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978-0-521-86167-0 - Morality in the Philosophy of Thomas Hobbes: Cases in the Law of Nature

S. A. Lloyd

Excerpt

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Introduction

The *end* or *scope* of philosophy is, that we may make use to our benefit of effects formerly seen; or that, by application of bodies to one another, we may produce the like effects of those we conceive in our mind, as far forth as matter, strength, and industry will permit, for the commodity of human life.... [T]he utility of moral and civil philosophy is to be estimated, not so much by the commodities we have by knowing these sciences, as by the calamities we receive from not knowing them.

(EW I, 7–8; *Elements of Philosophy*, Sec. 6–7)

Civil philosophy, which Hobbes claimed to have invented, has its point and purpose in teaching humankind how to live in peace. While we cannot always control the actions of neighboring nations, we can, Hobbes taught, so organize our own society that we may maintain peace among ourselves, and best hope to defend against outsiders. The benefits of maintaining a bastion of domestic peace and stability are so many and so precious that one might hardly think they need advertising; but Hobbes lived in a time that called out for reminding men that learning, progress, arts and sciences, comfort and plenty, society, civilization, and the very preservation of humanity are worth the price we must pay for them. That price is significant, for it usually involves requiring us to do many things that we do not want to do. It requires us to obey laws that do not make exceptions for us, to squelch our impulse to demand that our private judgment order the common business; to defer to what we judge to be the inferior reasons of other

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men; often to tolerate what we regard as the inefficiency, stupidity, offensiveness, and sometimes even the wrongful, sinful, or heretical actions of our compatriots. It requires us to swallow indignities and insults, and to accept less than we think we deserve. It requires us to obey our society's laws even though we see the ends we care most about promoting go unpromoted by our society, and to accept punishment for trying to promote those ends contrary to what we regard as the bad laws of our society. Peace requires that we treat our own judgment with a degree of detachment, as one judgment among many, to be discounted if need be for the sake of peace. Considering these costs, how can domestic peace be worth the price it demands from those who must sustain it?

Had men been simpler creatures, caring only for their survival and rudimentary comfort, the price to them of securing peace would be negligible. A simple showing that survival requires peace, and peace requires obedience to political authority, would suffice to maintain domestic stability because there would be no costs of peace to be weighed and balanced against the good it secures. Without concerns for religious causes and moral principles, for honor and achievement, and the myriad attachments and affections that affect our decisions about how we will act, a simple instrumental argument for political submission would be good enough. This fact explains, I suspect, the enduring appeal of those interpretations of Hobbes's civil philosophy that take it to have presupposed a simple, biologically based egoistic preoccupation with personal survival. For what simpler argument for political submission could there be than one purporting to demonstrate that the dominant end of human nature requires political submission?

For better or for worse, we are not such simple creatures, a fact Hobbes recognized and crafted his political philosophy to accommodate. Unlike bees and ants and other naturally sociable creatures who enjoy hard-wired consensus in judgment, we naturally exercise idiosyncratic private judgment, compete for honor and precedence, find fault in others, and strive to control their actions. We are tempests of swirling, altering, often warring allegiances and impulses, whose potentially destructive tendencies may be either moderated and contained or exacerbated, depending upon the social environment we impose on ourselves. As Hobbes thinks of it, the problem for

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civil philosophy is to discover the principles that must be observed if domestic peace is to be achieved and maintained. The problem for moral philosophy is to show how such principles are properly normative for us, making claims on us that we ought to honor and can be motivated to honor. If men as we are have many interests that pull against or trump our interest in peace, how can the sacrifices required in order to secure peace be made normative for us? Hobbes develops a moral philosophy that successfully solves this problem.

The solution depends in the first instance upon a perceptive appreciation of the complex constellation of motives required in order to move men to resist the governments that could otherwise secure domestic peace. To motivate rebellion, men must be discontented with their lot in life, but that alone is not enough. They must further have hope of success in improving their lot by throwing off or replacing their government. Even together these motives will not suffice to raise rebellion. Because, as Hobbes plausibly insists, we will not rebel unless we believe that we are morally justified in doing so, a showing or “pretense” of right is a third necessary condition for rebellion.¹ Most people will live with an unsatisfactory political regime, even when they might be capable of overthrowing it, if they believe that insurrection would be *wrong*. This is an important insight, and it distinguishes the seditious or rebellious resister of concern to civil philosophy from the mere criminals who burden every society. Civil war generally requires persons of conscience on both sides, whose belief in the justness of their cause animates the risks and sacrifices they undergo. Hobbes’s recognition that we care so profoundly that our actions be justifiable has a seismic effect on the way he addresses the problem of social disorder, for it means that there is no hope to maintain a perpetual peace without finding a workable formula to address the thorniest questions of right and wrong. This puts moral philosophy front and center in the project of securing civil peace.

