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THE STATES OF NATURE IN HOBBES' *LEVIATHAN*[1]

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In *Leviathan*, as in certain of his other works, Thomas Hobbes develops and deploys a constellation of notions of considerable conceptual refinement and illuminative power, and of lasting, perhaps perennial rhetorical power. These notions coalesce at their most central point, the state of nature, or the natural condition of mankind. A fairly simplistic or at least simplified view of the Hobbesian state of nature forms an integral part of a fairly standard reading of Hobbes, one prevalent in scholarship engaging Hobbes' thought and doctrine not for its own sake, but in order to provide a contrast against other thinkers, to fit Hobbes into a broader schema of intellectual trends, tradition, or movements, or to diagnose Hobbes and his thought as the precursor of something particularly unsavory arising specifically in modernity. Pedagogical use of Hobbes, of course, usually relies on, and in the process promulgates and perpetuates such a simplistic reading. That genre of simplistic reading of the Hobbesian' state of nature can also be found in scholarship engaging Hobbes in more focused and systematic ways, since studying other portions of Hobbes' thought can be rendered much easier and less messy by ignoring the ambiguities and the puzzles arising when the state of nature is understood in relation to other notions intimately connected with it in *Leviathan*'s actual theses, arguments, and discussions.[2]

My central contentions in this paper are that close and sustained attention to Hobbes' text[3]

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[1] This paper was originally read at the 2007 Midwest Political Science Association. It is currently being revised for publication elsewhere , and is supplied here in the FSU Digital Commons as a working paper.

[2] This is the case, e.g. for the literature interpreting Hobbes largely through rational choice theory and games theory, which includes among its most important proponents and texts: David Gauthier, *The Logic of Leviathan* (Oxford: Oxford University Press. 1962); Gregory Kavka, *Hobbesian Moral Norms and Political Theory* (Princeton: Princeton University Press. 1986); Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press. 1986).

For critical discussion of this literature, cf. David Boonin-Vail, *Thomas Hobbes and the Science of Moral Virtue* (Cambridge: Cambridge University Press. 1994); Edwin Curley, "Reflections on Hobbes: Recent Work on His Moral and Political Philosophy", *Journal of Philosophical Research*, v. 15 (1990); Sharon A. Lloyd, "Contemporary Uses of Hobbes' Political Philosophy" in *Rational Commitment and Social Justice: Essays for Gregory Kavka*. Jules L. Coleman and Christopher W. Marris, ed.s (Cambridge: Cambridge University Press. 1998).

[3] Michael Oakeshot makes an important hermeneutical point in claiming: "It is safe to say that every interpretation of Hobbes' moral theory leaves something that Hobbes wrote imperfectly accounted for. But, it is reasonable to distinguish between those interpretations which conflict with some (perhaps, many and repeated) detached statements in the writings, and those which conflict with what may, perhaps, be considered the structural

allows discernment of at least five differing conditions which can be called "states of nature," the first of which is the state of nature the standard reading relies on, drawing largely on, and reading in isolation from the larger work, chapter 13, "Of the Natural Condition of Mankind and Concerning their Felicity and Misery," but the most important of which to Hobbes is the actual possibility of factional strife leading to the breakdown or disintegration of already existing but from a Hobbesian view flawed civil society. One implication of this distinction is that the first state of nature is really a powerful rhetorical construct which does not hold up under sustained scrutiny, but which does not for that reason drag down the remainder of the edifice of Hobbes' thought. Instead, the reverse happens: the heuristic utility of the rhetorical construct is sustained, and enabled to do its work, by the rest of the argumentative and descriptive Hobbesian edifice, the remainder of *Leviathan*, or at least the remainder of its first two books.

Another implication of the reading I am advancing here is that the *primary* motivation of Hobbes' theory as a whole is, by producing what in his view is the first genuinely scientific moral and political philosophy, to diagnose and remedy the causes and effects of factional strife in already existing and imperfect commonwealths,[4] not to adequately and realistically describe the state of pre-political or pre-social humankind, nor the historical transition from a pure state of nature to that of civil society. Rather, he is concerned *primarily* to illuminate the sources of and solutions to moral disagreement, escalation of claims and conflicts, breakdown of order, and this requires and leads him to radical reexamination of human nature, production of a new comprehensive theory of human nature, moral norms, and civil society, and advocation of fundamental transformation of contemporary social institutions, structures, and arrangements in line with the theory. Comparatively, this reading, which accords factional strife a central role, could be said to stress a fundamental similarity of aim and interest between *Leviathan* and Book V of Aristotle's *Politics*.

This study consists in exegetical development of a typology of states of nature distinguishable in the text of *Leviathan*: 1) a rhetorical construct state of nature as war of all against all, lacking any of the institutions of civilization and civil society ; 2) historically existent

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principles of Hobbes' view of things, though it is difficult to decide where to draw the line." "The Moral Life in the Writings of Thomas Hobbes", in *Rationalism in Politics and Other Essays* (Indianapolis: Liberty Fund. 1991), p. 332. In this study, though acknowledging the eminent reasonableness of Oakeshot's distinction, I do not make that distinction, regarding conformity to Hobbes' actual statements pertaining to the diverse states of nature discussed here as a *sine qua non* of properly articulating Hobbes' fundamental views.

[4] I have suggested elsewhere that the central aim of Hobbes' moral and political philosophy is to address the "imperfect condition of all existing commonwealths. . . not by providing the intellectual framework for a radically new social contract and establishment of sovereign authority, but by providing a new perfect and scientific understanding and arrangement of existing civil society and sovereign authority through the resources of the imperfect civil society." "The Laws of Nature as Moral Norms in Hobbes' *Leviathan*", *Acta Philosophica*, v.15, n. 1, p. 90 (2006).

"state(s) of nature" in pre-political societies, where family, patron-client, clan, or tribal structures are in conflict with each other; 3) historically existent "state(s) of nature" within established civil societies where, despite the establishment and enforcement of laws, citizens still remain in a mistrustful condition vis-à-vis each other, i.e. concerned about possible crime; 4) the historically existent "state of nature" governing foreign relations, i.e. the condition of states in relation to each other; 5) historically existent and possible "state(s)" of nature that culminate in civil war with the breakdown of civil society through factionalization. I focus specifically and exclusively on *Leviathan* in part to keep the study of a manageable size, and in part because *Leviathan* is a highly systematic and mature presentation of Hobbes' doctrine, in which each of these states of nature are adequately developed.

I. The Standard Reading State of Nature as Rhetorical Construct

Though they are filled out considerably by discussions in chaps. 10, 11, 17, 18, the most general traits of the archetypical state of nature can all be found in chaps. 13 and 14 of *Leviathan*. First and foremost among these is that the "condition of mere nature"[5] is a condition of always potential, and presumably in many cases actual, conflict between *all* rational agents, in which "every man is an enemy to every man,"[6] a "condition or war of every one against every one,"[7] or "of every man against every man,"[8] summed up later in a word, "anarchy."[9] Several particular statements further specify this state or condition. So long as there is the "known disposition"[10] to conflict, i.e. the disposition of one subject to engage in conflict with a subject evaluating whether the first has such a disposition, "during all time when there is no assurance to the contrary,"[11] they are in the state of war. When they are not in this condition, i.e. when one subject can have assurances that another subject will not enter into conflict with him or her, they are in the state of peace. Practically speaking, however, having such assurances requires that the subjects have "a common power to keep them in awe,"[12] or as he will later say, "a common power set over them both, with right and force to compel performance"[13] of covenants, "to constrain those who would otherwise violate their faith."[14] Once such a common power, the sovereign authority, is in place, human subjects have left the state of nature. Out of fear of the sovereign, but also fear of

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5 EW, 124. All references to Hobbes' *Leviathan* are from *The English Works of Thomas Hobbes.* William Molesworth, ed. Vol. III, (London: John Bohn. 1839). They are noted henceforth as *EW*.

