

Hobbes and the Limits of Political Obligation

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Why should we obey the government, and when, if ever, do we have the right not to?

Hobbes's absolutist response to this question is as powerful as it is disturbing: rational self-interest, he argues, demands total submission to the state. By focussing on his account of the necessary conditions for just resistance, my paper aims to explore the cogency of the idea of utter subjection for our own good. I argue that even if we go along with everything Hobbes says about human nature and the construction of political obligation, closer examination of some of the epistemic concerns inherent in his account suggests that we are not compelled to accept his radically illiberal conclusions.

Why should we obey the government, and when, if ever, do we have the right not to? This question, essentially one of how the justification of political obligation can ever be consistent with its limitation, has framed political discourse for millennia. Never did more hang on the answer than when, as Parliament executed the King along with his divine right to rule, and the explosion of print culture swamped the streets with rhetoric, Hobbes published his seminal defence of absolutism: *Leviathan*. Arguing from a bleak vision of the natural condition of mankind to the rational necessity of renouncing our rights and investing them in an all-powerful sovereign, he concludes that our obligation to obey such a sovereign is absolute, right up to the moment when he actually attempts our destruction. Although unmistakably defined by the events of his time, Hobbes's analyses of human nature, rational self-interest and the politics of power are disturbingly relevant to our own era. By focusing on his account of the necessary conditions for just resistance, this paper aims to explore the cogency of the idea of utter subjection for our own good. Ultimately, I shall argue that even if we go along with everything Hobbes says about human nature and the construction of political obligation, closer examination of some of the epistemic concerns inherent in his account suggests that we are not compelled to accept his radically illiberal conclusions.

In order to appreciate the subtleties of Hobbes's position on the conditions for just rebellion, it is necessary to trace its roots in the narrative he presents concerning the state of nature and the generation of a common-wealth. Painting an apocalyptic picture of man in his natural state – a state of perpetual 'warre, as is of every man, against every man... And the life of man, solitary, poore, nasty, brutish, and short'¹ – Hobbes argues that this follows inevitably from certain essential features of human nature. People, he observes, are by nature effectively equal; the weakest can kill the strongest, and since none have sufficient strength for security, no stable hierarchy can develop. From this basic equality flow three primary sources of conflict: competition for resources; the desire for glory and status; and, most importantly, *diffidence or fear*. Diffidence as a motivating factor is to be understood chiefly as embodying the idea of *rational anticipation*; the accompanying notion of some kind of epistemic calculus of risk is thus brought into play. The effect of such a calculus on

1 Hobbes, *Leviathan*, ed. R. Tuck, rev. edn (Cambridge: CUP, 1996), pp. 88-89. All subsequent references are to this edition.

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the actions of self-preserving agents is such that, even if only a few are motivated to grab all the resources and power that they can, none can be secure in their more modest portion, and so must strive to augment their power merely to survive. Crucially, for Hobbes, this war of all against all is not merely part of some historical narrative; it represents a real and present danger from which, as we shall see, we can save ourselves only by total subjection to dictatorship.

A further factor driving the conflict, and one which is ultimately key to Hobbes's treatment of the subject, is the unique human capacity for language and consequently for the abuse of language. We can, as Hobbes puts it, 'represent to others, that which is Good, in the likeness of Evil; and Evil in the likeness of Good' (*Lev.* pp. 119). This rather neatly encapsulates the fear that drove the intense contemporary debate surrounding the dangers of language, and specifically of rhetoric. As Hobbes (among others) recognised, though, it is but one symptom of the perennially troublesome mediation that language provides between us and any external reality.

Irredeemably tied up with the problem of language is the well documented fact that people's individual judgements just do not concur. For not only does language bring with it the possibility of misrepresenting reality to others; it also allows that there be an immeasurable number of different ways of representing reality to *ourselves*. We can see this connection most clearly spelled out in the *Elements of Law*:

In the state of nature, where every man is his own judge, and differeth from others concerning the names and appellations of things, and from those differences arise quarrels, and breach of peace; it was necessary there should be a common measure of all things that might fall in controversy...²

Crucially, in the absence of such a common measure, when each person is judge of the justness of her own fears, and 'private Appetite is the measure of Good, and Evil' (*Lev.* pp. 111), there can be no binding laws or covenants.

In the state of nature there is but one fundamental law: the right of self-preservation. Hobbes endeavours to show that the whole structure of political obligation (including its limits) can be derived from this self-evident principle. Working on the grounds that security

2 Pt.II.ch.10, 8, in T. Sorell (ed.) *The Cambridge Companion to Hobbes* (Cambridge: CUP, 1996), pp. 185-86.

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is impossible in a state of war, and consequently reason dictates that 'every man, ought to endeavour Peace, as farre as he has hope of obtaining it' (*Lev.* pp. 92), Hobbes proposes a set of 'Laws of Nature' conducive to peace. It is interesting to note that this 'morality' has the essential form of a hypothetical imperative: *if* you desire your own preservation, act according to these rules. So the normative force of his law is contingent on a desire; nevertheless, it is a desire which universally obtains.

