Aspects of Hobbes

Noel Malcolm, one of the world's leading Hobbes scholars, presents a set of extended essays on a wide variety of aspects of the life and work of this giant of early modern thought. The greater part of this volume is published here for the first time. Malcolm offers a succinct introduction to Hobbes's life and thought, as a foundation for his discussion of such topics as his political philosophy, his theory of international relations, the development of his mechanistic world view, and his subversive biblical criticism. Several of the essays pay special attention to the European dimensions of Hobbes's life, his sources and his influence; the longest surveys the entire European reception of his work from the 1640s to the 1730s. All the essays are based on a deep knowledge of primary sources, and many present striking new discoveries about Hobbes's life, his manuscripts and the printing history of his works. *Aspects of Hobbes* will be essential reading not only for Hobbes specialists, but also for all those interested in seventeenth-century intellectual history more generally, both British and European.

NOEL MALCOLM

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these discourses derive, if not from Hobbes, then from someone (Covenish) who was personally and intellectually very close to him, is more or less certain; that Hobbes may have contributed some ideas or arguments to them appears very probable, but that Hobbes himself was the author still seems to me quite doubtful.

The dating of the composition of the Latin Optical MS given here (see n. 50) was based on an argument about the date at which the surviving manuscript was copied (presented in Hobbes, Correspondence, I, pp. 131–4). Prompted by recent research by Dr Timothy Taylor, I have reconsidered the evidence, and now conclude that the manuscript was copied in Paris between December 1640 and, at the latest, April 1642 (or, more probably, August 1642). The composition of the work itself may perhaps be assigned to 1640 or 1642. See T. Raynor, ‘The Date and Script of Hobbes’s Latin Optical Manuscript’, and ‘Hobbes, the Latin Optical Manuscript, and the Parisian School’, both in English Manuscript Studies, ed. F. Beut and J. Griffith, 13 (2001) (forthcoming).

The ‘unpublished manuscript by Hobbes’ referred to in n. 71 is in fact a set of notes by Robert Payne on a draft of part of De corpore; see Chapter 4 below on ‘Robert Payne, the Hobbes Manuscripts, and the “Short Tract”’, esp. pp. 99–103.

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Hobbes and Spinoza

1. Hobbes

When the Parliament sat, that began in April 1640, and was dissolved in May following, and in which many points of the regal power, which were necessary for the peace of the kingdom, and the safety of his Majesty’s person, were disputed and denied, Mr. Hobbes wrote a little treatise in English, wherein he did set forth and demonstrate, that the said power and rights were inseparably annexed to the sovereignty; which sovereignty they did not then deny to be in the King; but it seems understood not, or would not understand that inseparability. Of this strait, though not printed, many gentlemen had copies, which occasioned much talk of the author and had not his Majesty dissolved the Parliament, it had brought him into danger of his life. 1

Such was Hobbes’s own account, written twenty-one years later, of the origins of his first work of political theory, The Elements of Law. Hobbes had himself been an unsuccessful candidate for election to the Short Parliament, 2 so no doubt he followed its proceedings closely. The disputed ‘points of the regal power’ emerged most pointedly in John Pynas’s famous speech of 17 April, which asserted parliamentary constitutional rights of Parliament against the Crown (‘Parliament is in the soul of the commonwealth’, ‘the intellectual part which governs all the rest’) and attacked ‘the Doctrine that what property the subject hath in any thing may be lawfully taken away when the King requires it’. The latter point was taken up by Sir John Strangeysen on the following day: ‘for if the King be judge of the necessity, we have nothing and are but Tenants at will’. 3

The King dissolved this parliament on 3 May. Four days later Hobbes signed the dedicatory epistle of his treatise, which was addressed to his patron, the staunchly royalist Earl of Newcastle; he explained that the principles he was expounding were


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those which I have heretofore acquainted your Lordship with in private discounse, and which by your command I have here put into method. 4 The political purpose of the work is evident, and is reflected in its circulation in numerous manuscript copies, at least nine of which survive. (Three of them were written by hobbes; this suggests a type of clandestine publication by a production-line of copies.) Hobbes's argument was designed to show first of all that government by a civil sovereign was necessary, and secondly that the reasons which made it necessary also made the sovereignty absolute. He attacked those who 'have imagined that a commonwealth may be constituted in such a manner, as the sovereign power may be so limited, and moderated, as they should think fit by themselves; he sought to overturn the claim that the sovereign power can be divided or shared between king and people, and (in a transparent reference to the recent proceedings in parliament) he denounced those who 'when they are com-manded to contribute their persons or money to the public service. . . . think they have a propriety in the same distinct from the domination of the sovereign power.' 5 It was Hobbes's argument on this last point above all which made him fear for his life when the next parliament assembled in November and began its impeachment of strayfield. Within a few days hobbes fled to paris, where he was to remain for eleven years; and it was there that he wrote his other two major works of political theory (De cive, printed in 1645, and Leviathan, printed in 1651), each of which in turn developed and added to the arguments of The Elements of Law.

