In the closing lines of *Leviathan*’s Second Part, Hobbes boasts of having achieved what “neither Plato, nor any philosopher hitherto” had been able to do – “set into order, and sufficiently or probably proved, all the theorems of moral doctrine” that are requisite for the instruction of citizens and their rulers (31.41:574). He goes so far as to wager the practical value of his political teachings on the clarity and cogency of those proofs of his moral doctrine. What can he have had in mind? The ‘theorems of moral doctrine’ to which he refers are plainly the nineteen moral rules which he names Laws of Nature, the exposition of which he devotes a two-chapter sequence near the end of the book’s First Part. (A ‘theorem’ for Hobbes is a rule [5.6:68].) What can he have thought he had *proved*, of these rules?

In this paper I would like to take seriously the only explicit answer to this question to be found in *Leviathan*’s pages: that these rules constitute “the way, or the means, of...”

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1 Except where otherwise indicated, all parenthetical citations in text are to Hobbes’s *Leviathan* (1651), giving chapter and paragraph numbers, then (after colon) by the page numbers in the 2012 Clarendon edition of the text by Noel Malcolm. Spelling is modernized throughout; archaic capitalization and punctuation are occasionally retained when conducive to clarity.
peace." (15.40:242). Of the various things Hobbes has to say about the rules which he calls Laws of Nature, it is only this that he claims to have shown about them. It is to this, specifically, that he points, when explaining why his doctrine indeed deserves to be seen as the one true moral philosophy. What I wish to argue that it is as a theorist of peace that he saw his advance beyond his predecessors, and upon which he staked the achievement of which he boasts.

The priority accorded to peace in Leviathan is obvious enough, and has hardly escaped the attention of commentators. Yet the significance of peace in Hobbes’s moral and political theory is generally seen as derivative, with little philosophical interest in its own right. The most widespread interpretation of Hobbes’s moral theory has long been that Hobbes offers his Laws of Nature as rules which prescribe the means by which men best secure their self-preservation, and perhaps their prosperity too. In line with this, commentators overwhelmingly tend to assume that the only significance Hobbes attaches to peace - and its only bearing on his exposition of his moral precepts - is its (presumed) instrumental or circumstantial value— its being conducive (in the sense of being serviceable, or hospitable) to the survival and prosperity of individuals. Thus it has seemed natural to assume that by ‘peace’ Hobbes means nothing other than that modus vivendi in which desires or interests are optimally satisfied, a purely technical question - as if the difference between peace and war were simply a matter of

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the more or less efficient deployment of force, the more or less stable distribution of fear; as if making war on one’s neighbors and living in peace with them were but alternative means for pursuing much the same end, with nothing but strategic considerations to be said for one or the other. In short, as if ‘peace’ itself were no more than ‘tranquility’ or at best ‘détente’ - a strategic equilibrium, nothing else than the absence (or suppression) of the chaos and bloodshed suffered in war.

As a result, it has seemed plausible to wonder whether Hobbes really cares so much about peace, or would recommend infringements on peace should its benefits be better secured by other means. With the assumption that Hobbes’s interest in peace is derivative, comes the suspicion that its importance is doubtful to him (or, perhaps, had better be). In the words of Sharon Lloyd, “Hobbes makes it clear that these precepts all tend to promote peace, but because commentators typically do not see peace as an end in itself, nor believe that Hobbes saw it so, they look for a more basic function these precepts promoting peace ultimately serve.” That might be taking it a bit far, as concerns commentators’ own views of peace *per se*, but it’s accurate enough as an attestation of prevailing critical opinion with respect to the notion of peace that commentators take to be Hobbes’s.

\[\text{\textsuperscript{3} Lloyd (2009), 128.}\]

\[\text{\textsuperscript{4} In Lloyd’s case, this leads to her revisionist impulse to argue that Hobbes’s doctrine need not entail accepting what she calls “peace at any price,” or a “brutally oppressive peace.” Lloyd (2009), 128-30. It is a true and important perception of Lloyd’s (shared by Susan Sreedhar, among other recent}\]
Among my aims in this paper is to show that this is to misunderstand what Hobbes means by peace, and the significance of peace to his philosophical project. Contrary to what many readers have supposed, peace is an irreducibly moral idea in *Leviathan* – and an underivable good, within the purview of that “science of good and evil” that Hobbes understands moral philosophy to be (15.40:242). *Leviathan’s* enterprise in moral philosophy is a theory of peace. Hobbes’s initial definition of peace is merely ‘all other time’ than when there is war — but then ‘war’ is said to encompass any situation in which men are made to reckon with others’ disposition to use hostile force against one another, whether or not there is actual bloodshed (13.7:192). A state of affairs in which men desist from fighting merely on account of fear is not to be counted as peace, but smoldering war - “they live as it were, in the precincts of battle continually” (18.9:272). He famously dwells on the factors which tend to make conflict intractable, and interminable – as if to imply that war, whether raging or smoldering, was endemic to the human condition. But then he expressly denies that conclusion, declaring that men are capable of living together otherwise than this. As he puts it, at the close of the book’s famous thirteenth chapter, “Reason suggesteth convenient articles of peace, upon which men may be drawn to agreement” (13.12:196).

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commentators) that Hobbes’s political doctrine is far less hospitable to acquiescent non-resistance in the face of brutal oppression. And yet she can see no way to make sense of this perception than by attributing to Hobbes her own version of the view that Hobbes commends peace only insofar as it tends to promote some more basic good. Taking for granted that Hobbes values peace only instrumentally (113), she neglects to consider that Hobbes’s concept of peace might in principle preclude brutal oppression – or, indeed, oppression as such. (This is not to deny that Hobbes’s intuitions as to the indices of oppression may – and do – clash with contemporary sensibilities.)
Identifying those “articles of peace” -- and validating them, as such -- is the central, constructive project of his moral theory -- for they are nothing other than “moral theorems” he expounds over the ensuing two chapters, “which otherwise are called Laws of Nature” (ibid.).

In the thicket of factors which have obstructed readers’ from arriving at a clear view of the problem of peace in Hobbes’s undertaking, the thorniest tangle has sprouted from the very fact he calls these rules “Laws of Nature.” Much of my effort in this paper will necessarily go to clearing a path through this tangle, in the interest of bringing it into sight. The difficulty is partly that Hobbes’s own remarks about this are surprisingly few, and curiously hard to pin down, even within the chapters in which these (so-called) Laws of Nature are his central concern. But the larger difficulty is that his adoption of the term tends to reinforce a deeply-entrenched critical presupposition concerning Hobbes’s understanding of these rules, and the burden of his theory with respect to them -- and it is this that gets in the way of our seeing Hobbes’s moral philosophy in its intended dimensions. The basic idea (to put it summarily) is that Hobbes would have the Laws of Nature understood to be effectively normative (for human beings in general)-- that is to say, law-like, in the sense of presenting deliberating agents with conclusive reasons for acting in accordance with these rules, as would be sufficient to motivate any fully-rational agent to comply with them. In line with this, it is thought that
the burden of his theory is to account for these rules’ effective (practical) normativity.⁵
Across the spectrum of Hobbes’s interpreters, it has almost always been thought that
Hobbes must want to provide conclusive justification for complying with his precepts,
sufficient to sway the practical deliberations of any rational agent. Stephen Darwall’s
view is characteristic: “Hobbes addresses Leviathan’s central normative claims, the
laws of nature, to his readers as deliberating agents.”⁶ The leading interpretation has
long been that Hobbes appeals to a rational agent’s self-interest, on the basis of purely
instrumental (or strategic) considerations.⁷ Yet even those who reject that interpretation
have generally left unquestioned the underlying premise, that Hobbes must intend to
secure these rules’ unassailable normative hold on any rational agent.⁸

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⁵ Let me acknowledge that I am using the term ‘normativity’ a bit more loosely than some contemporary philosophers would, in the interest of capturing the underlying commonality to a range of interpretations of Hobbes’s theories that are otherwise very divergent. By “effective (practical) normativity,” I mean conclusive “force” a practical rule, as to override any contrary considerations as might otherwise count as a reason not to conduct oneself in accord with the rule’s prescriptions. What’s tricky here is that some commentators have attributed to him to Hobbes an understanding of that “force” which in their view falls short of qualifying as genuine normativity (on a philosophically coherent, defensible account of the latter), but which is to be seen as a defective analog. See, e.g., Herbert (2009)


⁷ Some representative statements, from commentators spanning half a century: “[W]hat Hobbes calls moral obligation is based exclusively on considerations of rational self-interest.” Nagel, (1959), 69. “[T]he laws of nature are grounded in self-interest and may be considered rules or rational prudence” Kavka (1988), 310. “Hobbes was the first to attempt to ground the concept of moral obligation on rational self-interest” May (2013), 47.

