuals. This is a physical charge dealing with concrete subject matter. The normative activity of resolving conflicting moral rights and claims follows as a corollary of this prior empirical condition of having the ability to do so. This is to say nothing more than Hobbes is a materialist, a point acknowledged even in many natural order interpretations of his political philosophy.96

A physical power has been defined as the ability to overcome external impediments and for Hobbes this resistance was primarily manifest in the actions of other individuals. Restating this definition using the language of obligation: power is the ability to place others under a physical obligation to oneself. Without the power to enact or realise a right the claimant has no basis for asserting the possession of that right in the first place. On a political level a sovereign without power is tantamount to the nonsensical proposition of a sovereign without right. Power and not right is the determining characteristic of sovereignty.

The right of the sovereign is dependent upon and co-extensive with his power to resist the external forces of other individuals both domestically and internationally. It must be remembered for Hobbes that a power to resist describes an ability to overcome. The sovereign gains a right to form and regulate society by the very act of his doing so. On such an interpretation Hobbes uses a descriptive mode of language even when appearing to adopt the prescriptive:

when the king can [read does] protect ... the people ought to [read must] obey ... the obligation to obey the command ... derives not from the morality of the law, or its agent, but merely from their capacity to enforce their will ... 97

97 Skinner, "Hobbes on Sovereignty . . .", op cit. p.420
The apparent prescription that one ought to return protection with obedience, when taken in a libertine framework, is a description despite the employment of *prima facie* normative language. It describes a necessary relationship of power between sovereign and subject: if the subject succeeds in resisting the power of the sovereign, that is, he is successfully disobedient, then he must be considered unprotected as well as disobedient. A subject who is more powerful than his sovereign, even if this is only in certain areas, *ex hypothesi*, cannot be considered a subject. The reverse also holds, if a sovereign cannot guarantee protection, neither will he be able to secure obedience. In both of these cases the subject/sovereign distinction is an inaccurate account of power relations. The sovereign can never have less power than his subject - power is his only defining quality.

A collection of natural individuals is termed a multitude by Hobbes; they are as yet apolitical and indeed non-social towards one another. Only through the artificial unity of a sovereign can they escape this condition. As power is the primary function of sovereignty; the greater the power of the sovereign the closer the community approaches the ideal polity. While Hobbes may have thought such ideals unattainable the natural world does present observers with examples such as the ideal poleis of ants and bees. Hobbes has already been seen to have derided comparisons between such creatures and humanity but then he never claimed to be in the business of utopian conjecture. Hobbes's ideal sovereign, although only ever conjecturally posited, precurses Rousseau's ultimate artificiality *la volonté générale* in many important respects. Where the power of the sovereign is limited so is his right and society cannot exist in this *ultima Thule*. I have already observed that such unknown territory was acknowledged by Hobbes to be outside the political sphere, viz. the area of moral intention. However, all external actions have the potential to be political acts and as such the Hobbesian sovereign requires the capability of interfering in any activity.

As the sovereign is a super-human being, that is he is an artificially created super-individual, so his power is supernatural. His power is the sum collection of the natural powers of his subjects. This could pose problems to those who take Hobbes to be exclusively concerned with power as one quite obviously cannot transfer one's actual
power but only the right to use it. Such considerations could be used to introduce discussions of rights independent of power or even a conception of power based upon right to its use. Libertines deal with such moves by showing that the right to use another's power is only effective when the sovereign has the ability, by the (threat of) collective coercion against the individual, to extract such usage as he wills. What is more, power is directed from the subject renouncing his *jus naturale*, by covenanted with his fellows, upwards to the sovereign. This stands in diametric opposition, as will be seen in the following chapter, to the divine right of kings arguments which propose that *authority* moves downward from the Almighty.

While the power of the sovereign can literally be called supernatural, as it is superior to the greatest possible magnitude that could be generated by a natural body, this description does not hold with regard to its origins. The sovereign's power is a product of human construction, that is it consists in an arrangement of the natural powers of his subjects. It is as impossible for a sovereign who has his origins in secondary causes to produce additional power as it is for him to create matter. The original of both power and matter lies exclusively within the metaphysical bounds of the first cause. Hence the capacity of Hobbes's mortal god is limited to that of organising existing givens. From this

it follows that men, when they set up a sovereign by covenant, give him no right he does not already have; it follows that they can do no more than lay obligations on themselves which enables the sovereign to exercise his right more effectively.98

Although Plamenatz uses the language of rights in the above passage his argument holds for the more fundamental properties of power in the libertine context. The sovereign cannot increase the power available to him (except by further conquest) but rather his subjects diminish their power in relation to his. The impression of a greater power issuing from a commonwealth than from an equal number of natural individuals is

98 Plamenatz, *op cit.* pp.85-6, also see Gauthier, *op cit.* p.40
the result of the provision of a common direction in which the previously disparate forces of those individuals can find a common focus. Utilising an analogy with the natural world, one which was employed on many occasions by Hobbes himself, the sovereign can be likened to an irrigation channel. Compared with a pool of water which would naturally spread into an amorphic and dissolute puddle, an equal volume of water within the channel will give the impression of a greater force.

Libertine interpretations represent Hobbes's sovereign as one who has an effective *jus naturale* by virtue of his artificially collected power with which he can constrain subordinate dissent. His subjects have covenanted one with the other that they will support the will of their sovereign, thus making his *jus naturale* effective. However, it is a matter of power rather than right; he cannot be taken as having a *jus regni*. While the sovereign may be able to force the reticent subject to abide by the dictates of his will within the bounds of his *jus naturale* there is no reciprocal duty upon the subject if he can evade the sovereign's coercion. The sovereign has a right to command but the subject has no duty to obey. The sovereign has *potentia* but his *potestas* is only co-extensive with this. The condition has not morally changed from the state of nature there are merely fewer players; the sovereign and his subject. Physical obligation remains the major determining relation between individuals in both their natural and artificial capacities.

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Natural order interpretations can be represented as attempts to overcome the inadequacies that are associated with basing Hobbes's 'deontology' on physical obligation. This aim is achieved by propounding the existence of a natural moral obligation. By drawing on a set of metaphysical precepts delivered by a providential order Hobbes's deontology can be presented as a more consistently effective theory of obligation. The metaphysical dimension converts the *bellum omnium contra omnes* from a condition of amorality into a circumstance arising from immorality. Leaving the debate about human nature to one side, such a chaotic state of affairs shows that natural moral
obligation is as ineffective in limiting the behaviour of the individual as was natural physical obligation in libertine accounts.

As yet no express definition of moral obligation has been offered. Specifications as to what Hobbes could have meant by such a term have been presented by Warrender in such a way that his definition could hold for all natural order discussions of obligation in Hobbes:

the obligation to obey God in his natural kingdom based upon fear of divine power - is, we shall contend, the normal meaning of the term [obligation] in Hobbes's doctrine . . . This type of obligation may be called moral obligation to distinguish it from physical obligation . . .

The exercise in differentiating between the two species of obligation aims at discerning voluntary moral obligation from its involuntary (and deontologically meaningless) physical variant propounded in libertine interpretations. This emphasis on voluntary character focuses attention on the agent and the 'internal' origins of obligation. Such a situation stands in stark contrast to the 'external' notions of moral obligation natural order theorists have hitherto been represented as portraying. In fact the implications that can be drawn from this notion of moral obligation approach some of the aspects of rational obligation discussed in the second chapter. Warrender supplies further fuel to those who would dispute the demarcations I have made between the various traditions of Hobbes scholarship. He explicitly claims that the laws of nature are no more than rational theorems. That is at least until one has voluntarily submitted one's natural right to the authority of God. One might reasonably be prompted to challenge my categorising Warrender within the natural order tradition on such grounds and I have already acknowledged the plausibility of such contentions. I would however reaffirm my current classification of his work as his account rests on the voluntary submission of the agent to

100 Ascribing a voluntary status to any activity in the determinist Hobbesian schema must be carried out with great caution. The intricacies of this debate were set out in his controversy with Bramhall. While liberty and necessity can be found to be compatible it is not immediately clear that this is the case for voluntarism and determinism.
a **metaphysical** principle. This point holds even when the metaphysic involved is styled as an internal faculty such as the conscience. Moral authority remains an objective precept and is beyond the subjective control of the individual's physical abilities. Morality in this sense is still independent of the agent. For instance, the atheist who refuses to submit his will to the **laws of nature** and thus God’s authority; recognises the laws of nature as no more than rational theorems. The very act of his refusal is however an expression of immorality. He has denied the authority of one who does in fact have the authority to command him. Natural order theorists can cite a plethora of references in which Hobbes contends that God has authority by virtue of his omnipotence.\footnote{E.g. *De Cive*, Ch. XV, Sect. 5-7 and *Leviathan*, Ch. XV, Sect. 35 and Ch. XXXI, Sect. 5} This is the only case in which power creates authority but it is significant in showing that moral obligation ultimately arises independently of the agent's will. The atheist is to be considered morally culpable as an *enemy* of God and not guilty of the lesser charge of insanity. Moral obligation considered at this primary level has thus lost its voluntary character.

The contention that there is a natural moral order leads natural order interpretations of Hobbes's concept of sovereignty to greatly reduce the role it plays in the formation of civil society from that of the libertine sovereign. The sovereign does not create law or society but merely enforces this order on recalcitrant individuals. Far from creating the objective laws of nature it is they who create the sovereign by providing the basis for his authority. The sovereign has no constitutive role in regards society. This is not to suggest that the presence of a political order, embodied in the person of the sovereign, is not necessary to the existence of the moral order. The sovereign has a function which is properly a negative regulative role rather than a positive capacity of building society and morality. Warrender refers to the sovereign as a validating condition through which the moral authority of the laws of nature can be realised.

As the sovereign brings about the conditions in which the moral order can be realised by promulgating civil law so these laws are regulated by higher natural laws.
The legacy of stressing the primacy of natural right directs libertine interpretations toward relying on a positive constitutive function for Hobbes's sovereign. With such positive elements already in existence via the natural moral order the role of the sovereign is confined to regulating aberrant behaviour:

What we should seek in vain of any of Hobbes's expositions of his social doctrine is the great Hellenic conception of the state... as having a further positive function, a duty to enable the lives of its members, so each of them may; if he will, climb to the spiritual heights which he could not have scaled alone. 102

Libertine interpretations regard searching for spiritual heights as an activity of secondary importance behind the eminently more practical concerns of physical survival. Natural order interpretations opt for the other extreme when interpreting Hobbes, affirming the ability of the individual to reach those heights by himself. All he requires is security from any interference on the part of his neighbours. The role of the sovereign is to provide these guarantees. The state could be deemed to have what eighteenth and nineteenth century liberals were to call a night-watchman function.

The preceding exposition of the role of the sovereign in Hobbes's civil philosophy shall now be examined in light of the implications such attitudes hold for the relationship between authority and power. Such an exegesis may appear superfluous as it has already been shown that morality inhabits a higher domain than the mere art of politics in natural order theory. A recapitulation at this point will provide a means of steering the discussion towards its objective: a statement, in terms of his jus naturale and jus regni, of the origin of the sovereign's right to rule.

The moral sphere is considered prior and therefore superior to the political and so it should not be surprising to find that natural order interpretations place debate about authority, a moral term, above issues of power, a political concept. Natural right describes an ability or power to act whereas natural law prescribes the authority with which one acts. Natural law shows the power one ought to have or how one ought to

102 Taylor, Hobbes, op cit. p.88
exercise that power regardless of the actual power that one possesses. When natural law is taken as Hobbes's primary deontological device attention is directed away from the descriptive activity of finding the locus of power. Instead one tends towards the prescriptive enterprise of discovering where it ought to be situated in a commonwealth. An examination of sovereignty in such circumstances must be conducted not as empirical observation of existing power relations but as a normative assessment of the lines of authority. Political power must be founded within the framework of moral authority. The strictures which describe the ambit of this authority are the laws of nature (which ought to be considered the commands of God). The intricacies which are associated with the above parenthetic clause have already been touched upon. Devoting further energies to outlining them at this point would serve only to distract attention from the immediate task. The aim here is to discover the political corollaries which arise from natural order representations of Hobbesian sovereignty.

Libertine interpretations present Hobbes as a materialist who was concerned only with examining the physical phenomena of matter and power.\textsuperscript{103} The de facto power of the sovereign cannot be challenged on moral grounds; such an activity is the fruit of nonsensical metaphysical speculation. Natural order interpretations accept the physical reality of the political world but continue that this is not the end of the story for Hobbes. With the introduction of a metaphysical component into Hobbes's civil philosophy there arises the possibility of a sovereign possessing power without necessarily having a co-extensive right or authority to exercise that power. If a sovereign does not have authority to act while maintaining an ability to do so a framework has been constructed in which his power to move beyond his authority may be questioned. This implication has not escaped some proponents of the natural order readings of Hobbes. Warrender suggests a mild tendency of Hobbesian political liberalism when he attends to

\textsuperscript{103} Although this is an intricate task in itself. Peters has cryptically (when his materialism is taken into account) dubbed Hobbes "the great metaphysician of motion." op cit. p.94
a citizen of a nationalistic State or a victim of religious persecution or of modern political 'conditioning', [who] may regard as not entirely illiberal an author who allowed the individual the right to ponder the ultimate problem of his allegiance to the State and the question of his own preservation...

A properly political sphere must be established for the sovereign power before he can be allowed to exercise power in civil society. This may turn out to set up no more than theoretical guarantees against the terrible powers of the sovereign but it does also provide for the possibility of questioning the limits of his power.

Natural order interpretations of Hobbes show his conception of sovereignty to be developed around two sets of criteria - the metaphysical as well as the physical. They also affirm the priority of the former over the latter set of conditions:

It is true that according to [Hobbes] there is one distinction which the sovereign does make by 'meer will', that between just and unjust, unjust meaning by definition what the civil law forbids, and just what it permits. But the sovereign does not in this fashion make the antecedent and more important distinction between equity and iniquity; his will does not create the iniquity of refusing him the obedience we have promised.

At the physical level of installing an objective standard of justice the sovereign is as absolute in his political power as his libertine counterpart. No physical constraints can be placed upon a sovereign. The idea of a physically restricted or divided sovereign is as nonsensical and undesirable for the body politic as autism or schizophrenia is in the body natural. Natural order interpretations accept political absolutism, however, they place a moral limitation on this power. The laws of nature constrain the artificial person of the sovereign by binding his prior natural persona(e). Ultimately the sovereign must be allowed for practical purposes to judge equity as well as justice but it is important that equity is not a product of his will; it is external to him.

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105 Taylor, "The Ethical Doctrine...", op cit. p.43
As there are dual gauges for observing sovereignty, both physical and normative, so the language in which his right to rule is expressed may be expected to vary. The ability of the sovereign to regulate civil society comes from the exercise of his *jus naturale*. The sphere of his *jus naturale* is increased as a result of a proportionate increase in his physical power. If this line of interpretation proceeded no further the sovereign would appear as the absolute agency which functions in libertine interpretations. But natural order interpretations have furiously argued that at no point did Hobbes develop a precept of 'can means may' let alone in the environs of a political organisation. Because a sovereign can interfere it does not immediately follow that he may do so. The moral perspective of sovereignty is introduced into the apparatus by the constraints which limit its power and these are presented as the laws of nature. This is not the substance of the sovereign's power but the form in which it presents itself to the community. We have already seen how the laws of nature can be taken to limit an individual's natural right to use his power and the case remains unaltered for a sovereign exercising the powers of others.

If a sovereign acts beyond the authority granted to him by the laws of nature he acts without a *jus naturale* or at the very least puts himself in the compromising position of being rightfully resisted by his subject. In this situation the sovereign's *jus naturale* does not take on the authoritative character of a *jus regni*; no duty on the part of the subject follows from a morally contestable exercise of the sovereign's *jus naturale*. So sovereign power is limited and it is the nature of this limitation that I wish to examine here.

The sovereign is in a state of nature to his subjects but this merely describes a situation lacking a contract or artificial political obligation between the two. Want of political obligation does not, however, preclude the existence of moral obligation; an absence of civil law does not entail the absence of natural law. This moral obligation by which both subject and sovereign are bound does not exist as an agreement between these
parties. Moral obligation is manifest in a duty to a higher principle. The sovereign's extended *jus naturale* derives from the voluntary forbearance of his subjects in the exercise of their right of nature. This is the original of the sovereign's power but not of his authority. Authority is not an artificial phenomenon it originates from beyond the agent: “The moral ground of a man's artificial right is not the artificial obligation of the other, or his own natural right, but the natural obligation of the other to perform his covenant.”

No artificial persona can have a moral obligation to his fellows to keep covenants. However such beings, including the sovereign, have a duty which springs from their natural personae to keep artificial, man-made, agreements.

In moral terms the sovereign can behave in one of two ways. If he remains within the bounds prescribed by the laws of nature his *jus naturale* takes on the character of a morally compelling *jus regni*. The subject is obliged in the strongest possible sense of the word to submit to the will of the sovereign. If, on the other hand, the sovereign acts beyond the jurisdiction ceded him by the laws of nature he may be considered to have misused his power. There can be no *jus regni* as there was never any *jus naturale* to commit the act in the first place. This type of action is more appropriately entered as an immoral act of war than of politics.

Hobbes's sovereign has become at once more limited yet, within the parameters of these limitations, more absolute than his libertine counterpart. The metaphysical dimension lends a politically liberal flavour to Hobbes's theory. The state's right to interfere is no longer an assumption entailed by the fact of its existence. However, the practical demands of the *Realpolitick* remove such metaphysical constraints to the status of ineffective and highly manipulable abstract conjecture. The sovereign can be the only public decision procedure and as such is the only person in a position to judge

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106 Because A is considered obliged to treat B in a certain way does not entail that A has an obligation to B. Many cases can be produced where the beneficiary of an obligation is not in a position to hold the obligated party to an agreement. My agreeing to mow the lawn for you in return for your washing the car belonging to the pensioner across the road does not give the her a right against you. She may benefit from the act but it is I to whom she ought to be, and you are, beholden.