That Hobbes's career as a political writer should have begun with a polemically royalist work in 1640 is, in biographical terms, not very surprising. His entire adult life, since his graduation from Oxford in 1620, had been spent in the service of aristocratic families as a tutor, secretary, and companion. Employed at first by the Cavendish family at hazlewick and Chatsworth, he had gained some experience of quasi-public affairs cooperating with the second Earl of Devonshire as an active member of the Virginia Company. 6 In 1629, prompted, it has been suggested, by the petition of Right of the previous year, 7 he had published a translation of Thucydides, who appealed to him for his dispassionate analysis of the ways in which democratic governments could be corrupted and manipulated. For most of the 1630s Hobbes was a tutor to the young third Earl of Devonshire; wealthier Over...

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the young Earl was exercised by his cousin, the Earl of Newcastle, who helped to awaken Hobbes's philosophical interests and no doubt his royalist sympathies.

The Elements of Law is not, however, simply a piece of royalist propaganda. Its importance lies in the way that it derives its political conclusions from a set of philosophical assumptions. Hobbes's philosophical awakening had taken place, it seems, during the 1630s when he had become preoccupied with an area of overlapping fundamental problems in physics, metaphysics, and epistemology. He had adopted enthusiastically the Galilean principle of the subjectivity of secondary qualities; this meant that a secondary quality such as heat did not inhere in a 'hot' object, but was a feature of the experience of someone perceiving that object, and could be causally explained in terms of the primary qualities which belonged to the object itself (such as the shape and motion of its particles). I've hobbes, this principle was a lever which could be used to overturn scholastic physics and metaphysics. He attacked the notion that the ultimate reality of physical things consisted in their intelligible forms or essences; scholastic philosophy had used this explanation to account for the way in which our process of sense perception begins with the action of physical causes (light acting on the eye, for example) and then ends with an immaterial mental object in the intellect. Most medieval philosophers, drawing on a mixture of aristotelian and neoplatonian thought, had distinguished between physical existence and non-physical intelligibility (esse existens and esse essentiae), and had subordinated the former to the latter in the order of real being. A tree physically existed by virtue of being an expression of the essence of a tree, and so the mind could abstract this essence from its perceptions of a tree's physical properties.

This view of the world as constituted by intelligible essences had usually also assumed that these essences were systematically related to each other in an economy of perfection: they all participated in absolute being, which was unitary and was derived from (or was perhaps identical with) God. The rational order of the whole system could be described in terms of the laws of reason or laws of nature which governed all its parts. This way of describing things gave rise to a way of valuing them: a thing became better the more it fulfilled its essential nature, and thereby fulfilled its place in the whole system of essences. The more adhered to a tree was, the more it expressed its essential nature. Human beings also had an innate teleology to fulfill, but as rational beings they were conscious of their own ends and were able to direct their actions towards them. In Richard Hooker's words, 'A law therefore generally taken, is a directive rule unto goodness of operation . . . The rule of natural agents that work by simple necessity, is the determination of the wisdom of God . . . The rule of voluntary agencies on earth is the sentence that Reason giveth concerning the goodness of those things which they are to do.' 8


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Hobbes rejected this notion of reason insinuating natural theological values, because he rejected the metaphysics and theology from which those values were derived. His most thorough attack on the old metaphysics came in a monumental refutation of a work by a Catholic Aristotelian, Thomas White; this refutation, which remained unpublished until 1711, was written in 1643. The fundamental principle from which Hobbes argued in this work was that of God's freedom to create the world if, how, and when he pleased,14 a principle which serves any intrinsic connection between the natures of created things and the nature of God, and reduced 'essence' to mere descriptions of existing things.15 These metaphysical assumptions can already be seen at work in an earlier manuscript, probably written between 1637 and 1640, in which Hobbes had asserted that 'the original and sum of Knowledge stands thus: there is nothing that truly exists in the world but single and individual Bodies producing single and individual acts or effects'.16 And in another early manuscript, probably also written in the 1630s, he had begun to apply these principles to the construction of a system of psychology in which all change was to be accounted for in terms of mechanical causation (the 'Short Treatise').17