Religion, in particular, complicates this project enormously, by supplying a potentially independent source of normative claims that must be reconciled with morality if moral philosophy is to play the role Hobbes assigns it in decisively justifying compliance with

¹ *Elements of Law* II.8.1.

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the conclusions of civil philosophy. Indeed, religion provides a rich resource for justificatory rationales for political insurrection capable of satisfying the “pretense of right” condition for motivating rebellion. Hobbes consistently presents the Laws of Nature, which he equates with “the true moral philosophy”, as articulating those of God’s requirements most certain to all of us who have not enjoyed the benefit of a direct revelation from God Himself. The pronouncements of revealed religion we take on hearsay evidence or mere authority from those who claim that God has spoken to them immediately; but God’s natural law is discoverable by each of us immediately through a mere exercise of our natural reason, allowing us to assure ourselves of its claim on our obedience. By attempting to confer God’s imprimatur on the conclusions of moral philosophy, Hobbes seeks to consolidate normative support for the principles of social stability uncovered by political philosophy. Political philosophy then completes the task of reconciliation by showing that Scripture, properly interpreted, confirms the conclusions of moral philosophy.

The point of departure of Hobbes’s moral philosophy is our shared conception of ourselves as rational agents. From our common definition of man as rational, Hobbes argues that we won’t count a person as rational unless he can formulate and is willing to offer, at least *post hoc*, what he regards as justifying reasons for his conduct (and beliefs). But to offer some consideration as justifying one’s action commits one to accepting that same consideration as justifying the like actions of others, *ceteris paribus*. (Nothing counts as a reason for doing a particular action unless it counts as a reason for doing actions of the same general type all else equal.) So one acts against reason when one does what one would judge another unjustified in doing.

From this reciprocity constraint, formally derived as a theorem of reason, Hobbes proceeds to argue that any rational agent ought to submit to government. Because we would judge it unreasonable of others to whom we have no special obligations to condemn us for directing our actions by our own private judgment rather than deferring to theirs, the reciprocity theorem requires us to grant a universal right of private judgment. Yet, if men disagree in their judgments, as we can see that they do, a condition of universal self-government by private judgment will be a condition of perpetual irresolvable contention and conflict. Such a condition thwarts men’s effective pursuit

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of their ends (whatever those ends may be) and is, for this reason, something any rational agent must, *qua* rational agent, be concerned to avoid. Because the reciprocity theorem rules out asymmetrical solutions that would grant unequal rights to exercise private judgment, the only alternative to universal private judgment sanctioned by reason is joint submission to authoritative arbitration of disputes. Because such submission makes possible an environment in which agency may be effectively exercised, it accords with reason that we submit to authoritative arbitration. A sovereign is in its essence an authoritative arbitrator of disputes, with the associated rights necessary if arbitration is to eliminate contention. In this way the reciprocity theorem of reason conjoined with the requirements of effective agency (no matter the agent's ends) dictates that we submit to sovereign authority.

The theory Hobbes presents finds a crucial resource in our human desire to justify ourselves – our actions, motives, and beliefs – in the courts of private conscience and public opinion, and before God. We hold ourselves superior to lesser animals on account of our reason. When reason condemns our actions, we experience shame, and a sense of degradation. We care very much that our actions be, and be seen to be, justified. But that sort of justification by reason depends upon a willingness to offer, and also to accept, various considerations as generally justifying types of actions. Although we may disagree about which considerations justify which types of actions, no one who claims the respect due to a human being can refuse to grant that whatever sorts of actions he judges to be “against reason” (unreasonable) when done by others do not lose that character *simply* because done by himself, apart from any further reference to some germane distinguishing status or circumstance he may occupy.