⁸ Sharon Lloyd goes so far as to formulate it as an axiom of interpretation: that any viable interpretation of Hobbes’s moral philosophy must be able to “show how these norms are normative in the right way, that is, how they make potentially motivationally efficacious ought-claims that are universal and inescapable for Hobbesian agents (weakness of will notwithstanding).” Lloyd (2007), 151-2.
And yet this corresponds to no direct, programmatic statement on Hobbes’s own part, in *Leviathan*. (As I will be arguing below, the statements that are typically cited when attributing this to him are a good deal more ambiguous than is usually noticed – and seem otherwise, only because readers tend to take their cues from the seeming connotations of the *term* Law of Nature.) Part of the trouble with this is that it means the commentator’s task inevitably becomes a venture in conjecturing as to what unstated premises Hobbes might be taking for granted, for the purpose of supporting conclusions he somehow neglected to state. It shifts the burden of his theory to a problematic that he never poses, in such a way that inevitably tends to draw attention away from his manifest concerns. I would like to propose that Hobbes needn’t have made it his business to secure the inescapable normativity of his moral code, nor need he have addressed his theory to deliberating agents. he needn’t have attempted to make a case for adhering to these rules that might be found conclusive for an agent deliberating over whether or not to conduct himself morally. He is interested simply in proving these rules’ moral *validity*, that is to say - their validity as moral rules. And the grounds upon which they are valid as moral rules is this: their being the *constitutive* rules of peaceable social intercourse.⁹

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⁹ The restriction of my discussion in this paper to *Leviathan* is deliberate. As is well known, *Leviathan* was preceded by Hobbes’s 1647 treatise in Latin, *De Cive*, which presents a very similar-sounding account of the Laws of Nature. Let me acknowledge that many of my interpretative claims concerning Hobbes’s account of the Laws of Nature in *Leviathan* would seem to be belied by the version in *De Cive*’s. Indeed, readers familiar with (and partial to) *De Cive* may find that I am being perverse, in dwelling on textual ambiguities in *Leviathan* when *De Cive* makes matters much more clear and explicit. Contrary to prevailing scholarly opinion, it is my view that *De Cive*’s version is neither interchangeable with
The two-chapter sequence in which Hobbes presents his Laws of Nature comes right after the famous chapter in which Hobbes declares humankind’s default, natural state to be one of anarchic war. At the very end of that preceding chapter, Hobbes broaches the theme of the ensuing ones by remarking that this nasty and brutish condition is not, after all, our inevitable lot. However much human passions arouse and exacerbate conflict, he notes, there are also passions congenial to peace. And human reason, too, contributes to making that alternative possible.

Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. These articles, are they, which otherwise are called the Laws of Nature: whereof I shall speak more particularly, in the two following chapters. (13.18: 196)

Here, then, is Hobbes’s own, prefatory framing of the matter with which he is concerned in chapters 14 and 15. Reason discloses “Articles of Peace,” upon which men are capable of coming to agreement, thereby overcoming perpetual discord. “Laws of Nature” is what these items “otherwise are called.”

\textit{Leviathan's} (cf. Schuhmann [2004]), and nor is it to be preferred as the more lucid or reliable (cf. Tuck [1989], Murphy [2000a], Gert [2001]). Suffice to say that, like Ludwig (1998), although for somewhat different reasons, I believe that the differences between the two books in this regard are systematic, and indicative of a fundamental reorientation of Hobbes’s understanding of his undertaking.
What significance is there in these rules being called Laws of Nature? Hobbes will go on to avail himself freely of that nomenclature, both in the chapters devoted to these rules’ exposition, and through the rest of the book. He introduces the term ‘Law of Nature’ more formally at the next chapter’s outset, with a stipulative definition (the content of which I’ll be discussing in a moment). He uses the term consistently with reference to his precepts over the course of their exposition, and later in the book as well. And yet he has curiously little to say to explain his reasons for adopting the term, or to justify its application to the precepts of his canon. And then there is a further complication to be faced. At the very end of chapter 15, wrapping up his discussion of the subject, Hobbes nonchalantly issues an abrupt disclaimer, in which he admits to a certain impropriety in these rules being called laws at all. “These dictates of reason, men use to call by the name of Laws, but improperly: for […] Law, properly is the word of him, that by right hath command over others” (15.41.242).

Despite this disclaimer, commentators (and readers generally) have almost invariably looked to Hobbes’s designation of these moral precepts as Laws of Nature for the key to understanding his conception of these rules, and the burden of his philosophical enterprise in relation to them. Surely Hobbes would not have latched onto the term unless he regarded these rules as law-like, in some significant sense. Laws are distinguished from other sorts of guidance in that they impose a peremptory claim for compliance, foreclosing discretionary choice on the part of those properly subject to them. Hobbes’s insistence that only those rules are properly laws, which are issued by “one that by right hath command over others” expresses a familiar idea: namely, that a
given rule’s standing as law depends on the issuer’s possession of the right to require such compliance of those of whom it is demanded. Yet his use of the term ‘law of nature’ seems to evoke a different idea, involving different intuitions. Some schools of thought have held that there exists a class of *natural* laws comparably authoritative, carrying much the same demand for mandatory compliance, simply by virtue of their nature - that is to say, their rationality. On this view, natural laws are distinguished from other laws only in that they are disclosed through the exercise of natural practical reason, and binding on all rational agents, *without* need for the sanction of external, superior authority (whether human or divine). In the Scholastic tradition, the basis of the normative standing of natural law — the ground upon which this demand for compliance (supposedly) rests - inheres in these rules’ rational fitness for the attainment of goods essential to human life and flourishing. Many commentators suppose that that Hobbes must conceive of the Laws of Nature in some such manner as this, albeit with a narrower notion of the practical good at issue. Thus Terence Irwin’s textbook gloss: “Practical reason justifies the laws of nature if it shows that they specify means to self-preservation.”¹⁰ This a far cry from the Scholastics’ characteristic conceptions - but then again, it’s about as close as one might expect Hobbes to come, given his pronounced antipathies to their Aristotelian premises. According to Arash Abizadeh, Hobbes “dropped the teleological cosmology, and repudiated the assumption of sociability and hence the foundationally common-good orientation — thereby grounding

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¹⁰ Irwin (2008), 128.
natural law purely in the individual’s own good and preservation.”¹¹ In the words of Mark Murphy, “instead of viewing Hobbes as a destroyer of scholasticism, we ought to view him as a renegade scholastic.”¹²

Commentators who ascribe this position to Hobbes typically cite the definition with which Hobbes formally introduces the term, at the outset of chapter 14. That definition runs as follows:

A LAW OF NATURE, (Lex Naturalis) is a precept, or general rule, found out by reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved.

The usual construal of Hobbes’s definition of a Law of Nature takes it to imply that such rules owe their rational validation to prudential considerations alone—considerations of a kind that might be found rationally compelling to a deliberating agent whose sole concern were his own well-being.¹³ And yet this is a good deal more than is literally

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¹¹ Abizadeh (2018), 99. Unlike other commentators partial to this approach, Abizadeh does not suggest that Hobbes’s concept of obligation, per se, can be understood on such a basis. On the contrary, as I discuss below, he recognizes that such “eudaimonistic” considerations have no place in Hobbes’s understanding of obligation, in the context of his political doctrine (i.e., with respect to civil obligation, insofar as this arises through the practice of covenanting). Yet he is able to make sense of this incongruity only by elaborating on Hobbes’s behalf a theory of obligation which, on Abizadeh’s own account, has nothing to do with Hobbes’s exposition of his Laws of Nature.

¹² Murphy (1994), 292

¹³ For other instances of scholars who have cited the definition of a Law of Nature in such a way, see Martinich (1992), 119; Barry (1968), 128; Murphy (1994), 292; Murphy (200a), 263; Sorell (2007), 128; Zagorin (2009), 47. A notable outlier is Parietti (2017). On the one hand, he follows the mainstream in taking the definition to imply that “self-interest [is] the basic motive within Hobbes’s system” (1119), i.e.,
said in the statement. The definition says only that a Law of Nature is a general rule that is (somehow) discovered by reason, of a sort that forbids actions which are self-destructive, or carelessly negligent of one’s safety. Nothing is said about the procedure of reasoning by which such a rule might be discovered, and nothing is claimed as to the authority with which such a rule might forbid. There is nothing in the content of the definition itself to that need imply that a rule of this sort is rational in that it promotes of the safety of the agent addressed, or that it is practically normative on such grounds.

It’s not hard to see why this indeterminacy has failed to attract much attention. The usual reading makes perfect sense, as to what Hobbes has in mind with the definition, if one takes into account - and takes one’s bearings from the fact - that it is a natural law of nature that is being defined. So long as assumes that the definiendum is more or less in accord with traditional usage, then it’s natural to construe the definiens as a doctrinal statement, the burden of which is to indicate the grounds upon which a rule of this sort is to merit the designation — that is to say, practically normative. If this is what Hobbes is thinking, then it’s entirely plausible to infer that the purpose of the definition is to specify those features of such a rule which are responsible for its standing as law, the grounding of its effective practical normativity. My immediate point is just that one cannot, without begging the question, simply cite the definition as

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an “endorsement of self-interest as the ground for natural law” (1127n44). On the other hand, he recognizes that self-interest alone will not generate the substantive Laws of Nature of Hobbes’s account.
conclusive evidence in support of this very surmise. Still less can one safely infer that Hobbes’s intended procedure, in his ensuing exposition of the Laws of Nature, is to validate them on the grounds of rational considerations which he expects to be found compelling on prudential grounds alone (or on any other grounds, for that matter).  

2.

If Hobbes’s definition of a Law of Nature were intended to posit the effective normativity of such rules, on the grounds of their being “found out by reason” to be indispensable for the provision of one’s own survival or safety, then surely it would be incumbent on him to verify that the rules he identifies as Laws of Nature do indeed merit rational validation on that basis. Yet he makes no real attempt to do so -- whether in the case of the rule which he names the Fundamental Law of Nature, “Seek Peace, and Follow It,” nor the rest of the rules in his series.