107 Hood, *op cit.* p.118
authoritatively what is demanded by equity as well as justice, that is, the limits of his jurisdiction. A Uriah may have the metaphysical satisfaction of anticipating the ultimately more terrible fate awaiting his King David but this is of little help in soothing the physical suffering which is bound to befall him in the present world.

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Throughout this chapter I have presented the rational choice tradition as a synthesis arising out of material which has emerged from the exchange between libertine and natural order schools over the issue of Hobbesian obligation. I have also attempted to show how the interplay of these static notions of obligation in libertine and natural order interpretations has allowed the generation of obligation as a dynamic concept. Each of the 'static' notions is so described because obligation in their account remains essentially unchanged. For instance libertines give an account of the state of nature in which physical obligation is incapable of deterring individuals from a condition of warfare. The advent of a sovereign brings with it an effective obligation but it is still of the physical species. Likewise the natural order tradition converts an ineffective natural obligation into an effective political obligation without altering its character; in the study of ethics it can only make sense to talk about a moral obligation. Rational choice interpretations, on the other hand, give an account in which the very nature of obligation in Hobbes's civil philosophy changes from physical to moral. The dynamic is developed via the introduction of a concept which describes what is required if one is to be considered to be conducting oneself rationally, i.e. rational obligation. Rationality acts as a catalyst which converts natural physical obligation into an artificial moral obligation.

As a synthesis the rational choice tradition combines elements of the other two traditions. This should caution against the validity of implications which can be drawn from blanket statements such as the one made in the previous paragraph that in rational choice accounts 'moral obligation is (completely) artificial'. Moral obligation, according to rational choice readings, contains elements of both natural and artificial components (as all artifice must). Here 'natural' and 'artificial' indicate aspects of an action which are
respectively internal and external to the agent. Moral obligation is no longer a simple idea; it is a unity of the mind which runs counter to the passions of men; consequently it is a kind of second nature imposed upon men by their own wills . . . And it must be self imposed, rather than something held in place by such an external factor as the fear of punishment . . . At this stage the external unity of the law abiding citizen - whose behaviour is determined by the sovereign and his punitive apparatus - has become the internal unity of the moral person.108

While this is a rather more complex formulation than libertine or natural order accounts it serves to indicate that both internal natural and external artificial requirements must be met if a notion of the moral individual is going to be fully developed. Each set of criteria is reliant upon the other; there is no setting up of precedence of internal moral elements over external political elements or vice versa as occurs in both libertine and natural order interpretations. I shall now outline rational choice interpretations of Hobbes's concept of sovereignty maintaining the lines set down in the two previous discussions in this chapter. This will begin with an examination of role played by the sovereign in the functioning of a Hobbesian civil society.

Rational obligation is a concept which defines what is required of an individual if he is to participate in a system of mutual obligation with his fellows of the type entailed by Hobbesian political society. It is not an equation of irrationality with immorality but simply describes - in terms of Hobbesian political philosophy - what type of action must be considered rational or conducive to that construct. It is to be expected that, to some extent, individuals who embark upon such a course of action will find that they share a natural commonality with others who have decided upon similar excursions. Hobbes can assume that by voluntarily entering into a civil/political condition that the broad majority of individuals share similar wants and needs as well as ideas of how to achieve these. We have here the beginnings of tacit consent. In this sense the individuals who

are involved in such activities can be said to have a common or 'natural' rationality. It must be stressed that the term rationality is morally contingent on the requirement that one accepts Hobbes's assumptions about desirable outcomes and the type of behaviour conducive to these ends as fundamental conditions for social activity.

In very general terms, then, individuals share rationality but as soon as these abstract qualities are precipitated into particular persons and instances one is presented with a myriad of diverse possibilities from which discord will soon follow. Hobbes, despite his affirmation of rational obligation, presents an atomistic picture of individuals in their relations with one another. Rational choice interpretations have argued:

Hobbes constructs a political theory which bases unlimited political authority on unlimited individualism. The conclusion requires the premiss... But the premiss is too strong for the conclusions... from unlimited individualism only anarchy follows. The theory is a failure.109

Whether Hobbes's theory is actually a failure or not is considered a point of overriding importance by advocates of the rational choice interpretation. They argue that by re-emphasising aspects of his theory which he does not follow through, i.e. common rationality, his theory can be salvaged. Such an activity involves modifying some of the substantive propositions he makes about human nature while maintaining a formal fidelity to his method.110 The problems associated with his civil philosophy arise from concentrating upon the disunity of the external actions in 'rational individuals'. Such conflict can be moderated by re-emphasising the internal unity of the agent manifest in the concept of rational obligation.

This common possession, when recognised, offsets the dramatic scope which the Hobbesian sovereign would otherwise be required to take on. It is argued by rational

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109 Gauthier, op cit. p.vi
110 It is interesting to note that this is how Spragens claims Hobbes has essentially treated Aristotle. On this account Hobbes has maintained a formal 'tacit-framework-persistance' while substantially moving toward an "explicit-model-replacement'. op cit. pp.62-3. Needless to say that Hobbes's conclusions appeared far removed from what he had started with.
choice theorists that if individuals are taken to share a common rationality they should be able to participate in certain forms of civil life without the need for political interference. In such scenarios individuals are capable of partaking in some of the benefits of a collective enterprise without the threat of a Damoclean sword hovering above their heads in the form of an arbitrary sovereign. By down playing Hobbes's ultra-individualism rational choice theorists can proportionately reduce the absolute nature of the sovereign. Civil society is taken to be a moral chaos where individuals and associations can clash without inflicting too great a harm upon one another. The sovereign is not a constitutive element in civil society nor does he need involve himself in the intra-party disputes which occur in this area. Civil society can survive without the constitutive or intra-regulative function of the sovereign.

Civil actions can and do take on a criminal aspect on occasions and this then enters the realm of politics. The sovereign or political organisation must be able to control such breaches of obligation. The sovereign provides a regulative function at this level. There is no longer any internal unity by which the wills of divers individuals can be harmonised. The civil law of the sovereign curbs the external transgressions of individuals one against another while the natural law suggests ways in which individuals can minimize such transgressions themselves. Natural internal unity manifests itself as each member of the civil compact's will to obey the sovereign's will; this is a sign of his will to obey the laws of nature. However, "there is in Hobbesian society no concord of wills, no common will, no common good; its unity lies solely in the singleness of its Representative."111 The sovereign is an artificial focus for the multifarious particular wills of his subjects and is constitutive only in this external political sense. This is in addition to the regulative functions he performs to maintain the morally chaotic boundaries of civil society. The political must envelope the civil organism without necessarily digesting it. There is a sphere of social endeavour which does not require political interference; it could be deemed, in a Hobbesian sense, to be rationally inviolate.

111 Oakeshott, "Introduction" op cit. p.lvi
The political apparatus of the sovereign must be capable of circumscribing civil society. This power to limit ensures that the moral chaos within civil society will not overflow into extra-legal and so extra-civil activities. Such a condition allows a competitor to participate in the race for power but requires him to stay within his lane. What is more, the sovereign imposes the conditions of the race upon the competitors and as supreme referee has both the authority and the power to remove any elements that he feels are disrupting the proceedings. Any criminal activity indicates a return to a condition of pre-moral chaos where physical obligation is the sole determinant of relations between individuals. The members of civil society have a moral obligation and this is dependent to a significant degree on the presence of an effective legal order manifest in a system of civil law. However, the civil law is not the original of this moral obligation. Rather than a natural obligation to obey the civil law there is a self-imposed and artificially enforced civil obligation to obey the counsels of Hobbesian natural law. This form of civil obligation is valid only when considering Hobbesian individuals who are working within the framework of a Hobbesian society.

On such readings there is no simple and straightforward development from sovereign power to sovereign authority or derivation from authority to power as in libertine and natural order accounts. The moral obligation of the subject to obey his sovereign is reliant upon the possession by the sovereign of the ability or the power to punish disobedience. This is not the origin of such power. The sovereign exists not as the result of a phenomenon which is external to the subject, whether this be physical power or metaphysical authority, but from the internal rational and, in this sense, 'natural' inclinations of those who have chosen to authorise him. The sovereign's authority derives directly from the subject; his power over the subject from the others who have entered into the compact. His power is artificial and collective. It provides a guarantee to the agent that others will act in a manner that is consistent with the initial rational endeavour which brought about the genesis of the sovereign. To borrow Rousseauian terminology the sovereign power is general in relation to that subject when the subject acts within the requirements of the sovereign's will but the subject becomes
particular to this collective if he transgresses this will. The civil sovereign requires both authority from the subject as well as power from the collective who form his artificial body. If either pre-requisite is lacking the sovereign cannot claim a moral obligation of the subject to obey his will.

The counsels of natural law are the substance of sovereign authority; they occur to the natural individual and instruct him in the craft of civil artifice and mores. The civil law which is the product of such construction delivers a particular interpretation of these precepts. It provides security for each agent in so far as he can rest easy knowing that the majority of his neighbours will behave in the civilised manner as he himself does. The civil law provides the specific form in which moral obligation will present itself to the subject. Moral obligation is a concept which encompasses both political power and authority. A fortiori these components are as mutually dependent upon one another as the symbiotic relationship between form and content in the physical world.

It should be noted by way of a brief digression that rational choice interpretations are led to correct Hobbes once again on points of theology. The atheist becomes morally vindicated in his defiance of God; God has no authority to command if He has not received authorisation. The fact of his omnipotence is morally irrelevant as this only describes the possibility of God's physically obliging the mortal agent. The agent has committed no moral offence against God and as such cannot be morally punished.

The sovereign is a being who consists exclusively of neither the physical power of the artificial collective nor the moral authority which can only derive from the natural individual. The ability to concentrate power in sovereign proportions does not allow the automatic assumption of an accompanying authority over those who can be physically constrained. Likewise, a valid claim to have been authorised to act in the capacity of sovereign does not in itself guarantee the claimant's ability to do so. The dual pre-requisites of authority and power are necessary for the construction of a Hobbesian sovereign and, on rational choice accounts, do not follow one from the other as they do in libertine and natural order formulations. This being the case rational choice theorists must
develop separate accounts of the processes which deliver to the sovereign the qualities he requires for government.

One of the essential components to sovereignty is moral authority. This is the product of a series of covenants made by each with every other member of a multitude who wish to style themselves as a commonwealth. This tapestry of covenants creates the equivalent of a volitional vacuum where each has agreed with his fellows to exclude his jus naturale to judge and act on matters considered public. The definition of what constitutes a 'public matter' has many related issues which shall be considered in the following chapter; it is sufficient at this point to note that one's life could never be deemed solely a public concern. As the sovereign is not party to this procedure of mutual covenants his right to all things remains in tact. It should be noted that while the sovereign has an absolute right to everything it is doubtful whether rational Hobbesian subjects would choose/accept a sovereign who made full use of his absolute right. This, once again, leads off on tangential discussions concerning the limits of sovereignty. Such an examination will be conducted in due course. It is the origins of sovereignty which are under investigation here. The sovereign's authority to act derives from none other than his original jus naturale. This right of nature has been artificially extended by the removal of external impediments by way of the natural rights of others which were capable of interfering with the sovereign in the state of nature.

There are problems associated with the volitional vacuum alluded to above and this brings us to the second component of sovereignty: the possession of political power. The first issue arises from the idea of internally or voluntarily limiting one's own will. This contradictory notion of 'willing not to will' is, as Oakeshott put it, tantamount to 'race suicide'.\footnote{ibid.} Hobbes was not unaware of the necessity of will and desire in his conception of the individual for no "man [can] any more live, whose desires are at an end, than he whose senses and imaginations are at a stand".\footnote{Leviathan, Ch. XI, Sect. 1} Rather than willing not to will Hobbes instead developed a theory of right transference. Any expression of a
political or external will is given through the sovereign; he is authorised to make decisions which his subjects are obliged to accept as if they had personally committed themselves. This authorisation gives the sovereign a positive moral ability to utilise the natural powers of his subjects actively when implementing his decisions. This positive but artificial ability is the sovereign's *jus regni*. Without it he is just another individual struggling with equals to exercise his *jus naturale* but it is upon his original *jus naturale* that the moral ability to use this super-power is based.

Aside from chronicling twentieth century offerings of 'correct' readings of Hobbes's political texts the preceding three chapters have set out an account which treats the development of these schools as largely independent. They have been positioned in a dialectical pattern without these relationships being substantially expanded. This exercise entails as yet many unfounded assumptions, not the least, that there is such a thing as a text and that these texts can be read correctly. It is precisely these areas which constitute the objects of the second part of this investigation.

The purpose of the first part of this thesis has been to examine the evidence which each of the three interpretations extract from Hobbes's writings. Each case, taken by itself, seems quite compelling. I shall now proceed to examine the methodological debate which has to a large extent occupied Hobbes scholars since Quentin Skinner began to lay down historiographical challenges to the validity of other readings during the mid-1960's. Discussion of methodological issues reveals the underlying dynamism with which the various schools of Hobbes interpretation have confronted and reacted against one another. Although this debate occurs post-1960 it has much relevance for the scholarship which has preceded it. The stances I have identified had certainly taken shape by 1960. The justifications which were now asked of them had moved to a different court of appeal. The conclusions which this new evidence supported about Hobbes's message remained essentially as it had prior to the debate. Far from discrediting this step in the ongoing dialogue an occasion to profit is provided for all the disciplines. They are forced to confront the *raison d'être* of their respective activities.
PART TWO
CHAPTER FOUR:

Power and Authority in the Seventeenth Century

The preceding chapters presented an outline of the three prevailing currents of Hobbes scholarship in the twentieth century. It concluded with a statement of each tradition’s account of the origin and nature of Hobbesian sovereignty. Libertine interpretations were seen to ascribe a morally unlimited \textit{jus naturale} to Hobbes’s sovereign. His \textit{jus naturale} was constrained solely by a want of physical ability to enforce his will upon his subjects. Natural order interpretations reversed the functions of physical and moral phenomena so that moral obligation prescribed restrictions upon the physical aspect of Hobbes’s concept of sovereignty. The sovereign was only allowed a limited moral right to will on behalf of his subjects. However within the deontological constraints, styled as the laws of nature, he was represented as having an unlimited, or compelling in the strongest possible moral sense, \textit{jus regni}. The subject had a positive duty to support the sovereign’s will and this corresponded to the sovereign’s (limited) right to determine that subject’s will. Rights and duties were taken to be correlative. Finally rational choice interpretations required that a sovereign be able to exhibit both the moral capacity and the physical capability to rule. These conditions stipulated that a sovereign obtain both a moral authorisation (tacit or express) as well as a physical ability before he could effect his commission. Moral authority heralded from the sovereign’s own \textit{jus naturale} and his power derived from his artificially enhanced \textit{jus regni}.

Viewed at a more general level the first part set the foundations of Hobbes’s civil enquiries by enunciating the philosophical principles he used according to each of the three traditions. The discussion then proceeded toward a discourse which incorporated the more concrete terms of the political consequences of these principles. Such an approach is intended to introduce a move towards the study of the political terms in which Hobbes understood his circumstances. This line of development will be continued
through the present chapter with a further endeavour to show how Hobbes's politics were received by his own milieu.

The overall aim of this thesis is to examine the various ways in which a thinker has been read. I have already noted that partisans of the libertine and natural order persuasions have engaged each other in terms of the correct or appropriate historiographical attitude to adopt when reading Hobbes. Before embarking upon the terms of this historiographical debate, I shall map the location of Hobbes's works in relation to his contemporary intellectual milieu, taking each of the twentieth century readings as definitive. The provision of a seventeenth century context through which Hobbes can be read should not be taken as an affirmation of the validity of this type of historicist approach. It must be accepted from the outset that such historicism implies a plethora of unchallenged assumptions about what the historian can discover in a text by examining its historical context. Such problems will be taken up in the following chapter. The macroscopic structure of the thesis supports the inclusion of an account of the relationship Hobbes shared with his seventeenth century conditions. The preceding chapters have described the twentieth century climate in which Hobbes studies have been conducted. Natural order interpretations of Hobbes locate the complexities of interpreting a text in the impossibility of overcoming the influence of the milieu in which the interpreter is presently submerged. The present chapter furnishes a balance by treating seriously libertine contentions that it is the seventeenth, and not the twentieth, century milieu which is of prime significance when reading Hobbes. Together these chapters set out assumptions which describe the primary positions of a dialectic which shall be used to produce a synthesis in the final chapter.

