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The Law of Nature in the
Christian Commonwealth:
Hobbes' Argument for Civil
Authority



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THE LAW OF NATURE
IN THE CHRISTIAN COMMONWEALTH:
HOBBES' ARGUMENT FOR CIVIL AUTHORITY *

ROBERT C. GRADY II

I

The distinction between civil authority and religious authority has been a source of controversy within the Western political tradition. The final authority of God found in Judaio-Christian teaching, for example, makes conflict between the individual believer and the claims of political authority inevitable. Although arguments for limitations on civil authority identify two legitimate spheres of power, God's and the state's, as in St. Paul's dictum that Christians owe obedience to the state, what is crucial to the notion that one renders to Caesar what is Caesar's and to God what is God's is the presupposition that God has ordained the powers that be and thus acquires obedience to Himself by requiring obedience to Caesar: "For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation."¹ Within this framework, whatever political action is taken for both rulers and ruled is to be taken ultimately under the standard ordained by God, if not as a direct result of God's command. As far as any final claims on individuals by political authority are concerned, such a distinction identifying two *legitimate* spheres of power is otiose; the judgment of secular political authority must always be prepared to be supplanted by a judgment which is spiritual.

The dual spheres isolating that which is Caesar's from that which is God's are well established in explications of the Western political tradition.² That this dualism is problematic, affecting the scope of the political and subordinating civil authority to religious authority, is recognized in

* The author thanks George J. Graham, Jr., and Avery Leiserson, Vanderbilt University, for criticism of an earlier draft of this paper, and the Earhart Foundation for financial support covering part of the research for the paper.

¹ Romans 13:1-2. "Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour." Romans 13:7.

² See Sir Ernest Barker, *Church, State and Education* (Ann Arbor, Mich., 1957), ch. 3, "A Huguenot Theory of Politics: The *Vindiciae Contra Tyrannos*"; John Plamenatz, *Man and Society* (New York: McGraw-Hill, 1963), I, ch. 2, esp. pp. 51-88, ch. 5, esp. pp. 156-98; George H. Sabine, *A History of Political Theory*, 3d ed. (New York, 1961), chs. 17-22; Frederick Watkins, *The Political Tradition of the West* (Cambridge, Mass., 1967), chs. 2-3 *passim*.

the concern of political philosophers with Machiavelli's effort to remove politics from ecclesiastical domination, to free politics from its previous dependence upon religious norms regarding social justice.³ Indeed, since the rationale justifying political authority is characterized by *voluntarism*, more is involved than simply the separation of equal claimants to authority, one civil and one religious, into different sectors on the same plane. In this "voluntarist" view of authority, political authority receives its legitimacy from a specific source, the consent given by those who "authorize" it. Justice is dependent upon the consent of the individuals affected; authoritative action is taken on the basis of what is perceived to be feasible and necessary to maintain the rationale for authorization or consent. In contrast, proponents of classical political philosophy support the position that political authority is authoritative or legitimate because of the character or justness of its rule.⁴ This involves the possibility of achieving a just political order independent of the claims or criteria established through individual consent but from which individuals cannot withdraw their obligations without rejecting their common humanity. Based on a rationale for seeking *the* just political order, it is also an attempt to moderate the excesses of justifying authority on consent alone, which might be only a reflection of the composite of habits learned under the conventions of a particular regime, good or bad. As should be apparent in comparing this position with the criterion noted by St. Paul, what is central to the classical position on political authority is the defining characteristic of the Christian position regarding spiritual authority whereby civil authorities and the temporal representatives of God are both ordained by God's grace.⁵

³ For the identification of the problem as arising through Machiavelli's attempt to recast the political, see Leo Strauss, *Natural Right and History* (Chicago, 1953), ch. 5, pp. 176-80; Sheldon S. Wolin, *Politics and Vision* (Boston, 1960), ch. 7.

⁴ The distinction has been stated aptly by Jouvenel as one between the "source" of the laws and the "content" of the laws. See Bertrand de Jouvenel, *Sovereignty*, trans. J. F. Huntington (Chicago, 1957), ch. 2, pp. 29-30, 35-36, ch. 6, ch. 11, pp. 190-98, ch. 12, pp. 200ff. (Much of this section draws upon Jouvenel's analysis.) See also Hannah Arendt, *Between Past and Future* (Cleveland, O., 1963), ch. 3, pp. 92-93ff., 104ff., 120-28; Strauss, *Natural Right*, chs. 3-5; Eric Voegelin, *Plato* (Baton Rouge, La., 1966), ch. 2; cf. Wolin, *Politics and Vision*, pp. 307-9.

⁵ Cf. Aristotle *Nicomachean Ethics* 1134b-35a: "What is just in the political sense can be subdivided into what is just by nature and what is just by convention. What is by nature just has the same force everywhere and does not depend on what we regard or do not regard as just. In what is just by convention, on the other hand, it makes originally no difference whether it is fixed one way or another. . . . What is just not by nature but by human enactment is no more the same everywhere than constitutions are. Yet there is only one constitution that is by nature the best everywhere." See also the distinction between identifying by rational principle what is common and justifying by individual claim what is

From the perspective of the voluntarist view of political authority, the tension found in the separation of the political and the religious occurs precisely because it is possible for the religious world to reinstate its pre-eminence over the political on the basis of the ultimate justness of its standard, as contrasted with the voluntarist institutionalization of a form of rule which can be claimed to be erroneous in the face of natural law (or of revelation). The possibility of reinstating the pre-eminence of religious authority over civil authority involves, in effect, the possibility of challenging the voluntarist view of political authority by that perspective in which assent is the derivative, not the source, of political justice.

Given this picture of the dual spheres and the challenge it raises against voluntarist political authority, it is reasonable to presume that proponents of the voluntarist view would seek to develop a final solution to the tension existing between the two spheres and not merely a settlement recognizing the claims of each as viable and authoritative within their respective realms. To be effective, this solution would go beyond a mere separation and arrive at, indeed, come full circle to, the subordination of religious authority to political authority. This approach is possible only upon demonstrating why the status and meaning of God's Law of Nature must be conditional upon political necessity, the authoritative action for which is justified through individual consent.⁶ By construing religious authority as conditional upon the limitations imposed by a voluntarist political authority, spiritual claims cannot be used to threaten the validity of political authority as long as it can claim the final standard (which is not the same, e.g., as divine *sanction*) for its actions. The problem for advocates of the supremacy of political authority is to identify why political authority is valid as against spiritual authority.

The certification of the validity of voluntarist political authority is established by Thomas Hobbes, who proceeds not merely by attacking ecclesiastical authority as an irrelevant claimant for external standards but by rejecting monarchical divine right arguments, which merely reinforce at the highest political level the antagonism between temporal and

particular: *Politics* 1280a-81a, 1283a. Compare Romans 13:1-2, quoted in n. 1 above. For an assessment of Rousseau's attempt to integrate the modern notion of a secular legitimizing will with the classical notion of justice, see Patrick Riley, "A Possible Explanation of Rousseau's General Will," *American Political Science Review* 64 (1970):86-97.