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14 In confronting this textual indeterminacy, it won’t do to fall back on the critical dogma that texts from past eras are to be elucidated with reference to the prevalent and familiar sense of terms at the time. This, after all, is a writer who, in this very book, warns against the confusion that comes of passing on, or relying upon, the currency of received ideas— singling out the Scholastic tradition (as usual) for rebuke and derision in this respect. (4.13:56–8). To avoid misunderstanding: the issue is not, whether Hobbes’s high opinions of his own originality are to be credited on their face. The issue is whether it’s plausible to assume he counted on his readers’ taking for granted the inherited notion, for the purpose of getting his intended point across. At very least, we’d do well to seek surer grounds from which to infer Hobbes’s intentions, than the familiar connotations of his choice of terms.
To be sure, his stated argument on behalf of Fundamental Law proceeds from an observation that might well seem consonant with prudential concerns, namely that a limitless anarchic war— in which all are free to do whatever they deem most expedient in their self-defense — is a state of affairs in which no one in fact could provide for his safety. The conclusion he draws from this is as follows:

“And consequently, it is a precept, or general rule of reason, That every man ought to endeavor peace, as far as he has hope of attaining it; and when he cannot obtain it, that he may seek, and use, all helps and advantages of war” (14.4:200).

The latter clause of this rule plainly does accommodate self-interested prudence, in allowing for the pursuit of strategic advantage in war. But note that this clause is limited to a situation in which there is no prospect for peace. The rule’s former clause, enjoining the endeavor for peace, is conditional on nothing else but that endeavor’s feasibility. And it is only former clause that Hobbes then goes on to identify with his Fundamental Law of Nature, “Seek peace and follow it.” He does so without the least attempt to account for this priority on strategic or prudential grounds.

Seeking peace would obviously be advisable on prudential grounds, if one’s only other option were helpless exposure to limitless violence. But why should this be the only alternative? If the evil to be avoided is one’s own exposure to the violence of would-be assailants, why not simply put a stop to them, or put oneself out of their reach? Why should seeking peace with one’s would-be hostile assailants be preferred

Can it be that Hobbes was simply so frightened by the dangers of warfare, that he discounted the attempt to gain strategic mastery as imprudent folly? Can he have been so persuaded of this, in his mind, that he took it for a truth that goes without saying—assuming that his readers, too, would take for granted? That’s hard to believe, as he shows himself to be well aware that men have been known to seek the balance of power in their favor by such means. In the chapter just before this one, his explanation for men’s equal potential exposure to violence was precisely that no single man can make him safe from the threat of numerous others conspiring “with forces united” against him. This being so, he had argued, “there is no way for any man to secure himself, so reasonable as anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him” —a strategy he describes as the “augmentation of dominion over men” (13.3:190).

Hobbes had made a point of remarking that a would-be warlord who might otherwise be content with dominion at a modest scale would do well to pursue conquest expansively, to be safe against more vainglorious rivals. Why shouldn’t that be counted the law of nature, for whomever such pursuit might be feasible? Why should it not be the law of nature for others to attach themselves as accessories to that pursuit? If he was so

\[\text{Cf. Lloyd (2009), 272.}\]
ready to acknowledge the rationality of seeking one’s safety by means of augmenting
dominion in the preceding chapter, why should it be any different in this one?

An answer can be found in Hobbes’s own framing of the topical shift between
the two chapters: “Reason suggesteth convenient Articles of Peace, upon which men
may be drawn to agreement.” Suppose this were the problem Hobbes sets for
himself, namely - to elucidate the rational basis upon which the those who are
peaceably inclined may arrive a common accord. If this were the problem he sets for
himself, his disregard for strategic considerations becomes newly intelligible. For these
pertain only to the standpoint of a singular, individual agent — whereas the problem
concerns a manifold of agents, whose common concern is a viable framework for living
in peace. The impasse which precipitates the formulation of the Fundamental Law can
be seen not as a strategic conundrum, but instead as a theoretical aporia, for which the
inherent contradiction built into its premises. That impasse is built into the scenario’s
initial description, in which everyone is said to be “governed by his own reason, ”such
that every man has a right to every thing, even to another’s body,” insofar as this “may
be a help unto him, in preserving his life against enemies.” Hobbes is likely alluding to
the very pursuit of safety through “augmentation of dominion” that he had previously
endorsed as the counsel of (strategic) reason. Here, instead, he is envisioning a
hypothetical situation in which all are assumed to retain the capacity to assert their
dominion over everyone else — and in which, for that very reason, none can do so
effectively. (Attaining dominion consists in making others effectively beholden to
oneself, putting them at one’s disposal.)
For a single agent prepared to take action of a kind to deter or disable others from obstructing his assertion of dominance, no impasse need arise: The impasse arises only if the parties are presumed from the start to be amenable to peace; and it is only for such that the impasse’s resolution is pertinent. What the argument shows is that the parties being thus inclined — their wanting peace — is not in itself a sufficient basis for transcending strife. Something further needed: peace must be actively sought, and followed. The formulation of the First Law serves not so much to identify peace as an end worthy of attainment (for this is already given in the problem), as to specify the manner of its realization: namely, by “following” — adhering to - its practical requirements, as a rule.

Hobbes’s exposition of his eighteen further Laws of Nature serves to elucidate those requirements. Some of the Laws of Nature prescribe practices for resolving disputes: thus the Fifteenth Law calls for granting safe passage to those who mediate peace (15.29:236), and the Sixteenth calls on disputants to submit to arbitration (15.30:238). The Eleventh requires those entrusted to arbitrate disputes to deal impartially among the disputants, on the grounds that failure to do so is to “deter men from the use of judges, and arbitrators; and consequently (against the fundamental law of nature) is [to be] the cause of war” (15.31:238). Other rules in the series are directly concerned with averting or defusing hostility & mistrust: for instance, the Fourth, “That a man which receiveth benefit from another of mere grace, endeavor that he which giveth it, hath no reasonable cause to repent him[self] of his good will.” Of this rule, Hobbes explains that when men come to grief from those they have benefited, “there will be no
beginning of benevolence, or trust, nor consequently of mutual help, nor of reconciliation of one man to another, and therefore they are to remain still in the condition of war” (15.16:230). Similarly, the Eighth Law, “That no man by deed, word, countenance, or gesture, declare hatred or contempt for another,” is adduced on the grounds that “all signs of hatred, or contempt, provoke to fight, insomuch as most men choose rather to hazard their life, than not to be revenged” (15.20.234). In explaining these rules, Hobbes makes no attempt to argue – and nor so much as suggest -- the breach of the rule is likely to accrue to the harm or disadvantage of the malefactor. It evidently suffices, for his purposes, to explain why such bad behavior tends to thwart or undermine peaceable social relations.

Nor do these rules offer positive guidance for what to do, should others behave themselves badly. The sense in which these precepts are the “way, or means of peace” is not that of techniques (as might be instrumental for the purpose of bringing about a desired circumstance or occurrence), but constitutive rules, in relation to which peaceable social intercourse becomes practical – practical, in the sense of making intelligible, for the participants, what counts as participating in the practice.16 The Sixth

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16 My use of the term “constitutive rules” is adapted from Searle (1969). Searle distinguishes rules which are constitutive of social practices from the larger class of rules which govern or regulate social behavior, as follows: “[In general,] regulative rules regulate antecedently or independently existing forms of behavior; for example many rules of etiquette regulate inter-personal relationships which exist independently of the rules. But constitutive rules do not merely regulate, they create or define new forms of behavior... Constitutive rules constitute (and also regulate) an activity the existence of which is logically dependent on the rules... Regulative rules characteristically have the form or can be comfortably paraphrased in the form of ‘Do X’ or ‘If Y do X.’ Within systems of constitutive rules, some will have this form, but some will have the form ‘X counts as Y’ or ‘X counts as Y in context C’.” Searle (1969), 33-5.
Law requires forgiving offenses of those who repent, when safe against future offenses from them; to refuse is “a sign of aversion to peace” (15.18:232). The Fifth requires foregoing superfluous pleasures when others’ vital needs are at stake; to refuse to do this, is to make oneself ‘guilty of the war that is thereupon to follow’ (15.17:232). Precisely insofar as these rules specify what qualifies as conduct consistent with peace, so also they indicate what behavior is obnoxious to it, offensive – that is to say, hostile – and open to blame, on that account.¹⁷

3.

Let me circle back to a question raised earlier: Why call these rules Laws of Nature? What business can Hobbes adopting the term? What might have been his point in defining the Laws of Nature at the outset of chapter 14, consistent with that retraction, two chapters later?

¹⁷ Lloyd (2009) is unusual among commentators in drawing attention, and attaching importance, to Hobbes’s recurrent emphasis on the blameworthiness in the breach of the Laws of Nature. Unfortunately the significance of this – as a clue to Hobbes’s theoretical enterprise – tends to get lost in her reading, as she can make sense of this only on the basis of a surmise to the effect that Hobbes counted on men’s desire to avoid imputations of blame as the (“normatively”) efficacious motive of conduct. In keeping with her revisionist attempt to locate such normativity elsewhere than in self-seeking prudence, she is careful not to make this out as merely a desire to avoid the consequences of suffering others’ blame. Instead, she finds the key in Hobbes’s not-infrequent dicta à propos men’s sense of satisfaction in assuring themselves of their own righteousness. (As if to say – he counts on men’s propensity to self-righteousness as the rational impetus to good behavior. Hmmm.)
That retraction is just as abrupt, and just as cryptic, as Hobbes’s initial definition of a Law of Nature had been. It is accompanied by just three pieces of information. The first supplies the salient criterion, unmet in this case, by which a rule is properly to be counted a law. The first piece of information, couched in the retraction itself, is a characterization of these rules, miscalled laws, in default of their being such: Although “men use to call” these rules “by the name Laws,” he says, they do so “improperly, for they are but conclusions, or theorems, concerning what conduceth to the conservation and defense of themselves” (15.41.242). The second supplies the salient criterion, unmet in this case, which properly governs the usage in question: “Law, properly, is the word of him, that by right hath command over others.” This, as commentators have long recognized, anticipates the definition of law that Hobbes will provide in a much later chapter, when discussing the laws of a commonwealth: “Law, in general, is not counsel but command, nor any command to any man, but only of him, whose command is addressed to one formerly obliged to obey him” (26.2:414). Here, in chapter 15, he offers no further explanation, so the reader is left to guess what might be at stake in the restriction, and why it hasn’t kept Hobbes from speaking of referring to these rules as laws. But it would be fair to say that in general readers’ puzzlement over that is overshadowed by what he says next, the chapter’s last bit of information on that matter – in which Hobbes attaches a provision to his disclaimer that is as abrupt and unexpected as the disclaimer itself. “But if we consider the same theorems, as delivered in the word of God, that by right commandeth all things; then are they properly called laws.” Now, these three bits of information have met with different fortunes. The
last has long been felt to be obscure, as to its intended sense, and problematic, as to its implications for Hobbes’s theory generally. (I’ll be coming to that, in a moment.) The other two, however, have seldom been thought to pose difficulties on either front. Taken together, their gist is generally thought to be roughly this: in default of their qualifying as proper laws, they are prudential maxims – rational counsel – by which men would be well-advised to secure one’s own safety.