As with the previous chapters, the political works of Thomas Hobbes will not always constitute the primary focus of our attention here; this is rather a comparative exercise. As such the relationship Hobbes's works shared with various political philosophic doctrines of the seventeenth and twentieth centuries is the chief concern in

114 The controversy which was entered into by Skinner and Warrender.
this chapter. I shall begin with a recapitulation of an inference to which brief allusion has already been made. Libertine assertions of the primacy of physical obligation in Hobbes's political philosophy present the possibility of drawing a corollary which portrays him as a theorist of \textit{de facto} power in political terms. A similar procedure delivers the depiction of Hobbes as a theorist of \textit{de jure} power if natural order contentions of the deontological superiority of moral obligation to his civil schema are accepted. After establishing the political consequences of the various interpretations of his philosophical foundations these doctrines will be elucidated through an exposition of seventeenth century concepts of a body politic or 'a people'. This exercise will be conducted with constant reference to Hobbes's position as presented by libertine and natural order traditions of Hobbes scholarship. In the second section of this chapter I shall consider the philosophical unity which allows politically disparate groups to be classified under the general banners \textit{de facto} and \textit{de jure} theorists of power. To this point rational choice interpretations of Hobbes's thought will have had little mention for reasons which will become apparent in the final chapter. They will, however, begin to resurface at the close of the second section through the medium of a discussion examining the relationship between \textit{de facto} and \textit{de jure} theory in terms of 'the art of politics' and 'the nature of philosophy'. Rational choice readings will emerge from relative silence as the rhetorical value of Hobbes's exegesis becomes apparent. This will signal the beginning of an attempt to read the text in itself and will facilitate the introduction of the final chapter in which the methods each tradition uses to read the text shall be examined directly.
1. 'The People': The *De facto* Power of a Multitude

or a *De jure* Authority Over the People

The appellation 'de facto theorist of power' has already been employed in conjunction with libertine formulations of Hobbes's conception of sovereignty. Establishing a link between a philosophical theory which conceives of obligation only in terms of physical compulsion and a political praxis which identifies sovereignty with the possession of a *de facto* power over a multitude would require, *prima facie*, little supporting argument. However, developing this argument in greater detail provides an opportunity to peruse the historical connotations that the phrase 'de facto theorist of power' has acquired through its use by libertine interpretations of Hobbes. These historical implications can be observed quite plainly when examining a libertine definition of the phrase. Skinner has provided a comprehensive study of a group of Hobbes's contemporaries whom he incorporated under the banner 'de facto theorists of obligation'. This collection of political theorists and activists was united in its "basic claim . . . that the Pauline injunction to obey the powers that be ordained of God could be argued even in the case of usurping powers."115 This injunction occurs throughout the thirteenth chapter of Paul's epistle to the Romans. *De facto* theorists, it is claimed, took this chapter to commend to the (Christian) subject an unconditional obedience to his sovereign (even in the event of that sovereign being a heathen).

An attempt to reflect the depth of the manifold expressions of *de facto* theory identified by Skinner could not be achieved in the space of a mere chapter. Within the vast array of *de facto* theorists identified by Skinner I shall concentrate primarily on two of the most diverse manifestations of this doctrine. The first of these sources will be the

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political journalist Marchamont Nedham who argued that the basis of political society is
the ability of one party physically to oblige another. His account of the birth of political
society corresponds closely to that offered by Hobbes's description of the generation of a
commonwealth by acquisition.116 Nedham delivers his propositions using terminology
which is at times strikingly Hobbesian and, on occasions, even pre-empting Hobbes
himself. An instance of this occurred in 1650, a year before Hobbes published his
*magnum opus*, in which he delivered his famous political dictum “covenants without the
sword are but words”. Nedham had contended in the previous year that “the power of
the sword [was] ... the original of the first monarchy [that of Nimrod’s] and indeed the
first political form of government that ever was.”117 There could not be a more clear
statement of the *de facto* theory of power which libertine interpretations read into Hobbes.
It may even be found, if only implicitly, that the extreme subjectivity which accompanied
Hobbes’s state of nature is analogued as man’s inability to linguistically communicate after
the failure of Nimrod’s utopian Tower of Babel. The sword is, once again, a pre­
requisite for *any* form of social intercourse.

Skinner gives his concept of *de facto* theory a wide descriptive breadth presenting
it as consisting of many of the numerous doctrines which found voice in mid-seventeenth
century England. *De facto* theorists were not only confined to the political arena; many of
them propounded theories which were radically apolitical. One such loose association of
disestablishmentarians presented a doctrine which was based firmly on the ‘divine’
Pauline injunction alluded to earlier. I shall refer to this group as social Independents.118

116 While the grounds of obligation in a commonwealth by acquisition are the same as
that of a commonwealth by institution, that is consent, Nedham sets out a series of
conditions which more closely describe the fear an agent had of a particular individual
or organisation rather than the fear of one’s neighbours in general.
1650), Ch. 2 (Charlottesville, The University Press of Virginia for the Folger
Shakespeare Library, 1969), Philip. A. Knachel (ed.) p.18
118 There is a certain amount of difficulty in finding an appellation which suitably
defines the group I wish to identify from the many factions that were circulating at this
point in English history. I am well aware that many Independents took an active part in
Parliament and the army. This term has begun to take on the amorphic properties in
which ‘Puritanism’ has always consisted.Cf. Christopher Hill’s *Society and
They argued, as Nedham and the libertine Hobbes, that sovereignty was determined by the possession of the public sword. Far from finding in this cause to be concerned about in whose hands the sword was placed, many Independents took this as reason to distance themselves, as private men, from public matters. A typical consequence of such attitudes can be found in a plea to Parliament from such a group who wished to return from a self-imposed exile at the conclusion of the first civil war. Their statement contains the assurance that

We had no State-ends or Politicall interests to comply with; no Kingdomes in our eye to subdue under our mould: (yet which will be coexistent with the peace of any form of Civill Government on earth) ... we had nothing else to doe but simply and singly consider how to worship God acceptably and so most according to his word.\footnote{Thomas Goodwin, Philip Nye, Sidrach Simpson, Jeremiah Bourrougs and William Bridge, “An Apologetical Narration, Humbly Submitted to the Honourable Houses of Parliament”, (London, 1644) in \textit{Tracts on Liberty in the Puritan Revolution 1638 - 1647}, Vol 2. William Haller (ed.) (New York, Columbia University Press, 1934), p.311}

Not only did these Independents claim to be no threat to the recently established government of the Long Parliament in England but, \textit{a fortiori}, they would never pose a challenge to the authority of any state under any circumstance. I have already noted that libertine interpretations have attended to the affinities Hobbes shares with the Independents. There is an obvious advantage for the sovereign in encouraging a doctrine which recommends the private individual stay outside the public sphere. Apart from this explicit compatibility with Hobbes’s political teachings a further implicit parallel can be drawn between Hobbes and the case for Independency. This corresponds to the assumed dichotomy which both theories draw between the intention and consequence of an action. For the libertine Hobbes as well as the authors of the above apologia the sovereign is physically unable to compel his subjects to believe in a particular (or, for that matter, any) God. All that can be demanded is that they publicly honour such manifestation of the
deity as the sovereign chooses. The private intention of belief is contrasted with the public activity of worship. Hence Hobbes could state:

 Qui fingo sacros auro, vol marmore vulnus,  
 Non facit ille Deos, qui rogat ille facit.  

Private intention is beyond the concerns of the political realm simply because it cannot be determined by (the threat of) physical obligation. Sovereignty is based on and so limited by its ability to oblige others physically weaker than itself to conform to its will. So, while Nedham concentrated on the physical manifestations of sovereignty, the Independents took issue with its physical limitations and both of these in accord with Hobbesian principles.

*De facto* theories of power founded social and political organisation on the ability of a stronger party to physically oblige others weaker than itself to conform to its will. The descriptive aspect of this approach to civil philosophy is continued into Hobbes’s concept of the fundamental political unit by libertine readings. ‘The people’ must consist in an entity whose influence or power can be both observed and felt by each of the members of the association. Hobbes provides a forceful explication of this *de facto* concept by distinguishing between a collection of natural individuals which he calls a “multitude of men [who are] . . . not any one body but many men whereof each hath his owne will.” from its artificially unified counterpart: ‘the people’. A multitude of individuals are in a state of nature one to the other; they lack any res publica. The people cannot will because there is no physical apparatus or process through which a single collective will can be expressed or known, let alone enforced.

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120 *De Cive*, Ch. XV, Sect. 16 This translates as “It is not he who forms in gold or marble the divine countenances, That makes the Gods, it is he who prays that makes them.” Trans. Warrender.

121 *De Cive*, Ch. VI, Sect. 1
Hobbes's materialism endorses the suggestion that if there is no physical manifestation of a phenomenon, either direct or indirect, then it cannot be said to exist.\[^{122}\]

Just as death is the conclusion of the natural will of an individual, and prior to this natural will is non-existence, such is the case in the artificial world of the body politic. In contrast to a collection of natural individuals Hobbes describes 'a people' or "A CITY [which] ... is one Person whose will, by the compact of many men, is to be received for the will of them all."\[^{123}\] The single person referred to here is, of course, artificial and may consist of more than one natural individual. The presence of an apparatus to concentrate the naturally diverse potentialia of the multitude into a single potestas of the sovereign is paramount to a de facto theory of power. The will of the sovereign, regardless of the form in which he is substantiated, whether monarchic, aristocratic or democratic, must be equated with the will of the people. As has already been seen in libertine accounts of Hobbes the subject's authorisation of his sovereign's will to take the place of his own natural will is ex post facto to the sovereign's power.

I shall now consider how such readings relate to other de facto theorists of power. Throughout the remainder of this subsection I shall tie the discussion to Hobbes via constant reference to his texts but with little quotation. This will allow a more cogent picture to be drawn of the various de facto theories in the short space available. While Nedham and those Independents of an apolitical persuasion never provided as clear a definition of the concept of a people as did Hobbes, they implied a similar political situation. A consequence of identifying 'the people' with the insitution of the state is the invalidation of any claim made against the sovereign by (a portion of) its individual members on behalf of an unauthorised alternative collective. No other association can exist within the commonwealth without the approbation of the sovereign in the same way as it is logically impossible for there to be two absolute or supreme powers within a finite resource. Any resistance against the sovereign could only be conducted on the basis of

\[^{122}\] Of course as with any philosophical knowledge of this world God is exempt from this law.
\[^{123}\] De Cive. Ch. V, Sect. 9
individual subjects defying the people.\textsuperscript{124} The case of a mass uprising merely describes many individual instances of dissent and not one single rebellion.\textsuperscript{125} If, however, these many individuals enter into an alternative compact then two sovereigns exist and the relation between sovereign's is that of the natural condition between individuals which is war.\textsuperscript{126} This situation was reiterated a century later by Rousseau in his \textit{Du Contrat Social}. In the first circumstance of isolated individual rebellion the individual can be represented as becoming particular in relation to the general will of the sovereign and general only in relation to himself. In the second case the individual is general in relation to his newly instituted sovereign but general wills are external and so particular in relation to one another. Any act of resistance is to be considered a crime against the people and so all breaches of the civil law are to be considered political acts. No conceptual leap is required to continue the above line of reasoning in developing the totalitarian notion of an enemy of the people. The basis for such concepts derives from the assumed unity of the sovereign with the people.

The above schema is common to the libertine Hobbes, Nedham and the Independents. Continuing on the theme of political crimes, or crimes against the people, Nedham stated that any act of dissent from the will of the sovereign was an inappropriate expression of the particular and so a political crime:

\begin{quote}
\textit{herein the very voice of the nation, with one consent seems to speak aloud: That those whose title seems unlawful and merely founded on force . . . may lawfully be obeyed. Nor \textit{may} they only, but they must . . . Let his pretense be what it will, resistance in the eye of the law of nations is treason: if he will needs perish in the flames of his own phrenetic zeal he can at best be reckoned but the madman's saint and the fool's martyr.}\textsuperscript{127}
\end{quote}

A number of parallels can be drawn between the above quotation and the libertine Hobbes. Firstly, the implication that any crime was on Nedham's understanding an act

\begin{itemize}
\item \textsuperscript{124} \textit{Leviathan}, Ch. XXI, Sect. 11
\item \textsuperscript{125} \textit{De Cive}, Ch. XXII, Sect. 3 and \textit{Leviathan}, Ch. XXIX, Sect. 10
\item \textsuperscript{126} \textit{De Cive}, Ch.X, Sect. 17 and \textit{Leviathan}, Ch. XIX, Sect. 8
\item \textsuperscript{127} Nedham, \textit{op cit.} pp.28-9 c.f. also \textit{De Cive}, Ch. XIV, Sect. 21
\end{itemize}
of war against the people, thus his use of the political term treason to denote such activities. A concept of civil disobedience as opposed to criminal illegality could not gain purchase in such a theory; there could be no apolitical acts of disobedience. Secondly, any source of legitimation for a particular action which is cited apart from the seat of political power must be considered 'pretense be it what it will'. The notion that a subject could resist his sovereign in the name of the people was nonsensical rhetoric. Rather any such claim would indicate that either a multitude of disaffected individuals had reclaimed their private sovereignties or the sovereign was under attack from another sovereign/people. The people could never wage war upon the sovereign or vice versa; it was a logical impossibility. (Or at least an act of irrationality tantamount to suicide in the natural world.) Thirdly, it is worth noting that the individual is seen as responsible for acting against the sovereign. Nedham implies this through his use of the singular pronoun 'he' in the final passage of the quotation; there can be no internal collective resistance.

As for the Independents, they had no positive doctrine of what constituted 'a people' or sovereign. They have already been shown to accept the authority of those in a position of superior physical strength. The status of 'the authority of the people' was accepted to be coextensive with the sovereign's ability to enforce his will. Beyond this point the individual was responsible for his own actions but such acts could not take on the character of resistance because they could never be surrendered to the sovereign in the first place.  

From the above arguments it would appear that the libertine association of Hobbes in a tradition of de facto theory would have substantial textual support. I shall now consider whether natural order interpretations could provide a set of alternative associations and who these associates might be.

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128 *Leviathan*, Ch. XIV, Sect. 23
Libertine scholars affirm the absolute moral right of a sovereign over his subjects. This authority to act is based in his superior physical ability to oblige his subjects and is indicative of his possession of the supreme de facto power in a polity. Natural order interpretations can be expected to oppose this image of Hobbes as a de facto theorist of power and, along with this, the historical associations that accompany such readings. Suggestions that physical obligation and corporeal liberty are the fundamental elements in Hobbes's civil philosophy have met with opposition. Instead it has been contended that these positions are, in fact, held by moral obligation and metaphysical law. To this end one can expect a portrayal of Hobbes as a de jure theorist of power. Such an exercise would add weight to the conclusions drawn about Hobbesian sovereignty in the previous chapter, namely that it is conditional because restricted by moral law.

I suggested earlier that a de facto theory of obligation would follow, more or less, self-evidently from the assertion of the centrality of physical obligation to Hobbes's concept of sovereignty. A similar process could presumably derive a theory of de jure sovereignty from Hobbesian principles if moral were to replace physical obligation as Hobbes's key political concept. The corollary from moral obligation to de jure power may appear as obvious as that from physical to de facto power. There is, however, even more cause to spend time elucidating this connection than in the previous case. The typification of Hobbes as a theorist of de facto power has already been presented at length with abundant historical demonstration by Skinner. Whereas natural order scholars have claimed that Hobbes provides a theory of natural law no explicitly historiographical study to rival that of Skinner's has been forthcoming. There is sound methodological reason for this which will become apparent as the second part of this thesis unfolds. Adding confusion to this silence is the claim made by Warrender that while Hobbes may be a natural law theorist he is not a "traditional natural law theorist [and] still less [a] Christian natural law" theorist. Warrender continues that de facto theorists who argue with the

129 Warrender, "Political Theory and Historiography . . .", op cit, p.933
least amount of sophistication also present their doctrines in the context of a natural order.\textsuperscript{130} Without becoming involved in a separate issue I allude to this statement at present only to show that the specifics of natural order scholarship on this point are far from clear.

Despite Warrender's distinction between Hobbesian and traditional variants of natural law - a distinction which he does not detail\textsuperscript{131} - I shall now map Hobbes's relation to other seventeenth century natural law theorists. I intend to examine natural order readings of Hobbes in relation to both 'democratic' and 'traditional' expositions of natural law theory. Incorporating as broad a range as possible of these \textit{de jure} theories will challenge further Warrender's implication that there is something significant and politically modern in the specifically Hobbesian account of natural law. The importance of this exercise is to show that Hobbes can be expressed within a general format of natural law theory. Traditional theories of \textit{de jure} power will be examined through the writings of the patriarchal order theorists such as the Stuart monarchs, the Tew Circle writers and Robert Filmer. It is presumably these traditional strains of natural law theory from which Warrender wishes to dissociate Hobbes. There is also a democratic species of argument which can be shown to conform to a format similar to that of the traditionalists. This group in itself incorporates a diversity which stretches from the Levellers and Diggers, through parliamentary Independents and Presbyterians, to sectarian groups such as the Fifth Monarchists. The following discussion will attempt to provide a general overview of these positions and as a result detailed analysis of particular doctrines will not be conducted and for the purposes of this thesis is not necessary.

\textsuperscript{130} \textit{Ibid.}
\textsuperscript{131} Warrender does allude to the differences in content of each of the types of natural law theory that he wishes to identify and these points, once again, exhibit his closeness to rational choice theorists. He does not, however, show why these particulars are important; how, for instance, Hobbesian natural law has any 'progressive' advantage or originality over traditional natural law.

One of the most direct denials of the central *de facto* proposition was delivered in the latter half of *Eikon Basilike*, or *The King's Book*, as it was commonly known in the seventeenth century. Charles I,\textsuperscript{132} facing imminent defeat at the hands of parliamentary forces, defiantly refuted claims that a military victory would legitimate their government: "I am sure" he retorted "the event or success can never state the justice of any cause, nor the peace of men's consciences, nor the eternal fate of their souls."\textsuperscript{133} In addition to rejecting the claims to *de jure* authority made by the new administration based solely on its *de facto* power the above statement implies a rich positive doctrine of natural order. Charles is arguing the success of a will, whether corporate or individual, in overcoming physical impediments is no sure sign of the morality of the action.\textsuperscript{134} The will cannot define its moral nature but, on the contrary, nature determines the well-ordered will. A pre-ordained order has been posited in which morality exists independent of the individual’s will. An individual’s action can pervert the moral order but never the conditions by which that order is brought about, that is, the actions which it prescribes. In line with such arguments Hobbes states that "injustice, ingratitude arrogance . . . and the rest can never be made lawful"\textsuperscript{135} and he cements this doctrine by explicitly describing the laws of nature as "eternal and immutable".\textsuperscript{136} In this phrase he is supporting two corollaries which can be drawn from Charles’s initial contention. Firstly, that the moral laws of nature are prior to human will and so, secondly, they are unaffected by human (mis)perception of their edicts. Collingwood gives a concise account of the conclusion to this theory: "It is not merely the case . . . that right is right though nobody does it: we must add that right is right though nobody thinks it."\textsuperscript{137} Borrowing from

\textsuperscript{132} The authorship of the *Eikon* has been the subject of much scholarly dispute. For more on this see Philip. A. Knachel’s introduction to *Eikon Basilike: The Portraiture of His Sacred Majesty in His Sufferings and Solitudes*, (London, 1649), (New York, Cornell University Press for the Folger Shakespeare Library, 1966). For present purposes I shall treat the author as if he were Charles himself.