⁶ From the standpoint of political necessity, it is crucial to subordinate church to state; indeed, whoever appoints religious authorities controls them. See Plamenatz, *Man and Society*, pp. 54-56, 58-60, 61-62, 77-88, esp. pp. 78, 82-83. More than this is apparent, however; whoever determines what is and what is not seditious determines the actual role of religion in that society. Hobbes' recognition of the first point is identified in the next footnote; his application of both points is spelled out in sections III-VI of this paper.

spiritual standards.⁷ While Hobbes does make an overt appeal to religious standards—the divine law of God—in order to consolidate the rule of his civil sovereign, and while this appeal is crucial for relatively new interpretations of Hobbes, this paper shows that the appeal is symbolic only. In effect, Hobbes makes God's Law of Nature merely political—a law with “higher law” appeal, useful in generating popular consensus, but a law grounded in political necessity. Nevertheless, although Hobbes' explication of the law of nature is consistent with voluntarist political authority, the position of Hobbes implies that the sovereign must do more than merely establish his legitimacy.

II

The voluntarism of Hobbes (the covenant and authorization of sovereignty) alongside his “Christian Commonwealth” have left him open to diverse interpretations. Although he has been labeled as the first theorist to suggest the possibility of a politics founded upon atheism, a view not inconsistent with his voluntarism, he also has been interpreted as presenting a viable argument for a Christian politics based upon the moral law of nature.⁸ This last position deserves brief attention.

Relatively recent and innovative interpretations of Hobbes have him presenting a moral argument for the Christian Commonwealth, a position juxtaposed to more traditional views of Hobbes presenting a secular theory of politics based on his scientific determinism or egoistic psychology.⁹ The first of these new interpretations involves the claim that there

⁷ Of significance for the present are Hobbes' points that whoever teaches eternal salvation seeks to rule men and that whoever controls the appointment of religious authorities controls what is taught. Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott (Oxford, 1955), XXXIII (255), XXXVI (282-85); *De Cive or the Citizen* (hereafter cited as *Cive*), ed. Sterling P. Lamprecht (New York, 1949), XVIII. 14. Cf. Ferdinand Tönnies, ed., preface to Hobbes, *The Elements of Law, Natural and Politic* (Cambridge, 1928) (hereafter cited as *Elements*), p. xii, n. 1.

⁸ On the first position see Strauss, *Natural Right*, pp. 198-202; cf. Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Chicago, 1952), chs. 5-7 *passim*. On the second, see A. E. Taylor, “The Ethical Doctrine of Hobbes,” in *Hobbes Studies*, ed. K. C. Brown (Cambridge, Mass., 1965), pp. 35-55; Howard Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford, 1957); see also F. C. Hood, *The Divine Politics of Thomas Hobbes* (Oxford, 1964).

⁹ Many disputes exist over the status of Hobbes' politics and its relationship to a mechanistic cosmology, an observationally derived egoistic psychology, and a moral law of nature. See W. H. Greenleaf, “Hobbes: The Problem of Interpretation,” in *Hobbes and Rousseau*, ed. Maurice Cranston and Richard S. Peters (Garden City, N.Y., 1972), pp. 5-36, for a classification of interpretations into three types: the “traditional case,” the “natural-law case,” and the “individualist case.” Within this schema, the traditional and the individualist interpretations can

is a dichotomy between Hobbes the moralist and Hobbes the scientific philosopher, and that his political doctrine is a moral doctrine of reciprocity resting upon a strict deontology. A variation of this is the claim that, notwithstanding Hobbes' inconsistencies, a more logically coherent interpretation can be taken from his text when one reads the state of nature as a condition in which the necessary validating conditions of sufficient security for keeping morally obligatory covenants are absent.¹⁰ The upshot of these interpretations is that man in the state of nature lives under moral duties as ascribed by God, that the covenant establishing the sovereign follows the recognition of these duties, and that the role of the sovereign in the Christian Commonwealth is defined by God's Law of Nature, to which the sovereign is responsible. Although unorthodox in comparison with the traditional readings, these new interpretations have the effect of placing Hobbes directly in the center of the Christian natural law tradition as against the tradition of positive jurisprudence.¹¹

In defense of the traditional interpretations, it does not suffice simply to note the negative response as the "devil of Malmesbury" that Hobbes received from many of his contemporaries: evidence exists that he was indeed well received by many others sharing his perspective.¹² Nor can the argument prevail that this new position does not stand historically, i.e., that, given the context within which Hobbes wrote and his intentions,¹³ one can do away with the problem of the meaning of God within Hobbes' text, and give the status of God a "logically coherent" interpretation. With regard to the last point, secondary analyses have justified

be reconciled in terms of the theory Hobbes produces (but not in terms of his motivations and sources). This is what Strauss, for example, undertakes; and it is central to Oakeshott's introduction to *Leviathan*. Neither, however, can be reconciled with the second, the "natural-law" interpretations. See Strauss, *Political Philosophy of Hobbes*, ch. 8; Oakeshott's introduction to his edition of *Leviathan*.

¹⁰ These positions are found, respectively, in Taylor, "Ethical Doctrine," and Warrender, *Hobbes*. See esp. Warrender, chs. 2-3, pp. 38-47; ch. 4, pp. 53-79; ch. 5, esp. pp. 87-93, 99-102; chs. 7, 10, 13-15.

¹¹ See the distinction in Edward S. Corwin, *The "Higher Law" Background of American Constitutional Law* (Ithaca, N.Y., 1955), esp. pp. 66-67. But in contrast to both, see the argument that Hobbes' justification of political obligation derives from the covenant, the rationale for which depends upon his state of nature argument. This position is presented in Brian Barry, "Warrender and His Critics," *Philosophy* 43 (1968):117-37 (see esp. pp. 119-25). As is evident below, the position in this paper agrees with Barry's that obligation derives through covenant in the process of authorization; but there are differences over the actual effect of the state of nature rationale for the covenant and the status of sovereign power on making and holding obligations. See below, n. 28.

¹² See Quentin Skinner, "The Context of Hobbes's Theory of Political Obligation," in *Hobbes and Rousseau*, pp. 109-42; Richard Ashcraft, "Hobbes's Natural Man: A Study in Ideology Formation," *Journal of Politics* 33 (1971):1077-86.

¹³ Skinner, "Political Obligation," esp. pp. 136-42.

the proposition that the Christian politics thesis does indeed fail to square with the body of Hobbes' text.¹⁴ Others have argued that it cannot be supported by the analytic framework encompassing his works.¹⁵ Hobbes' account of the Christian Commonwealth must stand, then, merely as a polemic designed to weaken the criticisms by his contemporaries who advocated a Christian politics or, to take a more severe view, to subvert Christian politics while using its own terms. Moreover, claims that a more coherent ethical doctrine can be rendered from within Hobbes' egoistic or mechanistic facade and claims that Hobbes is not less incoherent and inconsistent than Locke seem incredible; these interpretations are highly implausible when read in the context of the Hobbes who is one of political philosophy's great systematizers and who takes great care to follow the distinctions he develops between absurdity and mere error.¹⁶ Yet these interpretations do force attention upon the role of God in the Christian Commonwealth, a question which occupies, for example, nearly one-half of *Leviathan*. In contrasting this with Hobbes' account of the voluntarist origin of political authority, it cannot plausibly be assumed that he is being merely paradoxical and ironic.

III

Whether Hobbes justifies and establishes the political order on the basis of God's Law of Nature or whether he justifies and establishes it through the voluntarist creation of the sovereign based on man's subjective estimate of what is to be gained or lost with or without order can only be ascertained on the basis of his explication of the state of nature. Even if the Law of Nature as God's law is inoperative in the state of nature, however, it would still be possible to assert that God's law does operate within the political order justified by the voluntarist authorization of the sovereign. Thus it would be necessary to examine his explication of the Law of Nature as it would appear to operate

¹⁴ See Barry, "Warrender"; Stuart M. Brown, Jr., "Hobbes: The Taylor Thesis," in *Hobbes Studies*, pp. 31-34, 57-71; Thomas Nagel, "Hobbes's Concept of Obligation," *Philosophical Review* 68 (1959):68-83.