There is, of course, another important sense in which Hobbes's Laws are hypothetical in structure. The obligation to act according to them will hold only if one is *secure in the belief that others will do likewise*, this proviso being a direct consequence of the Laws' derivation from a calculus of self-interest:

...if other men will not lay down their Right, as well as he; then there is no Reason for any one, to devest himselfe of his: For that were to expose himselfe to Prey, (which no man is bound to) rather than to dispose himselfe to Peace. (*Lev.* pp. 92)

We are now in a position to see the full significance of the right to private judgement which exists in a state of nature: if each person need only be bound by their covenants if they judge that it is safe to do so, and everyone knows that everyone else is performing this same calculation but without any objective standards of judgement, then a rational agent will never achieve the security required for obligation. The question of what we can *rationaly anticipate* is again paramount.

In addressing this problem, there is a crucial distinction Hobbes draws between being bound *in foro externo*, that is, bound to *act* according to a law, and being bound *in foro interno*, that is, being bound only to the *will* – the 'unfeigned and constant endeavour' (*Lev.* pp. 110) – to act according to it. In a state of nature, the Laws can oblige only *in foro interno*, for to be obliged *in foro externo* would contradict the very basis of those laws. Cooperating without assurance that others will do likewise (as being bound *in foro externo* would require) is distinctly contrary to rational self-interest. In order to get to a situation where the Laws of Nature *can* bind in this latter sense, we must make the transition from state of nature to civil society, and recognising precisely what this move involves is the key to Hobbes's stance on the necessary conditions for just resistance.

In a civil state, we can be bound *in foro externo* because what we can reasonably anticipate has changed: the threat of the sovereign's sword

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makes it prudent for each self-preserving agent to cooperate, so we can reckon on their acting accordingly. The tricky bit, of course, is how we can covenant to institute this power without the power already being in place to make such a covenant binding. What we require at this point, in order for it to be rational for us to cooperate, is reasonable certainty that others will cooperate also, and in this sense Hobbes's model prompts obvious comparisons with game theory's Prisoner's Dilemma. Both represent coordination problems in which self-interested agents, because of the nature of the set-up, are rationally compelled to make choices which lead to a (self-interestedly) sub-optimal result.

However, there is a crucial difference between the scenarios, which Hobbes exploits in order to escape the trap of defection: the Hobbesian agent is indeed self-interested, but her primary goal is survival, not optimisation of advantage, and this has important implications for her actions³. Being bound *in foro interno* to the Laws of Nature, in the scenario where all are agreeing to transfer their rights to the would-be sovereign, she will be highly motivated to avoid the outcome where she renounces her rights but others do not renounce theirs, but far less motivated to engineer the (in some sense optimal) situation where others renounce their rights but she retains hers. The factor which tips the balance in favour of cooperation is the fact that the latter outcome would be one in which her life was still in danger, for in revealing herself as a deal-breaker she would have made herself the enemy of those who had cooperated, and their newly empowered sovereign would have reason to destroy her. Hobbes, therefore, is able to present a coherent picture of how the Laws of Nature could come to be binding *in foro externo*.

Having put in place the ground-work on the basis of which Hobbes's position on the limits of political obligation is to be understood and assessed, let us now turn to the position itself. Essentially, Hobbes's line seems to be that a person is bound *in foro externo* to obey the sovereign's commands up to the point where the sovereign's sword is, literally or metaphorically, at her throat. The question of precisely *how* literally or metaphorically shall be considered later. For now, it is necessary only to draw attention to fact that, for Hobbes, 'the motive, and end for which this renouncing and transferring of Right is introduced, is nothing else but the security of a man's person' (*Lev.* pp. 93). The covenant to obey the sovereign, though prior to (and necessary for) almost all other

3 Harrison, R., *Hobbes, Locke, and Confusion's Masterpiece: An Examination of Seventeenth-century Political Philosophy* (Cambridge: CUP, 2003).

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commitments, cannot be prior to the commitment to self-preservation which motivated that covenant in the first place.

Given that an account of the rationality of subjection is being given purely in terms of self-interest, the most obvious worry is that the Hobbesian system might collapse into straight-forward egoism, much as some have argued that rule-consequentialism collapses into act-consequentialism. Hobbes confronts this objection head-on in his reply to the hypothetical Foole, who 'questioneth, whether Injustice [that is, disobedience]...may not sometimes stand with that Reason, which dictateth to every man his own good' (*Lev.* pp. 101). The reply focuses on the overriding importance, when it comes to judging the rationality of an action, of the epistemological question of what you can know in advance or *reasonably predict*.