This is more than Hobbes actually says in this statement (or anywhere else in *Leviathan*). The statement itself is even less determinate than Hobbes’s initial definition of a law of nature had been. To observe that these rules are concerned with men’s “conservation and defense” needn’t imply anything whatsoever, one way or another, about the grounds of these rules’ effective normativity. The statement indicates neither whose survival and safety is meant, or how exactly these rules might pertain to promoting it. Contrary to what many readers seem to assume, the plain words of the statement do not specify that it is one’s own safety and defense with which these rules are concerned. The phrase “of themselves” refers to “men” of the sentence’s grammatical subject, those who improperly “use to call” such rules Laws of Nature—hence, presumably, men in general. The wording needn’t imply that these rules are conducive to men’s safety in the sense of prescribing what one had better do
in order to make oneself safe. Hobbes might well mean nothing further than that the general adherence to these rules is conducive to human safety, in general.\textsuperscript{18}

At the risk of belaboring the point, let me be clear that I am not suggesting that the statement be taken as a hint that he would rest the effective normativity of these rules in their being beneficial to humanity at large.\textsuperscript{19} He needn’t mean to imply anything, one way or another, about the grounds for their effective normativity. As with the definition, the seeming naturalness of the usual reading is an artifact of a presupposition concerning Hobbes’s purpose in making what might be no more than an offhand, anodyne observation. There’s no question that Hobbes sees a connection between his Laws of Nature and the furtherance of life; there’s no reason he shouldn’t, for peace is undoubtedly more hospitable to life’s furtherance than the alternative. The question is whether there’s any real textual reason to attribute to him the position that these rules are endowed with effective normativity on the grounds of their (putative) congruence with prudential self-interest—or on any other grounds, either. To this it might well be answered, rebuffing my drift: but surely, there is a manifest reason to suppose that when Hobbes calls his precepts “theorems concerning what conduces to [men’s] be conservation and defense,” he intends for the statement to be informative as to the grounds of these rules’ normativity—namely, the fact that as he’s just put their

\textsuperscript{18} I would \textit{like} to think it an uncontroversial observation, in 2021, that a behavioral rule might properly be deemed conducive to assuring people’s safety, on grounds quite apart from any danger that self-regarding people pose to \textit{themselves} in their failure to follow it. Just saying.

\textsuperscript{19} Cf. Lloyd (2009), 249-59.
status as \textit{law} into doubt, it is only to be expected for the description to refer to the basis on which they are, if not properly laws, then at least law-like. And yet this is precisely the root of the difficulty: lack of clarity over what's really at issue, for Hobbes, in these rules being counted actual laws, and what sort of kinship with laws they might have, in default of their qualifying for that standing.

That lack of clarity is nowhere more evident than in the tendency among commentators to read this passage through the prism of Hobbes’s distinction between \textit{command} and \textit{counsel} (i.e., advice)\textsuperscript{20} — but in such a way that ends up muddying the very distinction.\textsuperscript{21} The pattern was set in one of the earliest scholarly monographs on Hobbes’s philosophy (of those still sometimes cited today), Howard Warrender’s 1957 study, \textit{The Political Philosophy of Hobbes: His Theory of Obligation}. Unlike most others, then and since, Warrender maintained that Hobbes’s moral theory was

\textsuperscript{20} Hobbes introduces and explains the distinction in chapter 25, “Of Counsel.” \textit{COMMAND} is where a man saith, \textit{Do this, or Do not this}, without expressing any reason than the will of him that says it…. \textit{COUNSEL}, is where a man saith, \textit{Do, or Do not this}, and deduceth his reasons from the benefit that arriveth by it to him to whom he says it” (25.2-3:398).

\textsuperscript{21} It’s worth noticing that Hobbes himself gives no indication that the counsel/command is of any pertinence to the issue: the textual warrant it for bringing it to bear is simply the conjunction-through-resemblance of statements made in two different chapters, far apart from one another in the book: the first (here in chapter 15) denying the status of law to the Laws of Nature, insofar as they aren’t (rightfully) commanded; and the second (in chapter 26, on civil laws), stating that law is command, not counsel (26.2:414). The former statement, concerning the Laws of Nature, plainly does involve the same conception of law that Hobbes presents in the later chapter, introduced by way of the counsel/command distinction, but that alone is hardly a reason to take that distinction as the key to what’s at issue for him in denying the status of law to the Laws of Nature. His mention of the distinction at the outset of his chapter on law serves the rhetorical purpose of effecting a topical pivot; the chapter just before that had been on the topic of counsel, the nature of which he had explained by way of the contrast between counsel and command.
decisively staked on truth-condition of the passage’s *last* statement, in which Hobbes floats the possibility that the Laws of Nature may, after all, be counted laws, if considered God’s commands. Warrender was persuaded that the Laws of Nature had to be laws – and to *operate* as laws, universally – in order for Hobbes’s theory of obligation (moral *and* political) to hold together. If not commanded, their only claim on anyone’s attention would be that of counsel, appealing to the self-interest of the prudent. “If it is denied that God plays an essential role in Hobbes’s doctrine,” Warrender wrote, the Laws of Nature cannot be taken to be more than prudential maxims for those who desire their own preservation.”

For his part, Warrender insisted that the latter couldn’t suit Hobbes’s purposes. He perceived (not incorrectly) that Hobbes has no real explanation on offer as to why performing obligations (of the sort Hobbes takes to be valid, and required by his Third Law of Nature) is invariably to be commended by self-interested prudence, in the ordinary (worldly-wise) sense. So, he inferred, it must be that Hobbes’s theory crucially depends upon the Laws of Nature being commanded – and by who else, but God? Warrender saw little alternative, as he rejected in Hobbes’s own suggestion, when revisiting the topic in Part II’s chapter on civil law, that it would do just as well, in securing these rules’ standing as actual laws, for the Laws of Nature to be commanded on the authority of a merely human, civil sovereign (26.8:418). Warrender was far from alone from sensing a problem in this; the difficulty has been felt by others who rejected

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22 Warrender (1957) 99.
his theistic hypothesis as its resolution.\(^{23}\) The problem seems to be that this fails to account for their application to persons not under any civil sovereign’s rule – specifically, those who themselves hold the office of civil sovereign. (Hobbes repeatedly, and consistently, says that the Laws of Nature apply as much to sovereigns as to anyone, although on what grounds, or in what sense, he never makes explicit.)\(^{24}\) Thus – so the worry goes, despite Hobbes’s suggestion -- it must be that the buck stops with God, or nowhere.\(^{25}\) For such reasons, Warrender concluded that Hobbes must indeed require God to play an “essential role” in his doctrine. Yet – here’s what’s curious, and the reason why revisiting Warrender and his critics is instructive — the role that Warrender gave God to play is, essentially, that of enforcer, the fear of whose displeasure would render the Laws of Nature effectively \textit{compelling}, at least in the eyes (or rather, the \textit{hearts}) of believers. And that is to say, Warrender supposed that the role for God to play in Hobbes’s theory – upon which, he thought, the theory crucially relied – consisted in supplying the grounds upon which believers, at least, might understand that they would \textit{do well} to follow the Laws of Nature, whatever mere worldly wisdom might teach. Thus the irony: much as Warrender took his cues from Hobbes’s own command/counsel antithesis, the tendency of his reading is to collapse that very distinction. He saw no other way to make sense of Hobbes’s insistence that the Laws of Nature must be duly

\(^{23}\) E.g. Gauthier (2000)

\(^{24}\) E.g., 29.9:504; 30.15:534. See Sorell (2007).

\(^{25}\) See Barry (1968) and Gauthier (2000) for influential discussions of this issue.
commanded in order to be laws, than in terms of a supposition as to why people might judge themselves well-advised to comply with them.  

Warrender’s position has found few takers; his name is remembered mainly as the bugbear against which the (so-called) “mainstream,” or “standard” interpretation would be asserted.  The standard complaint against Warrender’s theistic reading is that does a disservice to Hobbes’s philosophical dignity – and ambition – to suppose that his theory of obligation is staked on theistic beliefs that he makes no attempt defend-- and which, moreover, go virtually without mention (this one cryptic statement aside) in the portions of the book devoted to the subject. The complaint is well taken. But the upshot, for most, has simply been to affirm Warrender’s rejected alternative—holding, in effect, that Hobbes must have thought it good enough, for the purposes of sustaining his theory of obligation, for the Laws of Nature to be nothing but (mundane) maxims of prudence.  It’s very tempting to suspect that a reason why Warrender’s interpretation was so attractive as a critical foil, for many years thereafter, on the part of ostensible detractors, was the fact his framing of the problem was so congenial to that response. After all, it’s all too easy to brush aside Hobbes’s requirement that laws be commanded, if there is no more at stake in the distinction, theoretically, than Warrender supposed. 