¹⁵ See Strauss, *Political Philosophy of Hobbes*, ch. 2, esp. pp. 8-12 (cf. also ch. 8, pp. 138, 152, 154, 159-60, 165), on the thesis that Hobbes' politics derives from his particular moral view of man. On Hobbes' general philosophical orientation, see Greenleaf, "Hobbes," pp. 24-28, 33-36; Oakeshott, *Leviathan*, pp. xix-xxvii, lv-lvi; J. W. N. Watkins, "Philosophy and Politics in Hobbes," in *Hobbes Studies*, pp. 237-62, esp. pp. 238, 241-42, 260.

¹⁶ Hobbes, *Leviathan*, IV (19-25), V (27-30), VII (40-41), VIII (51-52); *Elements*, i, IV, 10-11, V, 10-14, XIII, 3, 9; also *Cive*, II, n. 1, XVIII, 4. Hereafter, references to the Hobbes texts omit the author's name; references to the chapters in *Cive* omitted in the Lamprecht edition (chs. 4, 11, 16-17) are to the Molesworth edition of *The English Works of Thomas Hobbes*, II.

within the Commonwealth. The first problem is examined in the present section; the second, in the two following sections.

Certainly the state of nature is the hypothetical limiting condition wherein an account can be made of man as he would live and act toward his claims and his duties when stripped of the artificial constraints of positive civil law. And here man's relationship to moral duty and to God exists, at most, in an unrecognized and unrecognizable state, and his relationship to other persons, at best, in a suspended state. Although he can recognize the Law of Nature *in foro interno*, it is unrecognizable in practice or *in foro externo*. For the Law of Nature as it operates *in foro interno* is "improperly" called "law": it is a conclusion or theorem concerning preservation and not a dictate of one who commands by right. The Law of Nature is not "law proper" until it is "the speech of him who by right commands somewhat to others to be done or omitted."¹⁷ More important, however, is the proposition that the Law of Nature itself is not independent in origin from the Right of Nature but, indeed, a necessary consequence of the Right of Nature. While virtue and justice within the political order consist in obeying the law, in the state of nature "the notions of right and wrong, justice and injustice have no place. . . . Force, and fraud, are in war the two cardinal virtues." Moreover, one's "duty" *in foro interno* consists in maximizing one's claim, as far as is compatible with one's own felicity, to the Right of Nature, the "right to every thing."¹⁸ Man recognizes the necessity of making the Law of Nature operational *in foro externo* because the consequence of maximizing his claims, the state of war, also affects the rationale behind his claims: "The passions that incline men to peace, are fear of death; desire of such things as are necessary to commodious living; and a hope by their industry to obtain them."¹⁹ Peace is ensured only where it is

¹⁷ *Cive*, III, 33. Also *ibid.*, III, 27-28, VI, 4, XIV, 1, 6-8; *Leviathan*, XV (103-5), XVII (109), XXVI (172); *Elements*, i, XVII, 10, ii, I, 6, X, 4. On laws of nature *in foro interno* as theorems and aphorisms dictated by reason for the pursuit of success (felicity), see *Leviathan*, V (29-30), XV (104-5).

¹⁸ *Ibid.*, XIII (83-84), XIV (84-86), for the respective quotations; XV (104); *Cive*, I, 7-10, 14-15, II, 1-2, III, 27n., 29, V, 1, XIV, 3, 14; *Elements*, i, XIV, 6-10, 13-14, XV, 1, XVII, 10-11, 14, XIX, 1-2, 5. On virtue and justice in the context of society, see *Leviathan*, IV (20), XXVI (174), XXVII-XXVIII; *Cive*, XIV; and cf. *Leviathan*, XV (104-5), *Cive*, III, 31, and *Elements*, i, XVII, 14-15, with *Leviathan*, XV (93-98), *Cive*, III, 1-6, and *Elements*, i, XVI, 1-5. On felicity as maximizing human activity, see *Leviathan*, VI (39), VIII (46), XI (63); *Elements*, i, VII, 7, XIV, 12; *Cive*, I, 13.

¹⁹ *Leviathan*, XIII (84). Also *ibid.*, XI; *Cive*, I, esp. 2-3; *Elements*, i, XIV, esp. 2-5. Note that this does not have Hobbes limit the rationale for society to the fear of violent or untimely death, as has been well established (see Strauss, *Natural Right*, pp. 180-81, 184-88, and *Political Philosophy of Hobbes*, pp. 15-29, 56-58, 66-67, 98-107, 113-28, 155, n. 2; Oakeshott, *Leviathan*, pp. xxx-xxxiv *et passim*). That is, it is plausible that the explicit motivations of different men may

maintained by some force which rests upon the right of command. With these reasons established through the state of nature construct, Hobbes can demonstrate why political order can be justified upon voluntary action. *Political authority exists because man creates it to fill the vacuum of interpersonal duty existing in the state of nature. It is justified not through the recognition of natural duty but because of the "known natural inclinations of mankind," i.e., his passions.*²⁰

Hobbes' analysis of the institution of sovereignty through the process of authorization follows the establishment of this rationale. Although significant in itself and crucial to an understanding of representation, it is not germane to this context because it is only necessary to identify, within the rationale for his thesis that political authority is created by consent, the point that such consent does not derive from natural duty.²¹

differ according to the context. What is crucial is that all of these are based on passion. Nevertheless, the proposition that the fear of death is the ultimate motivation is implicit. For if the essence of man is felicity, and if the operative right to all things involves the potential denial of felicity, the conclusion follows in terms of the extreme case. In this regard it is important to recognize that Hobbes indeed is utilizing the extreme case. This is the function of his state of nature construct. Moreover, the fear of death motivation explains much as regards his social context because the role of an absolute, self-perpetuating (artificially eternal) sovereign would be unnecessary if only questions of "more or less" felicity and not the denial of felicity were concerned.

²⁰ *Leviathan*, rev. and concl. (465-66); also *Cive*, preface to the reader (11), III, 29. Cf. *Leviathan*, introduction (6); *Elements*, i, V, 14; cf. *Cive*, epistle dedicatory (2).

²¹ Hobbes' recognition that most sovereigns are established by conquest or acquisition and not by institution (*Leviathan*, XX [129-30, 132-33]; cf. XX [136]) underscores the proposition that his explications of the state of nature and of authorization indicate not how "most men" are justified in giving obedience to the sovereign but why all men can justifiably obey. This is an important point because if sovereignty were justified on grounds other than man's "natural inclinations," e.g., on the basis of duty to God's Law of Nature, then individuals could establish reasons for disobeying the sovereign (e.g., an infidel monarch) other than his failure to secure them from the state of war. On the sovereign's failure to preclude the state of war as the only rationale for disobedience, see *ibid.*, XXI (144-45), XXVIII (207-8), XXIX, XXX (219-20); *Cive*, VII, 18, XII, XIII, 2; *Elements*, ii, VIII, IX, 1. Actually, it is not a question of disobedience but a question of acting within the bounds of the state of nature because the sovereign's failure to avoid the state of war indicates his forfeiture of sovereignty, i.e., his failure as sovereign. (The other possible exception is the right to resist the death penalty, but this presupposes the subject's prior invalidation of the covenant whereupon he reinstates the state of war with the sovereign; see *Leviathan*, XIV [91-92], XXI [139, 142-43], XXVIII [205, 208]; *Cive*, VI, 13, VII, 14, XIV, 21-22.) Hobbes' point that tyranny is sovereignty "misliked" (*Leviathan*, XIX [121], rev. and concl. [463]; *Cive*, VII, 2-4; cf. *Leviathan*, XXIX [214], XLVI [447]; *Cive*, XII, 3; *Elements*, ii, VIII, 4, 10) would be not only inconsistent but irrelevant.