Scholastic psychology had explained the operation of desire, for example, in terms of the mind's apprehension of the 'form' or essence of the desired thing. Hobbes explained it in terms of a strictly causal process leading from sense-perception to the setting in motion of the body's 'animal spirits' (concepted of as a fine fluid in the nervous system), causing the body's motion towards the desired thing. The 'thought of the desired object was simply that part of the sequence of motion which took place in the brain, where it might also interact with memory's store of residual motions from previous sense-impressions. Hobbes denied that the feeling of desire was a special kind of thought, and analysed it as a combination of having the mental image of the desired object and beginning to move towards it.18 This idea of the 'beginnings of motion' became a key feature of Hobbes's psychology and physics; later described by him as 'constitutions or endeavours', it enabled him to reduce intentions to infinitesimal actions.

For Hobbes, reason rather participated in the nature of desire nor supplied any substantive knowledge of values. 'For the thoughts, are to the Desires, as Sounds, and Spies, to range abroad, and find the way to the things Desired.'19 Reason could only calculate means to ends, applying the merely formal principles of ratioization to the brute facts of sense-experience and desire. The ends themselves were supplied by the causal mechanism of desire and avenement. Such a view of human nature might suggest that, even if one tried to move from 'is' to 'ought' by assigning value to the fulfillments of desire, one would still not be able to form any universal value system: values would be individual rather than general, refracted and fragmented into a number of conflicting epigrams. These is, as we shall see, a deep scene in which Hobbes's values are individual rather than universal, but it is not simply a matter of having an 'egotistic' moral psychology. Motivation in Hobbes's account is necessarily egotistic only in a nayulatory, definitional sense: each person strives to fulfill his own desires. This does not mean that the contents of those desires cannot be concerned with the good of others. The definitions of the passions which Hobbes supplies in chapter 16 of Leviathan include 'Desire of good to another, benevolence, good will, charity. If to men generally, good natura'.20 It is true that Hobbes did tend to explain the passions in terms of self-interest, as when he wrote that 'Grief, for the Calamity of another, is pitty; and anise from the imagination that the like calamity may befall himself'.21 But it is often unclear in such cases whether 'anise from' explains the feeling in the sense of analyzing its true content or in the sense of pointing to its causal predecessor. The origins of many of these definitions is found in Hobbes's early summary of Aristotle's Rhetorica; Aristotle is often as ambiguous as Hobbes and almost as reductive. And when Hobbes translated Rhetorica 1366b0 'As in summe, every Voluntary Action tends either to Profit, or Pleased',22 we can see that drowning away Aristotle's teleology from his psychology we can leave us with a very Hobbesian residue. Hobbes's contemporary critics denounced him for arguing that men were naturally selfish and hostile towards one another. His reply was commonsensical: first, that, although men were sometimes benfevolent, a state could not be founded on benevolence alone, and secondly, that, 'though the wicked were fewer than the righteous, yet because we cannot distinguish them, there is a necessity of suspecting, heeding, anticipating'.23 A third reason, more important but less commonsensical and less directly stated, also emerges: the primary state of conflict between individuals posited by Hobbes is not a contingent, factual conflict, which might not exist if people ceased to be incausally or competitive, but rather a necessary jural conflict between people whose rights overlap or conflict in some sense with one another until they have been resolved.

In order to show that men can all agree on the need to pass from a state of conflict to a state of peace, Hobbes argues that it is possible to abstract a set of universal rules of human action from the contingent facts of conflicting individual desires. Individual desires are various and are constantly in motion, so they can be neither
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consummated in the achievement of a final, systematic goal (Hobbes rejects the notion of a 'summonus bonus' in this life), not dispensed with by means of Stoic withdrawal. (When Hobbes characterizes life as a "restless desire of Power after power"), he is not making the empirical observation that men are power-hungry, but is merely conjuring his view of life as a motion with the help of the notion of powers as the 'present means' to obtain some future apparent good?!) Only one desire can have any sort of priority over all other desires, namely the desire to avoid death; being alive is a necessary condition, the present means to all future apparent goods. Having established this one general truth over and above the mass of individual desires, Hobbes proceeds to draw from it a system of means towards the avoidance of death, providing a set of rules of action which all men must find valid if they reason correctly. The most important means towards self-preservation is peace, the establishment of stable and trustworthy social relations. And the optimum means towards peace can be formulated as 'Laws of Nature' or moral principles which will be immutably and eternally true. In this way Hobbes has performed the transition from the subjective and relative vocabulary of 'good' and 'bad' ("good" meaning "object of desire") to an objective system of virtue and vice which can apply universally.