6 EW, 113

7 EW, 117

8 EW, 115, 124.

9 EW, 343.

10 EW, 113.

11 EW, 113.

12 EW, 113.

13 EW, 124.

14 EW, 125

returning to the state of nature, they recognize and abide by personal and specific agreements made with each other, and more impersonal, general, and fundamental agreements with each other encapsulated in the laws of nature articulated in chs. 14 and 15 (and a few later chapters), even when these go contrary to some of their desires, inclinations, and passions.

There are several other essential traits to the state of nature as Hobbes describes it. Not only is it a state of at least potential conflict between all human agents, it is also a state in which there are no agreed upon, mutually recognized and abided by, moral norms, referents of moral terminology, rules of inference or premises of moral reasoning and judgement.[15] Hobbes also represents it as a primitive condition in which, due to lack of cooperative efforts and security, lacks all but a few of the amenities and improvements of civilization and common life. Along with the first trait, these second and third ones could be concisely expressed as the doctrine that the Hobbesian state of nature is a condition anomic, amoral, and asocial. Of course, when Hobbes' most vivid descriptions of this state are interpreted as claims about actual human conditions and then correlated to the very conditions of the possibility of his own development, articulation, and publication of his theory, or when critical reflection is brought to bear on implications of the second trait, deep running conceptual inconsistencies emerge. One could dismiss, or at least problematize or criticize Hobbes' moral philosophy on this account. Alternately, if one interprets *this* Hobbesian state of nature as a rhetorical construct,[16] and reads *Leviathan* as counterposing civil society to actually existing, more determinate states of nature, which are not *entirely pure*

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[15] Raymond Polin writes: "We see that there is a morality which could be called 'natural', or rather, an infinity of natural moralities, since there are just as many as there are men living for seeking ends inscribed in their passions, in their desires, towards the indefinite felicity that each pursues by ways that are his own. We cannot say, however, that there is no morality; there is, actually, so many moralities as there are men and ways of living one's life. . ." *Hobbes, Dieu, et les hommes* (Paris: Presses Unversitaires de France. 1981), p. 216.

[16] By the term "rhetorical construct" here, I mean simply a complex intelligible structure articulated in words which has four key traits: 1) it purports to more or less adequately represent and mediate interpretation of a portion of reality; 2) by the way in which it is articulated, and the argumentative uses to which it is put, it is intended by its author to be found persuasive to its audience (which can, and in this case also involve it being *dissuasive* with respect to other viewpoints and doctrines for its audience; 3) the construct not only provides an interpretive schema, it is also itself reinterpretable, susceptible of being isolated and intelligibly employed outside of its original intended context (i.e. 17th century England); 4) when the construct is closely examined and its implications drawn out, it becomes clear that, despite its attractiveness, it cannot adequately represent the realities it is purported to represent, and that its use in interpretation and argumentation will always remain to some degree rhetorical.

A considerable literature exists on Hobbes and the ambivalences and ambiguities of his relationship with rhetoric. For representative discussions and bibliography, cf. David Johnston, *The Rhetoric of Leviathan: Thomas Hobbes and the Political of Cultural Transformation.* (Princeton: Princeton University Press. 1986); Tom Sorrell, "Hobbes' Persuasive Civil Science", The Philosophical Quarterly, vo. 40, n. 160 (1990); Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes (*Cambridge: Cambridge University Press. 1996); Lodi Nauta, "Hobbes the Pessimist? Continuity of Hobbes' Views on Reason and Eloquence Between The *Elements of Law* and *Leviathan*", *British Journal for The History of Philosophy,* v. 10, n. 1 (2002). Ch. 3 of Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and its Genesis* (Chicago: University of Chicago Press. 1952) trans. Elsa M. Sinclair, is invaluable as well.

states of nature,[17] Hobbes' theory assumes greater overall coherence, and the extent and detail of discussions in *Leviathan* become more intelligible.

Examining Hobbes further remarks about the standard reading state of nature, which henceforth will be called the "rhetorical state of nature" (RSN), will lead naturally into study of the other four states of nature. Turning to the third trait, the RSN's entire asociality, Hobbes depicts it at its extreme in this famous passage whose conclusion is perhaps Hobbes' most oft-quoted text:

> In such condition, there is no place for industry, because the fruit thereof is uncertain: and consequently, no culture of the earth, no navigation, nor use of the commodities that may be imported by sea; no commodious building, no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth, no account of time; no arts, no letters; no society; and what is more, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.[18]

Development of each of these arts or technologies, some of them necessary for even the most primitive civilization and culture, would be precluded by war of all against all, a state of constant insecurity and conflict, lacking any interpersonal or social grouping or association. But does Hobbes actually think this extreme condition exists? He concedes at one point "though there had never been any time, wherein particular men were in a condition of war one against the other,"[19] and his very discussions of ways of honoring and dishonoring in ch. 10, religious beliefs and ceremonies used in institution of commonwealths in ch. 12, and the very reasons for conflict in ch. 13 all presuppose development of some sustained level and some available products of civilization and culture. In a situation of entire asociality, it would seem impossible for most of the desires central in Hobbes' anthropology to even be conceived. Some are those which tend to lead out of the state of nature, to civil society, desires for "ease, and sensual delight,"[20] "knowledge, and arts of peace,"[21] "such things as are necessary to commodious living; and a hope by industry to obtain them."[22] Others play central roles in Hobbes' very account of conflict, not least the "general inclination of all mankind, a perpetual and restless desire for power after power, that ceaseth only

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[17] That is, they only *partly* embody the anomic, amoral, and asocial character of the RSN, which means that strictly speaking, they are not anomic, amoral, and asocial conditions, except in two ways: 1) they are such for the relationships between some agents, and 2) they always involve a potential risk for more relationships (e.g. in the breakdown of groups) to more fully or more widely take on these characters.

[18] EW, 113.

[19] EW, 115.

[20] EW, 86.

[21] EW, 87.

[22] EW, 116.

in death,"[23] particularized in competition for "riches, honor, command, or other power," "praise,"[24] or the desire to seize the goods of others.

The second trait, when laid out in its extreme formulations, is belied by other passages of *Leviathan*, and this reflects a deep, perhaps fundamental, tension in Hobbes' theory as a whole, one, however, not requiring full examination here. Noting two moments of this tension suffices. First, he claims that in RSN, moral values and judgements are entirely subjective and prudentially motivated,[25] or even prior to institution or imposition of civil society, simply meaningless. Second, he writes as if moral values and judgments are nevertheless intelligible to, recognizable by, though not agreed-upon by, different human subjects,[26] who, e.g., are able to apprehend the various laws of nature. They grasp not only the desirability that they be implemented, but that they, as Hobbes argues, embody and render precise the outlines of morality, even of generally and traditionally acknowledged virtues and vices.

Hobbes claims that, in the state of nature, nothing is unjust, reasoning: "The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice," and that justice and injustice are "qualities that relate to men in society, not in solitude."[27] Clearly if interpreted strictly, these claims are false by Hobbes' own lights, since competing, and thus intelligible and capable of being claimed or argued-for, conceptions of what is right or wrong, just or unjust play a role in generating conflict, not only in a civil society beset by crime or by factions, but even in the state of nature, where

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[23] EW, 85-6.

[24] EW, 86

[25] He argues: "whatsoever is the object of any man's appetite or desire, that is it which he for his part calleth good,; and the object of his hate and aversion, evil; and of his contempt, vile and inconsiderable. for these words of good, evil, and contemptible, are ever used with relation to the person that useth them: there being nothing simply and absolutely so; nor any common rule of good and evil, to be taken from the nature of the objects themselves; but from the person of the man, where there is no commonwealth. . ." EW 41. "Good and evil, are names that signify our appetites and aversions; which in different tempers, customs, and doctrines of men are different: and divers men, differ not only in their judgement. . . but also of what is conformable or disagreeable to reason, in the actions of common life. Nay the same man, in divers times, differs from himself." EW, 146.