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26 This feature of Warrender's approach is noted by Venezia (2014), 297n.36.

27 Thus Nagel (1959), 77.
The lesson to be taken from revisiting Warrender (and his critics) is the knots into which commentators have been tied, through insufficient clarity over what might be at stake, for Hobbes, in the question of whether the Laws of Nature are properly laws. What difference does it make – what kind of difference does it make – in whether or not they’re understood to issue from a ruler (divine or human) who possesses the right to command? Warrender would not be the last (and was likely not the first) to suppose that for Hobbes the issue boils down to the lawgiver’s superior power, cowing subjects into compliance. This seems suggested by Hobbes’s famous thesis that sovereigns’ title to rule is contingent on maintaining, and credibly wielding, sufficient power to “over-awe” their subjects, deterring disobedience through the “terror” of punishments for disobedience. In fairness to Warrender, it should be noted that he wrote in an era in which it had long been conventional wisdom that Hobbes’s theory of sovereignty came down to this, implying that his concept of law, in turn, amounted to no more than an order from on high, backed by credible threats. Nowadays, thankfully, that canard has been laid to rest, as no better than a caricature of Hobbes’s theory of sovereignty, and a crude misconstrual of the reasoning he gives on behalf of his thesis on superior power as a condition for sovereignty. Hobbes’s point, in regard to the latter, is that if (would-be) rulers are unable (or believed to be unable) to maintain general compliance with their rule -- so as to assure their (pretended) subjects of one another’s compliance -- then those (ex-) subjects are relieved of any obligation to comply, for want of assurance that they will not be made to suffer on account of others’ failure to do so.\footnote{One must \textit{not}, infer from this, that the pertinent consideration is ultimately a question of whether the}
it is true that Hobbes counts the possession (in reserve) of superior power among the criteria for holding the right to rule (i.e., issue commands), there’s no reason to think he counts it the sole or decisive one, or the one that’s especially at issue for him, with regard to question of the Laws’ of Nature standing as law (or any rule’s standing as law, for that matter).

In the statement at the end of chapter 15, Hobbes specifies that a law must issue from one who commands by right; in his more expansive formulation in chapter 26, he says that law, “in general” is not just any command, “but only of him, whose command is addressed to one formerly obliged to obey him” (26.2:414). That last stipulation has received a fair bit of critical attention over the years, not least on the part of Warrender’s critics.\(^{29}\) When it comes to civil obligations, it has long been understood that the statement’s reference to a subject’s being formerly obliged to obey corresponds to Hobbes’s account of the institution of government through an act of self-subjection on the part of those joining up in a commonwealth—which in turn relies on his account of the practice of covenanting, as the practice through which obligations of that sort have been incurred.\(^{30}\) In Chapter 21, “On the Liberty of Subjects,” Hobbes says unequivocally, “that there [is] no obligation on any man, which ariseth not from some act

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\(^{29}\) I am thinking especially of Barry (1968)  
\(^{30}\) See Barry (1968); Abizadeh (2018).
of his own, for all men are equally, by nature free” (21.10:336). But what about the Laws of Nature? As I have already mentioned, Hobbes says on several occasions in Part II of the book that the Laws of Nature apply to sovereigns as much as to anyone else, even as he insists that they stand aloof from the covenants through which sovereignty is instituted. In Part I, too, Hobbes says of the Laws of Nature that they “oblige” in contexts involving persons who, by his own account, are not party to any such obligation-incurring covenant. Statements such as these have encouraged some commentators in the surmise that, so far as the Laws of Nature are concerned, Hobbes must entertain a separate, “natural” locus of the obligation – that is to say, normativity – independent of the (artificial) sort that arises through the incurring of debts through covenan ting. Indeed, it has seemed to most that this other notion must be the more fundamental one: on the theory that the latter is dependent on the specific Law of Nature (the Third) which calls for the keeping of covenants.

Allow me to suggest that interpreters’ vexation over this is apparent difficulty is due to the lack of clarity over what is at stake for Hobbes, in whether or not the Laws of Nature have the status of actual laws – and what reason he has to speak of them as if they were laws, even apart from their being such. And, once again, the root of the difficulty lies precisely in assuming that Hobbes must want – and need – for the Laws of Nature to be naturally normative, apart from the condition upon which they become laws. As I’ve tried to show by revisiting the contradictions into which Warrender’s reading foun dered, the trouble could be said to consist, in a sense, in that reading Hobbes along such lines inevitably makes too little of Hobbes’s insistence that the
distinguishing mark of a law is its being commanded – for on any such interpretation, it turns out that it comes with the backing of considerations that a deliberating agent would be \textit{well-advised} to heed (for reasons of his own, as it were). Hobbes states unequivocally that the essence of command is that its claim on the attention of the person to whom it is addressed involves no appeal that person’s interests or desires (25.2-3:398). But if there \textit{is} an antecedent obligation (setting aside, for now, how such an obligation might arise) then Hobbes believes – and insists – that this \textit{isn’t} the case: a person who is subject to law, simply isn’t free to do otherwise, but is \textit{bound} to comply. For this is just what it \textit{means} to be obligated, for Hobbes: to have a bond (\textit{a bound}) set to one’s freedom.\footnote{Let me stress (as the point has lately been doubted) that Hobbes believes that insofar as people are subject to law – the extent that the law is valid, that is to say, obligatory – their freedom is disabled altogether; they have no choice to comply. That, he thinks this is plain, and unequivocal, from his every characterization of the condition of subjection to law, anywhere in \textit{Leviathan}\. Admittedly, it has been}

\footnote{See Barry (1968).}

\footnote{As this has been denied by prominent commentators (notably Skinner [2008]), I offer some illustrative quotations: \textquote{\textit{[W]hen we speak freely, it is not the liberty of voice, or pronunciation, but of the man, whom no law hath obliged to speak otherwise than he did.} (21.2:324) \textit{Law was brought into this world for nothing else, but to limit the natural liberty of particular men, in such manner, as they might not hurt, but assist one another} (26.8:418). \textit{Skinner and others have claimed to find a contrary doctrine in the following statement: \textquote{And generally, all actions which men do in commonwealths, for fear of the law, are actions which the doers had the liberty} (21.3:326). But this is to miss the point of that statement, which refers to a situation in which a man is at liberty \textit{under the law} to choose whether or not to perform a certain act (pay off one’s debts) in order to avoid the indirect, if foreseeable legal consequences (in the example, imprisonment) that might follow from his failure to do so. If the example seems puzzling, it is only because we have come to think of imprisonment as a punishment, which makes it sound as if the action at issue were strictly required by law. In Hobbes’s time, debtors’ prison was a penalty imposed for insolvency, i.e., on those who lacked property that might be legally seized for defaulting on debts.}}}
hard for many readers to understand how Hobbes can think such a thing – for want of clarity as to the sense in which he understands subjection to law as a genuine impediment to freedom, or the significance of his doing so. (Notice: this is this is really just another aspect of the same lack of clarity we have seen all along, as to what difference it makes, whether or not a rule has the standing of law.) It remains to be seen whether sense can be made of this, or what other clues to Hobbes’s thinking might be found in what he has to say about law.

What I wish to suggest is that the perplexity arises in large part because commentators mistake the standpoint from which it is even an issue for Hobbes, whether or not a rule has the standing of law: namely, from the first-person standpoint of a deliberating agent, presented with the choice of what to do. Hobbes’s concept of obligation is essentially a matter of being made accountable for one’s actions --- and accountability is always to someone else. Accountability inheres in social relations, and it is as social facts, that the bonds of obligation are real. This interpersonal dimension of Hobbes’s concept of obligation, and hence the bindingness of law, has recently been given great, and deserved emphasis by Arash Abizadeh, who correctly perceives that Hobbes’s insistence that there can be “no obligation on any man, which ariseth not from

There’s no need to think that Hobbes is implying, nonsensically, that in general people are free with respect to their (legally-incurred) debts: if one fails to pay, and is able to do so (having the requisite funds in possession), one’s property will (eventually) be legally seized— one has no freedom in that matter. Hobbes’s example plainly envisions a man who chooses to pay off his debt before it comes to that, rather than spend the money on something else, risking insolvency.
some act of his own” expresses Hobbes’s conviction, or intuition, that it is only on such a basis that anyone can be held accountable for discharging their obligations. \(^{33}\)

Abizadeh sees, moreover, that it is precisely this – the locus, and conditions, of accountability – that is at issue in Hobbes’s theory of civil law, and civil sovereignty generally. From the standpoint of accountability, it is simply irrelevant, whether or not the person who has incurred an obligation deems himself well-advised to honor that obligation; what matters is that he has *opened* himself to reproval and (in some cases) recrimination should he fail to do so. This is an important step forward, in dislodging the presumed priority of the first-person deliberative standpoint in the interpretation of Hobbes’s theory. But when it comes to the Laws of Nature, Abizadeh falls back on a version of the old notion that for Hobbes the Laws of Nature have the (quasi-) normative standing of prudential counsel, that a rational agent would be well-advised to follow in the interest of his own good. By Abizadeh’s own account, such considerations are irrelevant to Hobbes’s own understanding of the bindingness of actual obligations. In effect, the only way that Abizadeh is able to make sense of Hobbes’s choice of speaking of the laws of nature as laws, is to attribute to him a peculiarly two-faced moral theory, the poles of which are not simply disconnected, but unrelated. One result of this is that it consigns Hobbes’s Laws of Nature – and thus Hobbes’s exposition of them – to effective irrelevance vis à vis Hobbes’s political doctrine (apart from the seemingly arbitrary contingency of a civil sovereign’s inclusion of them among the legal rules for which citizens have made themselves accountable, through their act of self-subjection

\(^{33}\) Abizadeh (2018), ___. 
to that sovereign’s rule). Another is that, much as Abizadeh draws attention to Hobbes’s alertness to the social ontology of obligation — its relational, interpersonal nature — he allows this as nothing more than a primitive moral intuition, about which Hobbes himself has no moral theory of his own on offer.  