And therefore so long a man is in the condition of mere Nature, (which is a condition of War) as private appetite is the nature of Good, and Evil! And consequently all men agree on this, that Peace is Good, and therefore also the way, or means of Peace, which (as I have show'd before) are justice, Gratitude, Moderation, Equity, Mercy, & the rest of the Laws of Nature, are good; that is to say, Moral Virtues.\[51\]

Hobbes has thus cleverly passed from 'is to 'ought' almost without appearing to take upon himself the responsibility for using normative language: given that men use such language in an unthinking way to express their own desires, Hobbes offers a reliable, systematic use of it in the form of 'Laws of Nature' with which they must all agree. The laws are 'Conclusions, or Theorems concerning what conduceth to the conservation and defence of themselves'\[52\] although usually feared conversely as imperatives, they would be more correctly spelt out as theorems of the form: 'given that you desire to do X and Y, if you reason correctly you will also desire to do the following'. The laws of nature specify an optimum set of actions designed to bring about peace, the optimum condition for self-preservation. But there will also be occasions when obeying those laws will endanger an individual's life rather than preserve it (e.g. when facing a man of violence); in such circumstances the need for self-preservation will dictate breaking the laws of nature and responding with violence in self-defence. This entitlemen to go against the laws of nature in order to fulfill the purpose which they serve is called the 'right' of nature. In chapter 14 of Leviathan Hobbes shows that both laws and right flow from the

\[51\] Leviathan, p. 47.
\[52\] Ibid., p. 64.
\[53\] Ibid., p. 80.
\[54\] Ibid., pp. 111-2.

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same source, which he calls the 'rule' of nature: 'That every man, ought to endeavour his peace, as farre as he has occasion of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre'.\[25\] While the laws put forward a determinate set of actions, the right covers an indeterminate range of possible actions contrary to natural law; hence Hobbes's statement in the same chapter that 'naturall, consists in liberty to do, or to forbear': Whereas law, determines nd bindeth to one of them.\[26\] But in any particular set of circumstances, when the right needs to be used, using it will be no less necessary than obedience to the laws normally is when they can safely be obeyed. Calling the right a 'liberty' does not mean that at critical moments of self-defence it is a matter of indifference whether the right be used or not; it constitutes rather the right's nature as an 'entitle-
ment' to act against the usual requirements of natural law.\[27\]

This account has so far been concerned with what might be called an internal valuation of men's actions: each man has to consider his own need for preservation, and this need generates a particular set of laws and a general right. In the state of nature, when conditions are always potentially hostile and the scope for acting in accordance with the laws of nature is reduced almost to vanishing point, all sorts of actions may be justified by the right of nature. But some actions will still not be justified by it, if they do not meet the internal standard of conduciveness to self-preservation. In an important note added to the second edition of De cive, Hobbes explained that wanton cruelty or drunkenness in the state of nature would not be covered by the right of nature.\[28\] Yet elsewhere Hobbes clearly stated that in the state of nature 'Every man by nature hath right to all things, that is to say, to do whatsoever he listeth to whom he listeth, to possess, use, and enjoy all things he will and can'.\[29\] This suggests a different use of the term 'right'; we might call it Hobbes's account of men's external rights, that is, their rights vis-à-vis other men, as opposed to his internal account of rights overruling laws in the system of actions for self-preservation.