[26] MacIntyre diagnoses an inconsistency in this: "The Hobbesian social contract is the foundation of social life in the sense that prior to the contract there are no shared rules or standards; indeed the story of the contract functions as some kind of explanation of how men came to share social norms. But any exchange of words, written or spoken, between men which it would be appropriate to characterize as a contract or agreement or making of promises can only be characterized as so in virtue of there already existing some acknowledged and shared rule. . ." *A Short History of Ethics,* p. 136. The example of "available standards for interpreting the utterances of others" MacIntyre highlights there have to do with promising or agreeing, but he is simply calling attention to a logical minimum of already shared (though to be sure, not always honored) norms. Most likely, any real individual subjects will already share many norms in common. Leo Strauss notes a similar embarrassment in "On the Basis of Hobbes' Political Philosophy", in *What is Political Philosophy and Other Essays* (Chicago: University of Chicago Press. 1959) p. 191.

[27] EW, 115.

disagreeing with another person is a sign of dishonor,[28] which feeds into the third fundamental motive of conflict enumerated in ch. 13, "glory" or vanity. The first motive of conflict also presumes that there are *some* notions of property or ownership, which Hobbes denies of the RSN, claiming there is "no propriety, no dominion, no thine and mine distinct."[29] Again, this cannot mean that strictly speaking there is *no* notion of property, but rather than one agent's claims to one's own possessions will not be recognized by other agents, who will, however, want their claims recognized, and will fight to enforce them.

More than the other two motives of conflict, competition and diffidence, the third motive of conflict, which as numerous commentators have pointed out, greatly intensifies the danger and conflict in the Hobbesian state of nature, presumes that *none* of the three traits of the RSN, that it is an anomic, amoral, and asocial condition, are fully realized. Although in this state, there is potential conflict, it cannot be conflict of every human subject against every other, nor are there no interpersonal or even social ties in this state,[30] or else it would not even make sense to speak of a person being moved to conflict with another because of "signs of contempt, or undervaluing", which can be "either direct in their persons, or by reflexion in their kindred, their friends, their nation, their profession, or their name."[31] Later, discussing the extent of the social contract, he argues that not only can one not be obliged to accuse oneself, but that this extends to "those, by whose condemnation a man falls into misery", giving the examples of "a father, a wife, or benefactor,"[32] all of which relations presumably exist not only in civil society but in the state of nature. One might grant this of parents and wives, since familial relations clearly exist in the RSN, because the first and second motives of conflict are over "men's persons, wives, children, and cattle,"[33] but contest that benefactors exist in the state of nature. Yet, in ch. 10, Hobbes explicitly discusses a host of modes of honoring or dishonoring other persons, some consisting in benefaction, and concludes his enumeration by stating : "All these ways of honoring, are natural; and as well within, as without commonwealths."[34]

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28 EW, 78.

29 EW, 115.

30 Edwin Curley, attempting to preserve the Hobbesian state of nature in order to discuss recent game- and rational choice- theoretical interpretations of Hobbes, concedes: "It is neither definitive of this condition, nor. . . a necessary consequence of it, that people should have no affective ties to any other people and no form of social organization at all, or that they should not cooperate with one another to some extent." He concludes that such an interpretation "requires us not to take the famous phrase 'war of all against all' quite literally, and to qualify the equally famous claim that the life of man in the state of nature is 'solitary, nasty, brutish, and short'" "Reflections on Hobbes" p. 175. Making these concessions and modifications, however, already moves us from the pure RSN into one of the other states of nature distinguished here, which should then be informed by Hobbes' numerous discussions of those conditions.

31 EW, 112.

32 EW, 128.

33 EW, 112.

34 EW, 78.

Two additional points support interpreting the entirely anomic, amoral, and asocial condition of the state of nature as a rhetorical construct which supports Hobbes' treatments of four *actual* states of nature which properly understood, properly administered, and properly functioning civil society will to some degree assimilate, replace, and prevent.[35] The first point is that, in ch. 13, after sketching the state of nature in its starkest contours and diagnosing its essential causes in the three fundamental motives of conflict, the *only* argumentative support Hobbes gives is to direct the reader's consideration *precisely* to all four of the *actual* states of nature picked out and discussed here.

First, he notes that, even in civil society, "when he knows there be laws, and public officers, armed, to revenge, all injuries shall be done to him," one takes precautions not to be harmed by fellow members of one's own commonwealth, "accus[ing] mankind by his actions, as I do by my words."[36] Second, Hobbes admits that he "believes [such a time or condition of war as this] was never generally so over all the world", but argues that native Americans "except the government of small families, that concord whereof dependeth on natural lust, have no government at all."[37] Third, he suggests that factional strife and ensuing breakdown of the fabric of society allows us to picture the RSN. "[I]t may be perceived what manner of life there would be, where there were no common power to fear; by the manner of life, which men that have formerly lived under a peaceful government, use to degenerate into, in a civil war."[38] Fourth, he appeals to the example of international relations, claiming, not entirely implausibly that sovereign political entities, "because of their independency, are in continual jealousies, and in the state and posture of gladiators, having their weapons pointing, and their eyes fixed one another. . . a posture of war."[39]

The second point is that, given Hobbes' appeals to these actual states of nature, he evidently regards himself and his readers as already inhabiting and being subjects of currently existing, though probably highly flawed, civil societies in which returning to a state of nature remains a menacing possibility. The central function then of *Leviathan* and indeed Hobbes' moral and political philosophy is not *primarily* to explain theoretically the factual arising of political communities from either the RSN or, more plausibly, from pre-political communities, nor to illuminate international relations, nor even to persuade individual subjects not to engage in

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[35] I am in agreement with Johnston's argument that Hobbes' fundamental goal was a fundamental cultural and political transformation, and that what I delimit here as the RSN "set the stage upon which the radical reconstructive pretensions of his political philosophy could appear as a plausible act of political creation." *The Rhetoric of Leviathan,* p. 189.

[36] EW, 114.

[37] EW, 114.

[38] EW, 114-5.

[39] EW, 115.

criminal behavior. Rather its systematically pursued primary goal is to provide improved understanding of the roots of human conflict, a warning of the costs of factional strife, and a definitive remedy for conflict to be applied to existing civil societies, an irresistible and uncriticizable sovereign authority enforcing the laws of nature discoverable by reason. This does not mean that Hobbes' theory cannot be legitimately employed, as it has indeed been, towards these other ends, and exegetical discussion of actual Hobbesian states of nature will illuminate them to some extent. At the same time, each of them bears implications for the centrally important matter of factional strife.

II. Families in the State of Nature and in The Commonwealth

A more realistic, and historically existent, state of nature is the stateless condition in which the main agents of actual or potential conflict are larger and more complex than individual human beings. As noted in the last section, even in his ch. 13 discussion of the state of nature and the fundamental motives of conflict, Hobbes explicitly characterizes at least some of the agents in a state of war with each other as at the very least possessing households, "wives, children," which some will be tempted to and attempt to seize and others will have to defend, preemptively if necessary. The types of communities and interpersonal relationships in the pre-political state of nature extend much wider than simply couples with children, including servants and even friends. In ch. 10, specific modes of relationships extend beyond the simply conflictual ones presented in ch.13, to an extensive listing of modes of honoring and dishonoring found outside of commonwealths. The force of religion also functions and can structure relations prior to commonwealths. All of these allow human beings to be bound together in relationships, more or less stable,"congeal[ed] into peace,"[40] to use Preston King's felicitious expression, but, since based on the plays and structures of human passions, liable to dissolution. Insofar as they remain stable and reliable, these relationships modify our picture of the Hobbesian state of nature, which is then no longer the RSN, anomic, amoral, and asocial, but rather a condition in which there are agencies of unequal power and complexity.

Within these agencies, which could, and historically do take shapes ranging from families, powerful families with servants and clients, robber bands, clans, tribes, even religious communities, there will be of course mutual association, some sorts of deliberation, rule and obedience,[41] some ways of preventing, adjudicating and reconciling intergroup conflicts, as well as

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[40] *The Ideology of Order*, (London:George Allen & Unwin. 1974) p. 190.