The crucial question remains: given Hobbes' sovereign, what is the role of God and thus of duty under His Law of Nature when the sufficient condition for peace (i.e., for the cessation of the state of war) is established?

IV

The preceding examination of Hobbes' explication of the state of nature stands or falls upon the premise that the state of nature does serve as the rationale for the existence of the political order. If we follow this direction in analyzing Hobbes' position, it is clear that the state of nature is not an account of man's obligation to be sociable. Much less is it an account of the ethical rules man would live under were he stripped of positive law; i.e., it is not an account of how moral duty operates in the hypothetical limiting condition of the state of nature, within which one can imagine how man would act if freed of mere conventional restraints. But however accurate this assessment might be, is it not possible that Hobbes' account of the state of nature is an account of how man will live if he *fails* to recognize God's law? That is, is it not plausible to read Hobbes' account of God's rule in the social context as an account of the ethical or God-given moral obligation which exists once certain minimal needs are met and once the operation of drives which are primarily animal have been contained? If so, this would still allow one to speak of God's law in a context in which certain validating conditions are met, and to point to the potential results of failing to meet these conditions—basically the position of Warrender. In effect, one should read Hobbes' account of the political order, the Christian Commonwealth, before one reads his state of nature account because the first will explain the meaning of the state of nature.

Whether this proposition is correct depends indeed on the role Hobbes assigns God and His Law of Nature in the context of the established Commonwealth. For if Hobbes' account of God and of His Law of Nature within the Commonwealth is consistent with his state of nature explication as previously outlined, then the assumption that the state of nature supplies the rationale for the political order is correct. The contention here is that Hobbes establishes the civil supremacy of the sovereign by making an overt but purely symbolic appeal to God's power. Using this appeal, Hobbes can consolidate a political order which is designed to protect claimed natural rights (i.e., to avert untimely death, which would preclude these natural rights) and which is justified

On representation, Hobbes does present a comprehensive account as against an incomplete argument as in (e.g.) the *Vindiciae* (cf. Barker, *Church, State and Education*, pp. 87-92). See Harvey C. Mansfield, "Hobbes and the Science of Indirect Government," *American Political Science Review* 65 (1971):97-110; Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley, Calif., 1967).

through consent made possible by man's "known natural inclinations." To support this contention, it is necessary to establish the meaning of the Law of Nature, i.e., of God's law, within the context of an artificially created political organization, and to draw out the implications of a voluntarist justificatory argument for political authority which utilizes the notion of a law of nature.

Hobbes divides law proper or law as command into two categories, natural or divine and positive or human. The first is recognized by reason and is purported to be the creation and command of God. The second is man-made, specified in a given context and dependent on deductions from the first. How law proper, as it operates *in foro externo*, can be instituted depends upon identifying the eternal cause and His power. How it functions depends on who, in the final analysis, holds "the true doctrine of the laws of nature, . . . the true moral philosophy."²²

It can justifiably be asserted that the account of man's discovery of God and the rationale provided for God's role represent the logical culmination of Hobbes' account of political reasoning or theorizing. Theoretical or philosophical knowledge of politics is necessary to produce the conclusions or theorems of the Law of Nature. By philosophy Hobbes means "the knowledge acquired by reasoning, from the manner of the generation of any thing, to the properties: or from the properties, to some possible way of generation of the same; to the end to be able to produce, as far as matter, and human force permit, such effects, as human life requireth."²³ The significance of reason lies in the universality of its application and the eternal truth of its results. Although meanings are contextually determined, the method of reasoning remains the same; and the results are true, immutable, and eternal. Thus though particular aims and causes of reason change, the validity of the results does not; only the applications vary with the context—for example, as civil laws vary with time and place. Since the meanings of things are designated or "signified," truth has to do not with something in itself but with the use and consequences of speech, i.e., with the proper application of method. False inferences are not merely erroneous but absurd, senseless. Properly applied, reasoning develops general conclusions or rules which function as theorems or aphorisms. The test for truth lies in the results of a prediction, based on the conclusion, or of an application of the rules.²⁴

²² *Leviathan*, XV (104). Also *ibid.*, XXVI (172, 174, 186-88); *Cive*, III, 31-32, IV, VI, 9, XIV, 4-10, 14; *Elements*, i, XVII, 14-15, XVIII, ii, I, 10, X, 6-8.

²³ *Leviathan*, XLVI (435, emphasis removed from original). See *ibid.*, V (25-27, 29-30), VII (40), VIII (esp. 42ff. and 46), IX (53); *Elements*, i, V, 8-12, VI, 1-4, X, esp. 4; also *Cive*, II, n. 1. Reason is distinct from prudence, which is conjecture based on experience, a capacity men have in common with animals. See *Leviathan*, III (15-16), V (30), VIII (45), IX (53), XLVI (435-36); *Elements*, i, IV, 5-11, esp. 10.

²⁴ See *Leviathan*, II (13), III (13-15), IV (19-24), V (25-30), VII (40), VIII

Yet reasoning would not be possible without curiosity, from which all philosophy originates through man's "desire to know why, and how, . . . such as is in no living creature but *man*: so that man is distinguished not only by his reason, but also by this singular passion from other *animals*; in whom the appetite of food, and other pleasures of sense, by predominance, take away the care of knowing causes."²⁵ The desire to know spurs man's reasoning; the desire for continual success, or felicity, directs reason to identify whatever can secure success.²⁶ Only through reasoning can one understand the Law of Nature, the dictate of reason based on knowledge of the "known natural inclinations of mankind," as the condition necessary for peace. And only through reasoning can one infer that the authorization of the sovereign produces the sufficient condition for peace. Since right reason alone can identify causes for known effects and produce predicted effects without error—i.e., since the proper application of the philosophical or scientific method is the key to success, to the secure life of the Commonwealth as against the tentative life of the state of nature—the identification through reason of the existence and status of nature's cause and benefactor is the final expression of Hobbes' position. Indeed the proposition, noted earlier, that to many of his contemporaries his conclusions could only be ironic at best and blasphemous at worst underscores just how far-reaching and pervasive are his intentions and his success.

It is through the identification of God as prime mover that the full significance of reason is indicated. Here Hobbes identifies the "kingdom of God by nature" as it is realized through reason. The origin of religion and the profession that God exists arise from man's curiosity about causes and his fear and ignorance of the unknown. The desire to know allows one to conclude that if there are causes of other causes there is ultimately a first cause. The first cause, as creator of all causes, must be infinite and eternal. As such, God is the creator and commander of the Law of Nature. And since He is the infinite and eternal cause of all causes, He must be omnipotent.²⁷ In the face of His omnipotence

(51-52), IX, also XV (103-4), XLVI (435-36); *Elements*, i, IV, 2, V, 5-6, 8-14, VI, 1-4, XIII, 2-3, 9. Also i, XVII, 11, and *Cive*, epistle dedicatory (5-6), preface to the reader (16-17), II, n. 1, III, 27-29, XVIII, 4.

²⁵ *Leviathan*, VI (35). See *ibid.*, introduction (6), III (14-15), VIII (46), also XII (69), XLVI (436); *Elements*, i, IV, 4-5, IX, 18, X.

²⁶ See *Leviathan*, VI (39), VIII (46), XI (63); *Elements*, i, VII, 7.

