

Phil 114, February 1, 2012
Hobbes, *Leviathan*, Ch. 14, 15, 20–21, 31, 43

Right and Laws of Nature: A *law of nature* “requires” us to do what we believe we need to do in order to survive...

...but this just means that we *will* do what we believe we need to do in order to survive.

The *right of nature* “allows” us to do what we believe we need to in order to survive...

...but this just means that there is no law forbidding us from doing what we believe we need to do in order to survive...

...but this just means that it is *not* the case that we will *not* do what we believe we need to in order to survive.

First Problem: How is Hobbes *advising* us by telling us about the right and laws of nature, if these are simply claims about how we *in fact* behave? Shouldn't advice say that we *ought* to follow these laws?

The specific laws of nature are essentially causal claims of the form: this kind of action, e.g., keeping your promises, makes you more likely to survive. How then can such claims serve as advice? Because, as the general formulation of a law of nature says, you will do whatever you believe you need to do in order to survive. When Hobbes gets you to believe that, if you keep your promises, you will stay alive, this will lead you to keep your promises.

In sum, then, Hobbes's laws of nature are simply

- (i) descriptive claims that certain actions have a certain effect (=survival),
that are
- (ii) addressed to an audience that wants the effect.

Second Problem: The right of nature and the laws of nature are exceptionless. So Hobbes appears to be assuming that we will never do what we believe undermines our survival. Is this plausible? Consider:

- (i) desires for the survival of one's loved ones,
- (ii) desires for the comforts of life,
- (iii) desires for the fulfillment of one's religious duties, and
- (iv) desires associated with glory: to exercise power over others and not to be dishonored.

How does Hobbes respond?

The right of nature

The right of nature is a right everyone has to do whatever he thinks will help him survive. Since in the state of war, one might think that anything could help one to survive, in the state of war *everyone* has a right to *everything*.

This may seem incoherent. Distinguish two meanings of: “S has a right to X”

- (1) S has a *claim* to X
= *Others* have a duty not to interfere with S's use of X.
- (2) S has a *liberty* to X
= S does *not* have a duty not to interfere with *others'* use of X.

The right of nature

= the fact that no one has a duty to let anyone else use anything

= the fact that no one *will* let anyone else use anything.

The first and second laws of nature

The *first law of nature* is: “that every man ought to endeavor peace, as far as he has hope of obtaining it, and when he cannot obtain it, that he may seek and use all helps and advantages of war.”

From which follows the *second law of nature*: “that a man be willing, when others are so too, as often as provision has been made for the peace and his own defence, to lay down his right to all things, and be contented with so much liberty against other men, as he would allow other men against himself.”

In short, we should accept constraints on our conduct when others are willing to accept similar constraints. If others are not willing to constrain their conduct, then—the first law tells us—one should not constrain one’s own.

The third law of nature

Hobbes claims that people can, by certain voluntary acts, leave the situation in which everyone has a right to everything.

- A mutual transfer of rights between two parties is a *contract*.
- And a contract in which one or both parties agree to perform at some later time is a *covenant*.

If one’s right is simply an *absence* of a duty to let others use things, then giving up one’s right is *imposing* a duty on oneself to let others use things.

The *third law of nature*: “that men perform covenants made” (XV, 1).

Why is the third law of nature true? How can one, by performing a voluntary act, change one’s situation from one in which it serves one’s self-preservation to interfere with others’ use of things, into one in which it serves one’s self-preservation *not* to interfere with at least certain others’ use of at least certain things?

First case: a covenant in which neither party has performed, in the state of war. Covenants become invalid “upon any reasonable suspicion” (XIV, 18). Why? If we do our part, then we leave ourselves vulnerable to exploitation. Grounds for suspicion are easy to come by in the state of war, in which there is no coercive power to compel people to carry out their covenants. This is why we cannot exit the state of war with a simple covenant to keep the peace.

Second case: a covenant in civil society. Here we don’t have grounds for suspicion, because there is a coercive power to compel people to carry out their covenants. So covenants remain valid. It does not threaten our self-preservation to keep them, even when we have to go first. Moreover, we will be punished for not doing our part. So it does threaten our self-preservation *not* to keep them.

Third case: a covenant, in which the other side has performed, in the state of war. Hobbes thinks that it *does* serve one's self-preservation to do one's part. His argument is his reply to the "fool."