[41] Two Hobbes-interpreters who have given considerable attention to the role and scope of families in Hobbes' thought recognize differing degrees of organization, size, and types of order and relationships in the Hobbesian families. Preston King, in *The Ideology of Order*, regarding the "patrilocal" family as the essential type, notes that "[i]t does and does not include slaves," p. 179, and grants that "[t]he family, as a concrete, corporate unit, impliedly entails every conceivable method of creating orders among individuals." p. 180. Phillip Abbott argues for a typology of three different kinds of families, which he labels: 1) the empty shell patriarchal family; 2) group marriage; 3) the autistic family. "The Three Families of Thomas Hobbes", *The Review of*

some generally recognized moral codes and distinctions. These may not be, and in actually existing groups, will not be entirely coherent, unambiguous, systematically worked out in their entirety, and the members of the groups will be subject to the desires and temptations of Hobbesian human beings. But, within these groups, even if one's lot is not particularly desirable, one is seemingly better off than other inhabitants of this state of nature, individual human beings who do not belong to a group, who are on their own, and who are faced not just with other agents similar to them in both structure of motivation and power, but also with these relatively more powerful, and perhaps well-organized groups.

This state of nature is not a pure one as is the RSN, and several interesting tensions mark Hobbes' discussions of this pre-political state. The first is that it appears that *even outside of* a particular group, the state of nature is not an entirely anomic, amoral, and asocial war of all against all.[42] The second is that while describing the pre-political state of nature Hobbes invokes groups at various points in *Leviathan*, and yet these groups are themselves structured, in terms of authority and power, like smaller commonwealths. Furthermore, his lengthy discussions of dominion and commonwealth by acquisition and his insistence on the essential identity of commonwealths by institution and by acquisition, suggest that the political community in many, even most cases develops simply and naturally out of one pre-political group's successful hegemony and domination.[43] The third is that the pre-political family (as well as some other associations) continues on and acquires a legitimate place and function in civil society, as institutions incorporated within the commonwealth. At the same time, families, particularly powerful families, remain possible sources of factional strife. Each of these merit some brief examination.

The historically existent pre-political state of nature is not as much of a moral vacuum as the RSN. Admittedly, aside from the laws of nature, which are not really effective, or even particularly well understood before being institutionalized in a commonwealth (and in Hobbes' view, still are not well-understood and articulated even in existing commonwealths),[44] and the

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Politics, v. 43, n. 2 (1981). Abbott correctly accords priority to the first type.

[42] King argues, correctly in my view: "[Hobbes] believed that families. . . .had always existed – which means that almost all men at all times had lived with one another. . . . Complete individual isolation was at all times unlikely an improbable," *The Ideology of Order*, p. 189. He expresses his conclusions in a set of theses, which include: "[Hobbes] believed individuals were almost always contained within some formal organization, whether large (like the state) or small (like the family). . . social organizations, whether or not they have contained all individuals at all times, have existed so long as men have existed," p. 190.

[43] This central facet of Hobbes' political theory is clearly recognized by Hobbes interpreters including *inter alios* Strauss, Oakeshot, Polin, King, Skinner, Lloyd, Schochet. What these quite varied interpreters have in common are essentially hermeneutic approaches to Hobbes involving close, sustained, and systematically reflective attention to his texts.

[44] On the paradox this produces and a possible resolution of this paradox, cf. my "Laws of Nature as Moral Norms." For criticism of my suggested solution, responses to criticism, and counter-responses, cf. Martin

basic prudential and passional structures of human beings which generally lead them into conflict, one would be hard pressed to find anything like a natural morality in theory intellectually or at least affectively discernable by all or even most people. Yet, Hobbes does make several interesting sets of remarks which could be interpreted as recognition that some moral values or distinctions exist and are recognized outside of as well as within particular groups in this state of nature.

One of these is his discussion of the "laws of honor; that is, to abstain from cruelty, leaving to men their lives, and instruments of husbandry", recognized and followed by "small families," who "rob and spoil one another."[45] Another arises from his discussions of religion, whose "first seeds and principles. . .are only an opinion of a deity, and powers invisible, and supernatural; that can *never* be so abolished out of human nature. . ."[46] For all of his suspicion of religion's capacities to play a role in conflict, and his advocacy of state domestication of religion, Hobbes nevertheless recognizes that in the state of nature, religion offers possibilities for maintaining some level of concord, at least for some people. In general, it is "fear of the consequence of breaking their word"[47] that brings people to observe covenants. This fear can be of "the power of spirits invisible", which "is in every man, his own religion, which hath place in the nature of man before civil society."[48] Accordingly, Hobbes writes: "before the time of civil society, or in the interruption thereof by war, there is nothing that can strengthen a covenant of peace agreed upon, against the temptations of avarice, ambition, lust, or other strong desire, but the fear of that invisible power, which they every one worship as God; and fear as a revenger of their perfidy."[49] Religion is seemingly one of the most resilient moral forces in the Hobbesian state of nature.

Rhonheimer, Gregory B. Sadler, and Michael Zuckert, "Forum: Hobbes on Laws of Nature and Moral Norms", *Acta Philosophica*, v. 17, n. 1. (2007). Oakeshot articulates and discusses a similar problematic in "The Moral Life in the Writings of Thomas Hobbes," and rightly resists temptations to simplify away the paradoxical and perhaps ultimately incoherent basic elements of Hobbes' texts.

[45] EW, 154. Oakeshot develops a very interesting, and textually supported thesis about honor, distinguishing between the "morality of the tame man", and "another line of argument, not extensively elaborated [in Hobbes' texts], but enough to push our thoughts in a different direction," involving "the moralization of pride itself," and the figure of "a man who would find greater shame in the meanness of settling for mere survival than in suffering the dishonor of being recognized a failure; a man whose disposition is to overcome fear not by reason. . . but by his own courage," "The Moral Life in the Writings of Thomas Hobbes", p. 339. He notes that this "is a character which actually appears in Hobbes' writings, and is, moreover, recognized there as a just character," p. 340. Unfortunately, there is simply "a dearth of noble characters," p. 342. Leo Strauss provides a complementary discussion of the transition from aristocratic virtue to bourgeois virtue in ch. 4 of *The Political Philosophy of Hobbes*.

[46] EW, 105. Emphasis mine.

[47] EW, 128.

[48] EW, 129.

[49] EW, 129

Turning to the second tension, it must be admitted that Hobbes takes a rather jaundiced view of familial relations, albeit one consistent with his principles, mentioning at one point a "natural inclination of the sexes, one to another, and to their children,"[50] but for the most part treating familial relations in a rationalistic and legalistic manner thought through in terms of power, hierarchy, and dominion.[51] One of the parents has dominion over the child, most likely over the other parent, and establishes a chain of dominion over generations. "He that hath the dominion over the child, hath dominion also over the children of the child; and over their children's children. For he that hath dominion over the person of a man, hath dominion over all that is."[52] A like line of reasoning establishes similar dominion over servants. "The master of a servant, is master also of all he hath, and may exact the use thereof; that is to say, of his goods, of his labor, of his servants, and of his children, as often as he shall think fit. For he holdeth his life of his master, by covenant of obedience; that is, of owning, and authorizing whatsoever the master shall do."[53] In cases Hobbes discusses, the condition of servitude generally stems from someone who is conquered by another agreeing to submit to and serve the conqueror out of fear. Lacking this agreement, one who has been subjugated has "no obligation at all; but may break their bonds, or the prison; and kill or carry away captive their master, justly."[54] Once submission has been made, and "the victor has trusted [the servant] with his corporal liberty,"[55] the relationship of master and servant becomes instituted. This could also be extended to cases where a person, for economic motives or motives of identifying themselves with a prestigious superior, willingly chooses to become a servant of a more powerful person. Presumably, Hobbes would also regard traditional patron-client relations as something analogous to servitude.

The agents in an actual state of nature could range from small families, little more than a couple and their children, to households comprising extended families with their own associated families of servants and clients, to groupings as large as segmented clans or tribes. So long as there is some principle of ordering and hierarchy, Hobbes is willing to grant that "a great family if it be not part of some commonwealth, it is of itself, as to the rights of sovereignty, a little

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50 EW, 187.

