

Phil 2, March 17 and 19, 2010

Commonwealth by acquisition

In the state of nature, the vanquished can covenant with a conqueror to obey her in return for his life. The conqueror does his part simply by sparing the subject. The subject is then bound to obey everything the conqueror commands. He has been promised nothing further in return for his obedience—not even his life in the future!

This explains how a sovereign by acquisition has the same rights to command and to do as a sovereign by institution. The sovereign's right to command is unconditional—even though he has covenanted with the subject—because he has already done his part by sparing the subject's life for the time being. It is unlimited, because the sovereign asks for everything and the subject is in no position to bargain.

Question 3: Are coerced covenants valid?

Why should we be obligated to keep a promise extorted from us in this way?

A possibility: There are benefits in the state of nature to being regarded as someone who keeps even coerced covenants.

Question 4: Is it rational to covenant to obey the sovereign's commands? Why should individuals expect their chances of survival to be better with a sovereign than in the state of nature?

Hobbes claims that people who care about their self-preservation ought to institute a sovereign in order to escape the state of war. But are their chances of survival better with a sovereign? In the *Second Treatise*, as we will see, Locke suggests that they are *worse*.

Hobbes's reply seems to be that the sovereign's interests are the same as our interests. This is most true, Hobbes thinks, where the sovereign is a king.

Now in monarchy the private interest [of the monarch] is the same with the public. The riches, power, and honour of a monarch arise only from the riches, strength and reputation of his subjects. For no king can be rich, nor glorious, nor secure, whose subjects are either poor, or contemptible, or too weak (through want or dissention) to maintain a war against their enemies (XIX, 4).

Two problems: First, even if the interests of the sovereign and the interests of the *people as a whole* are identical, the interests of the people as a whole and the interests of *any individual person* may not be identical. It is possible that enslaving or suppressing some people might make for a stronger, more prosperous, more stable nation overall.

Second, even if the interests of the sovereign and the interests of each individual coincide, why suppose that the sovereign will act in his own interest? Part of the problem, recall, is that people

are sometimes driven by glory to do what is not in their interests. And sovereignty is glory on steroids.

Limits on the right to command: the “true liberties” of subjects

As we noted before, the sovereign’s right to command is not really unlimited, after all. There are limits on a subject’s obligation to obey the sovereign. These are a subject’s “true liberties.” A subject has no obligation to obey a sovereign’s command that he not X if X-ing is necessary for this survival. This includes such things as killing oneself, not resisting attackers, abstaining from the necessities of life, confessing a crime, going to war.

Why do subjects retain these liberties? Because they did not covenant them away.

Note that this does *not* mean that the sovereign does not have the right to take our life. We are not under any obligation to obey the sovereign if he commands us to take our lives, but neither is the sovereign under any duty not to take our lives.

Conditions on the sovereign’s right to command

The sovereign’s right to command is not only limited, but also conditional. A subject has no obligation to obey *any* command of a sovereign when that sovereign is no longer has the power to keep the peace. “[T]he right men have by nature to protect themselves, when none else can protect them, can by no covenant be relinquished” (XXI, 21).

These limits on the obligation to obey may not seem like much. But, *given Hobbes’s own assumptions*, these liberties seem enough to threaten the stability of the commonwealth, indeed to prevent any escape from the state of war. For Hobbes himself warns us of the dangers of conditional obligations to obey. The problem is that each subject must decide whether or not the conditions are met, and subjects are bound to disagree.

Hobbes seems stuck with a dilemma:

- *Either*: Conditional obligations, and the potential for disagreement that they create, don’t lead to war, in which case it is not clear why the rights of the sovereign should be unconditional.
- *Or*: Conditional obligations do lead to war, in which case instituting a sovereign is of no use, since the liberties of subjects mean that their obligations are conditional.

Either way, the argument for the sovereign fails.