²⁷ *Leviathan*, III (17), IV (18), VI (35), XI (68-69), XII (69-73ff.), XXXI, rev. and concl. (465); *Cive*, XV; *Elements*, i, XI, 2. Cf. Oakshott, *Leviathan*, pp. xx-xxi, xxvii, n. 1. In *Cive*, Hobbes argues that, although knowledge of God's existence is a product of reason, atheism is an error punishable "immediately by God . . . or by kings constituted under God" and not an injustice punishable by a civil sovereign per se: *Cive*, XIV, 19 and n. In the context of *Leviathan* and *Elements*, atheism is not error, a product of prudence, but absurdity, a result of fallacious reasoning (see nn. 16 and 23). But in either context, and under either

man is obliged or bound to God as He dictates the Law of Nature. Unable to resist, man is the property of God:

The right of nature, whereby God reigneth over men, and punisheth those that break his laws, is to be derived, not from his creating them, as if he required obedience as of gratitude for his benefits; but from his *irresistible power*. . . . [T]o show how [this] right may arise from nature, requires no more, but to show in what case it is never taken away. . . . To those therefore whose power is irresistible, the dominion [right of possession] of all men adhereth naturally by their excellence of power; and consequently it is from that power, that the kingdom over men, and the right of afflicting men at his pleasure, belongeth naturally to God almighty; not as Creator, and gracious; but as omnipotent.²⁸

But additionally Hobbes presents the “kingdom of God by prophecy,” which is God’s civil sovereignty over a specific people, Christians and Jews. God reveals to his prophets a body of doctrine upon which the people covenant, through these mediators with God, for their security and governance. The covenant grants God supreme power, and the people become his property by right of civil omnipotence exercised through the civil sovereign who authorizes the ministers and the teachings of God’s word.²⁹ Although Hobbes is a professing Christian, he recogni-

usage of “error,” error does not excuse: *Cive*, 19n; *Leviathan*, XXVII (191-93). The sovereign’s punishment of atheists turns on whether atheism breaches the Law of Nature and whether the sovereign is final interpreter of the Law of Nature. Hobbes’ sole caveat in *Cive* with respect to sovereign omnipotence paves the way for him to make clear that atheism is significant only insofar as it violates the *sovereign’s* interpretation of the Law of Nature; see below, n. 44, and the relevant text thereto; also sec. V, par. 2. See also Hobbes’ distinction in *Cive*, XVI, between God Almighty, or god simply, and the God of Abraham. This distinction is further developed in Joseph Cropsey, “Hobbes and the Transition to Modernity,” *Ancients and Moderns*, ed. Joseph Cropsey (New York, 1964), pp. 223-24.

²⁸ *Leviathan*, XXXI (234), also XXXI (237); *Cive*, XV, 5-7, 13. But cf. the emphasis in Barry, “Warrender,” pp. 117-21, against Warrender, on the point that “just” action (“justifiable,” in Warrender’s terms), taken in the face of “irresistible power,” does not necessarily indicate one is keeping an obligation. (The relevant Warrender text involves II, 27-29, XIII, XIV, esp. 301-11, XV, esp. 312-16.) One can be obligated, however, if he is the property of another, the condition holding in the natural kingdom (or, if he covenants with God, the condition in the prophetic kingdom). Moreover, although God’s “right of nature” (as in the quotation in the text) may not literally entail obligations (since obligations cannot exist in the state of nature *in foro externo*), men’s actions are predicated upon maximizing their claims only insofar as they are not incompatible with felicity; i.e., they will account for the effect of another’s action derived through the right of nature. If God’s right cannot be precluded, there is no rationale for resisting but rather a rationale for submitting in the face of losing felicity. Thus they act under the Law of Nature as it operates *in foro interno* (see nn. 17-18 above).

²⁹ *Leviathan*, iii, XXXII-XLIII, esp. XXXV (266, 270-71), XXXVI (282-85), XXXVII (291); also XII (76-77), XIV (90); *Cive*, XVI-XVIII, and II, 13; *Elements*,

zes religion as an anthropological phenomenon. He realizes the political uses of religion and fears its misuse at the hands of "vain philosophers."³⁰ Whether the kingdom of God by prophecy represents an attempt to employ a recognizable body of doctrine (the scriptures) in behalf of his doctrine, whether this is an attempt to legitimize his doctrine in the eyes of Christians or to discredit the Christian doctrines of others, are questions regarding Hobbes' polemical intent which are beyond the scope of this essay. What is important is that the effect of this kingdom appears to be the same as the effect of the kingdom of God by nature, insofar as the subject and the sovereign are concerned. In short, the Law of Nature as law proper can be construed as originating through two sources, immediately from God and mediated through His prophets, but politically speaking it comes to the same thing, the sovereignty of omnipotent God over all men. Hobbes' argument at this point, then, is not either theory or polemic. It is both. As polemic, it justifies the supremacy of the civil sovereign over the earthly church and the supremacy of God over both.³¹ As theory, it represents a logical extension of the method of reasoning. But Hobbes' argument goes further and allows him to make divine law at once supreme and merely political,³² an assertion which requires further justification and elaboration.

ii, VI-VII. Note that sovereignty by covenant becomes sovereignty by right of possession or power ("dominion"), which is the same right as that in the kingdom of God by nature. This is identical to civil sovereignty because the authorization of the artificial sovereign leaves him free to act in his natural capacity, i.e., to act on his natural right to exercise power. See *Leviathan*, XVI (106), XVII (112), XVIII (118-20), XIX (esp. 122-23, 125-29), XX (esp. 129-33), XXI (140, 142), XXVIII (202-3); also cf. *Cive*, V, 9, 11, VI, 6-7, 13-14, 18, 20, X, 18; *Elements*, i, XIX, 10, ii, I, 13-19.

³⁰ *Leviathan*, epistle dedicatory (2), I (8), II (12-13), IV (18, 21-22), VIII (51-52), XI (69), XII (73, 77-80), XXXVI (282-85), XLIII (396), iv, XLIV-XLVII; *vide* XLIV (397). Indeed Hobbes' fears override civil disorder or anarchy as his chief concern, for he finds vain philosophy and its absurd reasoning to be the ultimate cause of civil disorder.

³¹ Cf. Lamprecht, *Cive*, pp. xviii-xix; Tönnies, *Elements*, pp. x-xi. Although his sovereign is directly under God, Hobbes is not arguing the divine right of kings. That is compatible with a supreme church and a divinely ordained sovereign; Hobbes' sovereign is the interpreter of revelations, not their recipient. He is well aware of the negative reception of his doctrine: *Leviathan*, epistle dedicatory (2); *Cive*, preface to the reader (17).