51 Gordon J. Snochet rightly criticizes Hobbes' discussions of family in *Leviathan* as "rather strange and strained, "interpreting them as "part of Hobbes' attempt to deny the existence of status relationships in the condition of 'meer Nature.'" He concludes that "[i]t makes sense, ultimately, on the ground that in the prepolitical world of the state of nature, parents were sovereigns." "Intending (Political) Obligation: Hobbes and the Voluntary Basis of Society", in *Thomas Hobbes and Political Theory*, p. 64. Cf. also Snochet's earlier "Thomas Hobbes on the Family and the State of Nature," Political Science Quarterly, v. 82, n. 3 (1967)

52 EW, 188. Abbott raises some of the problems with Hobbes treatment of the relationship between parent and child as purely a relation of power and contract, and provides a convincing argument that "Hobbes might have provided himself with a way out if he were to use gratitude, his fourth law of nature, as a basis for parental authority," "The Three Families of Thomas Hobbes," p. 245.

53 EW, 190

54 EW, 190

55 EW, 190.

monarchy." The only caveat he introduces is: "yet a family is not properly a commonwealth, unless it be of that power by its own number, or by other opportunities, as not to be subdued without the hazard of war."[56] The second fundamental motive for conflict will actually cause leaders of these groups to strive to extend their power, "by force, or by wiles, to master the persons of all men he can, till he see no other power great enough to endanger him."[57] In this state of nature, any group following out this logic of conflict successfully enough, while managing to preserve internal order, will in fact end the state of nature, transforming it into a genuine commonwealth by acquisition.

Hobbes equates the two modes of producing commonwealths (or other types of dominion), acquisition and institution, arguing that they fundamentally differ "only in this, that men who chose their sovereign, do it for fear of one another, and not of him whom they institute: but in this case, they subject themselves, to whom they are afraid of."[58] All that is required is that people "confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills . . into one will,"[59] to make the sovereign, as Hobbes says "bear their person,"[60] producing something more than simply consent or concord between people, "a real unity of them all"[61]. This can take place by an explicit institution, but it can also occur by acquisition, "natural force", and the examples he uses are precisely "when a man maketh his children, to submit themselves, and their children to his government, by being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition."[62]

In the state of civil society, with the exception of a ruling dynasty, the family remains a central though subordinate institution, one of the "private bodies, regular and lawful,"[63] and it retains its hierarchical structure, for its status as regular derives precisely from the members being "united in one person representative." The family, or more properly speaking, household (since it can include not only servants, but also subordinate families of servants), in particular, the representative head of the family, gives up some of the freedoms and rights the family would possess in the state of nature, and correlatively, the order of the family is actually strengthened by

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56 EW, 191. And yet, this criterion should not, on Hobbes' own account, present an impediment, since "as for very little commonwealths, be they popular or monarchical, there is no human wisdom can uphold them, longer than the jealousy lasteth of their potent neighbors." EW, 250.

57 EW, 111.

58 EW, 185.

59 EW, 157.

60 EW, 157

61 EW, 158.

62 EW, 159.

63 EW, 221.

being integrated within the commonwealth. The family is a regular and lawful body because

> the father, or master, ordereth the whole family. For he obligeth the children, and servants, as far as the law permitteth, though not further, because none of them are bound to obedience in those actions which the law hath forbidden to be done. In all other actions, during the time they are under domestic government, they are subject to their fathers and master, as to their immediate sovereigns. for the father, and master being before the institutions of common-wealth, absolute sovereigns in their own families, they lose afterward no more of their authority, than the law of the commonwealth taketh from them."[64]

The ch. 30 discussion of the various matters the state ought to take an interest in having its citizens taught include some measures aimed at solidifying the structure of the family and strengthening the analogy between rule and order of the state and rule and order of the family. It also recognizes that the family itself plays a central role in proper education and inculcation of proper attitudes towards authority.

> [B]ecause the first instruction of children, dependent on the care of parents; it is necessary that they should be obedient to them, while they are under their tuition; and not only so, but that also afterwards (as gratitude requireth), they acknowledge the benefit of their education, by external signs of honor. To which end they are to be taught, that originally the father of every man was also his sovereign lord, with power over him of life and death; and that the fathers of families, when by instituting a commonwealth, they resigned that absolute power, yet it was never intended they should lose the honor due unto them for their education.[65]

In the well-functioning Hobbesian commonwealth, there is an analogy between family authority and sovereign authority, family and commonwealth, and at the same time, the family structure is integrated within and supports the state, rather than threatening and weakening it by presenting itself as a rival authority or by attempting to take over rule of the state. Yet, the Hobbesian household, which could encompass not only extended family, but also servants, and extend its power through patron-client relations, friendships, wealth and reputation, will always remain a potential source for factions. Accordingly, he advises: "if a private man entertain more servants, than the government of his estate, and lawful employment he has for them requires, it is faction and unlawful."[66] Observing that "in nations not thoroughly civilized, several numerous

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[64] EW, 221-2

[65] EW, 329.

[66] EW, 224.

families have lived in continual hostility, and invaded one another with private forces,"[67] Hobbes' judgement is that either they were in commonwealths, and therefore were acting unjustly, essentially engaging in faction, or "they had no commonwealth," so that they remained in an actually existing pre-political state of nature.

III. Criminality within The Commonwealth.

The examples Hobbes supplied as argumentative justification for the RSN indicate that even in existing commonwealths, where there are laws and mechanisms of enforcement, so long as they cannot entirely trust each other, and in cases where enforcement might not be able to preserve rights to the extent one deems necessary, citizens still remain in something analogous to the state of nature. While relying for the most part on the state, they attempt to independently guarantee their own security when traveling by arms and numbers, and when at home through security devices.[68] Hobbes even argues that locked chests evince unwillingness to entirely trust one's own children and servants.[69] He also argues for a citizen's right to act in self-defense against criminal actions in civil society, on the basis that "no man is supposed bound by covenant, not to resist violence."[70] This is not a pure state of nature in the same way asis the RSN, and certain paradoxes or inconsistencies appear at first glance involved in Hobbes' views. It seems strange that people should inhabit civil society, and yet still remain, as potential criminals, in a state of nature in relation to each other, since the prime purpose of Hobbesian civil society is precisely to supply a remedy and bulwark against the state of nature. In a functioning civil society, the laws and sovereign authority can of course do this in most cases, keeping the majority of citizens who might be tempted to engage in crime from doing so, but Hobbes gives no reason to assume that crime would cease altogether.[71] Indeed, the very ways in which he thinks civil society should deal with the inevitable crime, which both reflects a localized Hobbesian state of war and threatens lapse into a more global state of war, maintain and even repair the social fabric. Properly understanding and addressing crime and punishments, the subject matters of ch. 27 and 28, is an integral component of the work of the sovereign in maintaining the social contract, and observance of the laws of nature and the civil law, which as Hobbes maintains "contain each other, and are of equal extent."[72]

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67 EW, 224.

68 EW, 114.

69 EW, 114.

70 EW, 297. Hobbes adds: "In the making of a commonwealth, every man giveth away the right of defending another, but not of defending himself." EW, 297.