...when a man doth a thing, which notwithstanding any thing can be forseen, and reckoned on, tendeth to his own destruction, howsoever some accident he could not expect, arriving, may turne it to his benefit; yet such events do not make it reasonably or wisely done. (*Lev.* pp. 102)

Incidentally, this may serve as a warning to those who would suggest that the successful liberalisation of society that has taken place over the past few centuries can straightforwardly disprove Hobbes's thesis.

For the next stage in my argument, I take as a basis the classic case in which it might be thought that we have the right to resist the government: when it is no longer acting in the interests of the people. In examining the various ways in which the things Hobbes says may be brought to bear on this matter, it should be possible to draw together the different strands of his position, and to see precisely where the tensions lie. The principal question that Hobbes would pose to someone who asserted that we can resist the sovereign when they are acting against the interests of the people would be: 'Judged by whom?'⁴ The sovereign, as law-enforcer and arbitrator, has the power to decide all controversies,

⁴ The reply given by many political thinkers, including Locke, would be that 'the people', taken as a whole, or their representatives, can judge the sovereign's actions. Hobbes is determined to rule out this possibility, and in Chap. XVI of *Of Persons, Authors, and things Personated*, he argues: (a) that '...it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*... And *Unity*, cannot otherwise be understood in Multitude'; (b) that the Sovereign is the one and only representative of the people; and consequently (c) that the idea of a judgement by 'the people' is an incoherent notion. Thus we are left with private judgement, upon which I shall focus.

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and incorporated within this is the power to judge what is in the people's interests. In our original covenant, we submitted '[our] Wills, every one to his Will, and [our] Judgements, to his Judgment' (*Lev.* pp. 120). Private judgement, for Hobbes, was the thorn in the side of peace, and was rationally renounced in the interests of security. And, as the reply to the Foole makes clear, we cannot just take back our rights when it suits us. In the case of the right to judgement, it is still more absurd to suggest that we can take it back when it suits us, for how can we judge when that is the case? There appears to be a dilemma: either we just can't tell what our own interests are, or we never really gave up our judgement in the first place.

This is where plausibility becomes a problem for Hobbes, for he must endorse one of two interpretations: (a) that our submission to the sovereign entails that we literally *believe* all his judgements to be correct; or (b) that we may have our private judgements, but never act upon them when they contradict the judgement of the sovereign. Both of these positions are problematic. The first seems to fall into the same difficulties as Pascal's Wager, i.e. that *beliefs just don't work like that*. We cannot generally believe something merely because we have reason to think that such a belief will be in our interests. Or even if such a process of self-brainwashing were possible, its results would surely not be stable enough to rely upon as an integral element of civil obedience. After all, it is an important methodological feature of the Hobbesian approach that we base our political system only on those aspects of human nature which we can reliably predict will obtain in a critical number of cases.

It seems far more likely that Hobbes would lean towards the second reading: certainly the idea of a judgement that we don't, for whatever reason, act upon does not immediately strike one as incoherent. We can think of normative judgements as being intrinsically motivating but with an implicit *ceteris paribus* clause, which allows for there being situations in which we don't act on them. There is, though, something very odd about the idea of entirely divorcing our judgements about what is right (or even about what is in our interests) from our judgements about what we should do. If only the latter are prohibited by political obligation, though, then it seems that this is what the Hobbesian position demands us to do. To put it another way, the Hobbesian world of political obligation is one in which we must recognise that, for all our private normative judgements, the *ceteris paribus* clause might well never obtain because the judgement of the sovereign is always the trump card. Quite

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what would it mean to have a private morality in that context is open to question. Of course, Hobbes's radical view that there is no such thing as injustice apart from disobedience to a positive law might allow him to do away with such a morality altogether⁵. Part of the attraction of his account, though, seemed to be that it obtained *regardless of*, indeed partly *because of* the empirical fact that our private moralities conflict. If his version of political obligation turns out to preclude any substantial normative commitments beyond the commitment to obey the sovereign, his solution begins to look, ironically enough, a bit unrealistic⁶.

Still relating to the idea of renouncing our right to judgement, there is a further worry concerning the internal cogency of Hobbes's position. This should become clear when we consider the one situation in which Hobbes *does* allow for disobedience: when there is a clear and present threat to one's life. Hobbes's own premise demands that he recognise this as an exception. Yet doing so brings with it an important readjustment of precisely what is allowed to go on in the head of a subject. For once we have recognised even the *possibility* of ever justly acting on our private judgements contrary to the will of the sovereign, there arises a need for some kind of 'meta-judgement' to decide whether any given situation is one of these exceptions which Hobbes admits.