The old undifferentiated notion of a right or 'right' as 'that which is right' was still in the process of being broken up during this period;\[30\] although Hobbes was one of its main attackers, his own arguments are sometimes ambiguous because he uses the term in more than one way. His internal account of the right of nature made a procedural and categorical distinction between it and the laws of nature, but still

\[25\] Ibid., p. 64.
\[26\] Ibid.
\[27\] Hence it is not necessary to accept the argument of H. Wettstein (The Political Philosophy of Hobbes, (Oxford, 1975)) that the laws of nature cannot be based on self-preservation because self-preservation is a right, and rights involve 'money to do, or to forbear'. It must also be assumed that Hobbes's argument in Leviathan not that men have a right to preserve themselves, but that they have a right to attempt to preserve themselves. On this important distinction see F. Viret, Revues sur Leviathan (Delft, 1715), pp. 88-9.
\[28\] Hobbes, De cive (English Version), p. 27.
\[29\] Hobbes, Elements of Law, II, ch. 24 of Leviathan, p. 64: 'this natural Right of every man to every thing'.

\[30\] See R. Tuck, Natural Rights Theories (Cambridge, 1995).

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conceived of it as an 'objective' right of the traditional kind, a way of justifying actions because in their particular circumstances they were 'right to do'. Externalities, however (in the field of interpersonal relations), Hobbes put forward a strong version of the modern 'subjective' notion of a right, a freedom or liberty of action which, far from being generated by any normative requirements, consisted of an absence of obligations. Hobbes was presupposing a state of moral vacuum so far as interpersonal moral duties were concerned. This was a condition of his argument that the only standard by which an action could be judged to be wrong in the state of nature was the internal standard of conductiveness to self-preservation: in the state of nature there is no requirement to 'respect' the rights of others, no duty towards other people. To illustrate: if in the state of nature A snatches B's food, this action can never be judged to be wrong on the grounds that A has some duties towards B which he is thereby breaking. A has no duties towards him or anyone else, and therefore his (external) rights of action are total and all-encompassing. So the only standard by which the action can be judged to be wrong is the (internal) standard of conductiveness to self-preservation: by this standard A will have the right to match the food if his preservation requires it, but he will not have that right if he does not need the food and it merely increases his chances of suffering retaliatory hostility.

Separating external and internal rights in this way helps us to see that, although the natural laws and natural rights concerned with preservation are in some ways similar to a traditional corpus of 'objective' rights and duties, they are still fundamentally different from any normal set of universalizable moral rules. These laws and rights are universal only in the sense that they are duplicated in every individual. Their derivation is essentially egocentric; each person may assign a value to modesty, humility, generosity, etc., but his reason must ultimately be that each quality has an instrumental value to him. The altruism which flows from obedience to natural law is, for Hobbes, a form of enlightened self-interest, and it can only be expected of individuals once they have joined together in the common security of the State.

There is a danger, in following Hobbes's account of the state of nature and the formation of political society, that the reader will begin to treat it as a literal, historical narrative. Hobbes presented it in this way for the sake of exposition, but willingly admitted of the state of nature that 'I believe it was never generally so, over all the world'. He concluded that families in the state of nature were to a limited extent miniature political societies, because children could be deemed to have consented to obey their parents. His own favourite example of a state of nature was that of the relations between sovereign states: in a letter to a friend he also suggested, rather unsatisfactorily, that soldiers or travelling masters, who passed through various states but owed settled allegiance to none of them, might also be

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28 Leviathan, p. 56. 29 Ibid., pp. 104-6. 30 Ibid., p. 6.

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thought of in this way. But to examine the state of nature is the product of a thought-experiment in which Hobbes considers what rights of action and reasons for action men would have if there were no common authority to which they could turn to settle their disputes, or on which they could rely to give stability to their expectations of how other men would act towards them.

Conversely, when Hobbes describes the formation of political authority through a covenant, he is not trying his argument to a putative historical event, but trying to characterize the kind of commitment which members of society must have towards the political arrangement that they accept. Contract theories of the State have often taken a quasi-historical form because of the element of contingency which is one possible reason for appealing to the notion of a contract. Instead of marshalling general principles to prove that the political arrangement in question is the only just and proper arrangement that could have been made, contract theorists can argue that it is one of a number of possible arrangements, and that men are bound to this one simply by the fact that they have agreed to it. In some cases, notably that of John Selden, the contract theory of the State did have a genuine, though complex, historical character; on the question of when resistance to the government becomes justified, his maxim was that 'we must look to the contract', and this required the services of legal and constitutional historians (such as himself). More frequently, however, contract theory became an excuse for ahistorical arguments about what people 'must have' rationally constructed to do; in other words, a way of presenting conditions which ought to be deemed to be incorporated in any grant of power from people to government. Hobbes followed this ahistorical tendency, but with a radical difference: he used the notion of necessary consent as a lever to overturn all claims about implicit conditions or limitations of the rights of government.