\textsuperscript{133} *Eikon* . . . , *loc cit.* p.118

\textsuperscript{134} See Hood, *op cit.* p.121

\textsuperscript{135} *Leviathan*, Ch. XV, Sect. 28

\textsuperscript{136} *Ibid.*

\textsuperscript{137} Collingwood, *op cit.* p.16
Rousseau, once again, if natural law can be taken to have parallel qualities with the volonté générale it can never err even in the instance of the entire body politic misrepresenting it.\textsuperscript{138}

As a result of the existence of a natural or divine order "the concept of a free human being subject to no authority but his own was absolutely impossible."\textsuperscript{139} This flies in the face of libertine representations of a Hobbesian natural individual who is in a state of absolute moral liberty. It is precisely on this point that Filmer, as did Grotius before him, took exception to the philosophical foundations on which Hobbes built his otherwise completely acceptable absolutist polity.\textsuperscript{140}

From the above it should be clear that if Hobbes’s laws of nature are taken, \textit{per se}, as capable of imposing a moral obligation upon an individual he could quite comfortably be placed in the company of traditional patriarchalist thinkers. A far more unlikely companion for Hobbes occurs in the politically extreme democratic groups such as the Diggers and the Levellers. This affinity can be expounded upon by firstly identifying a common feature of democratic and patriarchal \textit{de jure} theory. Both of these politically disparate branches treat the conscience, or that faculty which communicates to the individual his moral sapientia as supplied by ‘the natural light of reason’, in similar fashion. In both species of \textit{de jure} theory the conscience was considered to be a faculty which worked in an objective manner and so could be known and judged by others. Hobbes’s laws of nature would, by this reading, become a systematic exposition of a divinely ordained morality known to all. We have already encountered Charles’s exhibition of the insight he had into courses of action which would be detrimental to the soul - specifically rebellion. While not agreeing with the particulars of Charles’s proclamations in this area, groups like the Levellers did not doubt that his was an

\textsuperscript{138} \textit{Du Contrat Social}, Bk. II, Ch. 3
\textsuperscript{139} Peter Laslett’s Introduction to \textit{Patriarcha and Other Political Works of Sir Robert Filmer}, (Oxford, Basil Blackwell, 1949), p.16
undertaking of a legitimate nature. A Levellers' journal, the *Moderate*, presumed knowledge of just the same character:

freedom to determine the type of civil authority was an essential characteristic of the birthright given by God to all men ... It is true the *Moderate* admitted that men could give up this freedom to choose their rulers, but it stressed they did so at the risk of their souls.141

The details of their convictions placed the Levellers in diametric opposition to Charles. In this case it might be necessary to revolt rather than submit in order to reclaim one's birthright and so one's soul. The similarity between the two doctrines arises in their common presumption of the knowledge of an individual's natural moral duty. If, as natural order representations of Hobbes suggest, his list of natural laws and virtues are accorded the status of unconditional imperatives then he must be considered to have entered into this moral fray. Hobbes's *de jure* associates thus described, I shall now consider *de jure* conceptions of 'the people'. Hobbes's seemingly explicit *de facto* attitudes on this matter must be reinterpreted in a manner consistent with *de jure* theorists if natural order accounts are to be seen as water-tight.

Before undertaking a direct exploration of the Hobbesian concept of 'the people' in a natural order context I shall relate the essential characteristic which unites *de jure* depictions of this entity. An offshoot of this exercise will reveal the appellations 'conservative' and 'radical' are not intrinsic qualities which are exclusive to patriarchal and democratic branches of *de jure* theory respectively. It is, on the contrary, possible to find radical patriarchalist and conservative democratic dispositions within this field.142

The political temper of the various *de jure* factions was constantly determined by extrinsic political circumstance; specifically the locus from which the supreme *de facto* power issued within a commonwealth. It was not the case that *de facto* power was seen as a


142 In fact, many of Skinner's *de facto* Engagers have been implicated as *de jure* theorists of obligation by Warrender. See his "Political Theory and Historiography . . .", *op cit.* pp.934-5
necessary concomitant to *de jure* authority although, it was argued, this always ought to have been the situation. This proposition allows the opportunity to consider the rhetorical dichotomy that *de jure* theorists set in place between the authority of the people and the power of the state.

Patriarchalist theorists have been frequently thought of as the bulwark of traditional reaction who adopted a conservative attitude in any circumstance. One cannot relegate conservatism to a mindless adjunct of reactionism. Such an assumption ignores the circumstances in which patriarchalists were conservative. They were concerned only to defend a particular arrangement of the body politic. Prior to the English civil wars patriarchalists were able to identify the *de facto* power of the state with an authority to rule over the multitude (that is an authority of, not from, the people) embodied in the single natural person of the monarch. The wills, interests and fortunes of king and country were inextricably linked with one another. In this vein James I was able to inform his subjects: “If you be rich, I cannot be poor...”

James was clearly identifying his power with the cumulative abilities of his subjects: the power of the sovereign corresponded directly with the power of the people. Thus far *de facto* theories would find little ground for dispute. However, *de jure* sovereign authority was taken to derive from a far greater power than any physical (and so finite) ability that a sovereign might acquire over his subjects. Sovereign authority was not found on the consent of his subjects but originated in the divine omnipotence of God and was manifest in a natural order. Natural order, expressed as the laws of nature, reason, etc. introduced the possibility of moral obligation; without natural law there was no phenomenon to which one could be obliged. The *authority* of the people is a moral term and denotes the ability to set down moral imperatives. ‘The people’, in this sense, is a moral term and so reliant on the existence of ‘the law’: the law must logically precede the people.

Any interruption of the natural order was, *ex hypothesi*, unnatural and so either a symptom or harbinger of anarchy and chaos. Those who adopted the *de facto* position on

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the grounds of the utility of peace, and so argued that any order was better than none, had completely mistaken the prescriptive concept of order. There could only be one natural order - any alternative system was removed from nature and so devoid of moral legitimacy. An alternative system was doomed to rest upon the corruptible physical devices of the mortal world. Natural order alone was the divine artifact incorporating the perfect political form which was moral obligation.

The conservatism which accompanied patriarchalist theory through the early Stuart years is explicable on the above account as it perceived power to be exercised by he who had authority; this was a rightful power. The result of removal of power from that office which had the de jure endorsement of God and in such a capacity was the authority of the people changed the situation dramatically. A black and white choice between anarchy or monarchy and chaos or order was presented to the populace as the inevitability of the demise of Charles drew nigh:

if the King be judge, then he is no limited monarch; if the people be judge, then he is no monarch at all. So farewell limited monarchy, nay farewell all government if there be no judge.144

The politically radical consequence of regicide was a moral licence caused by a break in the chain of natural order which communicated moral obligation from the omnipotence of God through the authority of the (now defunct) monarch to the people.145 As was seen in natural order readings of Hobbes the state of nature was brought about by acts of immorality. There no longer existed an office which could authoritatively specify the requirements of the natural order and enforce these pronouncements.146 The execution and banishment of God's vice-regents entailed the collapse of order; moral obligation became at best ineffective and at worst meaningless.

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145 I am using the term regicide to denote either the execution of a king or the destruction of his office.
146 Hobbes presented the duties of the sovereign as education and defence. cf. De Cive, Ch. XIII, Sect.6, 7, & 9 and Leviathan, Ch. XXIX, Sect. 2 & 13.
I shall briefly sketch some of the particulars of democratic arguments to provide an example of this branch of *de jure* theory. This will conclude in a general account of *de jure* theory's conception of the people which will then be compared with a natural order Hobbesian deontology. One of the most formidable and outspoken propagandists for the parliamentary cause was Henry Parker. He encapsulated the aims and attitudes of the Parliament in the early 1640's when he debated against Charles stating:

> that power is secondary and derivative in Princes, the fountaine and efficient cause is the people, and from hence the inference is just, the King, though he be *Singulus major[es]*, yet he is *universis minor[es]*.\(^{147}\)

Parker may have optimistically adopted a factual and descriptive tone in identifying *de facto* power in an office other than the monarch but this representation was far from the case in 1642. His statement is actually prescribing where the supreme power ought to lie. As patriarchalists asserted the natural authority of the monarch to possess this power so Parker counter-asserted the *de jure* authority of the Parliament. This chamber was now being affirmed as the essence of the kingdom; it was, *ex hypothesi*, 'the people'.\(^{148}\)

Not only was authority invested in Parliament through its claim to be the people but this was morally cemented by divine sanction. The working of democratic positions into a natural order framework was tautologically taken up by the editorial in number fourteen of the *Moderate* which proclaimed that "All lawful powers are ordained of God . . ."\(^{149}\) The case of an 'unlawful law-maker' attempting to maintain or usurp *de facto* power from those authorised in its exercise promoted a state of war: "if the king will not joyne with the people, the people may without disloyaliy save themselves . . ."\(^{150}\) Some argued even more desperately that "In such a case disobedience to kings . . . is not only lawful, but even a matter of duty and obedience unto God."\(^{151}\) The protection of the

\(^{147}\) Henry Parker, *Observations Upon some of his Majesties late Answers and Expresses*, (London, 1642) in Haller, *op cit.* p.167

\(^{148}\) *ibid.* p.171

\(^{149}\) Howell & Brewster, *op cit.* p.83

\(^{150}\) Parker, *op cit.*, p.182

\(^{151}\) John Goodwin, *Anti Cavalierisme or, Truth Pleading as well the Lawfullnesse, as the Necessity of this present War*, (London, 1642) in Haller, *op cit.* p.228
moral order was required by the laws of nature and this was realised on a political level by preserving the de jure authority against de facto usurpers.

Charles's once absolute grip on the reins of the de facto power of the state was loosened progressively through the late 1630's and culminated on the ultimate loss of his natural powers, in his execution in 1649. Patriarchalist theory reflected the growing debacle by moving from its initial position of complacent conservatism ever towards a more alarmist radicalism as the monarchical order disintegrated. Democratic attitudes plot an inverse course to this tendency. As the de facto power of the state, once firmly in the hands of the monarch, began to fall by pieces to the Parliament so the need for revolt became less urgent. The democrats saw in this process the reunification of de facto power with the de jure authority of the people. So, while democrat and monarchist disagreed on the specifics of what constituted the people, both argued the need for de facto power to be placed within the de jure seat of authority. In both accounts there is an implication that de jure authority can survive in a physically disembodied state. 'The people' was a metaphysical deontological entity. I shall now examine this proposition in regard to natural order interpretations of Hobbes.

As Hobbes's materialism would seem to support interpretations of him as a de facto theorist, so it would appear to preclude representations of him as a metaphysical de jure theorist. His explicit demand that the fundamental political unit be embodied in a physical apparatus capable of exerting the supreme de facto power within a polity places him securely in what has become known as the legal-positivist tradition. Natural order interpretations identify such misconstructions as the root cause of Hobbes becoming one of the most reviled political philosophers by 'righteous and God-fearing' elements over the past three and a half centuries. As was seen in the second chapter this disservice is perceived to occur as the result of basing the second and third deontological parts of De Cive and Leviathan on the first empirically psychological part. Natural order interpretations read this syllogistic dependency, if they accept it at all, in reverse. Hobbes's description of the purely physical relations that may exist between individuals
are rather based on the ineffectiveness of his metaphysical prescriptions when taken on their own.

Natural order interpretations do not disagree that Hobbes required a physical manifestation of power if order in a commonwealth was to be maintained. They even accept that Hobbes founded authority on power but this was an ultimate power; it consisted of metaphysical dimensions. An ultimate power would, Hobbes believed, beget an ultimate authority and there was no possibility for such a device in the finite world of physical extension. Hobbes looked to God’s ‘irresistible power’ for the origins of authority which presented itself as a moral obligation to obey the laws of nature.152 The absolute power or omnipotence of the First Cause creates a qualitatively superior type of obligation. The obligation was described as irresistible for the fact that it was considered to be inescapable - its referent was in the intention of the agent rather than the consequence of the act. This metaphysical aspect is the essential difference between natural and civil law; between obligation of a moral and that of a physical nature.

The sovereign had physical limits on his power because physical extension, by its nature, was limited. As a result of this the sovereign could not claim to have caused his own authority to rule. His ability to oblige morally had to derive from a source other than his own will as expressed in the civil law. Logically there could be only one omnipotence or irresistible power and so this was to be considered the fount of all moral obligation. If the civil laws were to be considered morally obligatory then the sovereign must have derived this ability from divine sanction via the moral laws of nature.

As the sovereign received his ability to oblige morally from God it was to this metaphysical deity that he was responsible. Hobbes has already been shown to adopt such a position in his description of David’s immorality as injustice to God and not the damaged party Uriah. David betrayed God’s trust, not Uriah’s, and so was liable to divine not mortal punishment. Filmer set up a similar juxtaposition between natural and civil injustice when he affirmed “that it is not right for Kings to do injury [or in the more

152 Leviathan, Ch. XXXI, Sect. 5, cf. also Warrender’s Political Philosophy . . ., op cit. p.10
precise Hobbesian mode of expression: be iniquitous], but that it is right for them to go unpunished [by their subjects] if they do."

Democrats also granted mortal dispensation to the sovereign. The *demos* could act with *de jure* authority in ways not morally acceptable if undertaken by natural individuals. For instance:

that may be lawfull for an entire body or society of persons to doe, which may not be lawfull for a part, or some few of the society . . . The Parliament (we know) being interpretatively, and in conjunction with Law, the whole body of the Kingdome.154

Goodwin was appealing above the civil, merely *de facto*, power of the king to the origins which gave that office its authority. This *de jure* authority was held by ‘the people’ as a representative, once again, of God’s order. If Hobbes may not have condoned the act of appealing; on his own deontological suppositions, he could not dispute that the appeal had been directed to the appropriate office.

In order to maintain a central assumption of this thesis I shall not discuss seventeenth century conceptions of rational obligation. In refraining from this activity I am not claiming that rational choice interpretations of Hobbes represent a phenomenon which was completely novel to the seventeenth century milieu. Rather, the historiographical mapping of Hobbes as an exponent of rational obligation would be methodologically inappropriate. Rational choice interpretations, I am suggesting, concentrate on the text in a way that allows it an autonomy from its historical context - whether this be the seventeenth or twentieth century.

This section shows that Hobbes can be placed in his contemporary milieu as either a *de facto* or *de jure* theorist of power depending on the type of obligation upon which he is interpreted as having rested his conception of sovereignty. This should not be taken as a score against libertine interpretations of Hobbes. Libertine interpretations are concerned to map the reaction with which Hobbes’s works met in the seventeenth century. This stands in stark contrast to attempts which can be made on behalf of natural

154 Goodwin, *op cit.* p.246
order interpretations to describe the possibilities of the reception Hobbes may have received if his works had been read in another way. So, as has become apparent on a number of occasions, while one may be able to fit Hobbes into the company of Hyde, Filmer or Bramhall they did not accept this association. I have included a discussion of Hobbes as *de jure* theorist simply to show that if the debacle which his political and philosophical works caused is ignored there is no reason why he should not be interpreted as a natural order theorist. The second section of this chapter will attempt to explore the reactions with which Hobbes’s doctrines actually encountered from *de facto* and *de jure* theorists.
2. The Nature of Philosophy Versus the Art of Politics

I am not attempting to pronounce judgement on the validity of any of the attitudes expressed by seventeenth century figures based on their reception of Hobbes's theories. Taking sides would contribute little to an understanding of Hobbes’s contemporary milieu. Instead, I shall follow Collingwood’s recommendation to the student of the history of ideas:

if you are trying to reach truth by your imagination it is not to praise or blame but to understand: not to ask whether you would have behaved like Caesar or Savanarola, but to understand why they did.

The previous section has shown that Hobbes could be read as supporting either a *de facto* or *de jure* position; one is as consistent with his theory as the other. The issue which remains unexplained is why Hobbes appealed to *de facto* ‘Engager’ theorists who were at political odds with him, while offending many *de jure* theorists who shared his political vision of absolute monarchy?