³² Cf. Barry, "Warrender." Strauss, *Natural Right*, pp. 190-92, identifies it as "natural public law," as distinct from "natural law." See sec. V, concluding par. Cf., respectively, *Leviathan*, XXXI (232, emphasis added), with *Cive*, XV, 1 (emphasis added):

To avoid both these rocks [of offending the Divine Majesty and transgressing the commandments of the commonwealth], it is necessary to know what are the laws divine. And seeing knowledge of *all law*, dependeth on the *knowledge of*

V

In principle, the kingdom of God by nature is inclusive of the kingdom of God by prophecy, of which there may be as many as there are prophets, so that it would appear that there are only two categories where individual obligation to God and to civil sovereignty are problematic: in the natural kingdom, a Christian subject living under an infidel sovereign; in the prophetic kingdom, a Christian state (and sovereign) with some infidel subjects in it. Yet these cases are not limiting. The relationship between Christian subjects and sovereign in a Christian state is indeed most problematic if in principle (not to mention, if in fact) the natural kingdom is inclusive of the prophetic kingdom. In effect, by the logic of Hobbes' argument the obligatory character of both kingdoms would appear to be unified under the standard for obligation in the natural kingdom, and this obligation would appear to be reduced to a matter contingent upon individual judgment or individual conscience, which anyone can employ to understand the dictates of God's "natural" Law of Nature. Although individual conscience, if based on right reason and not absurd reasoning, requires following the dictates of God's Law of Nature, the apparent unification of the obligatory character of both kingdoms would result in a dichotomy between the doctrine of the sovereign and the opinion of the subject with respect to the prophetic kingdom that is vouched for by the sovereign. For if individual conscience is the criterion for obligation, individuals may claim to pre-empt sovereign judgment regarding civil affairs and religious teachings in this kingdom. Barring further qualification, Hobbes would appear to be accepting the traditional dualism, and the inherent tension therein, between church and state. But he is not. For Hobbes, the disorderly potential of this dichotomy can be solved only by establishing the supremacy of the civil sovereign with respect to both subjects and the "true moral philosophy" or doctrine of God. Hobbes does this in two steps. He raises the question of what conditions are necessary for salvation, the rationale behind the use of individual conscience, as the question which does produce the dichotomy but which also supports belief in the doctrine of God. He then answers his question by arguing that only the sovereign can vouch for the conditions for salvation contained in the true moral philosophy.

The unification of the obligations in the kingdoms is a consequence of asking what is necessary for salvation in the kingdom of God, and

the sovereign power, I shall say something in that which followeth, of the KINGDOM OF GOD.

To avoid both these rocks, it is necessary to know the divine laws. Now because the knowledge of *the laws* depends on the *knowledge of the* [natural] *kingdom*, we must in what follows speak somewhat concerning the kingdom of God.

of comparing the requirements of each kingdom as described in the preceding section. For salvation, it is necessary to obey the civil law and believe in Christ. Obedience to civil law is a part of the natural kingdom because the civil law contains God's Law of Nature. Both obedience to law and belief in Christ are a part of the prophetic kingdom because Christ is ordained by prophecy and commands obedience to the civil sovereign. In a state in which the sovereign is an infidel and the subject is Christian, the subject must obey the law and maintain his belief internally. The subject thus exists in the natural kingdom. In a Christian state, the Christian subject must obey the law and profess his belief in accord with the doctrine of the sovereign. He is in the prophetic kingdom.³³ In the natural kingdom, it is unlikely that an infidel sovereign will punish a Christian subject for his belief. Likewise, in the prophetic kingdom, a Christian sovereign is to refrain from punishing an infidel subject who is in error but is not subversive because he obeys the law.³⁴ But toward a Christian subject, a Christian sovereign may appear to err with respect to God's Law. Though a Christian subject may obey and openly profess belief according to the sovereign's dictate, in conscience he instead follows his own internal belief about God and His words concerning His son. He may therefore follow his belief concerning the legitimacy of the civil laws: "if the command be such as cannot be obeyed without being damned to eternal death; then it were madness to obey it, and the council of our Saviour takes place. . . . *Fear not those that kill the body, but cannot kill the soul.*"³⁵ Within the context of the prophetic kingdom, then, the existence of this condition represents action by the subject based on the kingdom of God by nature. The important point is that the subject obeys his conscience. If he obeys the sovereign in the prophetic kingdom, he obeys not because of the sovereign's dictate but because of the dictate of his conscience, which is grounded in the natural kingdom. In effect, while the prophetic kingdom, the teachings for which are authorized by the sovereign, is overtly consistent with the natural kingdom of God, in actuality it is subsumed under the natural kingdom insofar as the subject's criteria for his civil actions are concerned. There is a relationship only of coincidence between the conscience of the individual and the sovereign's legal supremacy and between the individual's opinions and the sovereign's doctrine concerning belief in Christ. Were these relationships allowed to persist, a Pandora's box would be opened for the authority of the sovereign with regard to enforcing the civil obligations of the subject. Either all sovereigns and all subjects must be Christians

³³ *Leviathan*, XXXI (233), XLII (327-28), XLIII (384-95), XLVI (448); *Cive*, XVIII, 1-11; *Elements*, ii, VI, 5-14.

³⁴ *Leviathan*, XXXVII (291), XLII (327-28), XLIII (394-95); *Cive*, XVIII, 13 et seq., XV, 18; *Elements*, ii, VI, 5 et seq.

³⁵ *Leviathan*, XLIII (384); also *Cive*, XVIII, I. Cf. *Leviathan*, XXII (149) and XLV (427-28).

under God—in which case the subject's *political* obligation would be accidental or coincidental but not necessary—or something must be introduced to create a specifically political obligation applicable to all typologies of sovereign-subject relationships.

If the unification of the obligatory character of the kingdoms goes unrecognized, if individual responsibility to God is not reconciled with the civil sovereign's supremacy over the individual, and if the opinions of the former are not correlated with the doctrine of the latter, Hobbes' profession of faith, on the one hand, and his doctrine of civil supremacy, on the other, appear at least silly and muddled, if not inconsistent and contradictory. The consistency of the hypothesized causal relationships at the heart of Hobbes' category of reason, which is fundamental to his construction of the Commonwealth, is therefore for naught. The resolution of these dichotomies leads one to believe that Hobbes' theory is not so much Christian as it is political and consequently, for Christians of his day, a polemic, but for serious readers of his text it is the extension of his category of reasoning to its logical limits.

To establish a political authority applicable in all contexts in which the civil sovereign is the sufficient condition for peace, Hobbes introduces a way to unify the obligations of the kingdoms. It is best described as a response to the problem of salvation. Based on the description of both kingdoms, where both sovereign and subjects are Christian it is a requirement of the combined kingdoms that the individual obey the sovereign both in law and in religious doctrine concerning beliefs. The sovereign under God is the supreme interpreter of God's doctrine and of what worship is given God. He is the supreme interpreter by virtue of God's infinitude in the natural kingdom and of His revelation to prophets in the prophetic kingdom. Since mere men neither understand infinity nor receive direct revelation, they would appear to be obliged to follow the requirement of the kingdoms. There is to be a unity, following God's command as interpreted by the sovereign, between the individual's beliefs and opinions and the sovereign's legal and doctrinal supremacy.⁸⁶ As long as this unity stands, there is no uncertainty as to whether there will be peace. Thus God appears as the all-sufficient reason for peace. But God as such is not; even in His omnipotence He chooses not to exercise His

⁸⁶ *Ibid.*, III (17), VII (41-42), XI (68-69), XII (69-71), XV (96), XVIII (114), XXI (134-35), XXVI (180, 186-88), XXIX (211-12), XXX (221), XXXI (235-41), XXXII (242-43), XXXIII (246-47ff., 254-55), XXXVI (283-85), XXXVII (290-91), XXXIX (305-6), XL-XLII (esp. 339, 360), XLIII (385-86, 393-95), XLV (424-25), cf. XVI (106-7), XXXVI (272-75); *Cive*, VI, 11n., XI, XII, 2, XIV, 19, XV, 8-18, XVI, XVII, esp. 10-28, XVIII, esp. 1-4, 13-14; *Elements*, i, XI, 2-12, ii, VI, esp. 10-14, VII, esp. 10-11. The necessity of a judge for competing doctrines follows also from the account of the state of nature: see *Leviathan*, V (26), and the first citations in n. 17.