Hobbes was able to do this because of the unitary nature of his foundation for natural law: self-preservation. The main Ciceroian and Thomistic traditions of natural law saw self-preservation as the ground floor, so to speak, of a whole structure of human needs and values, and it was out of those higher-order values that rational contractarians could construct the implicit conditions they thought were involved in the grant of power from people to government. In Hobbes's argument, self-preservation is a sheer need which takes precedence over other needs that a subject should be preserved by his government in the only essential condition of his allegiance to it. Since, in Hobbes's theory, self-preservation could extend to justifying anything, the subjects must have granted their government the power

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32 This letter does not survive, but the reply of its recipient does, objecting that these two instances are not proper examples of the state of nature 'because that is only a way of each against each successively and in different cities'. Prior to Hobbes, Bonetman, 4 Jan. 1651 (Charnwood, Hobbes papers, letters from foreign correspondents, letter 32 printed in Hobbes, Correspondence, I, pp. 423-5). I am grateful to the trustees of the Charnwood Foundation for permission to use this letter.

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to do anything for the sake of their preservation. Their consent to this eliminated all scope for further 'conditions' or constraints. It may still be wondered, however, whether Hobbes' account needed to use a concept of contract at all: in any argument which hinges on the phrase 'must have contracted', it is surely the reasons for saying 'must have' which are doing the real work. Hobbes' reasons are laid down in his laws of nature, which enjoin people to enter society, submit to arbitration, and so on. Indeed, the third law of nature is 'that men perform their Covenants made'.28 If the reasons for obeying covenants are to be found in a system of prudential rules, why has Hobbes not drawn up his whole theory of obedience in terms of long-term benefits and dispensed with the notion of contract altogether? The answer must be that contract was only a formal device in Hobbes' theory, but a device which served some important subsidiary purposes. First, it enabled him to insulate the language of justice from the rest of the moral vocabulary: a sovereign government might be inequitable—that is, it might break the laws of nature—but it could not be unjust, because injustice consisted of breach of contract. (In Hobbes' theory, the sovereign is not a party to the contract: the contract is between the subjects, who agree to hand over their rights and power to the sovereign.)29 In a classic example of his reductive technique of argument, Hobbes dispensed with the traditional claims of distributive and commutative justice, reducing the former to equity and the latter to contractual justice.30 The claim that rulers cannot be convicted of injustice had not been without polemical point in the England of 1640.

Secondly, Hobbes' theory requires people to renounce not only rights of action but also rights of judgement. Only the sovereign can judge what will be necessary for the preservation of peace in the State: if subjects claimed the right to judge this, they would be undermining the sovereign's role as final arbiter and frustrating the purpose for which a sovereign was instituted. (His two lec had a topical relevance in the late 1660s, following the Ship Money case.) The notion of a covenant is a kind of shorthand for the type of commitment to obedience this requires, in advance of any knowledge of the contingencies of particular decisions by the sovereign.

The State forces its subjects to keep their covenant by annexing punishments to its laws. 'Covenants, without the Sword, are but Words, and of no strength to secure a man at all.'34 But Hobbes is not arguing here that the desire to avoid punishment is the only motivation for obeying the laws. The prospect of punishment is a short-term consideration, necessary to concentrate the minds of passionate men, and thereby to create secure surroundings for those who do wish to keep their covenant. And there is always an adequate long-term consideration prompting that wish, namely the coo&edness to self-preservation of peace and stable government. Hobbes is sometimes associated with modern 'positivist' or 'realist' theories

of law which explain the obligation to obey laws in terms of the motivation to avoid the punishments which those laws predict; but in Hobbes' theory there is thus always a further motive to obedience. This point comes out strongly in his criticism of the doctrine of 'passive obedience' in Behemoth, his history of the Civil War. 'Every law is a command to do, or to forbear; neither of these is fulfilled by suffering.'35 Laws do not propose value-free alternatives of action leading to punishment and action leading to non-punishment; there is always a value attached to obedience to laws, because there is always a duty towards the legislator, whose continuing authority ensures peace.