This line of inquiry leads to the kernel of libertine historiographical justifications of their interpretation of Hobbes as a natural rights theorist. They claim support for their readings on the evidence of his treatment at the hands of his contemporaries. I shall proceed to examine these seventeenth century opinions by relating the epistemic foundations implicit to *de facto* and *de jure* conceptions of ‘a people’. This will be achieved by distinguishing the degrees of certainty that *de facto* and *de jure* theorists attributed to ‘political’ and ‘philosophical’ modes of discourse. I am contending that it

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155 I make this point because some natural order interpretations have criticised, implicitly and otherwise, seventeenth and subsequent centuries for misreading Hobbes. For instance, Taylor takes this line of criticism to some length in *Hobbes, op cit.*

156 Collingwood, *op cit.* p.118. Herein lies one of the as yet unchallenged assumptions made by libertines that was alluded to at the beginning of the chapter. They claim to be able to arrive at an objective and eternal historical interpretation of a text. This issue will be taken up in the following chapter.
was on consideration of Hobbes's philosophic infrastructure rather than his political superstructure that sophisticated seventeenth century opinion of him was shaped.\textsuperscript{157}

The current section will consist of three subsections. The first will show a libertine Hobbes being cited approvingly in the service of \textit{de facto} theory. The discussion will focus primarily on Hobbes's suggestion that manifestations of political order are artificial and so contingent. I shall use Nedham as my main reference as he has provided one of the most bold and extensive utilizations (albeit in a somewhat backhanded way) of Hobbes amongst those whom Skinner includes within the ranks of his \textit{de facto} Engagers. The second subsection will map \textit{de jure} responses to Hobbes using Hyde, Filmer and Bramhall who all publicly disputed the philosophic underpinnings of Hobbes's political order. That which drew \textit{de facto} elements to forge their unholy association with Hobbes explains order theorists repudiation of an otherwise invaluable political ally. At this point I once again note that this chapter is fundamentally based upon historicist libertine assumptions and arguments. Natural order readings are, in their 'softer' versions, self-confessedly ahistorical reconstructions of Hobbes's civil philosophy. They do not dispute the historicist contributions to Hobbes studies in their own right but attack this approach from outside its methodological assumptions. As this will be dealt with in the following chapter natural order readings will constitute little of the following subsection. Both of the above enterprises examine Hobbes's surroundings in order to discover the correct understanding of the intention of the author. They read Hobbes through his contemporary context. The third subsection will remain fixed on a study of the seventeenth century but will address the context through the text rather than \textit{vice versa}. This return to the text is inspired by Oakeshott's treatment of Hobbes whom he places at the forefront of a rising tradition inherited by Renaissance political thought from the

\textsuperscript{157} Once again the scholarship of Spragens is invaluable in presenting the student of Hobbes with the full revolutionary force his philosophical ideas. Also of interest, the method of approaching Hobbes has changed dramatically from eighteenth and nineteenth century emphases on Hobbes's political philosophy. Scholars from earlier centuries found his political advocacy of absolute monarchy barbaric and obnoxious. Rehabilitation only occurred with late nineteenth - early twentieth century natural order interpretations of Hobbes. For the particulars see K. R. Minogue, "Parts and Wholes . . .", \textit{op cit.} pp.77-80.
world of the Ancients. Oakeshott dubs this tradition ‘Will and Artifice’. The title is itself enough to direct a study of methodology in Hobbes scholarship to examine the will behind, and the artifice of, the *Leviathan*. Viewed in this light Hobbes can be represented as a text which exists as

the still centre of a whirlpool of ideas which has drawn into itself numberless currents of thought, contemporary and historic, and by its centripetal force has shaped and composed them into a momentary significance before they are flung off again into the future.

The quotation would seem to direct attention to the very eye of the storm - rather what Hobbes thought of his contemporaries than what they thought of him.

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I have chosen to concentrate primarily on Nedham as a representative of *de facto* theory’s assimilation of Hobbes’s political philosophy. He is one of the few who did not distance themselves from the pejorative label of Hobbist with its connotations of anarchy and atheism. Nedham, on the contrary, was uncharacteristically candid in his endorsement of Hobbes or rather in his seeking Hobbesian support for his own account of sovereignty. He executed this charge in an appendix to the second edition of *The Case* . . . which appeared five months after the first in the October of 1650. In the interim Hobbes had provided the materials with which Nedham shored up his arguments. The appearance of *De Corpore Politico* in mid 1650 allowed Nedham to “foil our [the Parliament’s] adversaries with the weapons of their own approbation.” The adversaries to which Nedham makes reference were political; their weapons philosophical.

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158 Oakeshott, *Introduction*, *op cit.* p.xii
159 *ibid.* pp.xii-iii
160 Nedham, *op cit.* pp.129-30
Nedham scored important political points in his quest for support of an engagement of the newly established Commonwealth government. While Nedham was a political Independent he was required to fulfill a function quite different from his precursors in the early 1640's. Milton and Parker had only to appeal to interests which needed little incitement or persuasion to follow him along the path to revolution; Nedham was confronted with a task of a much more uncertain and difficult nature. It has been noted on a number of occasions that Milton had only to appeal to those who, for various reasons, already supported his desired course of action. Nedham, on the other hand, had to convince a multitude of diverse and often hostile factions of the importance in acquiescing in the new order.\textsuperscript{161} An example of the universality of his desperate appeal for peace occurs at the conclusion of \textit{The Case} . . . in a quoted passage from Seneca's \textit{Hercules Furens}:

\begin{quote}
\textit{Si aeterna semper odia mortales gerant,}
\textit{nec caeptus unquam cedat ex animus furor,}
\textit{sed arma faelix teneat, infaelix paret;}
\textit{nihil relinquet bella. Tum vastis ager}
\textit{squallebit arvis, subdita vectis face}
\textit{altus sepultas obruet gentes cinis.}
\textit{Pacem reduci velle, victori expedit,}
\textit{victo necesse est.}\textsuperscript{162}
\end{quote}

To this effect he observed that the philosophical principles on which his political adversaries rested their recommendations could find gainful employment in support of the recently founded regime. Hobbes and Salmassius, the proponents of the arguments cited in Nedham's appendix, were 'esteemed'\textsuperscript{163} as champions of the Royalist and Presbyterian causes because of their respective monarchic and theocratic policies.

\textsuperscript{162} Nedham, \textit{op cit.} p.128. 'If men should bear eternal hatred and if furious rage, once arisen, should never pass from our hearts and the conqueror should cling to arms and the vanquished prepare them, wars will leave nothing. Then the fields of the ravaged farms will lie untilled, the torch will be put to homes, and thick ashes will cover over the buried nations. To wish for a return of peace is advantageous to the victor, but for the vanquished it is indispensible.' Trans. Knachel.
\textsuperscript{163} Nedham, \textit{op cit.} p.129
Nedham argued that in the event of a victorious Commonwealth these political conclusions could be dismissed. The philosophical foundations employed by Hobbes and Salmasius no longer supported governance by a king or a rule of saints; they now endorsed a commonwealth of gentlemen.

Hobbes and Nedham most certainly differed in terms of their political didacticism. Put in another way, they disagreed on the type of executive apparatus best suited to the maintenance of a well ordered body politic. This political dispute could serve as a deceptive demarcation of Nedham from Hobbes. However they shared a more fundamental philosophical unity.

Nedham structured his treatise in a way which relegated debate about forms of government to an issue of secondary importance overshadowed by the more fundamental problem of sovereignty. Expression of preference for this or that particular form of government, if properly conducted, ought to appeal to criteria of 'utility and benefit'. Arguments for the utility of a commonwealth government were presented in the second part of *The Case*... after the more important grounds of sovereignty had been established. Nedham demanded nothing less than the 'necessity and equity' of the principles on which he grounded his concept of sovereignty. While government could exist in forms other than that favoured by Nedham sovereignty could not. His concept of sovereignty was presented in the philosophically plenary language of necessity which precluded any disputation. If the conditions were not met then, quite simply, sovereignty did not exist. It followed that constitutional debate occurred legitimately only when sovereignty had disintegrated, as was the case during the English Civil Wars, or when the dialogue was conducted by the sovereign himself. Sovereignty referred to the legislative substance of the body politic which was given an identifiable shape through the

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164 *ibid.* p.51
165 *ibid.*
166 See *Leviathan*, Ch. XVIII, Sect. 3
executive action of governments. The general concept of sovereignty was logically prior to the particular manifestations of government.167

It was at the philosophic level of considering the foundations of sovereignty that Nedham found an affinity with Hobbes. In his appended treatment of *De Corpore Politico* Nedham focused on Hobbes’s understanding of sovereignty as the ability to oblige an action physically. While such revelation shows the common object of Nedham’s and Hobbes’s concerns, a deeper commonality can be discovered using Hobbes’s earlier treatise *De Cive*. In this work Hobbes had stated explicitly that his monarchist preferences were just that: preferences.168 Even in 1642 when the Royalists were far from defeat Hobbes was eager

\[\textit{not to seem of opinion, that there is lesse proportion of obedience due to an Aristocracy or Democracy, then a Monarchy; for though I have endeavoured . . . to gain a belief in men, that Monarchy is the most commodius form of government (which one thing alone I confesse in this whole book not to be demonstrated, but only probably stated) yet every where I expressly say, that in all Government, there ought to be a supreme and equall power.}^{169}\]

I have quoted this passage at length as there are striking parallels with Nedham’s categorisation of government as a subject which refers to utility and sovereignty as a matter of necessity. The first and most obvious point of concurrence is to which Nedham picked referred in *The Case . . .*. This occurs in Hobbes’s absolutist direction to the subject of unquestioning obedience to his sovereign regardless of its political constitution. A further epistemological qualification follows with the insertion of the parenthetic clause. Hobbes implies that political debate concerning the form which a commonwealth ought to take can only occur as expressions of contending, and therefore contentious, private

167 This statement may appear to contradict Hobbes’s nominalism e.g. *Leviathan*, Ch. IV, Sect. 4-5. This is not the case as Hobbes argues not that the idea of monarchy exists before any particular monarchy but that sovereignty provides the essential pre-requisites for the existence of any government.

168 In "Conquest and Consent . . .", op cit. p. 94, Skinner states that it is unlikely that Nedham actually read *De Cive* before he wrote *The Case . . .* This is beside the point. I am examining the compatibility of the two authors and not the historical debt one might owe to the other.

169 *De Cive*, Preface to the Reader, p.22
opinion. Opinion is the expression of belief based on the fallible authority of experience of things; in the case of politics the source for this inductive experience is history. The analysis of sovereignty which he has undertaken to present exists on the basis of syllogistically derived principles from precise definitions. Philosophical knowledge does not presume to correspond to an external reality but is itself internally coherent. It is the process by which either the effect of a cause or the cause of an effect is explicated at a linguistic level and is presented as a series of absolute but conditional principles. For example, if one wishes to preserve oneself then one must submit to one's sovereign. Hobbes believed that through an inductive study of history one could 'probably state' that monarchy was the most stable and so utile form of government. Nedham learnt different lessons from history but attributed to them a similar fallible status.

Before proceeding to examine de jure reactions to Hobbes I shall briefly take note of one prominent libertine commentator who would appear to stand at odds with the above account. Strauss has suggested that Hobbes had arrived, through a study of history, at his political convictions well before he developed his philosophic or geometric system to support his 'conclusions'. Strauss cites Hobbes's, at the time neglected, translation of Thucydides published in 1629 as evidence of his early historical endeavours. Hobbes, it is argued, had generated assumptions which required explanation rather than following a series of philosophic arguments to their political conclusions. In fact, Strauss goes so far as to cede history a sort of teleological function in Hobbes's political philosophy. Hobbes

investigates not so much the essence of virtue and vice [and so his] . . . turning to history has philosophic significance. Taught by tradition what men ought to be, he seeks to discover by the study of historians and by induction from history, what man is . . .

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170 Strauss, The Political Philosophy . . ., op cit. p.6
171 ibid. p.130
Strauss's point is valuable in that it refocuses attention on Hobbes as a moral philosopher and his debt to the study of history. But the significance of this contribution is off-set to some degree because while Strauss is illuminating in what he affirms about Hobbes, he is misleading in what he denies; and this difficulty stems from his overly narrow conception of the way in which one set of ideas can influence ideas about other realities.\(^{172}\)

Spragens is reasonably concerned that Strauss, after presenting an impressive account of the multifaceted character of Hobbes's philosophy, proceeds on particularly shaky grounds to dissect this unity discarding 'large chunks' for the sake of coherence. History remains the product of moral individuals and as such the standards it delivers are contingent upon a myriad of circumstances so complex the complete situation can never be known even by the agent who is directly involved in the act of becoming. What is more, the interpreter must always accept his fallibility when inducing general principles from such studies. Hobbes was more than aware of the perils that accompanied the student who attempted to build solid lessons from history - history provided foundations of sand; always shifting and so unsuitable for a deontic enterprise of this type.\(^{173}\) As history is contingent - as all artifice is - so one form of government could not claim a natural superiority over another. Sovereignty demanded that the subject accept his sovereign whatever the *raison d'être* with which he was presented; prudential, religious or so on.

\(^{ii}\)

Those who expect to find as many publicly declared opponents of Hobbes as he had few confessed friends are not generally disappointed. Hobbes presented his potential enemies with a myriad of grounds on which they could take up the offensive. These

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\(^{172}\) Spragens, *op cit.* p.25

\(^{173}\) Leviathan, Ch. XX, Sect. 13
ranged from clashes of personality,\textsuperscript{174} through all kinds of political, theological and philosophical heterodoxies,\textsuperscript{175} to those who viewed mere association with ‘Hobbism’ as a public liability and distance from it as a public security.\textsuperscript{176} As the list of Hobbes’s detractors is a lengthy one I shall concentrate on those who presented philosophical objections to him. This focus provides a two-fold benefit. Primarily it will allow the proceeding discussion to follow a similar course to that steered when relating the philosophical unity shared by Hobbes and Nedham. Secondly, it is in the nature of philosophical disputation to state what exactly is in contention. This stands in stark contrast to the hysterical protestations which have issued from other fields often subsumed in the passionate fire of righteousness; they caused Hobbes to be blamed for natural disasters and his works to be burned.\textsuperscript{177}

The three \textit{de jure} theorists I have chosen to exemplify philosophic objections to Hobbes are all of Royalist persuasion. This is intended to place the dichotomy between politic and philosophic considerations in a heightened relief. It will show how those who agreed with Hobbes politically and even, if somewhat frustratedly, found in him an able logician and rhetorician could have still been unable to stomach the initial definitions on which were based his ultimate political conclusions. Filmer and Hyde both launched attacks specifically against the philosophical foundations of sovereignty proposed in \textit{Leviathan} in 1652 and 1676 respectively.\textsuperscript{178} Bramhall entered into an extended and what developed into a public and posthumous controversy with Hobbes which lasted from

\textsuperscript{174} An example of Hobbes’s style on this front can be seen in the controversy he entered into with the mathematician John Wallis over Hobbes’s claim to have squared the circle. A title of one of his treatises adequately sets the tone of the dispute; “On the Marks of Absurd Geometrie, Rural Language, Scottish Church Politicks and Barbarismes of John Wallis.”

\textsuperscript{175} By the term philosophical I mean disagreements on method. For instance, competing conceptions of science as inductive Baconian empiricism or deductive Cartesian rationalism.

\textsuperscript{176} An example of this last group would be such as the Royal Society as presented by Skinner in “Thomas Hobbes and the Nature of the Early Royal Society”, \textit{op cit.}

\textsuperscript{177} The specific instances I have in mind are the naming of Hobbes’s atheism in 1666 by the Parliament as a cause of the Great Fire of London and the public burning of \textit{Leviathan} at Oxford in 1685.

\textsuperscript{178} It is noteworthy that Hyde did not find Hobbes’s \textit{de facto} arguments adequate even after The Restoration of Charles II in 1660.
1645 and out lived them both.\textsuperscript{179} I shall initiate this study by relating the broadsides which were directed against the foundations of Hobbes's politics by Filmer and Hyde and conclude with Bamhall's dismay at the theological implications that this doctrine contained for natural order.

There can be little doubt that the principles on which Hobbes constructed his absolutism were perceived by \textit{de jure} theorists to be detrimental to the very type of government that they purported to support. This sentiment was spelt out by the Earl of Clarendon who

\begin{quote}
\textit{could not think of anything in my power to perform of more importance to your Majesties [Charles II] service, than to answer Mr. Hobbes's Leviathan and confute the doctrine therein contain'd, so pernicious to the Sovereign Power of Kings and destructive to the affection and allegiance of your subjects.}\textsuperscript{180}
\end{quote}

Hyde presents the historian with a knot of truly Gordian proportions. This broadside is directed at a fellow monarchist to whose earlier political works he had been more than amenable.\textsuperscript{181} Tuck has mapped several subtle changes of positions in Hobbes's thinking which could be responsible for Hyde's change of attitude. This evolution occurred from 1640, when \textit{De Corpore Politico} was privately circulated amongst a group of Hobbes's close associates, through to the publication of \textit{Leviathan} in 1651.\textsuperscript{182} Pursuing the specifics of these developments would unnecessarily slow down the current project. The generality which I am employing in examining the dichotomy between politics and philosophy allows these otherwise important and interesting details to be overlooked.

The 'general' nature of this over-view of \textit{de jure} criticisms of Hobbes is illustrated in Filmer's \textit{multum in parvo} "I consent with [Hobbes] about the rights of exercising government but I cannot agree with his means of acquiring it."\textsuperscript{183} This rebuff was aimed

\begin{footnotes}
\footnotetext[179]{See Stephen, \textit{op cit.} p.50}
\footnotetext[180]{Cited in Minogue "Parts and Wholes . . .", \textit{op cit.} p.78}
\footnotetext[181]{See Tuck's \textit{Hobbes}, \textit{op cit.} p.29}
\footnotetext[182]{For more see Tuck's \textit{Natural Rights Theories . . .}, \textit{op cit.} pp.120-30}
\footnotetext[183]{Filmer, \textit{Observations} . . ., \textit{op cit.} p.239}
\end{footnotes}
specifically at *Leviathan*. The ends and means of which Filmer respectively approves and disapproves can be represented as parallels of the political/philosophical dichotomy which I have already endeavoured to show was present in the earlier *De Cive*. This by no means cancels Tuck’s propositions about the evolutionary stages of Hobbes’s theory but merely shows that the degree of historical particularity with which he is concerned is not pertinent for what is required here.