power to enforce His Law of Nature,³⁷ for He also promises eternal life in return for obedience, worship, and belief. As soon as the question of eternal salvation arises, if there are any infidels involved or if the sovereign errs, the unity is destroyed or is preserved only by coincidence, for man is to "fear not those that kill the body, but cannot kill the soul." Contrary to conclusions appropriate to the state of nature rationale, damnation, not untimely death, must be the *summum malum* as matters stand. It is in response to this that Hobbes offers his solution: *eternal salvation is nothing more, but nothing less, than felicity, that is, the felicity of this life*. To be specific, there is no "eternal" life, for that was lost with Original Sin. There is only hope of felicity—"to be saved from all the evil and calamities that sin hath brought upon us." Only upon the Second Coming of Christ will there be something more than felicity; and then the sovereign will be irrelevant, displaced by Christ.³⁸ Eternal salvation upon the Second Coming is therefore the *summum bonum*. *But until that time the sovereign is the sole and all-sufficient requisite capable of enforcing the Law of Nature to produce the conditions for peace*. And in the interim, i.e., the present, men do know how to attain felicity, for the Law of Nature has a general rule knowable by all which makes it easy to keep: "Do not that to another, which thou wouldst not have done to thyself."³⁹ The negative warning of this rule contrasts with the positive norm in the New Testament wording of the Golden Rule. It is not strange in this context that Hobbes should refer to the "positive" Golden Rule merely as the "words of our Saviour," who has not yet returned; the negative rule is "the indubitable everlasting law of God," that is, the rule vouched for by the sovereign.⁴⁰ The "divine law" is supreme, but supreme because it is merely political.

³⁷ Hobbes says that God actually does not have power sufficient to enforce His law because the understanding of infinitude and the receiving of direct revelation are beyond mere men. Only the civil sovereign can enforce the Law of Nature because he is God's earthly representative. Hobbes therefore says, in effect, that omnipotent God is not omnipotent, although if eternal salvation involves more than earthly felicity God has no reason to exercise His omnipotence on earth. This implies that Hobbes is not quite serious about God. See the next footnote for citations underscoring this proposition in the text and n. 40 for the status of Hobbes' intent.

³⁸ For the quotation, see *Leviathan*, XXXVIII (300), and cf. XXXV (266-67). On the problem of God's "failure" to exercise His omnipotence and Hobbes' response, see *ibid.*, XV (96), XXXVIII (291-96, 300-304), XLII (327-28), XLIII (*passim*, esp. 384-85, 394-95), XLIV (404-5, 409-12); *Cive*, XIII, 5, XV, 18, XVIII *passim*, esp. 1, 13-14. Cf. *Elements*, ii, VI, 5 et seq., with ii, IX, 2.

³⁹ *Leviathan*, XV (103).

⁴⁰ *Ibid.*, XLII (328). Either Hobbes uses the Second Coming as a ruse and a canard, and the sovereign *de facto* pre-empts God and religious salvation, or there is a strong implication that the felicity of this life is always problematic, perhaps wretched. On the status in Hobbes' text of the Second Coming, see *ibid.*, XXXVIII (295-96, 301-3), XLI (319-20).

VI

The distinction between God's two kingdoms appears initially to be a concession to the proposition that subjects can individually determine what is necessary to fulfill their duties to God, irrespective of civil dictate. Indeed, by going further and unifying the obligations of the two kingdoms without qualification, Hobbes would appear to suggest the possibility that the civil sovereign is in the same position as his subjects, as both must give the derivatives of their faith in God precedence over matters of civil concern. But precisely this maneuver allows him to present the qualification which precludes the use of individual conscience to determine whether duty is owed God or the civil sovereign.

By identifying eternal salvation as earthly felicity, subjects can understand that the criteria of the natural kingdom are contained in the conditions for peace and order necessary to political salvation as stated in the public doctrine of the prophetic kingdom. Since the "true moral philosophy" is the doctrine of salvation, i.e., of felicity, and since mere men cannot understand God's infinitude or receive direct revelation, the sovereign stands as the supreme interpreter of God's will. Under God's Law of Nature he must ensure felicity and thereby command worship and doctrinal belief. Although obedience is an intersubjective category and belief is essentially an internal category, related to the conscience, the extent to which one obeys reflects the direction of his belief. With respect to subjects, the major problem the sovereign faces is how to maximize civil obedience, since without obedience subjects reinstate the state of war between themselves and their sovereign. The extent of civil obedience corresponds with the extent to which there is belief in God's doctrine. Meeting the felicitous expectations of the believers should provide the conditions for and support belief, so that the sovereign can maximize obedience when the moral doctrine taught corresponds with the assurance that felicity can be attained.⁴¹ The worship and belief attendant upon the felicity of this life produce the support or consensus necessary for achieving the aims of the Law of Nature, peace vouched for by the sovereign.

This guarantee that the Law of Nature can be enforced is possible only as long as its sufficient condition can be met. As the sufficient condition for peace, the sovereign maintains peace as the supreme interpreter of the Law of Nature. Men living in the state of nature have conflict because there is no final arbiter among the conflicting claims which each one adduces as necessary to his survival. With a Commonwealth, the sovereign alone finds this condition only in international relations where God's Law of Nature is unenforceable and sovereigns face each other in the "posture of gladiators."⁴² Thus if reasoning can

⁴¹ Cf. *ibid.*, XXX; *Cive*, XIII; *Elements*, ii, IX.

⁴² See *Leviathan*, V (26), on the incumbent conflict in the absence of a final judge, a proposition operating both in the state of nature and in society under

produce certain rules necessary for peace, nothing the sovereign's reason dictates can be contrary to this end. The sovereign's will is God's will; and since God does not choose to exercise His power, the sovereign is omnipotent not only in matters of civil obedience but also in matters of divine will.

On this point, the implication of Hobbes' analysis is that the sufficient condition for peace can exist in a variety of contexts and under a variety of "gods." In addition, a paradox Hobbes presents is now clarified. Although at one point he labels atheism absurdity, a product of fallacious reasoning, and innocuous, he declares elsewhere that "they therefore that believe there is a God that governeth the world, and hath given precepts, and propounded rewards, and punishments to mankind, are God's subjects; all the rest, are to be understood as enemies."⁴³ Since the sovereign's will is God's will, non-believers are not simply God's enemies; they are the sovereign's enemies. The appeal to the divine has the utility not only of legitimizing the sovereign's actions to his obedient subjects but also of providing him with a peaceful means of placating dissidents without threatening their security. Those who proceed beyond dissent and fallaciously reason contrary to the sufficient condition for peace become punishable, and necessarily so, according to reason. For if the sovereign does ensure the conditions for felicity, men who disobey act contrary to their own interests as men. Disobedience resulting from fallacious reasoning requires punishment, as the punishment of the wicked is required.⁴⁴ The

the Law of Nature (see above, n. 17). On the relations between sovereigns in international relations, see *Leviathan*, XIII (83); *Cive*, epistle dedicatory (1-2). If God were omnipotent and irresistible and if sovereigns were to obey His Law of Nature, the validating conditions necessary to recognize the moral duty of the Law of Nature *in foro externo* would be present in the international order; i.e., disparate sovereigns would utilize right reason and come to common conclusions necessary to the development of an international consensus. But the conclusions of reasoning and the duties of the Law of Nature are no more common and binding than they are for men as men in the state of nature.

⁴³ *Leviathan*, XXXI (233). On atheism as innocuous error but error as no excuse, see the citations in n. 27.