4.

[My apologies for having not had time to revise my very messy draft of this section. In the interest of making the intended arc of my argument minimally intelligible, here’s the rough gist of it — sufficient, I hope, to serve as a bridge to the next section.]

We can get fresh traction on Hobbes’s understanding of the Laws of Nature and avoid the perplexities canvassed above is to take a closer look at Hobbes’s remarks about how the Laws of Nature become laws for the members of a commonwealth, on the sovereign’s authority. What Hobbes says is not simply that this can happen, but that it always happens — in Hobbes’s words, it happens “as soon as” as the commonwealth is instituted. Whence Hobbes’s assurance that such is the case in every civil commonwealth, the world over, wherever there has ever been one? How can this be,  

34 To be sure, Abizadeh credits Hobbes with a substantial and sophisticated moral theory. But by this what he means is that Hobbes’s understanding of ‘covenanted’ obligations — being pretty much just a familiar, ordinary understanding of such obligations, inherent in the familiar, ordinary practices of making and keeping promises, and the like — is available for theoretical articulation on the basis of sophisticated recent work by contemporary philosophers who have addressed themselves to that sort of thing.
independent of the contingencies attendant on what sovereigns will? Part of resolving this puzzle is to see that, despite Hobbes’s insistence that the Laws of Nature become laws for citizens only on the command of the sovereign, the only thing staked on that is the issue of accountability: if one is under a sovereign ruler, one is strictly accountable to that sovereign for violations of the Law of Nature – which means no more and no less than that you are required to defer to the sovereign’s judgment in their interpretation, just as with positive statutes…. But what is the basis of Hobbes’s assurance, that it that Laws of Nature are implicit within every commonwealth’s corpus of civil law, whether or not contained in its positive statutes? The answer is simple: because these rules are constitutive of any morally intelligible legal order, for the reason that they are constitutive of the practices of peace. And the point about this is not (as has been speculated) Hobbes counts on sovereigns seeing it in their interest to promote peace, in the interest of maintaining order. (This is but a version of the notion that the Laws of Nature are understood as prescribing instrumental techniques to promoting a desirable state of affairs.) No: Hobbes’s thesis is, as it were, an a priori truth: it must be the case that these rules have legal standing within a commonwealth’s laws – whether or not enacted by statute, and whatever the persons holding the office of sovereign might happen to think – because it’s only on this condition that the subjects can intelligibly be said to have consented to be governed by the sovereign (and again, irrespective of what they might happen to think). In subjecting themselves to the rule of the sovereign, they subjected themselves to the rule of law, under peace. The reason why a sovereign’s rule must be consistent with the Laws of Nature – why the sovereign must not only
abide, but uphold the Laws of Nature – is simply this: should that not be the case, the situation is not peace, but war – and in that case, all bets are off, nobody is obliged to heed a pretending sovereign who does not maintain peace among the pretended subjects (or, worse, commits hostile acts against them)…

Now, this has all sorts of important and fascinating ramifications for Hobbes’s political doctrine, but in the immediate context, the crucial things to see is that the foregoing explains why Hobbes can legitimately avail himself of calling the Laws of Nature laws, even in default of their actually being thus. Morally speaking, what matters is not that they be laws, or still less that they be “normative” in the sense of being quasi-laws, “binding” on rational agents as imagined under certain (dubious) philosophical theories. What matters is that they be like laws, but in in a formal sense – they have the same form as actual laws, homologous with actual laws, because actual laws must be homologous with them. And that’s all. So he might as well call them laws, because it’s a convenient, idiomatic way to characterize the sort of rules they are – and harmless, because whenever (and for whomever) there are actual laws, the Laws of Nature will indeed be among them…

But here’s the thing – Hobbes can’t explain all of this at the outset of chapter 14: because it’s intelligible only on the basis of his full exposition of the Laws of Nature (qua constitutive rules of peace. And he knows this – but can’t resist using the term, knowing it will pan out in the end. So he stalls - his much-quoted definition of a Law of Nature at the outset of chapter 14 is deliberately opaque, uninformative a place-holder
stipulation… By the end of chapter 15, he’s done his work, he’s shown why these rules are indeed constitutive of peace, and moreover why this is the one valid basis for moral evaluation. (see section 5, below). So, having brought his readers that far, he feels duty-bound to apprise them of the fact that the term ‘law’ doesn’t properly apply, on the basis of the considerations thus far adduced; he hasn’t yet earned the right to use it in the context. That doesn’t mean he has any intention of dropping the term, because in the grand scheme of his theory, it’s as harmless and useful a convenience as before. But – he still can’t explain this yet, at this stage in his argument, having not yet introduced the full array of concepts and arguments whereby subjection is intelligible. So, rather than explain, he bluffs: thus the nonchalant bit about the Laws of Nature considered the Laws of God… Or rather – he stalls yet again – deferring elucidation of that until the very last chapter of Part II, “the Kingdom of God by Nature.” In which he argues, that said “kingdom” pertains those who believe in God’s rule, take themselves as God’s subjects. But the interesting thing is that he takes it for granted – or rather, by that point in the book, as established – that for any who share that faith (for faith it is, though without revelation – the faith of Job, before the whirlwind), that is, for any who take themselves to be subject to God’s rule, then the laws to which they are bound are indeed those same Laws of Nature propounded in chapters 14 and 15. To the obvious, glaring question: whence that assurance? The obvious, but easy-to-overlook answer: because if not, it wouldn’t be a kingdom, a commonwealth…
I come, at last, to the real heart of the matter: Hobbes’s own, stated reasons for vaunting his account of the Laws of Nature as the one true moral philosophy (15.40:242). The place where he makes a case for this at the conclusion of that account, near the end of chapter 15 – in the next-to-last paragraph, just before the one in which he nonchalantly lets drop his disclaimer as to these rules’ standing as laws. The paragraph begins with the assertion that the “true science” of the Laws of Nature is “the true, and only philosophy,” and proceeds to an argument justifying that assertion – explaining the grounds upon which, in Hobbes’s words, “the true doctrine of the Laws of Nature is the true moral philosophy.” And yet – as if anticipating the caveat soon to come – the argument involves no claim dependent on, or even implying, the adequacy of said doctrine as a doctrine of natural law. Hobbes shows as little concern here as anywhere else in these chapters with justifying his definition of a Law of Nature, as such, or the fit between that definition and the rules identified in that account. By “the true doctrine of the Laws of Nature,” he means simply, his doctrine, being true, and being concerned with those rules, the particular series which are (as it happens) so named, in said doctrine. The doctrine’s claim to truth is its adequacy in expounding those rules, which is also (so he now argues, on grounds newly introduced, here in this paragraph) what merits its title as the true moral philosophy – and this lies not, in his reasons for naming them Laws of Nature but in his having shown that these rules are indeed “the way, or the means of peace.”
Here’s a brief conspectus of the argument as presented in this paragraph. It begins with a definition of moral philosophy: “nothing else but the science of what is good and evil, in the society and conversation of man-kind” — that is, “the science of [moral] virtue and vice.” This is followed by a remark on the variousness of men’s judgments of good and evil, generally, and the basic reason for that variousness: “Good and Evil, are names that signify our appetites, and aversions, which in different tempers, customs, and doctrines of men, are different.” Hobbes then observes that this diversity extends not only to what men find pleasing, but also to what they deem “conformable, or disagreeable to reason, in the actions of common life.” Not only that, but such judgments are as mutable as various - “nay, the same man, in diverse times, differs from himself, and one time praiseth, that is, calleth good, what another time he dispraiseth, calleth evil”; is out of this discordant flux that “arise disputes, controversies, and at last war.” And from this, Hobbes draws a stark, grim-sounding inference: this last extremity – war – is man’s lot, so long as “private appetite is the measure of good and evil.”

Immediately after this - without any further elaboration on the nature of the problem just posed - Hobbes’s reasoning takes a swift turn, bringing the argument home to its intended conclusion:

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35 “And therefore so long a man is in the condition of mere nature (which is a condition of war), as private appetite is the measure of good and evil.” The words “so long…” go with the “as” preceding “private appetite [etc.],” which (conditionally) modifies “a man is in the condition of mere nature [etc.]”
And consequently all men agree on this, that Peace is Good, and therefore also
the way, or means of peace, which (as I have showed before) are Justice,
Gratitude, Modesty, Equity, Mercy, & the rest of the Laws of Nature, are good;
that is to say, Moral Virtues; and their contrary, Vices, Evil.

Evidently Hobbes supposes that all men’s agreeing on this is sufficient to make it so, for
the purpose of his argument, as it is on this proposition that he rests his contention that
his doctrine is indeed the true science of (moral) virtue and vice. But whence his
assurance, “that all men agree on this, that peace is good,” when he’s just been saying
how discordantly diverse are men’s judgments of good and evil? How can he think that
it follows, as a consequence of his preceding considerations? How is the inference not
contradicted by what came before? In short - what can he mean to be arguing here?