Filmer exhibited his approbation towards the conclusions at which Hobbes had arrived concerning the utile architecture of monarchical government. Hobbes, however, did not present this utilitarianism as a symptom of a concurrence with the laws of nature. On Filmer’s understanding Hobbes’s inadequacy was intrinsic to the philosophical system on which he erected his polity. Hobbes’s arguments were found to be inherently harmful to *de jure* theory’s attempts to maintain the natural order. Filmer went on to show that the idea of a sovereign constructed out of individuals’ consent contained an essential flaw. It cemented an individual’s inalienable right to withdraw from and even oppose the fragile compact with which they had built the body politic. Such a clause enabled individuals to resist whenever they believed the compact to be disadvantaging them or, which is the same thing, whenever they had a good prospect of successful resistance. On Hobbes’s theory the fault of a subject involved in an act of unsuccessful rebellion lay not in his rebellion but in his failure.

*De jure* theory presented an alternative account of the generation of the rights of sovereignty which, they argued, was based on surer moral duties of the subject to obey. To this point Hyde argued:

> How this right and authority . . . came into the hands of the Sovereign . . . it neither is nor can be grounded in any gift or concession of the Subject, but is indubitably inherent in the office of being Sovereign and is inseparably annexed to it by God.185

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185 Cited in Tuck *Natural Rights Theories . . ., op cit.* p.109
This passage originally related specifically to the sovereign’s right to punish but it is indicative of, and so can be generalised to describe, all sovereign rights.\textsuperscript{186}

The particular form that a body politic must adopt was entailed in the natural order. Royalists believed that without a monarchy there could be no sovereignty. The commonwealth would be as a family without a father. A writer such as Hobbes who allowed polities to be established by human artifice yet claimed for them an authority founded on natural philosophical principles had missed the point completely; he had ceded a patriarchal authority to children. Hobbes’s reasoning allowed random political outcomes based on the contingencies of the fickle wills of mere mortals. His philosophical system was doomed, more often than not, to support unnatural and so amoral and unstable regimes. For Hobbes, the benefits of monarchy only coincided with a necessity of submission to the sovereign by chance (\textit{on condition} that he possess \textit{de facto} power) and so was unacceptable. Hobbes’s well-meaning quest for order, by \textit{de jure} standards, would end in a chaos where each individual could represent his preferred government as a moral necessity.

The essence of \textit{de jure} objections to Hobbes was his arrogant placement of the insufficient stuff of physical obligation over its naturally superior counterpart: moral obligation. An exasperated Bishop of Derry appealed to Hobbes to overturn this unnatural order. The Hobbesian individual ought look to the well-being of his soul: \textit{"Da veniam imperator; tu carecem ille gehennam minatur. - Excuse me, O Emperor, thou threatenest me with prison, but God threatens me with hell."}\textsuperscript{187} Hobbes characteristically parodied this grave ultimatum quipping \textit{"Excuse me, O Bishop, you threateneth me with what you cannot do; but the emperor threateneth me with death, and is able to do what he threateneth."}\textsuperscript{188} Hobbes’s reply to Bramhall was more than a mere counter assertion of temporal over spiritual authority. He argued that spiritual threats of damnation relied upon a temporal interpreter - unless it was one of the extremely rare cases of divine

\begin{footnotesize}
\footnotetext{186}{This holds for other Tew Cicle Writers discussed by Tuck. I have in mind specifically Digges and his denial of the subject’s right to self defence.}
\footnotetext{187}{Of Liberty, Necessity and Chance, English. Works. Vol.5. pp.276-7}
\footnotetext{188}{ibid. p.290}
\end{footnotesize}
revelation. Rejection of another's claim to revelation by parties who had not suffered the divine communiqué was not a rejection of God's authority but the authority of the interpreter.

The above account would appear to vindicate the libertine strategy of offering historiographical evidence in support of their readings of Hobbes. I shall now consider the 'historical Hobbes' and his perception of the environment in which he was working.

In part one rational choice interpretations represented Hobbes as plotting a course from a condition where physical obligation prevailed in relations between individuals to one in which this role was filled by moral obligation. So, one might take them to be interpreting Hobbes as politically concerned with the evolution of a sovereign from a *de facto* to a *de jure* power. The sovereign is actually a mere artifice of power but seeks to naturalise its subjects in the sense of forming the conditions under which they will believe it to possess a moral right to rule. In Marxian terms the sovereign must ideologise its subjects. Hence:

Hobbes claims to erect an objective morality from the ruins of subjective prudence . . . It is true that Hobbes's system transcends subjective prudence, but we may ask whether it is, or can be, more than common prudence. Indeed an appeal to basic interest or advantage is surely the most effective appeal of all - and if it can be expressed in terms which have moral connotations, so much the better. Ideology is interest disguised as morality.189

By taking this evolutionary approach from subjective to objective prudence rational choice interpretations narrow their considerations to the function of the text itself.

As the discussion moves toward considerations of the text methodological issues will come to the fore. Prior to asking what a text says we must first enquire as to the terms in which such a question can be couched. Considerations of the content of a text

189 Gauthier, *op cit.* pp.90-1
pale before the prior formal issues of discerning what constitutes a text. With the advent of these formal problems we are well on our way to the final chapter.

The task of discovering an historical Hobbes is made none the easier for his imperious claim to ignorance of all but a few modern political tracts. It has been suggested that Hobbes may have had ulterior motives for feigning ignorance of and contempt for bookish authority. Such a claim would support his conception of reason as a faculty not reliant upon the external world for the truths it delivered. Even if his knowledge of contemporary debates were more substantial than he was willing to admit the political milieu in which he was enveloped remained a largely unacknowledged stimulus in his works. Before grappling with such practical matters (if these can be approached at all) there is a more basic methodological hurdle to negotiate.

The announcement of an initiation of a search for an historical Hobbes may strike the methodologist as an outburst of confidently vulgar historicism. Presenting the terms of the inquiry in such unqualified language would provide accusations of naivete with more than an air of justifiability. Before a comprehensive denunciation of this type of historicism can be entered upon such attacks themselves must be modified. The methodologist could condemn the scholar to a textual relativism by robbing him of valuable tools of enquiry, viz. the integrity of the text and author, and the interpretive rationality of his audience. The removal of all technical meaning from these terms would leave the historian in a situation of ‘indiscriminate tolerance’ requiring him to accept all interpretations of texts as equally valid. Condren takes up this issue in the debate between the historian and the methodologist suggesting that

any methodologist who finds it necessary to tell historians (twice) that they will not find questionnaires of too much help, since their subjects are usually dead, deserves just about all he gets and perhaps a little more.

Condren is not defending those historians who pretend to an esoteric knowledge of their subject’s actual intention. However, space has been cleared for the more moderate claim

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190 For instance, Peters, *op cit.* p.35 & Stephen, *op cit.* p.71
191 Condren, *op cit.* p.28
that the text is the product of an intention. This obvious but often ignored point denies that the text or author are purely products of their surrounding circumstances. Both must be accepted as unique points of focus in the presentation of their context. The suggestion here is that there can be no legitimate representation of an eternal text or, for that matter, context.¹⁹² The complexities associated with authorial subjectivity are further compounded when the necessarily subjective reconstruction of the text and context by the historian are taken into account. Conclusions drawn from the above deny that texts can be read entirely through their contexts while, at the same time, maintaining that they must remain in contact with their setting.

The reference to a search for an historical Hobbes, then, is an attempt to describe a process by which his works can be read as coherent wholes without expurgating or subordinating major portions thereof to the status of ‘mere window dressing’.¹⁹³ This middle course seeks to recognise the integrity of the text without presuming to enunciate the specifics of what it was that might have been originally intended. When reading Hobbes with this in mind we can attempt to take account of, and so avoid, the charge of being ‘historically absurd’ which is levelled at natural order interpretations.¹⁹⁴ We must keep in mind that it is Hobbes whom we are studying, at the same time saving his works from the historical irrelevancy with which libertine interpretations have been accused.¹⁹⁵ It is we who are studying Hobbes.

Charting a course between libertine and natural order interpretations of Hobbes, Oakeshott has labelled those attitudes which seek to impose an architectonic structure upon Hobbes’s civil philosophy as ‘misconceived’.¹⁹⁶ Those who would have Hobbes building a prudential deontology upon the psychological reactions of individuals confronted with the unpleasant prospect of physical obligation are rejected. Of equal fault are those who ignore Hobbes’s psychological account as secondary or irrelevant to the

¹⁹³ Warrender, “Political Theory and Historiography . . .”, op cit. p.936
¹⁹⁶ Oakeshott, “Introduction”, op cit. p.xix
more important structures of his natural order argument. In both cases Hobbesian civil philosophy is presented as occupying the ‘top storey’ of a natural (physical or metaphysical) philosophy. Employing yet another in his rich repertoire of metaphor Oakeshott counters the portrayal of Hobbes as an artisan with Hobbes the composer. His civil philosophy is less an edifice than the “music that gives meaning to the movement of the dancers . . .”. Hobbes produces his score “by the continuous application of a doctrine about the nature of philosophy.” that is, the study of signs rather than things signified: of artifice not nature. The end or application of philosophy is communication which is a knowledge (not opinion) that is shared with another. In terms of civil philosophy communication is tantamount to peace.

Rejection of a portion of Hobbes’s civil philosophy does not bring the house down as faulty foundations would in the natural world of things. Rather, it directs the critic to look for a more acceptable or understandable piece of common ground. If Oakeshott is correct then Hobbes is more occupied with the rhetorical art of effecting a communication than affecting an interlocution with any grand philosophical design. The outshot of all this is that Hobbes’s works may be described as internally consistent and contradictory. Using the verse of Walt Whitman, Condren exemplifies the gist of such an approach:

Do I contradict myself,
   Very well, I contradict myself,
   For I am large,
   I contain multitudes.

Indeed Hobbes does see himself dealing with multitudes. Hobbes’s rhetoric was directed at “Ecclesiastical Persons . . . Sectaries . . . [and] Lawyers . . .” In one way or another he wished to convince all sections of society of the soundness of his conclusions. Hobbes accepted that no particular group or individual could be completely satisfied

197 ibid.
198 ibid.
199 Condren, op cit. p.42
200 De Cive, Preface to the Reader, p. 23
without the situation becoming intolerable for the rest. The fashioners of opinion upon whom he called to examine his work had to be convinced of the advantages of compromise and peace over the all-or-nothing demands which led to war. It was not of major concern which of Hobbes’s arguments most appealed to a particular individual: it was not whether one was impressed by arguments from *de facto* power and physical obligation or preferred the secure feeling of piety that came with following one’s perceived moral obligation to obey a *de jure* authority that mattered. All that was required for his system to work was for an individual, for whatever reason, to take for his most rational course of action a submission to those who could fulfil the functions of sovereignty.

Many libertine and natural order scholars accept that Hobbes was working more than one line of argument in his texts. The identification that Warrender makes of Hobbes’s double-barrelled arguments from moral duty as well as prudential self-interest is one such instance of this. Problems arise when these scholars begin to promote one set of arguments over the others, claiming knowledge of how Hobbes would have preferred to be read. Herein lies the historicist threat to the integrity of the text. To dismiss, with some methodologists, any historical criteria is to run the risk of by-passing reasonable constraints upon the rationality of interpretation.

Rational choice interpretations allow the text to be treated as an intended artifice and so require historical canons of interpretive rationality. Claims that Hobbes was a sincere Christian or that his contemporaries thought him the Devil Incarnate go beyond what these canons allow. At the same time they accept that Hobbes did have an audience who would employ their various rationalities to his text. I have now presented the subject matter contained in both twentieth and seventeenth century milieux surrounding Hobbes. In the final chapter I shall express these positions in terms which relate to the broader theoretical debates that have taken place over reading Hobbes.
CHAPTER FIVE:
Between the Horns of Absurdity and Irrelevance:
The Rational Choice.

The dissertation so far could be described as a sketch of the debate during the first sixty years of the twentieth century concerning how to read the political philosophy of Thomas Hobbes correctly. On the occasions that I have cited later publications dating up to thirty years after 1960 I have only done so in support of positions which had already been substantially developed by the early sixties. The first part of this thesis has set out the diversity of interpretations of Hobbes which have come to proliferate in the twentieth century. This was followed by an account of the attempt to circumnavigate the impasse between contending interpretations which had been reached by the mid 1960's. This endeavour was characterised by the requirement that readings be able to cite historical evidence in support of their cases. The present chapter will now proceed to discuss the fortunes of this manoeuvre and the response it has evoked from other schools of Hobbes interpretation.

This chapter will be constructed in a way which will continue to imply the dialectical metaphor hinted at in part one. Libertine, natural order and rational choice positions can be taken as performing the functions of thesis, antithesis and synthesis respectively in relation to one another. I shall begin by examining the libertine thesis which requires that a text be historiographically secured to the facts we can discover about its historical experience before analysis proceeds. This pre-requisite would obviously preclude representations of Hobbes as a theorist of natural order. Natural order readings are found to be wanting on the grounds that they construct historically absurd portrayals of Hobbes's political philosophy. The paramount demand placed upon textual analysis by the historiographer is that it correspond to the historical facts describing the context into which it was received.

The antithesis to the historiographical approach seeks to defend natural order readings on the grounds that giving prominence to the role played by moral obligation in
his political philosophy allows the system which Hobbes generated to be read as an internally coherent whole. Historiography's inability to incorporate major sections of Hobbes's arguments is presented as the main shortcoming of that approach. It is suggested this problem can be rectified by employing an alternate set of interpretative criteria which allows for a more charitable account of what Hobbes was doing. The historiographical charge of absurdity is countered by replying that the act of cementing a text's meaning completely within its historical context consigns that text to historical irrelevancy.

The third section of this chapter will plot the development of a synthesis constructed on the dual criteria of validity requiring that a text be 'scientifically' correspondent to historical fact as well as 'practically' coherent. By maintaining, but moderating, the principles employed by each school Hobbes can be read in a way which avoids both absurdity and irrelevance.

Before plunging into the junction which leads from the smaller, protected tributary of Hobbes studies to the more turbulent currents of the wider methodological debate it should be emphasised that it is with Hobbes that the scholars are, for present purposes, primarily concerned. To lose sight of this would endanger the thesis by casting it adrift in conditions for which it has not been designed. It is important to this end that I next describe just how broad is the compass in which I intend to work. There is a constant tendency to remove further toward the methodological doctrines espoused by many of the scholars that I am discussing than is warranted under the terms previously set for the current project. It is always tempting to accept that a scholar will follow his own recommendations about how one ought to treat a text. If this were the case it might justify a deeper consideration of the methodological concerns of some of the scholars under examination. However, to wander such distances from considerations of Hobbes would not only be tangential to the current exercise but would be positively destructive to the schema which has served as the foundation of this chapter. Many of those whom I

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201 These are Oakeshott's terms from "On the Activity of Being a Historian", in Rationalism in Politics, op cit.
have represented as advocates of a particular reading of Hobbes differ significantly in their methodological prescriptions of how a text ought to be read. One need only observe the diversity of claims which represent themselves as historicist within the libertine school of Hobbes interpretation to sustain this point. It would stretch the bounds of credibility to propose that Collingwood, Strauss and Skinner shared common historiographical ground in recommending how one ought to read a text. I am not, however, attempting to link Hobbes scholars wider methodological theories to their specific case studies of Hobbes. I shall occasionally allude to these broader principles if I feel they illuminate a particular scholar's treatment of Hobbes but this will be the exception rather than the rule. I am not aiming to assess the fidelity that a particular reading of a text has to the same scholars's methodological theories. This is not an exercise in comparing what twentieth century scholars say they do with what they actually do.\(^{202}\)

What has become apparent in Hobbes studies is that, despite wider methodological differences, the corpus of scholarship in this field can be grouped into three modes of interpretation which are relatively internally cohesive. A point has now been reached where the three interpretations can be extrapolated to discover the broader implications each reading holds for coming to terms with a 'classic thinker'. I am attempting to describe the moment at which Hobbes scholarship enters into the larger methodological debate. The purpose of this final chapter is to discover the particular contributions each account lends to an understanding of Hobbes.

\(^{202}\) However, a project of this nature could quite easily follow from the current undertaking. For such an exercise concentrating primarily upon Skinner, Pocock and Greenleaf cf. David Boucher's *Texts in Context: Revisionist Methods for Studying the History of Ideas*, (Boston, Martinus Nijhoff Publishers, 1985).
I. The Absurdity of Coherence.

The substance of libertine arguments from a historiographical perspective has already been presented in the previous chapter. It remains only to formalise this material into principles which can be used as a criterion on which other readings of Hobbes may be assessed. Amongst scholars who advocate libertine readings of Hobbes Skinner has formulated the most definite expression of historiographical principles. I shall, in the course of the proceeding discussion, allude to other libertine accounts to exhibit the type of endorsement they might lend (if any) to the historicist conclusions at which Skinner arrives. I shall work, however, on the assumption that Skinner has most directly and comprehensively described and defended the interpretation of Hobbes as a libertine on historicist grounds. He has encapsulated this exercise as

An attempt . . . to elucidate the ideological context of one set of classic texts, and to construct around them the framework of their appropriate intellectual milieu. The implication has been that where an intellectual framework is lacking, the classic text itself may be 'understood' by philosophers in ways that are historically absurd.203

The above passage enunciates two objectives. First it declares the positive thesis that a text can only be understood as a part of its contemporary context. It is inextricably bound to the environment in which it was produced. It is the context which supplies the text with its meaning. A reading which cannot be supported by historical fact, or a fortiori contradicts known facts, as for example the reception a text received from its contemporary milieu, empties that text of all meaning. The text is viewed, on these principles, as a centre through which its historical surroundings can be observed. Without a corresponding notion of context the very concept of text is placed under threat. An analogous situation could be represented as an attempt to grasp the concept of the focal point of a lens without first possessing the idea of light.

Following this definition Skinner then proceeds to consider the consequences of attempts to develop the concept of text without reference to, or regard for, its historical

203 Skinner, "The Ideological Context . . .", op cit. p.317
context. He employs a term of derision of particularly Hobbesian character. Skinner
names his target, not historically misguided or erroneous but absurd. The thought of the
figure of Hobbes abstracted from his seventeenth century intellectual milieu amounts to
nothing more than an unsalvagable nonsense.