Hobbes does, however, raise an apparent exception to this principle when he writes about 'the Obligation a man may sometimes have, upon the Command of the Sovereign to execute any dangerous or dishonourable Office'. Here he concludes: 'When therefore our refusal to obey frustrates the End for which the Sovereignty was ordained, then there is no Liberty to refuse: otherwise there is.'36 This seems to trespass Hobbes' rule that only the sovereign can decide whether an action is necessary for the safety of the State. But, leaving aside the mention of dishonour (which is not fully supported by the rest of Hobbes' theory), it is clear that Hobbes is concerned here with the uncertain, probabilistic borderline of which the need to obey gives way to the need for self-preservation; the 'danger' referred to here is danger to the subject's life, and it was an inmoveable sticking point in his theory that no one could ever covenant to kill himself.37 In cases of capital punishment, Hobbes argued, the convict had a right to resist his gaolers and executioners. But it was also an important feature of his argument that at the same time the sovereign (who could commit no injustice) had a right to execute the man. The sovereign acted with the rights of the people, on their behalf.

The most striking formulation of this point comes in De civis, where Hobbes writes that 'The People rules in all Governments, for even in Monarchies the People Commands'.38 He contrasted 'the people', which was the corporate entity created by the political agreement of its members, with the 'multitude', which was any mere aggregate of individuals. This intention was to undermine those who claimed to speak on behalf of 'the people' against their rulers, by showing that individuals gained a corporate identity only by virtue of being united under a sovereign. But since 'the people' was also the term which Hobbes used for the sovereign itself in the case of a democratic constitution, this argument had the probably unintended consequence that the foundation of any type of state had required a primary phase of democracy. In the quasi-historical accounts of The Elements of Law and De civis this is what happened, and the democracy then dissolved itself if it handed over sovereignty to a monarchy or an aristocracy.39 Even if the handover occurred at the

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28 Lecky, p. 71.
29 Ibid., p. 89.
30 Ibid., p. 75.
31 Ibid., p. 89.
32 Lecky, p. 76.
33 Lecky, p. 111.
34 Ibid., p. 69.
35 Ibid.
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First gathering of the people, the fact that it did so by majority vote would imply the momentary existence of a democratic constitution. Hobbes was obviously troubled both by the quasi-populist appearance of his argument in these works (as if democracy were somehow more natural), and by the theoretical awkwardness of identifying the corporate will of the State with an entity, the people, which apparently continued to exist after it had disappeared, like the grin of the Cheshire cat. In Leviathan he streamlined his account by treating the original majority principle as a necessary procedural assumption (rather than as a mini-constitution), and worked out a new way of describing the constituting corporate entity as the 'person' of the State. Together with this concept of a 'person', which was drawn from the legal fiction that corporations could act as persons at law, he employed the related legal vocabulary of 'authorizing' and 'representing'; the sovereign (whether an individual or an assembly) represents its subjects because it is authorized to act as the bearer of their 'person', and they have a unitary 'person' only by virtue of being represented by a unitary sovereign. Throughout his account, Hobbes allows that the sovereign may be an aristocratic council or a democratic assembly, although he gives reasons for preferring a monarchy: the nature of the sovereignty is the same in each case.

The notion of authorizing is taken up again when Hobbes considers the sovereign's legislative action and permissive inaction. All Laws, written and unwritten, have their Authority, and force, from the Will of the Commonwealth: that is to say, from the Will of the Representative. Customary law thus has in validity not from any intrinsic force of its own, but from being 'authorized' by the sovereign, who could cancel it if he wished. This was the starting point for Hobbes's attack on the claims of common law jurists in his Dialogue... of the Common Laws of England. In a wider sense, all activities within the State are authorized by the sovereign as long as they are not forbidden. The State authorizes geometry professors to teach geometry just as it authorizes people to walk through public parks; this does not mean that everyone is acting on instructions from the State, and it does not mean that the sovereign's authority is making the professors' geometry true, or obliging people to believe it. Of course, the range of things which might be forbidden by the State is almost unlimited; but Hobbes's theory supplies no reason for the State to use this power except for the preservation of peace and prosperity. It is in the sovereign's interest to allow individuals to pursue their own interests, because this produces a more contented and prosperous population: 'where the publick and private interest are most closely united, there is the publick most advanced... The richer, power, and honour of a Monarch are only

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from the riches, power, and honour of his Subjects'. Hobbes summarized his argument at one point in the Elements of Law by saying that it was the sovereign's duty by the law of nature 'to leave men as much liberty as may be, without hurt of the public.'