⁴⁴ *Leviathan*, VIII (47), XXVII (190-97); *Cive*, XIII, 3, XIV, 16-23; *Elements*, i, XV, 10. Fallacious reasoning in this respect, the denial of felicity, can only be referred to as "madness." See *Leviathan*, VIII (47-48). Although the sovereign's action is based on his interpretation of the Law of Nature, if he does err through absurd or fallacious reasoning he can always reject the claims of dissidents and disobedients on the grounds that they gave him his authority, that his actions are their actions, and that they are therefore to blame. This, however, is a proposition for the question of representation and is beyond the present context. See *ibid.*, XVI (106-80), XVIII (113-14), XXI (141-43), XXIV (162), XXVI (173), XXVII (197); *Cive*, III, 29, VI, 13-14, 20, VII, 12, 14; *Elements*, i, XVII, 11, ii, VIII, 6. Note, however, Hobbes' claim that sovereign error cannot be used to invalidate the covenant: *Leviathan*, XXI (144), XXII (147), XXVI (181), XXVIII (207-8), XXIX (209-310ff.), XLVII (454-55); *Cive*, XII, XIII, 2; *Elements*, i, XIII,

sovereign's supremacy over his subject is as the relationship of war to deviant behavior.

The possible existence of internal enemies to the sovereign, however, expands the problem of maximizing obedience, especially since peace can exist in a variety of contexts and under a variety of "gods." If men are motivated primarily by their desire for peace and security as the requisite for felicity, then one may assume the possibility of their disobedience or revolt whenever they foresee a greater likelihood of keeping their security and of achieving their felicity through changing the regime. Whether their reasoning is fallacious or correct is essentially irrelevant because the premises from which they infer their conclusions are derived from the conditions of their own experience. Consequently, to maximize obedience Hobbes' sovereign must apply the Law of Nature through his civil law in such a way that it does not allow one segment of society to raise the question of whether its security is threatened by another. The sovereign's public teaching of God's doctrine must be applicable to all parties within the Commonwealth for whom the possibility of attaining felicity would leave no other grounds for disobedience. Insofar as he provides the conditions for felicity, he promotes the consensus through the belief in God's doctrine which is necessary to maximize obedience. The public doctrine of the "true moral philosophy" becomes the basic symbol of the regime in proportion to its correspondence with the felicitous expectations of the subjects. The extent to which felicity is attained throughout the Commonwealth as vouched for in the public doctrine is the basis for maximum obedience to the sovereign. If the doctrine does not correspond with the felicity attainable, subjects cannot reasonably be expected to conclude that it is God's doctrine which is at fault.⁴⁵

The sovereign's position characterizes the problem for voluntarist political authority: having established the legitimate regime, how might that regime provide the good political order? Replacing the first question of whether the regime is just with that of whether it is legitimate, voluntarist political authority raises the possibility of establishing the regime which is merely legitimate.⁴⁶ In this case, political justice can be

9, ii, IX, 1. Indeed, since subject disobedience institutes the state of war between the fallaciously reasoning disobedient one and the sovereign, one could go so far as to say that disobedient ones make themselves expendable.

⁴⁵ Sovereign action which does not promote felicity would be seen as the *sovereign's* transgression of God's doctrine. Hence, subversive doctrine directed against the "true moral philosophy" would be seen as abetted by the sovereign. See *Leviathan*, XXI (139) and XLVII (454-55, at 454): "For without their [sovereigns'] authority there could at first no seditious doctrine have been publicly preached." As noted above, n. 30, to Hobbes sovereign failure in this respect is more dangerous than allowing conflict in society.

⁴⁶ Cf. Jouvenel, *Sovereignty*; Strauss, *Natural Right*; John H. Schaar, "Legitimacy in the Modern State," in *Power and Community*, ed. Philip Green and Sanford Levinson (New York, 1969), pp. 276-327.

identified only with those subjective claims which are manifested at a given time in the process of legitimizing the regime through the consent made feasible by the "known natural inclinations of mankind." The nexus of the problem for Hobbes' sovereign—for voluntarist political authority as epitomized by its primary antecedent, Hobbes—is to fulfill the proposition just noted. That is, the sovereign must apply the Law of Nature so that no one segment of society feels threatened by another because of the relatively disproportionate benefits attained by one at the expense of the other. And it is crucial to recognize that this proposition follows from the logic of Hobbes' text: i.e., his sovereign has more to do than to preside over the merely legitimate regime, as is evidenced by his description of the sovereign's role as sufficient condition for "eternal salvation" (earthly felicity). Rather than identifying political justice only with the subjective claims that can be dominant at any given time—as such, claims which take on the character of faction—the task facing the regime is to realize the means whereby it may make adjustments among the various interests within its purview. By providing the good political life for all parties concerned in terms of their own subjective perceptions, the regime can develop a long-range stability and thereby maintain the consensus for its continued legitimacy. This is, primarily, the problem of distributive justice.⁴⁷

Hobbes intended to revolutionize the grounds for political theory, as he was quite ready to proclaim.⁴⁸ And he succeeded. Because the sovereign is established by the only process Hobbes understands to be viable—by the consent of individuals possessed of common natural rights and based upon their "known natural inclinations"—he makes well known the proposition that the criteria for public doctrine are established only through popular will. It is therefore possible to infer that Hobbes' explication of the status of God's Law of Nature is concerned only with the "show of truth" and not with "truth" itself, as has been established in the case of Locke. But this would be true only to the extent that Hobbes' presentation of the public doctrine of the "true moral philosophy"

⁴⁷ Cf. Plato *Republic* 338c-44d, 358b-59b, 543a-76b, and *Gorgias* 482c-86d, with *Republic* 421c-45b and Aristotle *Politics* 1314a-b, 1316b-23a. The implication in this position is that Hobbes' argument for representation is more complete than a narrow authorization account. On that position and its consequences, see, respectively, Pitkin, *Concept of Representation*, ch. 2, and Mansfield, "Hobbes," p. 108. In contrast to the *basis* of the representative's sovereignty, the ongoing operations of Hobbes' sovereign *qua* representative have received relatively scant attention. On one aspect, see the interesting account in Dudley Jackson, "Thomas Hobbes' Theory of Taxation," *Political Studies* 21 (1973):175-82. Indeed, the proper counterpoint to Hobbes on this score would be the sovereign *majority* of Locke as developed in Willmore Kendall, *John Locke and the Doctrine of Majority-Rule* (Urbana, Ill., 1965).

⁴⁸ *Leviathan*, introduction (6), XX (136), XXX (220-21), XXXI (241), rev. and concl. (460, 465-66); *Cive*, preface to the reader (10, 15-18); *Elements*, ii, VIII, 13.

does not contain elements of truth.⁴⁹ And this, of course, is not the case. The one complements the other. Popular will is necessary for establishing the criteria for public doctrine because the criteria are found in the “known natural inclinations of mankind.” But the very nature of these “natural inclinations” means that the popular will is self-destructive without the guidance and security vouched for by the sovereign, who gathers these viable and justified inclinations into a public doctrine. Hobbes’ argument isolates the criteria for political action as those which can be publicly identified, stated, and implemented through the sovereign’s interpretation of political necessity, the civil law, while utilizing the “elements of truth” in the public doctrine of God’s will as a source of support for the sovereign’s action.

⁴⁹ The terms “show of truth” and “truth” are utilized in reference to Locke by Ellis Sandoz, “The Civil Theology of Liberal Democracy: Locke and His Predecessors,” *Journal of Politics* 34 (1972):3. On the necessity of public dogma containing “elements of truth,” see Plato’s account of primary education and of the myth of metals in *Republic* 376e-421c.