Before attempting to sort out his reasoning, we’d better first take a moment to get
clear on what Hobbes means, in saying that in saying that “Justice, Gratitude, Modesty,
Equity, Mercy, & the rest of the Laws of Nature are good, that is to say, moral virtues,
and their contraries, vices, evil.” For anyone schooled in the history of moral
philosophy (as that history now is conventionally taught), it can sound odd – and,
perhaps, a bit too intriguing – that Hobbes would equate his Laws of Nature with moral
virtues. At least since Aristotle - and under his influence - it has often been supposed
that moral virtues involve sensibilities and dispositions which elude formulation in rules.
For this reason, the few commentators who have dwelt on Hobbes’s identification of
moral philosophy with the science of (moral) virtue and vice, have tended to take it as
an invitation to paint Hobbes as a theorist of what has come to be called virtue ethics, in
that Aristotelian tradition. That is to overshoot the mark, however. (As we shall see in a moment, it’s an error with unfortunate consequences, in obscuring Hobbes’s polemical stance vis à vis that tradition.) The word ‘virtue,’ for Hobbes, carries no specifically Aristotelian connotations; he uses the word in the most generic sense, to denote any valuable (human) quality: “Virtue generally, in all sorts of subjects, is somewhat [i.e., some quality] that is valued for eminence, and consisteth in comparison. For if all things were equally in all men, nothing would be prized” (8.1.104). So when he calls moral philosophy the “science of [moral] virtue and vice,” he is really just restating his original definition of moral philosophy, for the purpose of bringing home his argument. Moral philosophy is “science of what is good, and evil, in the conversation and society of man-kind”; it is inherently a science of (moral) virtue and vice, for virtue and vice are simply that which is good, and that which is not.


37 The word “somewhat” in this statement is used in the now-obsolescent original sense still current in Hobbes’s era - denoting an unspecified kind of thing or quality (much as ‘somewhere’ denotes an unspecified place, and ‘somehow’ denotes an unspecified manner.) O.E.D., s.v., n., 1b

38 It would be easy enough to show that this generic sense of ‘virtue’ is consistent with ordinary English usage at the time Hobbes wrote. But it’s also worth noting that the generic indeterminacy is entirely in keeping with well-known philosophical precedents, with which Hobbes was conversant: to see this, one need look no further than to the use of ἀρετή in Plato’s “Socratic” dialogues – see, for instance, Apology, 20a-c, Protagoras, 329c, etc. What makes these so-called “Socratic” dialogues especially instructive in this regard, is that in those works it is indisputably the case that the generic meaning of the term – a good human quality - is taken for granted, in the context of (hence, antecedent to) posing the question as to the nature or basis of such qualities, the criteria by which they are known, or the concomitants of their possession. If this is less apparent in Plato’s later works, or in Aristotle’s, that is only because in those works the authors’ particular theory of virtue tends to predominate. One might perhaps say that Hobbes’s concept of virtue is not far from Aristotle’s, but one cannot infer from this any commonality in their respective, (theory-informed) conceptions.
Moreover, in speaking here of “Justice, Gratitude, Modesty, Equity, and the rest of the Laws of Nature,” Hobbes uses all of those words as his own personal terms of art, i.e., in the sense fixed (by stipulation) in his preceding account. “Justice,” “Gratitude,” “Modesty,” and “Equity” serve him as names for particular Laws of Nature in his canon - or rather (to be more precise about it than Hobbes ever is), names for the conduct prescribed by the relevant rule. So when he says that “Justice, [etc.] and the rest of the Laws of Nature… are good, that is to say, moral virtues,” what he means is no more and no less than that the indicated manners of conduct, as specified by the corresponding rule, is indeed as morally estimable as their names would seem to imply. The argument he offers on behalf of this proposition thus amounts to his retrospective vindication of those prior stipulations.

Very well, now to that puzzling, unexplained inference, upon which the argument pivots. How can Hobbes think that all agree on the goodness of peace, if he sees men’s individual judgments of good and evil to be so infinitely various and discordant? Commentators addressing this passage typically resolve the seeming disparity by surmising that Hobbes must believe — and would have it understood — that this discordant variety in what men deem good and evil is neither so profound, nor so interminable, as he initially makes it sound. Some have thought that his argument depends on his positing an underlying uniformity to what everyone, after all, truly

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39 For ‘typically,’ read ‘nearly invariably, to the extent the passage attracts commentators’ notice at all.’ One exception is Ludwig, 232-3, and passim.
prefers, the discordant variety of their judgments notwithstanding Thus Jean Hampton's
gloss on the statement: “Peace is, in [Hobbes’s] eyes, a ‘real’ common good insofar as it actually does lead to the furtherance of what people desire most — their self-preservation.” Others have suggested that whether or not Hobbes imagines that men’s desires are in fact so uniform as all that, he supposes that peace is what every individual rationally would do well to favor, all things considered, were they to recognize their best interest, and take due stock of their prospects. Of these two (slight) variants, the latter has the advantage of not so egregiously disregarding Hobbes’s stated emphasis on the sheer diversity in what different men find desirable. But as with the other, it has the disadvantage of attributing to him the intention to rest his stated conclusion on a complex of claims - an entire theory’s worth - he has somehow failed so much as to mention. He neither states that in general men’s dislike of war, or shirking at violence, exceeds their other appetites and aversions— nor gives any reason why it might or it should. He says nothing here of the perils of war, nor the misery suffered therein. He offers no metric for ranking or aggregating desires, nor any calculus for discounting them against the cost or the difficulty of their fulfillment. To suppose his

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40 Hampton (1986), 46. See also Hampton (1992), 336.

41 e.g., Blau (2016), 212.

42 In a prior chapter, Hobbes had explicitly included the preference for peace as one of the things about which men differ, depending on their tempers and circumstances. “Needy men, and hardy, not contented with their present condition; and also, all men that are ambitious of military command, are inclined to continue the causes of war (11.4:152). This observation is offered without any suggestion that such persons are mistaken to see their advantage in this. Within chapter 15 itself, he remarks that “most men choose rather to hazard their life, than not be revenged” for an insult (15.20:234); says this without the least indication that such a choice should be discounted as perverse or misguided.
conclusion depends on such things amounts to supposing he neglects to make any real argument at all.

All such readings suppose that when Hobbes says that “all men agree on this, that peace is good,” what he means is that everyone, on balance, favors peace — or, at least, would do so if they reckoned the balance correctly. That is to construe the agreement at issue as merely circumstantial, and coincidental — a mere consequence of the (supposed) fact that men’s dominant desires, or perhaps their best interests, are naturally so uniform as to make for a convergence in what each individually rationally deems most desirable. As I say, to make sense of the conclusion in this way is to interpolate an argument nowhere to be found in what Hobbes wrote. Moreover, it is to saddle him with an argument that is not only highly dubious, but plainly inadequate for Hobbes’s explicit purposes in the passage. For if this is what Hobbes means to argue, the most he’d be able to say is that men ultimately favor (or have reason to prefer) the circumstances of peace, on account of some (circumstantial) benefits or advantages attendant upon it. It’s not obvious why those benefits or advantages should be regarded as attainable only in peace, or reliably so. But even if Hobbes imagined that such were the case, it’s still not clear how this would get him to his intended conclusion - which concerns not merely the desirability of peace, but the goodness of conduct prescribed by his Laws of Nature.

There’s still another, deeper difficulty in taking the statement “all men agree on this, that peace is good” as is usually done. For him now to assert that everyone, in the
end, favors peace over war, in being more congenial to their wants – this would make nonsense of everything he has been arguing up to the point. He has stated in no uncertain terms that there is nothing consistent or uniform in what men deem desirable or repugnant. It’s very difficult to see how he can have stated this so categorically, while also supposing – and counting upon his reader supposing, with him – its ultimate falsity. And nor would the contradiction be alleviated, were his point that men (all men?) can escape this cacophony, by dint of self-discipline, or prudent temperance. For the inference that Hobbes has just drawn from those preceding observations – in the sentence just before this one – is that so long as men’s judgments of good and evil have no other measure than their own “private appetite,” they can get nowhere than war.43 Can he have really counted upon his readers to understand that this problem is to be overcome through judiciously weighing those same appetites, on the basis of their private reasoning? If so, why would he have made a point of including, among the factors precipitating that inference, men’s differences over “what is conformable, or disagreeable to reason”?

Let me to suggest that the crux of the difficulty – and the stumbling block upon which the prevailing interpretations have foundered – lies in the fact that Hobbes’s

43 Admittedly, the statement has a touch of obscurity, on account of its backhanded hint that the problem at issue arises only with private appetite, implying that war needn’t be the outcome, were the “appetite” public in some significant sense. I hardly need add – for any reader of Leviathan can easily see – how this dovetails with Hobbes’s doctrine of sovereignty. But this isn’t to imply, as some commentators have been to tempted to imagine, that the impasse of war – insofar as that problem arises in this passage – finds its resolution in Hobbes’s explanation of the reasons why men submit to the rule of a sovereign.
stated argument is explicitly, and in principle, incompatible with the sort of theoretical enterprise that commentators attribute to him. Hobbes never claims (not in *Leviathan*, anyway) that moral philosophy is a science of desire-satisfaction, or well-being (taking men singly, or in aggregate). His own definition of moral philosophy - offered at the start of this very argument – points to another conception entirely. “Moral philosophy is nothing else but the science of what is good, and evil, *in the conversation and society of mankind*” (15.40:242, emphasis added). Suppose the question with which he’s concerned in the argument were not, as the prevailing interpretations would have it, ‘what do all men desire, most of all (or have reason to deem most desirable, duly reckoning their wants and aversions, all told). But rather, this: what is properly “the measure of good and evil,” with respect to - consistent with - the furtherance of human social intercourse?