71 To the contrary, he writes: "As for the passions of hate, lust, ambition, and covetousness, what crimes they are apt to produce, is so obvious to every man's experience and understanding, as there needeth nothing to be said of them, saving that they are infirmities, so annexed to the nature, both of man, and all other living creatures, that their effects cannot be hindered, but by extraordinary use of reason, or a constant severity in punishing them. EW, 284

72 EW, 253.

The laws of nature specify requirements for common social life that, if not met, inevitably set a person at odds with others and introduce the dynamic of distrust, hostility, conflict and violence, escalating uncontrollably if unchecked, comprising the state of war. When one is a member of a commonwealth, in which other members do observe the laws, and in which there is a sovereign authority, it is unreasonable for one to violate them. Although Hobbes implies that violating *any* of the laws of nature is criminal, since "injustice, ingratitude, arrogance, pride, iniquity, acceptation of persons, and the rest," the vices of character corresponding to breaking specific laws, "can never be made lawful,"[73] the third and tenth, for one set of reasons, and the sixth and seventh for another set, are particularly important.[74]

The third law, "that men perform their covenants made,"[75] in which, Hobbes writes, "consisteth the fountain and original of justice,"[76] is violated by any lawbreaking whatsoever, and were it commonly violated in actuality, or even if citizens lost confidence that it would be in the main respected, civil society would become impossible. Still, there is a type of unreasonable, or deficiently rational, person, the "Fool" who acknowledges that people make covenants, and that "breach of them may be called injustice, and the observance of them justice," but who nevertheless considers it reasonable for him to violate them if it benefits him. The tenth law, "that . . . . no man require to reserve to himself any right, which he is not content should be reserved to every one of the rest,"[77] similarly expresses a moral norm violated by criminality. Later, summarizing the totality of the laws, Hobbes sets his finger on the essential nature of criminality in a commonwealth: "he that having sufficient security, that others shall observe the same laws towards him, observes them not himself, seeketh not peace, but war; and consequently the destruction of his nature by violence."[78]

This consequence raises another important aspect, addressed by the sixth and seventh laws, "upon caution of a future time, a man ought to pardon the offenses past of them that repenting desire it,"[79] and "that in revenges. . . . men look not at the greatness of the evil past, but the greatness of the good to follow,"[80] respectively. When observed and enforced, these restrain the responses of law-abiding citizens to criminality from moving towards the limitless conflict of

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[73] EW, 145.

[74] The eleventh and fourteenth laws, "if a man be trusted to judge between man and man. . . that he deal equally between them", and "that they that are at controversy, submit their right to the judgement of an arbitrator," respectively, are also absolutely necessary for maintaining civil society, since, as Hobbes notes, if they are not observed, the only other recourse for the parties involved is conflict, putting them into the state of war.

[75] EW, 130.

[76] EW, 130.

[77] EW, 141.

[78] EW, 145.

[79] EW, 139.

[80] EW, 126.

the state of war, and to even promote the possibility of reintegration of reformed and repentant criminals back into civil society. Hobbes does, as mentioned above, acknowledge a right to self-defense, extending to prudential preparations to resist or deter crime, but in civil society, the state and not private citizens has the right and duty to punish criminals, for the purpose of "disposing the delinquent, or (by his example) other men, to obey the laws."[81] Even though criminality introduces the state of war into the heart of civil society, responses to it cannot be permitted to reproduce its intensity of conflict, particularly the second fundamental motive of conflict, "anticipation," by which, in order to prevent or punish aggression, every person has the right to "do whatsoever he thought necessary to his own preservation; subduing, hurting, or killing any man in order thereunto"[82] Instead, this right is given entirely to the sovereign to "do whatsoever he shall think necessary to be done, both beforehand, for the preserving of peace and security. . . and when peace and security are lost, for the recovery of the same."[83]

One last feature of Hobbes treatment of crime requires some discussion. Precisely to prevent lapses into the state of nature, Hobbes discusses in considerable detail how the sovereign authority should deal with crime. A significant part of this includes proper assessment of the severity of the crime and the appropriate punishment. The commonwealth itself is affected by crimes against the citizens it is supposed to protect. Accordingly, people can forgive debts, "but not robberies or other violences", because "robbery and violence are injuries to the person of the commonwealth."[84] Indeed, in Hobbes' view, "in almost all crimes there is an injury done, not only to some private men, but also to the commonwealth."[85] The most dangerous crimes, however, calling for the most severe punishments, are those which particularly undermine the social fabric not only by harming individual subjects and inducing fear in other subjects, but also by bringing the sovereign authority's power, not its mere power, but its power to enforce the laws of nature and the civil law, into question and doubt, crimes that "proceed from malice to the government established; those that spring from contempt of justice, those that provoke indignation in the multitude, and those which, unpunished, seem authorized."[86] These are, it should be noted, also

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81 EW, 299.

82 EW, 298. Hobbes makes this very explicit: "A man is assaulted, fears present death, from which he sees not how to escape, but by wounding him that assaulteth him; if he wound him to death, this is no crime, because no man is supposed . . . to have abandoned the defense of his life, or limbs, where the law cannot arrive time enough to his assistance. But to kill a man, because from his actions, or his threatenings, I may argue he will kill me when he can, (seeing I have time, and means to demand protection, from the sovereign power,) is a crime." EW, 285.

83 EW, 164.

84 EW, 137

85 EW, 296.

86 EW, 337. In ch. 17, Hobbes discusses particular "passions", which would in contemporary parlance be called attitudes or structures of assumption, which lead to crime, and are particularly dangerous: 1) those who because of their wealth, hope to avoid " punishment by corrupting public justice, or obtaining pardon by money, or other rewards"; 2) those who have powerful or numerous family, and "popular men, that have gained reputation amongst the multitude," who hope to fight against those enforcing the law; 3) those who wrongly consider

particularly dangerous because they involve or lead to the formation of factions and factional strife. Another significant part involves education of the citizenry by the sovereign authority, "a general providence, contained in public instruction, both of doctrine and example."[87] Indeed, Hobbes regards relying on the authority of a teacher rather than on one's own judgement alone as a factor which lessens one's guilt,[88] and correlatively, he regards teachings that lead others astray as particularly grievous offenses. Again, the doctrines Hobbes will most severely condemn, "opinions, contrary to the peace of mankind, upon weak and false principles,"[89] are precisely those which are used to justify faction.

IV. The State of Nature in International Relations.

If the state of nature can be found nowhere else, Hobbes argues, it exists in the relations between sovereign political communities, i.e., states, and in relations between states and external non-state agents. This is not, however, a "pure state of nature," for as with the pre-political family or clan state of nature, this one differs from the RSN in that actual and potential conflict is between communities which themselves are not anomic, amoral, and asocial, but rather involve considerable cooperation and coordination between members. An additional point of similarity is that political communities, like pre-political communities, contain the potential of conflict arising between its constituent members. If and when conflict breaks out within the commonwealth, this does not immediately produce the RSN, however, but rather one of the other actual states of nature discussed here, criminality, faction, or independent families or clans. Hobbes indicates another vital difference, namely that in this state of nature, where the agents maintain "the posture of war. . . . because they uphold thereby, the industry of their subjects, there does not follow from it, that misery, which accompanies the liberty of particular men."[90]

Dwelling overlong on Hobbes' theory of international relations, on which a sizable literature exists, is unnecessary. Simply pointing out a few main features is sufficient here. First, aside from the important difference that the agents involved may vary considerably in power, there are homomorphisms between foreign relations and the RSN that justify regarding it as the closest approximation to the RSN. The three fundamental motives of conflict, competition, diffidence or anticipation, and glory or vanity, can be operative and self-perpetuating in interstate relations, and Hobbes' theory of human motivations, reasoning, and the passions, along with his view of the sovereign as representing, bearing, and directing the wills of the members of the commonwealth, allows interstate relations to be understood by analogy to interpersonal relations.