The Laws of Nature articulate practical applications of Hobbes's moral philosophy, and these twenty or so rules detail the many things men are to do or refrain from doing, and the virtues they must cultivate, if they are to behave toward their fellows as reason requires, in a way that sustains human society and civil life. But it is striking that these rules, neither individually nor taken together, actually direct men to set up and submit to government. Considering that Hobbes's political philosophy argues that submission to an absolute political authority is necessary for the perpetual maintenance of peace, it is

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nothing short of astonishing that the moral philosophy unfolds and terminates without directing submission to such an authority.

Commonly, interpretations of Hobbes wave hands at this apparent lapse, supposing that somehow the moral requirement that we give up our right to everything entails the political requirement that we give up our right to anything, that we submit to absolute sovereignty. The various Laws of Nature Hobbes articulates do require that we submit to arbitration of disputes, that we keep promises, be grateful, modest, fair, and the like. Hobbes offers no obvious argument to the effect that any of these are, or even collectively add up to, a submission to an absolute sovereign. Yet he evidently believes that they do. Thus there remains a mystery as to how the moral philosophy expressed in the Laws of Nature is meant to provide an argument for subjection to an absolute political authority.

Here again the reciprocity theorem provides the answer. It offers a resource for making simple arguments for complex conclusions that could not otherwise be defended. If we would fault our fellows for defecting from obedience to the political authority that protects us both, according to their own private preferences, then neither may we, in reason, do so. If we would fault others for not agreeing with us on equal terms to submit to a common law and a common arbitration of disputes, then we must so submit when others are also willing. If we would demand that others obey our sovereign in order to secure our safety, then we cannot in reason exempt ourselves from obedience. And similarly in many more cases, to be discussed, where Hobbes offers arguments to discharge the antecedents of these conditionals. Hobbes's achievement is to derive our common- (moral) sensical commitment to reciprocity as a requirement of reason, then to organize its implications into a comprehensive, defensible, and attractive moral philosophy through his discussion of "cases in the law of nature".

This book unfolds the interpretation just sketched in the following manner: Part One, entitled *Moral Philosophy, Method and Matter*, introduces the content and casuistry of Hobbes's Laws of Nature in Chapter 1, then sets out Hobbes's complex conception of human nature in Chapter 2, a psychology I defend as realistic. These provide the data that any plausible interpretation of Hobbes's moral philosophy must successfully reconcile. Part Two, on the movement

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From Psychology to Moral Philosophy, considers how a moral philosophy of the content Hobbes lays down could prove properly normative for people having the psychology Hobbes describes, including ourselves. Chapter 3 clarifies the definition and unifying function of the Laws of Nature, arguing, in opposition to consensus opinion among Hobbes scholars, that these are correctly conceived as rules for securing the common good of humanity generally in sustaining decent communities rather than merely rules for the personal profit of the agent who follows them. Chapter 4 critically considers derivations of the Laws of Nature offered by the main schools of interpretation – which I classify as offering desire-based, duty-based, or definitional derivations. Chapter 5 offers my own reconstruction of a definitional derivation, which I term the *reciprocity interpretation* of Hobbes’s moral philosophy, and argues that this interpretation secures the normativity of Hobbes’s Laws of Nature for ordinary people in a way consistent with his stated methodology, while incorporating the virtues of other approaches and avoiding some of their more significant failings. Part Three, *From Moral Philosophy to Civil Philosophy*, includes Chapter 6 offering an explicit derivation of the duty to undertake political obligation under the Law of Nature, along with an analysis of the relation between civil law and natural law, and a reconciliation of the concepts of liberty, law, and obligation in Hobbes’s system. I argue that Hobbes espoused a *self-effacing* natural law theory, supported by an interesting conception of the *hierarchy of responsibility* among those in authority and those subject to their authority. Chapter 7 considers how Hobbes addresses the sorts of characters unsuited to civil obedience – fools, hypocrites, zealots, and dupes – and assesses the success of his recommendations for minimizing the incidence and effectiveness of these problematic character-types. By showing that a society regulated by his recommended principles is likely to constrain the formation of problematic character-types, Hobbes makes the case that a society ordered by his principles would be self-sustaining and stable. Chapter 8 seeks to display the unity of practical wisdom within Hobbes’s system on the reciprocity interpretation of his moral philosophy and the transcendent interests interpretation of his political philosophy, by indicating how his moral philosophy of cases in the Laws of Nature is connected with his interpretation of Christian religion and his civil philosophy. It concludes by assessing some

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contemporary uses of Hobbes's political philosophy, and proposes a new research program drawing on Hobbes's insights and method.