Skinner's arguments share a presumption with other libertine interpretations of
Hobbes. The historian is believed to be capable of (substantially) recovering the real
or original intention of the author. The qualification 'substantially' must be introduced as
recognition that historiography employs assumptions which can be reduced to a
hermeneutic circle. Tracing this line briefly, to read Hobbes by observing the reactions of
his contemporaries one must presume a knowledge of what his contemporaries intended
in their replies to his propositions. This, in turn, requires knowledge of their various
contexts of which Hobbes is an as yet unknown part. Knowing a part (the text) of a
whole (the context) requires that the whole is already known. This, in turn, presumes
that the parts are themselves already known. The historian is forced to attempt to break
this circularity by introducing basic assumptions of what authors actually intended. The
full force of hermeneutic circularity destroys the type of historiography which attempts to
establish objective intentionality of the author and to use this in deciphering his work.

Libertine interpretations of Hobbes can all claim support from historicist
principles. But the specifics of what each holds to be historiography can vary
significantly. We have already observed Collingwood's requirement that the historian
use his imagination to understand why those on the historical stage behaved as they did.
Collingwood makes a distinction between the passive activity of chronicling which
consists of merely collecting facts and that of historicising in which the imagination is
actively employed. Yet the two activities are implicitly linked in that the more facts
which one can gather to illuminate the context in which a given text occurs the more
vivid, and so informed, will be the historical reconstruction of the text/thinker. Strauss,

204 For qualifications accepting some limitation on what a historian can know

205 Boucher, *Texts in Context*, . . . , op cit. p.8
although for different reasons, also believed that "it becomes possible to understand thinkers of the past exactly as they understood themselves."206 Apparently distinct from each other Skinner, Collingwood and Strauss have forwarded their own proposals as to how the historian might arrive at the real intention of the author. Collingwood referred to the historical imagination "as an a priori faculty 'an original and fundamental activity of the human mind.'"207 Strauss preferred to develop an esoteric theory of hidden meanings in the works of great thinkers as they sought to continue the truths of philosophy while avoiding persecution at the hands of those who ruled the masses. Skinner's approach, on the other hand, purports to use an a posteriori method to discover empirical historical evidence. This claim to scientific method has been challenged on the grounds that it is a device for masking assumptions that the hermeneutic circle, in which it is entrapped, has forced it to make.208 Each of these historiographies has developed along different paths and in response to perceptions of different problems by their authors. They all, however, share the presumption that a validly interpreted text must be a historically interpreted text.209 The significant point of concurrence between these at times diverse historiographical statements is that, for one reason or another, the historian is presented as the sole heir to a text's real meaning. From this privileged position he can sit in judgement on all subsequent interpretations of the text in question.

In the second chapter, interpretations which emphasise the importance of moral obligation in Hobbes's political philosophy were seen to fail to support their contentions with historical evidence. Indeed running such a line made it necessary for them to contradict many of the historical facts describing the type of reaction Hobbes's doctrine received from his contemporaries. By reading him as a theorist of natural order

206 Gunnel, *Political Theory*, *op cit.* p.38
207 *ibid.* p.108
209 For more on the broad compass of activity described as historicism see Boucher, *Texts in Context*, *op cit.* pp.13-9
Hobbes himself is turned into the most incredible figure of all . . . despite his own predilection for the quiet life, his terror at being arraigned for heterodoxy, he never once attempted to disown the alarmingly radical writers who cited him, or to disarm his innumerable critics by pointing out their misconceptions of his intentions.210

Some historicists allow historical evidence more weight than others in determining the author's intention. It will suffice for the present to note that ‘intention’ is by no means an unproblematic term even amongst historiographers themselves.

Without the concept of intention interpretations of Hobbes's texts no longer have a fixed point of reference from which any scale of accuracy can be developed to assess their readings. Symptomatic of this deficiency is Taylor's representation of Hobbes as fundamentally a rationalist arguing from a priori principles. Taylor acknowledges that Hobbes committed the occasional inductivist aberration but still has no hesitation in declaring that as a result of his rationalism Hobbes “held that the Royal Society was proceeding on altogether false lines in attempting to advance physical science by direct experiment rather than reasoning from pre-assumed theories.”211 Skinner has put such flights of fancy soundly to rest showing the much more complex set of relationships shared by "Thomas Hobbes and the Early Royal Society." Scholars who interpret Hobbes as a libertine are in a position to contend, on historiographical grounds, that reading Hobbes as a moralist is as about as useful and convincing as Taylor's analysis of his attitude toward the Royal Society. Any natural order interpretation of Hobbes must be considered independent of any historical Hobbes. That natural order scholarship in interpreting Hobbes's texts amounts to no more than unfounded assertion. The texts can no longer be said to belong to Hobbes in any meaningful way. If the historicity of the text is disregarded then nothing remains to interpreted.

Historiographer's have waged a campaign to preserve the concept of text as the product of an author's particular intention. The text must be treated as if it sets out to

achieve specific goals. This action has occurred in lieu of a perceived threat to 'text' posed by those 'philosophers' who would read Hobbes as a theorist of natural order. If the dismissal of text as an intended object was granted then a syllogistic chain of argument is set in motion which must culminate in the discounting of history as a discipline. For the text could be described as the substance of history. Without history our culture or collective memory, and, of course, amongst this the personage of Hobbes, is lost. By maintaining touch with the past the historiographer allows us to know who Hobbes was, what he contributed to 'the great tradition',212 what makes a line of reasoning particularly Hobbesian and so on.

Historiography, then, makes sense of the present by referring to the past. If the past were to be forgotten we would find ourselves adrift in a sea of relativism which would finally consume the moral principles which have developed over the past two and a half millennia in a flood of positivistic nihilism. The reverence with which the past is treated by the historian can be shown in Collingwood's belief that it is not an appropriate activity for the historian to judge (that is praise or blame) the actions of those he studies. Such an activity would entail a deliberate corruption of the past by applying standards of rationality which might not pertain to the period in question. Assessing the rationality of past thinkers necessarily leads to a diminution of the possibility of understanding that period. On these interpretative principles the historiographer's depiction of Hobbes as a de facto theorist of power contributes an understanding of the actual substance of his political philosophy. We can know what made Hobbes Hobbes in the seventeenth century and so what makes him Hobbes to us now.

212 For a fuller discussion of the difficulties associated with this term see Condren, op cit. Chs 4 & 5.
Natural order responses to the historiographical challenge set out in the above section have developed along two lines. The first implicitly accepts, or at least does not explicitly reject, the authority of historical facts in determining the correct interpretation of a text but disputes the historicity of the particular 'facts' which have been raised in support of libertine readings of Hobbes. An instance of this type of disagreement can be seen in Taylor's invention of historical evidence regarding the Royal Society which he used to corroborate his reading of Hobbes. In a much more historically sensitive vein, which is at the same time less detailed than Taylor's propositions, Warrender contested Skinner's contraposition of *de facto* and *de jure* theorists of obligation as over schematic. He has argued that *de facto* theorists formulated their arguments within an intellectual framework which was underpinned by a presumption of natural order. While this may lead into an interesting exegesis of the centuries of misreadings of Hobbes it does not diminish the force of historiographical support for libertine interpretations. Accordingly this line of argument occupies only a peripheral position in relation to Warrender's central critique. Warrender's major challenge issues from a point which is external to the historiographer's methodological assumptions. His main purpose is to moderate the claim made on behalf of historicism that it, and it alone, holds the key to understanding the classic text. Warrender is concerned to affirm the legitimacy of employing other 'discursive unities' \(^{213}\) or 'canons of validity' \(^{214}\) when interpreting a text.

This section of the chapter will examine natural order replies to historicist charges against the validity of their interpretations of Hobbes. Their answer shall be presented in a three stage account of their position. The first of these steps will consist in a direct response to historicism. It will identify areas of textual analysis which are inadequately accounted for when only historiographical criteria are admitted in the interpretation of a text. The second proceeds to propose ways in which these shortcomings can be rectified. In this instance, it will involve developing a method which allows Hobbes's political

\(^{213}\) For more on this Foucaultian term cf. Condren, *op cit.* pp.11-2

\(^{214}\) Warrender, "The Political Theory and Historiography . . .", *op cit.* p.940
philosophy to be read as a coherent whole. Finally the implications that this methodology holds for the status of a text will be examined. This is not intended as a claim for the superiority of the model employed by the political theorist over that endorsed by historians. Rather, it is the gentler plea for the acceptance of other disciplines and the contributions they make to understanding a classic text which a totally historical approach may not be capable of elucidating. This is an assertion of methodological plurality rather than a morally destitute demand for relativism. Warrender defends the reputation of the political theorist against the portrayal which personifies him as the destroyer of values which historicists such as Strauss have done so much to encourage. After developing this defence of natural order positions on Hobbes some methodological advantages associated with the 'political theorist approach' will be canvassed. This will serve to lead into the final section of the chapter which will generate a synthesis using material from both theories of historiographical correspondence and philosophical coherence.

Warrender sparred with Skinner's historiographical contentions throughout the sixties and seventies.215 This debate culminated in 1979 with an article which has provided the most extensive account of the methodological implications that accompany a natural order interpretation of Hobbes.216 Warrender countered historicist claims for what amounted to a monopoly on the ability to interpret classic texts authentically, lamenting that such treatment confined the role of texts to no more than tracts for the times. However much they are involved with and illuminate the author's immediate context, they continued to be studied for what insight they offer in new and changing situations. To consign them to their contemporary milieu, with whatever honours, is to bury them.217

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215 Skinner's many contributions to this debate have already been cited. For a bibliography of Warrender's works see Skinner, "Warrender and Skinner on Hobbes: A Reply", Political Studies (1988), XXXVI, p.692
216 The article to which I refer is Warrender's "The Political Theory and Historiography . . .", op cit. This was Warrender's last contribution before his death in 1985.
217 Warrender, "The Political Theory and Historiography . . .", op cit. p.936
If historiographers were to be allowed exclusive access to classic texts then the foundations which provide our present with a meaning are subjected to a process of ossification. The text becomes no more than a dead museum display study which serves no other purpose than to sate the curious (historian) with experience of what he might consider exotic (or quaint!). To represent a text as no more than a focus of its immediate context cements it in an often distant and always unreachable past. It is no longer available to we (excepting, of course, the historian) who live in the present. By concentrating on the distance between past and present milieux the historiographer may destroy the very textual integrity that he seeks to maintain. The text is granted no distance from its contemporary milieu; it is as if it had sprung spontaneously into being. While the historiographer may see himself as restoring a substance to the text via authorial intention he does this in such a way as to make it a fixed and rigid structure which could not have been other than it was. The author is robbed of his dynamicism and individuality. He is no longer able to 'exploit' past texts and established conventions and so unable to 'anticipate' the future. The classic text becomes doomed to an isolated existence of historical irrelevancy.

The generation of a static or 'eternal' intention of an author through which the text must be read gives rise to further problems for the historiographer. Historiography has led its advocates to interpret the text with sole reference to its context so ignoring the text itself. If the text is at all inconsistent, and all are to some degree imperfect, it is not at all immediately obvious which inconsistency we ought to take as mistaken. In Hobbes's case the problems of his contradictory \textit{a posteriori} and \textit{a priori} arguments comes to the fore with many other issues. Warrender claims that

Modern historical treatment of Hobbes's doctrine has generally centred upon his power analysis, secularization of political thought, functionalist interpretation of sovereignty with its \textit{de facto} implications... Though

\footnote{See Minogue's observations on Sir Leslie Stephen's condescension towards Hobbes's quaintness in "Parts and Wholes . . . ", \textit{op cit.} pp.83-5.}

\footnote{For a more technical account of the complexities of employing these terms see Condren, \textit{op cit.} Chs. 5 & 9.}
containing truth, this still leaves the problem of what to do with the remainder which can amount to a substantial amount of *Leviathan*. The unwanted items fall then to be designated as window dressing inserted, it is supposed, to cover up Hobbes's underlying intention and to save him from the Establishment or wrath of his contemporaries.220

Herein lies the problem of coherently interpreting a text while presuming a knowledge of true authorial intent. Skinner can be represented as a scholar who, because of an over concern for historiographical method, has been forced to make the same mistakes about Hobbes as Hobbes's own contemporaries. History has condemned its student to repeat the mistakes of the past. Skinner cites Hobbes's acquiescence to the prevailing currents of contemporary interpretation as grounds enough for a vindication of his true libertinism. Hobbes's silence could be just as easily translated as a manifestation of his self-confessed aloofness from the petty political bickerings and trivial controversies of his time.

Placing Hobbes's texts under the historiographical scalpel can lead to him being characterised as a figure exhibiting many of the traits of the Straussian persecuted philosopher. Warrender can go on to add that if this is indeed the case then it is questionable whether Hobbes was such a great thinker after all. It must be admitted that he was not particularly successful in avoiding the 'wrath of his contemporaries' despite the florid profusion of his window dressings. The political theorist, on the other hand, can exhibit Hobbes's political philosophy as a coherent whole without resorting to the textual vandalism of the historiographer. (Although, it should be added, many natural order interpretations do indulge in such activities e.g. Taylor's dismissal of Hobbes's inductivist aberrations.) Warrender is free from the confines of Hobbes's contemporary context and so, in turn, can extricate Hobbes's work. He is able to make sense of the *Leviathan* as a whole incorporating both Hobbes's *a priori* natural law theory with his empirical observations of what could occur in the absence of an effective natural law.

Warrender questions the efficacy of historiographical analyses on the grounds that they cannot satisfactorily account for the existence of Hobbes's texts as entirely coherent

220 Warrender, "The Political Theory and Historiography . . .", *op cit*. p.936
works. This does not, however, warrant the elimination of historiography (in its own terms) as a valid mode of inquiry. On the contrary, he has

not tried to dismiss historiography . . . [but to] leave the political theorist with his own canons of validity, and with a continuing need to practice his craft on the classic political texts; to seek out their theoretical structure and implication; to gain what insight is available to the present or speculate upon the future.221

Warrender claims nothing more than to leave the historiographer to his canons of validity while being left to implement those of his own discipline. The political theorist has a completely different interest in Hobbes to that of the historiographer. He is not concerned with the correspondence of his interpretation to those of his contemporaries. Twentieth century political theorists who arrive at seventeenth century conclusions about the meaning of Hobbes's texts could be said to have chosen the wrong vocation in academia. They would have contributed nothing to an understanding of Hobbes that was not already covered by seventeenth century scholarship.

When a political theorist undertakes to understand a text he must do so in terms of his own criteria of rationality and coherence. However, whether Warrender wishes to or not, defining the activity of understanding in these terms implicitly challenges the whole notion of historical fact as something which exists independently of the interpreter. Warrender might do well to assert his rejection of 'Protagorean relativism' as many have done but more than assertion is required to salvage a scholar's arguments from conclusions of which he does not approve.222 As Protagoras took man to be the measure of all things so the political theorist must take the subjective interpreter as the gauge by which all texts are assessed. An objective historical event or fact is quite simply an instance of self-deceit on the part of the historian. The interpreter, in his own milieu, is responsible for the generation of the context in which he places Hobbes; it is he who

221 Warrender, "The Political Theory and Historiography . . .", op cit. p.938
supplies meaning to Hobbes's texts. By this argument an interpretation of a text is bound to reveal more about the environment of the interpreter than the text in question. Rather than view the present as the product of the past, as is the case for the historiographer, the political theorist takes the present to determine the past.

Leaving aside the ignominy that this treatment of a classic text has provoked amongst historiographers there are methodological difficulties with this approach that the theorist must be careful to avoid. The theorist, more than the historiographer, must account for why a particular text ought to be studied and in what sense it can be represented as providing insight into contemporary issues. Of overriding importance is that the theorist does not begin to ignore his own cautions and start to treat the text as if it were written as a solution to the particular problems with which he is confronted. At all times the theorist must be aware that it is he who is constructing the text and the tradition; neither of these exist independently of him.223

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I shall now briefly recapitulate the attitudes of the historiographer and political theorist towards Hobbes. This summary is intended to reinforce the impression of rational choice methodology as a synthesis of these approaches. The first section of this chapter exhibited how portrayals of Hobbes as a libertine philosopher can be grounded in a historiographical reading of the text. The crux of Hobbes's philosophy was presented as a system which recognised physical obligation as the only form of constraint capable of ensuring that an individual's behaviour would conduce toward society. However, this interpretation could not account for major parts of Hobbes's text in which he unequivocally set forth a deontology. In the second section these historiographical readings were opposed with contentions that Hobbes could be interpreted as a more or less conventional moralist. It was argued that his civil philosophy could be based on a system of natural moral obligation in which the individual was required to conform to a

223 Cf. Gunnel, _op cit._ Ch. 2 & Condren, _op cit._ Ch.3
pre-ordained order. This interpretation, never the less, failed to explain how Hobbes could have been so thoroughly misunderstood by those who, on historical considerations, were in the best position to discover his intention and *a fortiori*, why Hobbes failed to correct this most immediate of audiences of their misapprehension of his 'real intentions'.

A tempting but unproductive analysis of the causes which led to the above quandary is provided by Warrender's contention that the employment of different 'canons of validity' will deliver varying accounts of what is communicated in Hobbes's political philosophy. This agreed upon, we need proceed no further in our methodological inquiries. Each interpretation of Hobbes is quite simply valid in the terms that it sets for itself. Warrender may have provided an astute explanation of the origins of the dispute amongst twentieth century scholars of Hobbes. However, to be content with an analysis which grants equal validity to different approaches to Hobbes studies entails that all methodologies must necessarily provide incomplete accounts of his philosophy. It distances disciplines from each other so that each set of interpretative criteria develop in isolation to one another. Warrender's proposition does little to resolve methodological disagreements about the text and so further advance any understanding of Hobbes.