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themselves particularly wise, and contest the legitimacy of the sovereign authority and its officers; 4) those who considering themselves wise, think their crimes will evade detection

87 EW, 332. Hobbes specifies a list of matters concerning crime and justice to the citizenry, cf. EW, 329-330.

88 EW, 290.

89 EW, 330.

90 EW, 115.

One interpreter, George Kateb, goes so far as to claim that "international relations. . .is a permanent condition, and it is the real referent of the thirteenth chapter."[91] Hobbes provides one particularly explicit example of this analogy: "Cities and kingdoms. . . enlarge their own dominions, upon all pretenses of danger, and fear of invasion, or assistance that may be given to invades, endeavor as much as they can, to subdue, or weaken their neighbors, by open force, and secret arts, for want of other caution, justly; and are remembered for it in after ages with honor."[92]

A second feature is that commonwealths are analogous to individual human beings in the state of nature in that they can also exercise prudential restraint over their natural passions leading towards conflict. In his discussion of the "diseases" a commonwealth is subject to, he includes Bulimia, "the insatiable appetite. . .of enlarging dominion, with the incurable wounds thereby many times received from the enemy," and "Wens, of united conquests, which are many times a burden, and with less danger lost, than kept."[93] And, although Hobbes declares that "the Law of Nations, and the Law of Nature are the same thing,"[94] so that sovereigns, representing their commonwealths stand in relation to each other as do individual people in the RSN, his statement that the law of nature "dictateth. . . to the consciences of sovereign princes and sovereign assemblies; there being no court of natural justice, but in the conscience only,"[95] does hold out prospects for international cooperation structured by the other laws of nature, this requiring, however, establishing some greater sovereign power over the states, one capable of compelling obedience to the laws and thereby ending conflict.[96]

A third and last feature important to note is that, despite the analogies between international relations and the RSN, state agents and individual agents, the actual condition is not only that of potential or actual conflict among states, within which potential conflicts among individuals are contained, but also potential or actual conflict between states and non-state agents, including individuals, either belonging to a state (which could trigger conflict with that state) or not, as well as larger non-state communities. Hobbes argues that "all men that are not subjects, are either enemies, or else they have ceased being so, by some precedent covenants. But against enemies, whom the commonwealth judgeth capable to do them hurt, it is lawful by the original

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91 "Hobbes and the Irrationality of Politics", Political Theory, v. 17, n. 3 (1989), p. 380. Kateb also observes: "The supreme irony is that Hobbes encourages nations to be what he warns individuals not to be: activist uncontented and ambitious. Even an unremitting concern for reputation (that is, for honor or prestige) is encouraged because reputation is power." p. 380.

92 EW, 154.

93 EW, 321.

94 EW, 342.

95 EW, 342.

96 Of course, it is possible for commonwealths to associate in what he calls "leagues", which "are not only lawful, but also profitable for the time they last" (200)

right of nature to make war."[97] Accordingly, inflicting harm on innocent people who are not members of a particular commonwealth, "if it be for the benefit of the commonwealth, and without violation of any former covenant,"[98] is not wrong in his view.

V. Factional Strife and the Return to the State of Nature.

The formation of factions and ensuing factional strife represents the last actual Hobbesian state of nature, in many respects the most dangerous and deleterious one, and the one to which the most discussion and thought is given in *Leviathan*. A considerable portion of the text, particularly in chs. 17, 18, 22, and 29, explicitly discusses the ways in which faction arises and how it may be prevented, and many of the discussions in other sections are implicitly oriented by this end, precisely because Hobbes' intended audience is not people in a pure state of nature, but rather those inhabiting already existing commonwealths, "imperfect, and apt to relapse into disorder," a condition he aims to remedy by supplying "principles of reason. . . found out, by industrious meditation, to make their constitution (excepting by external violence) everlasting."[99] These principles are, of course, the laws of nature, but consist also in the detailed and systematic discussions comprising *Leviathan*'s entire second book.

The possible sources and motives of factions are practically limitless, and even to attempt a comprehensive summary of those Hobbes explicitly treats is a project beyond the scope of this paper. Just to mention a few, there are "factions for kindred. . . for government of religion, as papists, Protestants, etc., or of state, as patricians and plebians . . . and of aristocraticals and democraticals."[100] They can arise from any motives of human conflict which are permitted freer

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97 EW, 305.

98 EW, 305

99 EW, 324-5. The final sentence of Book II indicates one intended audience: "I recover some hope , that one time or another, this writing of mine, may fall into the hands of a sovereign, who will consider it himself. . . .without the help of any interested, or envious interpreter; and by the exercise of entire sovereignty, in protecting the public teaching of it, convert this truth of speculation, into the utility of practice." EW, 358. Hobbes must address many other readers, however, so as to convince them of the reasonableness and necessity of supporting such a project.

100 EW, 224. The question of the degree to which primarily ideological, religious, or class motives can motivate conflict, specifically factional strife in Hobbes' view is a particularly interesting and fertile subject for further study and reflection, about which several interpreters have taken strong positions.

Deborah Baumgold, who stresses conflicts among elites in Hobbesian civil society, notes, quite correctly, that "[a]bsent from [Hobbes'] analytic model is any notion that rebellion and civil war have any underlying structural causes or teleological direction, as well as the associated conception of political actors as agents of such historical forces", but then goes on to advance a more controversial (and in my view, unsupportable) claim: "The Hobbesian idea of a faction is incompatible with the concept of class. . . his discussion of the legitimizing function of ideology contrasts with the Whig picture of a conflict over ideology". "Hobbes' Political Sensibility: the Menace of Political Ambition, in *Thomas Hobbes and Political Theory*, ed. Mary G. Dietz. (Lawrence: University Press of Kansas. 1990), p. 83.

S.A. Lloyd notes: "Hobbes was addressing the problem of maintaining social order in the face of fundamental religious and moral disagreement over how people should live, and thus over the state's proper ends and operations. Hobbes' problem, to use the modern parlance of Rawls' political liberalism, was one of how to

room for the development of their passional logic than is prudent: ambition, fear, honor and dishonor, avarice, hatred, envy, anger, even, as noted earlier, indignation over criminality. Polin expresses the problem:

> what is specific to man tends to irritate and to set itself at odds with living in a community, whether it be reason, in the name of which each claims to uncover the faults or errors of those governing and clings to destructive critique, or whether it be language, since speech is a factor of sedition and faction, or whether it be even leisure. . . which provides time for occupying oneself about glory and for speculating about the just and the unjust.[101]

Factions by their very nature aim at contestation, conflict, and the extension of the power of those engaging in them, either at the expense primarily of other subjects or groups of subjects (including other factions, against which a new faction can be organized) but also thereby at the expense of the sovereign authority, or directly at the expense of the sovereign authority and thereby also at the expense of all those who rely upon it to keep the peace. Put in another way, every faction involves a breach of the social contract, a violation of at least one of the law of nature and denial of the supreme authority and power of the sovereign.

By the time that factions have begun to emerge, and subjects enter into conflict with each other, social matters are already tending towards the state of nature.[102] As Hobbes writes,

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ensure stable social cooperation in the face of competing comprehensive doctrines." "Contemporary Uses of Hobbes' Political Philosophy", p. 142.

Richard Ashcraft makes and supports the claims that "Hobbes is cognizant of a relationship between economic interests and ideology, and that these two factors comprise for him the 'constituent causes' of the English Revolution. In this relationship ideology functions as the active efficient cause while economic interest is the passive material cause of that event," He argues that though Hobbes does not use the term "class", he understands "the phenomenon of class cohesion. . . the fact that interests of people tend to coalesce into groups defined in terms of a specific relationship to the means of economic production," while noting the danger of "us[ing] class and faction as interchangeable terms." *Political Theory*, v. 6, n. 1. (1978) p. 42

[101] Polin, *Hobbes, Dieu, et les hommes*, p. 190.

[102] Stephen Daniel offers the intriguing suggestions that, Hobbes' "discussion of men in the state of nature has two purposes. First, it is meant to give a description of men considered apart from *civil* society, not apart from *human* society. Secondly, it is meant to highlight the fact that the sociable inclinations of man and the human tendencies to develop 'arts of peace' are much too undependable to ground a political science." He concludes that the state of nature is "the description of man as citizen, idealized in an abstraction from the civil or governmental structure of *civil* society," and that "the mere war of all against all describes men's civil relations apart from government, not their *social* relations." "Civility and Sociability: Hobbes on Man and Citizen", *Journal of the History of Philosophy*. v. 18 (1980), p. 210.