Hobbes's apparently unobjectionable claims about the authorization of geography teachers shadowed forth his argument on a much more contentious subject: the status of the Church within the State. He regarded the Church as a society of men engaged in teaching the doctrine of the Bible. The sovereign might authorize this teaching in the strong sense of endorsing as laws the injunctions to action which the teaching contained; or the sovereign could authorize it in the looser sense of permitting the activity of teaching. The distinction between belief and action was an important one: 'For inward Faith is in its own nature invisible, and consequently exempted from all humane [i.e., human] jurisdiction.' If the Church claimed an independent authority to direct the actions of men within the State, this was contrary to the unitary and absolute nature of civil sovereignty. The Church's own actions must be subject to the civil power, and those actions must include not only acts of worship but also writing and speaking. But Hobbes distinguished carefully between forbidding teaching and forbidding men to believe what they were taught: 'Such Forbiddance is of no effect; because sense, and Unbelief never follow mens Commands.' Provided that the Church did not claim independent rights of action, and provided that the doctrine it taught was not subversive to the peace of the State, Hobbes's theory allows for a great degree of religious toleration. Ideally, the sovereign should have no more reason to interfere with the Church than with geometry lessons. Hobbes is only loosely to be described as an Episcopalian: he did not think that any strong connection between State and Church was necessary, and his theory permitted Roman Catholicism in England, for example, provided that it was understood that the pope appointed teachers of doctrine in England only on sufferance from the English sovereign.

After the Restoration, Church of England bishops such as Edward Stillingfleet and Samuel Parker used Hobbesian arguments to justify government action against the Dissenters, on the grounds that they were a threat to civil peace; but in some ways it was the Dissenters who were wielding the most centrally Hobbesian arguments when they said that religious beliefs should not be subject to civil compulsion.

The difficulty, of course, was that some versions of religious belief would not fit into Hobbes's scheme, because they did involve belief in rights of action or jurisdiction independent of the sovereign. Most varieties of institutional Christianity

45 Leviathan, pp. 39-40.
46 Ibid., p. 178.
47 Ibid., p. 179.
49 Leviathan, p. 197.
50 Ibid., p. 296.
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taught beliefs of this sort, and Hobbes's arguments on this point are thus forcibly
anti-ecstatic and above all anti-Catholic. But even within the Roman Catholic
Church there were traditions of Mutilian and Gallican argument on which Hobbes
could draw in his attack on papal power.22 Within the Anglican Church, Hobbes
was in some ways following in the tradition of rationalist religion, of writers such
as William Chillingworth and Pilkington at Great Tew. Hobbes agreed with them
that the essential doctrinal truths contained in the Bible were few and easily
knowable.23 And in the third part of Leviathan he subjected the Bible to a more thor-
ough course of rational textual criticism than had been attempted by any previous
English writer. His aim was to show that scripture, far from demanding beliefs or
actions contrary to those of his own theory, actually matched and confirmed his
account of man's duties at every point. It may be tempting to describe this as a
rather cynical avertir-peniser Hobbes's part; but, equally, it can be described as a
necessary consequence of his own theological position. His theology, as we have
seen, served all essential links between the nature of God and the nature of the
world. Natural theology might arrive at the knowledge that God existed, but it
could supply no further knowledge of his nature. Evidence of God's will could exist
in the form of something historically contingent, such as the text of scripture; but
in order to interpret this evidence, principles of interpretation had to be applied,
and they could not be derived from the evidence itself. It was inevitable, then, that
in interpreting the Bible men would use their natural reason and interpret away
any aspect of it which appeared to conflict with the dictates of natural reason-
dictates already arrived at in the first two parts of Leviathan. Hobbes's similarity to
rational theologians such as Fullerd was therefore only skin-deep. They read
rational beliefs into the Bible because they felt they had substantive knowledge of
the rational nature of God; Hobbes did the same because of his lack of knowledge of
God's nature, which forced him to interpret the Bible in the light of human
nature and human reason. Denounced and dismissed as an 'atheist,' Hobbes coun-
tered with a reply which is hard to gainsay: 'Do you think I can be an atheist and
not know it? Or, knowing it, dare have offered my opinion to the priest?'24

2. SPINOZA

Outside England, the Dutch republic was the country where Hobbes's writings exerted their greatest influence. The conditions of intellectual life there were favourable to 'free-thinking,' with a flourishing book trade on which regulation and censorship were comparatively lightly enforced. The second edition of De cive

23 R. M. Z. Dehler, Venusti, mutinatus politico (Utrecht, 1663), pp. 18–19; S. H. Cramton, 'Politics theo-
sis in the seventeenth century.'