On accepting Warrender's conclusion one of two consequences must follow. Either, Hobbes can be represented as a modernist who disguised the important, progressive sections of his message under a cloak of traditionalist 'window dressings'. On this reading he appears as one of a long line of philosophers who have guarded the subversive 'Truth' by veiling their commission, with varying degrees of success, in a rhetoric of orthodoxy. Incoherencies which arise in the text do so from the clash between false sophistry and true philosophy. These aspects can only be distinguished from one another by resorting to kabbalism. Or, Hobbes's text can be taken in its entirety as presenting a complete civil philosophical system. In this case, it is argued on historiographical grounds, Hobbes must be a historically 'incredibile' if not 'absurd' figure.
I now wish to consider possibilities which might rescue Hobbes from the somewhat unsatisfactory options of sparing the scholarly assistance offered him by way of esoteric interpretation, on the one hand, while, on the other, becoming a figure of academic incredulity. Indeed it might appear odd that a work in need of so much scholarly succour should even be considered among the classic texts of western political thought!

This chapter has described the various aspects of Hobbes's political philosophy which have been illuminated through the employment of differing discursive unities. However, it has also been observed that satisfaction of one set of criteria, when interpreting a text also precludes meeting the standards required by the other. I shall now endeavour to show how a 'rational choice methodology' meets stipulations set by both discursive unities for validly interpreting Hobbes. Oakeshott has provided an account of what he means when he writes of the activity of studying the history of political philosophy:

> at all other levels of reflection on political life we have before us the single world of political activity, and what we are interested in is the internal coherence of that world; but in political philosophy we have in our minds that world and another world [civilization], and our endeavour is to explore the two worlds together.\(^{224}\)

Oakeshott is seeking a unity which reflects our world as the product of preceding worlds while maintaining that these historically prior worlds must be represented in terms of our own rationality. Such a position simultaneously recognises the demands of both the historiographer and the political theorist if a textual interpretation is to be considered valid. The historiographer must be aware that he is not describing the text in its own terms but in his own. He must accept that his is a discipline which of necessity tends toward cultural imperialism. The political theorist must, in turn, be alert to the fact that he is dealing with a historical text and this constrains the range of what he can validly read into it. He is thus warned off the dangers of cultural relativism.

\(^{224}\) Oakeshott, "Introduction", *op cit.* p.ix
Rather than supposing the existence of two milieux which is assumed implicitly by historiography and explicitly by political theory, Oakeshott posits "a single world of ideas, which comes to us divided by the abstracting force of circumstances...".225 The Oakeshottian historian is confronted with an altogether different scenario to that of the Skinnerian historiographer or the political theorist. Both of the latter positions begin by supposing that the scholar of the classic text is confronted with two horizons - one from which Hobbes is acting and one from which they similarly take their perspectives. Between these horizons stretches a distance which the scholar must be seen to negotiate if the text is to be considered understood. Understanding, on this model, can be achieved by either travelling back in time with the historiographer to the seventeenth century context in which Hobbes was operating; or, by removing Hobbes's texts to the twentieth century milieu with the political theorist. Oakeshott rejects this dual horizon model and replaces it with a conception of the world of ideas as a single unified whole. Inquiring into what precisely Oakeshott means by the 'whole' or 'absolute idea' would encourage the very type of tangential straying from the objectives of this discussion to which I alluded to at the beginning of the chapter. It will suffice for present purposes to note that Oakeshott inherited this concept from Hegel via the British Idealism of Green and Bradley.226 The Oakeshottian schema locates Hobbes and his retinue of commentators as parts of a greater idea or what could be termed the unthought (or unthinkable) thought. For Oakeshott, it is as if all those involved in the activity of creating and, what is the same thing, studying ideas were circumscribed by a common horizon which defined the limits of knowledge. The suggestion that all manifestations of thought are particular expressions of a greater whole leads to a completely different attitude to the hermeneutic circle than that ascribed to Skinnerian historiography. In Skinner's case the 'problem' of the hermeneutic circle was considered a major methodological obstacle to 'scientifically' knowing history. In regard to Oakeshott's account of history the discovery of this

225 ibid.
226 The evolution of these thinkers' use of this concept is much more complex than that provided above. For a fuller account of this tradition see Boucher, op cit. p.42
limiting device is taken to allow a gradual, if never absolutely attainable, increase of knowledge of other parts of the whole. This line of argument leads into more purely methodological dimensions which have occupied theorists such as Hans-Georg Gadamer and Paul Ricouer. At this point a re-focusing on Hobbes is required in order to draw the discussion back to the particular concerns at hand.

Before presenting the conclusions at which the above methodological approach arrives concerning Hobbes's texts I shall give a brief account of the type of procedure involved in rational choice readings. This will exhibit the range of interpretative activity allowed by the dual canons of validity required by this procedure. Oakeshott has appeared to concentrate primarily upon tempering the cultural imperialist claims of the historicist with the pluralist cautionaries of the philosopher. Other rational choice scholars of Hobbes can be read advancing accounts by which the political theorist is held to be more historically accountable. One of the most prominent examples of this obverse to the Oakeshotian endeavour is provided by Kavka. He specifies his field of concern as the explication of *Hobbesian Moral and Political Theory* which is quite distinct from the moral and political theories of Hobbes. The title of Kavka's work indicates that it is an exercise in political theory. It exhibits, at the same time, a historical sensitivity by acknowledging its authors intellectual debt to Hobbes without claiming to have definitively interpreted these inspirational texts. Hobbes is taken to be relevant to the present intellectual milieu for he was an integral mechanism in its formative stages. However, following Gauthier and Watkins who wrote of 'Taming the Leviathan', Kavka finds some of Hobbes's suppositions false in relation to, and so irrelevant when, analysing twentieth century western society.

Hobbes's civil philosophy can be seen as an attempt to resolve the problems which confronted the modern nascent state as it emerged as from the ruins of the feudal *ancien régime*. Having not had time to establish the myths of a new 'natural' order Hobbes is confronted with a collection of isolated personalities exhibiting what Gauthier

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227 Watkins, *op cit.* pp.71-4
and Kavka have respectively described as ultra-individualistic and psychological egoistic characteristics. Three hundred years hence the threat of social disintegration has by no means vanished but is of less immediate concern to political society than it was. The opportunity to develop a tradition, a way of common procedure, and the inculcation of these procedures with a 'naturalness' has lessened the degree of the potential for social and political violence in many aspects of human life. Both Gauthier and Kavka find in Hobbes an understandably over stated presumption of individualism but are completely candid when inserting their own 'corrections'.

So, despite arriving at Hobbes from different disciplines, Oakeshott, Gauthier, and Kavka all seek a unity, or balance, within their interpretations which provides a coherent exposition of Hobbes without making him a historical absurdity. If Oakeshott's depiction of philosophy as the tracing of relations between other types of knowledge is granted, then these scholars of Hobbes must be considered philosophers. They posit in the unity which finds voice in analyses of Hobbes's texts a past which is the product of the present while maintaining that it is the past which fashioned the present in which they work. Increased understanding of one necessarily entails an increased appreciation of the other.

Continuing this line of thought would, once again, enter into the more general methodological issues of the relationships of interpreter to interpreted. I shall, therefore, return to that which I am using to define the scope of this project: the works of Hobbes. Rather than further exploring the relationship of past to present I shall relate the implications of what has already been described to a portrayal of Hobbes. Echoing Oakeshott, Greenleaf draws the attention of the historian directly to the text:

All thought . . . is the attempt to make coherent that which in its immediacy may appear diverse and disparate . . . the mere identification of inconsistencies [in an author] can never be intellectually stimulating [for the historian]. This identification is itself an invitation to account for
contradictions by unifying them in a higher point of view which exhibits an underlying coherence.\textsuperscript{228}

Having rejected representations of Hobbes as a philosopher of libertinism and natural order as inappropriately architectonic the historian must supply an account of Hobbes's coherence. At the close of the previous chapter the rational choice approach was seen to be able to explain Hobbes's inconsistencies by attending to the various rhetorical and educative levels operating in the \textit{Leviathan}. Introducing the term 'levels' might be construed as connotating an architectonic account. However, these levels do not rest one on the other but side by side. Each has its associated advantages and disadvantages in securing effective political obligation. Arguments from physical obligation will appeal to a broad range of individuals but is a tenuous device which fails whenever the direct power of the sovereign is absent. Arguments from moral obligation will attract fewer individuals but those who accept its dictates provide a reliable source of sovereign power.

Advocates of rational choice interpretations are in a better position than their fellow scholars of Hobbes to sensibly declare him a mastercraftsman. Historiographers can refer to the \textit{Leviathan} as a classic text only in the sense that it is an established part of the past. Political theorists can praise the text as classic only as far as it adequately anticipates the future and so is exploitable in the present. The original text is lost in the very process of becoming classic. Oakeshott claims for the \textit{Leviathan} the status of "masterpiece" which has for its context "nothing less than the history of political philosophy."\textsuperscript{229} The \textit{Leviathan} can be adjudged a masterpiece because, to return to terms employed in the second and third chapters, it provides a formal framework which is still relevant to political philosophy while maintaining the ability to have infused into it material considerations which have been altered by circumstance. Oakeshott implies as much when he proposes that

\textsuperscript{228} Boucher, \textit{Texts in Context} . . ., \textit{op cit. p.113}
\textsuperscript{229} Oakeshott, "Introduction", \textit{op cit. p.viii}
For Hobbes the salvation of man, the true resolution of his predicament, is neither religious or intellectual, but emotional... And this is to be found, not in pleasure - those who see Hobbes as a hedonist are sadly wide of the mark - but in Felicity, a transitory perfection, having no finality and offering no repose.230

An aspect of Hobbes's political philosophy is illuminated by the above passage which lends considerable weight to the rational choice case. This refers to the nature of emotional as opposed to religious or intellectual salvation for the individual. Religious and intellectual resolutions take the form of objective and complete or eternal answers to the existential angst of the alienated individual. They describe only a fraction of a much larger field which is encompassed by the dynamic of emotional salvation.

The search for resolution of which Oakeshott writes refers to the efforts of the individual to understand his particular circumstance in relation to the general experience of the cultural whole in which he participates. But as one approaches a fuller appreciation of this whole one is simultaneously adding new experience to 'the idea' and so changing it. For this reason the whole can never be absolutely known - it is more akin to a process of becoming. The notion of becoming does not imply a teleology here; 'the absolute' is rather a more descriptive than prescriptive condition. The circumstances in which one finds himself, then, are necessarily transitory. This position is in accord with the claim, made earlier in this section, that the Oakeshottian idea lies beyond the complete comprehension of the individual.

Hobbes elucidates a version of the quandary confronting the individual by defining felicity as "continual success".231 This reveals her to be a creature who resides always in the future. Such a proposition entails the highly ambiguous, if not outrightly contradictory, notion of transitory perfection. Hobbes acknowledges this in his provocatively off-handed manner, to be no more incomprehensible than "the word of Schoelmen beatifical vision is unintelligible."232 Hobbes's diatribes against scholastic

230 ibid. p.lxv
231 Leviathan, Ch. VI, Sect. 64
232 ibid.
teleology provide an indication of his wholehearted rejection of any concept of *summum bonum* in political philosophy.

The absence of a *summum bonum* from Hobbes's civil philosophy leaves the specifics of how one ought or might attempt to attain what Oakeshott has called a state of emotional salvation. The modes of expression by which this activity has become manifest varies from individual to individual and culture to culture; the range of possibilities borders on the infinite. Yet the diversity of these particular expressions are all affirmations of the same activity. That the pursuit of an emotional salvation incorporates such a multiplicity of aspirations allows these separate worlds to be examined in relation to one another. Without supposing that the history of western intellectual endeavour has a common factor the very essence of its manifold experience evaporates.
CONCLUSION.

After two centuries of relative neglect, in which the price of being noted was nearly always suffered in the currency of repudiation, the figure of Thomas Hobbes has undergone something of a renaissance in the twentieth century. This process of rehabilitation reached its zenith in the middle decades and its force has yet to be exhausted. The present work is an attempt to make sense of these twentieth century perceptions of the great controversialist, the bear of Malmesbury. Controversy has never been far from those who have wished to make a contribution to the debate surrounding his political and philosophical thought even when their common subject is so agreeable to his students.

The first part of this project provides a series of models which represent the prevailing twentieth century currents of scholarship which have been concerned to give account of Hobbes's political theory. The first three chapters expose the mechanics of each of these schools thus showing how they compare with each other. This exercise is more in the character of organisation and classification of the empirical subject matter I have utilised in the second part of the exercise. This descriptive function should not relegate the importance of the first part of the thesis in any theoretical sense. Without a solid base the theoretical conclusions offered in the second part could not have been properly formulated. These currents or schools under examination have provided a remarkably diverse series of readings out of a common set of texts and have done so in a manner which is both erudite and persuasive. In fact, these positions have been argued so ably and fixed so far in the original text that recourse to extra-textual considerations seemed the only way to break the ensuing deadlock.

Rather than rushing headlong at the methodological barricades which underlay the interpretations in part two I have devoted what may seem an inordinate time dwelling on Hobbes's relations with his contemporary milieu. This chapter serves a positive dual

233 The nick name reputedly given to Hobbes by Charles II.
Firstly, it shows that a theory of *de jure* power can follow from Hobbes's moral philosophy. Secondly, while accepting that Skinner may be capable of showing what aspects of Hobbes's doctrine his contemporaries found unpalatable, he must remain at a loss to explain why they did not recognise its mitigating qualities. Further, it is these moves which heralded the branching towards issues of historiography and methodology. It is the stuff of a debate which has occupied, certainly not ungainfully, the energies of Hobbes scholarship at its liveliest period for the past three centuries.

Hobbes is not a libertine anarchist who attempted to overcome the predicament of individuality in humanity by resorting to a system of overwhelming force. Such readings are deficient on two levels. Firstly, Hobbes's civil philosophy lacks an internal centripetal principle by which formation of a civil association can be got underway.234 And secondly, such readings place too great an emphasis on the external disparities between that of Hobbes's milieu and his historiographer. It cannot be explained, on this line of argument, why Hobbes should be accorded his legitimate place as a contributor (either as radical innovator or synthetic conveyor)235 to the present state of our cultural consciousness. Nor is Hobbes a natural order theorist who believed the in Commodities of the state of nature to be caused by the moral intransigence of a few. This reading offers a solution to the first level problems of interpreting Hobbes as a libertine; the natural order interpretation serves to unify the text. It is, however, still problematic on the second. The natural order account of Hobbes can claim to have liberated Hobbes from the past. The anticipative elements of his work can now be appreciated and utilised by the present milieu. Hobbes is so effectively cut from his historical moorings, however, that absurdities are generated. The unity which is posited, of past with present, removes any modicum of textual integrity that can be supposed to have been arrived at independently of the interpreter. The claim that a line of argument can be supported by Hobbes's texts becomes nothing more than a charade of seeking intellectual respectability from a hollow scholastic authority.

235 For more on this distinction see Condren, *op cit.* Ch. 4 Sect. 3
These positions, on the one hand, overstate both the internal heterogeneity of Hobbes's texts as well as the disunity and externality that these texts have with our contemporary milieu. On the other hand, they interpret Hobbes's philosophy as a homogenous whole but exaggerate the unity of his thought with our own. Between these horns lies a third reading which, I am arguing, has taken account of both levels of inadequacy. It does not provide the black and white conclusions of its more extreme counterparts but makes broader allowances for the possibility of incomplete solutions both to problems within Hobbes's texts and with our relation to them.

Oakeshott concludes his "Introduction" - a masterful work in itself - to the masterpiece of *Leviathan* with an epitaph which reincarnates the spirit of Hobbes's political philosophy:

> When the springs dry up, the fish are altogether on dry land. They will moisten each other with their dampness and keep each other wet with their slime. But this is not to be compared with their forgetting each other in a river or lake.\(^{236}\)

Rational choice interpretations do not present Hobbes as taking humanity to consist of a species of ignoble savages or as creatures of naturally sociable impulses. Rather the human condition is best described by the paradoxical appellation of 'political'. We are conciously self interested beings who require one another for physical (*aidez-moi*) and emotional (*aimez-moi*) well-being. We are creatures caught in the Rousseauian dilemma of being motivated toward a society with our fellows but for anti-social motives.

Throughout this dissertation we have seen rational choice interpetations emptying Hobbes's philosophic apparatus of its historical substance and emphasising the importance of areas of Hobbes's system in which he declined to provide substantial definitions to his conceptual tools. Instances of the first activity occur in the second and third chapters where the key term 'rationality' was viewed as a formal philosophic device rather than as a term denoting any body of historical prescription. It was taken as

\(^{236}\) Oakeshott, "Introduction", *op cit.* p.lxvi
defining the limits of applicability of Hobbes's civil philosophy - that one wish to avoid the *summum malum* of death - without supplying an account of that toward which one ought to strive positively. Again, in chapter four, even the ability of positing the specific intentions that Hobbes had in producing his works was brought into question. One must be content to allow that the text had an attached intent without presuming to be able to explicate the full character of these intentions. Finally, in the previous chapter Hobbes is shown to have explicitly rejected any specification of a *summum bonum*. These conclusions allow a formal philosophic unity to be presented both internally within Hobbes's texts and externally between these texts and that of their interpreters. This unity does, however, respect both the logical 'disunity' in the content of Hobbes's arguments and the historical separateness of Hobbes's context from our own. We may provide representations of what Hobbes was attempting to achieve. These must necessarily occur in our own terms; we must accept limitations on our historical knowledge of his reality without discounting the endeavour altogether.


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