Factional strife, on such a view, emerges in and intensifies a condition in which the governmental structure does not sufficiently dominate civil society and social relations. Accepting Daniel's suggestions would allow a reply to Alasdair MacIntyre's criticism that: "To use the word *social* is to be reminded of one of the oddest of Hobbes' confusions, that he appears not to distinguish the state and society, to make political authority not dependent on the prior existence of, but constitutive of social life." *A Short History of Ethics*, p. 134. The Hobbesian state can be distinguished from the civil society which it dominates and integrates, and Hobbesian political authority *is* to some degree constitutive of social life, in that it modifies some institutions and social

specifically in reference to the likely unfavorable reception of his own political theory, "the most sudden, and rough busling in of some new truth, that can be, does never break the peace, but only sometimes awake the war. For those men that are so remissly governed, that they dare take up arms, to defend, or introduce an opinion, are still in war; and their condition not peace, but only a cessation of arms for fear of one another; and they live as it were, in the precincts of battle constantly."[103] Opinions and doctrines are in fact deeply involved in the development of factions, and Hobbes stresses repeatedly that in a stable commonwealth, the sovereign authority must properly educate the citizenry, and exercise control over the climate and content of publicly presented opinion. The sources of factions work analogously to those of "every crime", which stems from "some defect in the understanding; or some error in reasoning; or some sudden force of passions,"[104] and the detailed discussions in ch. 27 illuminate the (in Hobbes' view, incorrect) practical reasoning entering into factional strife. In chs. 18, 29, and 30, he outlines what particular doctrines need to be taught, and which need to be combated, in order to preserve the commonwealth. And, in ch. 17, "on the Liberty of Subjects" Hobbes waxes strongly against specific doctrines and writers supplying in his view erroneous and noxious views on liberty, in particular Aristotle and Cicero.

One prime example of Hobbes's approach is his treatment of natural laws' relations to civil laws, and their interpretation. Not only is the sovereign authority accorded the sole right and duty of making and enforcing the civil laws reflecting and institutionalizing the natural laws, the sovereign and its ministers alone is authorized to interpret the laws. Particularly of interest are the potential interpreters Hobbes rejects. He thinks that "considering there be very few, perhaps none, that in some cases are not blinded by self-love, or some other passion, [the natural law] is now become of all laws the most obscure; and has consequently the greatest need of able interpreters."[105] To leave interpretation of the laws, right and wrong, justice and injustice, up to individual subjects, and to allow them to contest the sovereign's interpretation, paves the way for uncertainty, partiality, and discord.[106] Further complicating things are the ready supply of doctrines and teachers giving their own interpretations of these matters. Hobbes insists that "[t]he

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relations and institutes, and creates and maintains the conditions for the possibility, of others.

[103] EW, 164-5. However, Hobbes does suggest at one point that properly directed and balanced fear could cement the peace. "[N]o popular commonwealth was ever kept up, but either by a foreign enemy that united them, or by the reputation of some one eminent man amongst them, or by the secret counsel of a few, *or by the mutual fear or equal factions*, and not by the open consultations of the assembly." EW, 250. Emphasis mine

[104] EW, 279.

[105] EW, 262.

[106] Hobbes wryly though polemically observes: "he is not the interpreter of [the written laws] that has written a commentary upon them", giving the reason that they do not bring matters to resolution, but only open room for more conflict and contestation. "For commentaries are commonly more subject to cavail, than the text; and therefore need other commentaries; and so there will be no end of such interpretation. EW, 266. Earlier he remarks that about the natural laws "we see so many volumes published, and in them so many contradictions of one another, and of themselves." EW, 263.

interpretation of the laws of nature, in a commonwealth, dependeth not on the books of moral philosophy," and even includes his own work, concluding that "[t]he authority of writers, without the authority of the commonwealth, maketh not their opinions law, be they never so true."[107]

Hobbes repeatedly stresses that factional strife risks casting the entire commonwealth back into the state of nature, invokes its starkest form, the war of all against all, as one of only two alternatives at several key points in *Leviathan*, discussions in which he particularly wishes to stress the need for a irresistible and uncriticizable sovereign authority, and the requirement of abiding by the laws of nature discoverable by reason. For instance, "if the essential rights of sovereignty. . . be taken away, the commonwealth is thereby dissolved, and every man returneth into the condition, and calamity of a war with every other man (which is the greatest evil that can happen in this life)."[108] The consequences of lacking sovereign authority and a functioning commonwealth " is perpetual war of every man against his neighbor."[109] And, following Greek and Roman conceptions of liberty culminates in a condition "which every man should have, if there were no civil laws, nor commonwealth at all. . . .For as among masterless men, there is also perpetual war, of every man against his neighbor; no inheritance, to transmit to the son, nor to expect from the father; no propriety of good or land; no security; but a full and absolute liberty in every particular man."[110]

These characterizations of factional strife's fruits and end-points are easily identifiable as the RSN.[111] The actual state of a factionalized civil society, however, in which the sovereign becomes unable to preserve its ascendency and the social order, a society eventually falling into civil war, is no more a *pure* state of nature than are the other three actual states of nature discussed earlier. It is true that, once the social fabric has been rent, there are greater incentives and opportunities for factions to undergo internal factional strife, for principled or opportunistic betrayals, power-plays, even splintering. Hobbes sets his finger on this by noting that factions are leagues, and that "[a] league being a connexion of men by covenants, if there be no power given to any one man, or assembly. . . to compel them to performance, is so long only valid, as there ariseth no just cause of distrust."[112] The dissolution of society would have to proceed very far in order to arrive at a pure Hobbesian state of nature. Presumably before that, however, the

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107 EW, 263.

108 EW, 323.

109 EW, 195.

110 EW, 201.

111 Johnston observes: "In some respects. . .Hobbes' concept of the state of nature obscures almost as much as it illuminates. By appearing to insist that there can be no middle way between absolute order and absolute chaos, his political analysis implies that every breakdown of sovereignty must be complete. but this conclusion is certainly not what Hobbes really believed, nor is it consistent with his interpretation of history." *The Rhetoric of Leviathan*, p. 189.

112 EW, 223.

factionalized society would either have become prey to another commonwealth, or one faction would succeed in dominating the others and establishing a new commonwealth by acquisition, or the society would regress entirely to the pre-political state of nature of competing family, patron-client, clan, or tribal groups.

One last set of points, also indicating how the factional strife state of nature is not an entirely pure one, need to be made. Although Hobbes does not say this in so many words,[113] factional strife has an even greater potential for generating and perpetuating misery than the natural condition of humanity in the RSN, for two reasons. First, factions in a civil society can draw upon many more resources, both material and intellectual or spiritual, for engaging in conflict with each other. Correspondingly, there is more at stake, and more to be sacrificed or lost in a civil war than in a war of all against all. Second, by virtue of belonging to a society which becomes a field of contestation and conflict, the members of factions inevitably still share much in common with each other, a common though perhaps ambiguous, overdetermined, and incoherent moral vocabulary, sets of values, even ideals.[114] This aspect makes civil wars even more bitter than those fought against external opponents. It also highlights a key feature of factional strife. Faction involves something determinately different than simply a return to a pre-political state of nature or a the RSN, since its goal is not to destroy a civil society, but rather to accord and appropriate to oneself or one's group more a larger share of power, resources, prestige, public space for promotion of favored opinions, desired actions or policies, or even autonomy than is fair, or prudently allowable by the sovereign authority. It may even extend to attempting to take over rule of the commonwealth, as for example when the sovereign is an assembly, "and a number of men, part of the assembly, without authority, consult a part, to contrive the guidance of the rest."[115] But, in every case (the possible exception being genuine anarchists, if such exist) factional strife is carried out in the hope that there remains something substantial left to gain and enjoy once conflict has passed. This hope in turn reflects the fact that the condition of faction, the most dangerous Hobbesian state of nature, is not, and does not assume, a pure war of all against all.

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[113] He does distinguish between them in a passage arguing that the inconveniences or incommodities of a form of government are preferable to its lack, charging those who argue otherwise with overlooking "that the state of man can never be without some incommodity or another; and that the greatest, that in any form of government can possibly happen to the people in general, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a civil war, or that dissolute condition of masterless men, without subjection to laws, and a coercive power to tie their hands from rapine and revenge." EW, 170.

[114] Daniel notes the converse side of this: "Societies are societies insofar as their members are bound to each other for motives other than mutual fear. Laws and governments do not create a society by uniting men as much as they stabilize and make civil a society by maintaining that unity. "Civility and Sociability", p. 210

[115] EW, 223.