The argument of the book employs a layered, fugue-like method of introducing interpretive elements, then returning in several successive chapters to provide new considerations in their support and development. Most of these elements are introduced in Chapter 1 as claims (without defense yet) intended to outline a coherent framework for systematizing Hobbes's discussions of his many different cases in the Laws of Nature. But because Hobbes is offering a system involving many mutual dependencies, his justifications for particular components of that system cannot fully be argued in separate, linear segments one at a time. My exposition seeks to follow the spiraling method we see within and across Hobbes's many reworkings of the various elements of his moral philosophy, rather than imposing the neater, but ultimately hopeless, method of defending fully in isolation each component element. This approach necessarily involves repeated consideration of key texts through several chapters. Chapter 8 orders all of these texts (as finally interpreted) in a unified system. Readers who wish to preview the overall shape of the system may prefer to skip from Chapter 1 directly to Chapter 8, then return to Chapter 2 through 7 for the supporting arguments.

I should say something about the way I deploy Hobbes's earlier and later texts. I know of no Hobbes interpreter who both clearly articulates and faithfully adheres to a strict priority rule for which of Hobbes's texts trumps all others when they seem to conflict.² Because I take a holistic approach to the interpretation of Hobbes's moral and political philosophies, I consider evidence from across Hobbes's writings; but it would be fair to say that usually I look to the earlier works for clarification of his concern or impulse, and to the later works for refinement and correction of positions and arguments. Still

² Bernard Gert seems to come closest to doing so, but at the price of ascribing to Hobbes an enormous amount of inconsistency, and some quite implausible views. A. P. Martinich sees no need to prioritize Hobbes's texts, because, as he argues, it is a mistake to believe that Hobbes had a single consistent theory. See Bernard Gert, "Hobbes and Psychological Egoism", *Journal of the History of Ideas* 28 (1967): 503–520; "Hobbes's Psychology", in Tom Sorell, ed., *The Cambridge Companion to Hobbes* (Cambridge, 1996), 157–174; and A. P. Martinich, *Thomas Hobbes* (London, 2005).

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I recognize that Hobbes's conceptions of human motivation and the problem of social disorder alter with his own maturity and the historical disorders his writings span, and so the concerns of the earlier works cannot be taken as wholly authoritative. Conversely, in some instances Hobbes's efforts to improve his arguments in response to particular criticisms, events, or methodological considerations do more harm to his theory than good; and so the refinements of the later works cannot be taken as wholly authoritative. I take seriously his Latin *Leviathan* and use it as an aid in interpreting certain corresponding passages in his English *Leviathan*. Like all other interpreters, I seek to focus attention on the sets of passages that ground the interpretation I find most plausible. I do, however, attend particularly to the strongest passages that may seem to count against my preferred interpretation; and in Chapter 4 I charitably reconstruct and then critique several of the most important competing schools of interpretation. But, of course, my primary intention in this work is to construct and make plausible the reciprocity interpretation of Hobbes's moral philosophy. Traditional desire-based interpretations have defenders enough to mount a response to my critique and positive alternative without my attempting to imagine anticipatorily what that might be.

The reciprocity interpretation of Hobbes's moral philosophy requires numerous adjustments in widely held prior assumptions about the meaning of Hobbes's particular doctrines and his specific intentions. Although this interpretation is built from all the same elements that figure into any interpretation of Hobbes's normative theory, the interpretive adjustments I urge in each case, taken together, require a "duck-rabbit" style shift in our perception of Hobbes's moral and political theories. Like now seeing a pair of human faces where before one saw only a classical vase, the familiar Hobbes is replaced by a more complex, but at the same time more human, picture. To some this may seem a shocking shift that would deprive Hobbes of his place in history as the principal protagonist of psychological and ethical egoism, as the first to mount a serious, although failed, argument to prove the narrow rationality of morality. Indeed it does, if correct. But it most certainly does not undermine his title to have initiated modern moral philosophy, and in a way that makes his work not just of continuing, but rather increasing, importance some 350 years later. Hobbes's analysis of social conflict, of the ineradicability of transcendent interests, of the

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irresolubility of disagreement in private judgments, of the connection between reason and moral judgment, and of the centrality of our self-conceptions to our motivations, and his identification of a small but sturdy basis upon which social peace might nonetheless be forged – these are the contributions that earn Hobbes his proper place in our Pantheon.