Taking this, instead, as the question on the table would obviate the need to supply him with unstated lemmas as to the (circumstantial, contingent) reasons as to why men in general might on balance favor peace over strife. What men *prefer* – individually, or in aggregate – is *irrelevant*. What matters is simply that war, *as such*, is incompatible with social intercourse— the strict antithesis of “the conversation and society of man-kind.” This, I believe, is that this is what Hobbes is driving at, in remarking that men’s differences over what they deem good and evil — including, not least, over “what is conformable, or disagreeable to reason, in the actions of common life” — is the condition from which “arise disputes, controversies, and at last war.” He needn’t imagine that disputes such as this invariably come to blows, nor that conflict in
general tends to be so calamitous for those involved as always to outweigh the attractiveness (to them) of the things over which they condemn. None of that is at issue. He needn’t be thinking of the perils in resorting to violence, nor the penury of indigence. The state of war is simply the limit-case of irreconcilable differences, intransigent *disagreement*. (Remember: Hobbes conceives war expansively enough a case in which men desist from fighting only for fear of their adversaries [18.9:272].) Not all disputes lead to contention, and not all contention puts men irreconcilably at odds. Hobbes’s point – sufficient for his purposes – is just that this *would* be inevitable, had we nothing else to go on, in judging “the actions of common life” individual sense for what was fine, or fitting, or rational (“conformable or disagreeable to reason”). We’d be consigned to perpetual discord, idiotic bickering, with no way to resolve our differences but the sway of the strongest and stubbornmost. And yet such is not, after all, our lot - “conversation and society” is manifestly within the range of human capacities. So there must be, within human reach, some *other*, alternative principle, beyond the haphazard vagaries of every man’s personal judgment, from which to take our “measure of good and evil” — upon which the impasse of disagreement might be escaped. How, then, is agreement in principle in possible? Upon what principle might men *ever* agree — any men, or all, as the case may be? On *this*: “that peace is good.”

Thus Hobbes arrives at his intended conclusion. It’s *not* that men coincide in conceding the value of peace (for reasons of their own, as it were). Whether or not men *prefer* peace to war is irrelevant; the point being made has nothing directly to do with peace finding favor with men on the whole, or at large. What value peace has for men
isn’t at issue. The point is just that living peaceably – the practice of social intercourse, “the conversation and society of man-kind” – is possible only insofar as that practice’s constitutive requirements are acknowledged good by whoever might care to take part. And nor is this merely a matter of their approving of peace, as worthy or admirable. The argument has more bite than that – as it must, to bear out Hobbes’s full conclusion. Peace is not a circumstantial state of affairs; it is a way of living together, of which (Hobbes presumes) human beings are universally capable, but which doesn’t just come naturally (as it were). What comes naturally is discord – and this not for the reason we are naturally indisposed (which may or may not be the case, depending on tempers and circumstances), but for the reason that we are not naturally thus attuned. We are capable of that attunement, just as (in that?) we are capable of communicating in a common language. Hobbes sees no more need to account for the one, than he does for the other. (Explanations come to an end somewhere.)

By this point of the book – the end of chapter 15 – Hobbes believes he has already shown, to his satisfaction, what manner of conduct is needful in order to bring it about – the terms upon which “men may be drawn to agreement” (13.13:196). His exposition of the (so-called) Laws of Nature has shown precisely this, specifying how

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44 Although he says little of the matter, Hobbes apparently regarded these capacities as intimately related. He counts it an inherent abuse of speech for men “to use [words] to grieve one another” — whereas “nature hath armed living creatures, some with teeth, some with horns, and some with hands, to grieve an enemy” (4.4:50). The contrast is intriguing, not least for his inclusion of “hands” among the means by which animals are naturally equipped to harm one another – pointedly including humankind among the animals so equipped.
men must behave (and, more to the point, refrain from behaving) in order that peace - *concord*, agreement - might be viable. What is new to this further argument is that Hobbes now makes explicit the idea that these same prescriptions are likewise the pertinent standard by which “the actions of common life” are to be *judged* - the grounds on which men’s conduct merits moral approval or blame. In a sense this idea has been implicit all along, in his use of such morally-resonant terms as ‘justice,’ ‘equity,’ and the like to name the various rules (i.e., the conduct specified therein), and such terms as “injustice,” “cruelty” “arrogance” to name their violation. Up to this point, he was content to make these connections by stipulation — showing little concern over, say, whether his usage accords with traditional definitions of such virtues, or prevailing intuitions concerning any one of them. He shows as little concern with that sort of rationale for his usage in this closing argument. Instead, he takes it upon himself to explain why it is that it is being thus defined (and only then) that such moral virtues are indeed such – bona fide *good* qualities, morally speaking.

None of this contradicts Hobbes’s initial statement that the words good and evil signify men’s appetites and aversions, varying according to their tempers and circumstances. Nor is it precluded by Hobbes’s famous denial, earlier in the book, that there is “nothing simply nor absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves” (6.7:82). Indeed, his point in that very passage (found in his preliminary chapter on the passions) is best understood as an anticipatory intimation of this very argument. What Hobbes is denying there is the possibility of any common rule to be taken from the objects of men’s *desires*, in their
being so desired, on account of the fact “it is impossible that... all men consent, in the
desire of almost any one and the same object” (6.6:82). As this is merely a passing
observation, Hobbes is content to state the implication summarily (postponing
elucidation of his terms, or his reasoning): in default of this impossibility, rules for good
and evil can come nowhere else but “from the person of the man (where there is no
commonwealth); or (in a commonwealth) from the person that representeth it; or from
an Arbitrator or Judge, whom men disagreeing shall by consent to set up, and make his
sentence the rule thereof” (6.7.82). Of the three alternatives given, the first follows
straightforwardly from what he’s just said; the second anticipates his account of the
sovereign legislator as the representative ‘person’ of a commonwealth. Whereas the
third anticipates his exposition of the Laws of Nature, of which the Sixteenth prescribes
submitting disputes to arbitration (15.30:238). The first and second are distinguished by
the presence or absence of a commonwealth; the third is offered without qualification-
pertaining equally in both conditions (which is to say, among other things: all
circumstantial factors aside).

Another passage from an early in the book is also worth noting in this regard. In
chapter 5, Hobbes famously defines the faculty of reason as "nothing but reckoning
(that is, adding and subtracting) of the consequences of general names agreed
upon" (5.2:64). This definition has typically been taken to imply a conception of
reason that is narrowly calculative, as if corroborating the old chestnut to the effect

\[45\] The hedging qualifier, ‘almost any’, is omitted from Hobbes’s later Latin version of the text (6.6.83).
that *Leviathan*'s opening chapters present a mechanistic, solipsistic model of mental operation. This, however, is to overlook the condition specified in its last phrase – and, worse, the fact that it is a problem connected with that condition, specifically – that of *agreement* – that occupies Hobbes's attention in the paragraph in which that definition is offered. That problem is this: although reason, considered in itself is as infallible an art as arithmetic; nevertheless, no one can vouch for the rightness of his own reasoning, should any disagreement arise. In the case of dispute, it does no good to appeal to the corroboration of one's conclusions on the part of third parties - no matter how numerous or like-minded they might be. Instead, “the parties must, by their own accord, set up for right Reason, the Reason of some Arbitrator, or Judge, to whose sentence they will both stand, or their controversy must either come to blows, or be undecided” (5.3:66). As with the passage in chapter 6, Hobbes's conclusion here anticipates his discussion of the precepts concerning arbitration in his account of the Laws of Nature, as the proper procedure for overcoming disagreement. (It should be apparent that Hobbes's reasoning in neither of these earlier passages can involve the sort of premises that commentators tend to think he must rely upon in validating those rules. these chapters come long before chapter 13's much-quoted dicta on the perils and miseries of war, so he cannot plausibly be

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taken to be commending arbitration merely as an expedient to avoid unpleasant consequences to oneself.\footnote{Cf. Tuck (1996).}

Especially revealing in this prior passage is what Hobbes has to say about the (self) misapprehension of those who would appeal to “right reason” in this situation:

And when men that think themselves wiser than all others, clamor and demand right Reason for judge; yet seek no more, but that things should be determined, by no other men’s reason but their own, it is as intolerable in the society of men, as it is in play after trump is turned, to use for trump on every occasion, that suite whereof they have most in their hand. For they do nothing else, that will have every of their passions, as it comes to bear sway in them, to be taken for right reason, and that in their own controversies: bewraying their want of right Reason, by the claim they lay to it.” (5.3:66)

Hobbes’s point here is subtle—and it goes deep. It’s not merely that those who appeal to ‘right reason’ in such cases would do well to consider their human fallibility, before presuming themselves immune to errors in their reckoning, or the thrall of irrational passions. The problem with the presumption is not its being susceptible to uncertainty, but its being inherently objectionable, as a basis for resolving disputes. Notice how Hobbes equates such men’s presumption with the expectation to “have every one of their passions, as it comes to bear sway in them, to be taken for right reason, and in their own controversies.” It should go without saying that anyone who presumes in this manner would be unlikely to see it that way—such persons would hardly be ones to
“clamor and demand right reason for judge” if they were so uncouth as all that.

Hobbes’s point is that this is what it amounts to, whatever they might think of the matter, from the standpoint of those with whom they dispute. To pronounce oneself a fit judge as to the rightness of one’s reasoning in a dispute is to hold the other party at fault for failing to be so persuaded — which does nothing but redouble the disagreement. Such an attitude is inherently unreasonable, in the sense of being insufferable — socially obnoxious, “intolerable in the society of men.”

[...]
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