But, the Hobbesian could argue, this thought is based on a confusion, and indeed an over-intellectualisation of the issue. The only 'meta-judgement' which need come into play is the entirely unproblematic one of realising the obvious fact that you are being attacked and the need to react accordingly. It need not have consequences beyond the limited realm of its application. This reply, though, can be seen to be specious when we consider the practical situations in which Hobbes himself would admit the practical judgement that one's life is in danger. No one can be obliged, he says, to bear witness against himself (where there is no offer of pardon), for in doing so he would be bringing about his own

5 'Where there is no common Power, there is no Law: where no Law, no Injustice' (*Lev.* pp. 90). Hobbes does, however, say that there can be 'iniquity' in such circumstances, which implies that he is not a *complete* moral constructivist: he is allowing for the existence of *some* moral standpoint which does not require 'the Sword' for its legitimacy.

6 This would depend on just what 'having a normative commitment' consisted in. In arguing against religious commitment ever taking precedence over commitment to the sovereign, Hobbes again puts it in terms of the relative certainty of outcomes: 'there is no naturall knowledge of man's estate after death' (*Lev.* pp. 103). It is not clear how this would apply to normative commitments which were not self-interested in even this broader sense; Hobbes might well deny their existence.

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death or imprisonment⁷, and this is contrary to the whole purpose of political obligation. It would clearly be ridiculous, then, to suggest that the judgement that one's life is in danger amounts to nothing more than 'I can see his sword coming at me, so I must be being attacked'. In fact, once we start envisaging scenarios, it rapidly becomes apparent that there is no sharply delineated set of events which fall under the heading: 'attacks on my life'. Why should I be permitted to judge that I am under attack when the King's men come knocking on my door, but not when I hear that they have set out towards my house? Or when I hear that the King has written an arbitrary law under which I can be arrested? It seems much more plausible to say that these events lie on some kind of continuum; consequently, we must justify any decision we make about where to draw the line, or whether to regard political obligation itself as lying on a comparable continuum. Hobbes's position, read as prohibiting all but the most desperate resistance, can be seen to rest on the dubious assumption that it is psychologically and rationally possible for me to deliberately refrain from realising that my life is in danger until the fact (or the sword) is staring me in the face. Or if I am allowed to realise, but not to act, Hobbes's insistence that the people have surrendered their judgement again seems on shaky ground, and a central constituent of his ideal of absolutism is undermined.

We have now identified two interconnected factors which are crucial to assessing the permissibility of resistance in any given situation: first, the intelligibility of our obligation to suspend private judgement; second, the probability of death in not resisting. Rather than being completely polar, these elements are better understood as varying on some kind of sliding scale. In illustrating his position, Hobbes tends to select scenarios in which both elements are, so to speak, turned up to the max – there is 'certain and present death in not resisting', and the suggestion that we should suspend our private judgement is nonsensical. To put it another way, our normally overriding obligation to obey the sovereign is downgraded to an *in foro interno* duty because all the red lights on

⁷ At all the crucial points, Hobbes emphasises the primacy of self-preservation, but in saying that we can resist the sovereign to avoid imprisonment, he seems to imply that there are some lives that we might rationally prefer to risk death than endure. He doesn't make this strand of his thinking explicit, but it lies rather uncomfortably with the rest of his case. After all, if we can resist imprisonment, why can't we resist disastrous economic policies or tyrannical legislation which causes us comparable misery? Hobbes's response must be that we have renounced our right to judge the probable consequences of the sovereign's actions; this is the claim that my main argument is intended to challenge.

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our self-preservation alarm are flashing, and we cannot be expected not to act to defend ourselves. Having recognised the mechanism at work, though, there arises the definite suspicion that Hobbes really hasn't justified drawing the line where he does. Can he really assume that it is possible for us to suspend or disregard our private judgement right up to the point when we are being physically attacked? Is it really plausible that we should not be allowed to realise our peril in any less obvious situation, and if we do realise, that it should not be reasonable for us to act? My contention is that, to these questions, Hobbes gives us no satisfactory answers.

To conclude, then, examination of the structure of Hobbes's argument for political obligation brings to light two internal tensions which undermine his conclusions on the matter of just rebellion. It is interesting to note that both these concerns are essentially epistemological, and make sense when we consider the fact that his system has its foundations in the idea of *rational prediction*. By demonstrating that Hobbes's judgement as to where the limits of political obligation must be drawn depends on some crucial epistemological assumptions which we need not go along with, I have attempted to show that there may be more scope for just resistance even within the Hobbesian system than Hobbes is willing to admit.

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