In order to survive in the state of nature, one needs to enter into confederations with others, by making covenants. But if one makes it clear that one is willing to break covenants whenever it suits one's purposes, then either (a) one will not be admitted into any confederations, in which case one's chances of survival are slim, or (b) one will be admitted into confederations only by mistake, which is not something one can reasonably count on at the time of breaking the covenant.

Obligation and consent

"Obligation" = not just a duty, but a duty *to obey another*, a duty that results from a *right to command*, a duty based in *law* (= "the word of him that by right hath command over others" (XV, 41).)

"Counsel" = all other kinds of duty.

(Note: the "laws" of nature count as laws, strictly speaking, only when we view them "as delivered in the word of God, that by right commandeth all things.")

One acquires *obligations only* by voluntary consent. There is "no obligation on any man which ariseth not from some act of his own; for all men equally are by nature free" (XXI, 10).

Why does obligation require consent? Why do duties to obey others depend on our choices? What does it have to do with the claim that "all men equally are by nature free"?

Recall:

- We are *naturally equal* in the sense that none can be assured of his self-preservation, and
- *naturally free* in the sense that we have no duty not to take anything that might serve our self-preservation.

Hobbes's argument proceeds from the premises that

- (i) no one can be assured of his self-preservation and
- (ii) no one has a duty not to do what promotes his self-preservation

to the conclusion that:

- (iii) no one has an obligation to obey another unless he has agreed to obey him,

which just means:

- (iv) it is not necessary for anyone's self-preservation to obey another, unless one has agreed to obey him.

Before a covenant to obey another, it does *not* jeopardize one's self-preservation *not* to do what someone else commands.

Indeed, it may often jeopardize one's self-preservation *to* do what someone else commands. Consider the command: "Put down your weapons, take off your armor, and close your eyes."

What point is there in obeying that command, given that the person making it is one's natural equal?

But after a covenant to obey another, the picture changes. Now—if the reply to the fool succeeds—it does jeopardize one's self-preservation not to do what that person commands. It jeopardizes our self-preservation in the same way that not performing any other covenant jeopardizes our self-preservation.

God *can* rightfully command men *without* their consent.

- Why?
- Because God wields “irresistible power” (XXXI, 5). We are not God's natural equals. He's sure to punish us if we don't do what he says.
- Therefore, it undermines our self-preservation—at very least after this earthly life—not to do what God commands, even if we haven't made a covenant.

Objection: Aren't there cases in which another human being can determine whether we live or die? Why should his or her right to command us depend on our consent?

- Example 1: “Sovereignty by acquisition.” Even when a conqueror holds your life in his hands, you have an obligation to obey him only if you consent.
- Example 2: Parental authority.
- But what work is the promise really doing here? *Why not go straight from the power over life and death to the obligation to obey?*
- Perhaps the reason is that there is no guarantee that the conqueror's or mother's power, like God's, will continue to be irresistible...
- ...and so, unless you covenant, you would not continue to be obligated to obey after your mother or conqueror ceased to have power over your life and death, e.g., when you grow up, or when your conqueror's back is turned. Men who have not consented “have no obligation at all, but may... kill or carry away captive their master, justly” (XX, 10).

Review Questions:

1. There's an equivocation (=when a word is used with one meaning earlier in an argument and then used with another meaning later in an argument) in the following reasoning:
Everyone has a right to park his or her car in any empty parking space.
So I have a right to park my car in any empty parking space.
So if you park your car in an empty space, which prevents me from parking my car there, you violate my rights.
What's the equivocation?
2. Consider Hobbes's fifth law of nature. What aim does complaisance help us to achieve? How does complaisance help us to achieve it?
3. Do you find the reply to the fool convincing? (i) What about secret violations? (ii) In failing to live up to my end of the bargain, I may display to others my courage, willingness to take calculated risks, and so on. Why shouldn't I expect that manifesting these qualities will attract at least as many confederates as my fidelity?

4. Viewed in one way, the rule, "Show gratitude," is merely a "counsel" in the state of nature. Viewed in another way, the rule is a "law" or "obligation" even in the state of nature. Explain.
5. How, according to Hobbes, did your obligation to obey your parents come about?
6. Hobbes argues that following the laws of nature not only does not conflict with one's religious duty, properly understood, but also is part of one's religious duty, properly understood. The argument begins with the premise that "All that is Necessary to salvation is contained in two virtues: faith in Christ and obedience to laws" (XLIII, 3). Complete his argument.