

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

---

Hobbes Today  
*Insights for the 21st Century*

*Hobbes Today: Insights for the 21st Century* brings together an impressive group of political philosophers, legal theorists, and political scientists to investigate the many ways in which the work of Thomas Hobbes, the famed 17th-century English philosopher, can illuminate the political and social problems we face today. Its essays demonstrate the contemporary relevance of Hobbes's political thought on such issues as justice, human rights, public reason, international warfare, punishment, fiscal policy, and the design of positive law. The volume's contributors include both Hobbes specialists and philosophers bringing their expertise to consideration of Hobbes's texts for the first time. This volume will stimulate renewed interest in Hobbes studies among a new generation of thinkers.

S. A. Lloyd is Professor of Philosophy, Law, and Political Science at the University of Southern California. She is the author of *Morality in the Philosophy of Thomas Hobbes: Cases in the Law of Nature* (Cambridge, 2009) and *Ideals as Interests in Hobbes's Leviathan* (Cambridge, 1992).

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

---

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

---

# Hobbes Today

*Insights for the 21st Century*

Edited by

S. A. LLOYD

*University of Southern California*



CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS  
Cambridge, New York, Melbourne, Madrid, Cape Town,  
Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press  
32 Avenue of the Americas, New York, NY 10013-2473, USA

[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9781107000599](http://www.cambridge.org/9781107000599)

© Cambridge University Press 2013

This publication is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without the written  
permission of Cambridge University Press.

First published 2013

Printed in the United States of America

*A catalog record for this publication is available from the British Library.*

*Library of Congress Cataloging in Publication data*  
Hobbes today : insights for the 21st century / edited by S. A. Lloyd,  
University of Southern California.

pages cm

Includes bibliographical references and index.

ISBN 978-1-107-00059-9 (hardback)

1. Hobbes, Thomas, 1588–1679. I. Lloyd, S. A., 1958–  
B1247.H64 2012  
I92–dc23 2011046377

ISBN 978-1-107-00059-9 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs  
for external or third-party Internet Web sites referred to in this publication and does not  
guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

Contents

<i>List of Contributors</i>	page vii
<i>Editor's Introduction</i>	xi
PART I APPLICATION TO GOVERNMENTAL POWERS AND THEIR LIMITS	
1 Getting Past Hobbes <i>Joshua Cohen</i>	3
2 A Note on Hobbesian Lessons on Bipartisanship <i>David Braybrooke</i>	20
3 Hobbes's Theory of Rights: A New Application <i>Eleanor Curran</i>	25
4 Hobbesian Legal Reasoning and the Problem of Wicked Laws <i>Claire Finkelstein</i>	49
5 Hobbesian Equality <i>Kinch Hoekstra</i>	76
6 The Representation of Hobbesian Sovereignty: <i>Leviathan</i> as Mythology <i>Arash Abizadeh</i>	113
PART II APPLICATION TO CIVIL SOCIETY AND DOMESTIC INSTITUTIONS	
7 Hobbes's Challenge to Public Reason Liberalism: Public Reason and Religious Convictions in <i>Leviathan</i> <i>Gerald Gaus</i>	155
8 "Thrown amongst Many": Hobbes on Taxation and Fiscal Policy <i>Neil McArthur</i>	178
9 The Imperfect Legitimacy of Punishment <i>Alice Ristorph</i>	190
10 In Harm's Way: Hobbes on the Duty to Fight for One's Country <i>Susanne Sreedhar</i>	209

Cambridge University Press  
978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century  
Edited by S. A. Lloyd  
Frontmatter  
[More information](#)

vi	<i>Contents</i>	
11	Confronting <i>Jihad</i> : A Defect in the Hobbesian Educational Strategy <i>Maryam Qudrat</i>	229
	PART III APPLICATION TO PROBLEMS OF GLOBAL SCOPE	
12	Hobbesian Realism in International Relations: A Reappraisal <i>Chris Naticchia</i>	241
13	Hobbesian Assurance Problems and Global Justice <i>Aaron James</i>	264
14	International Relations, World Government, and the Ethics of War: A Hobbesian Perspective <i>S. A. Lloyd</i>	288
15	Hobbesian Defenses of Orthodox Just War Theory <i>Jeff McMahan</i>	304
16	Hobbes and Human Rights <i>Michael Green</i>	320
	<i>Index</i>	335

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

## Contributors

*Arash Abizadeh* Associate Professor of Political Science at McGill University. Publications include “Hobbes on the Causes of War: A Disagreement Theory,” in *American Political Science Review* (2011) and “Thomas Hobbes et le droit naturel,” in *Droit naturel, relancer l’histoire?* (2008).

*David Braybrooke* Professor Emeritus in the Department of Philosophy at Dalhousie University and in the Department of Liberal Arts at the University of Texas at Austin. Publications include *Natural Law Modernized* (2001) and *Analytical Political Philosophy: From Discourse, Edification* (2006).

*Joshua Cohen* Professor of Law, Political Science, and Philosophy at Stanford University. Publications include *Philosophy, Politics, Democracy: Selected Essays* (2009); *Associations and Democracy* (1995); *Inequity and Intervention: The Federal Budget and Central America* (1986); *Rules of the Game* (1986); and *On Democracy* (1983).

*Eleanor Curran* Lecturer, Kent Law School, University of Kent at Canterbury. Publications include “Blinded by the Light of Hohfeld: Hobbes’s Notion of Liberty,” in *Jurisprudence* (2010) and “A Very Peculiar Royalist: Hobbes in the Context of His Political Contemporaries,” in *British Journal for the History of Philosophy* (2002).

*Claire Finkelstein* Algernon Biddle Professor of Law and Philosophy at the University of Pennsylvania. Publications include “Contrived Defenses and Deterrent Threats: Two Facets of One Problem,” in *Ohio Journal of Criminal Law* (2008); “Acting on an Intention,” in *Reason, Intention, and Morality* (2008); “A Contractarian Argument Against the Death Penalty,” in *New York University Law Review* (2006); and “Hobbes and the Internal Point of View,” in *Fordham Law Review* (2006).

*Gerald Gaus* Professor of Philosophy at the University of Arizona. Publications include *The Order of Public Reason: A Theory of Freedom and Morality in*

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

*a Diverse and Bounded World* (2010); *Contemporary Theories of Liberalism: Public Reason as a Post-Enlightenment Project* (2003); *Political Concepts and Political Theories* (2000); *Social Philosophy* (1999); *Justificatory Liberalism* (1996); and *Value and Justification* (1990).

**Michael Green** Assistant Professor of Philosophy, Politics, and Economics at California State Polytechnic University in Pomona. Publications include “Social Justice, Voluntarism, and Liberal Nationalism,” in *Journal of Moral Philosophy* (2005); “Global Justice and Health: Is Health Care a Basic Right?,” in *Public Health Ethics* (2004); “Justice and Law in Hobbes,” in *Oxford Studies in Early Modern Philosophy* (2003); “Institutional Responsibility for Global Problems,” in *Philosophical Topics* (2002); and “The Idea of a Momentary Self and Hume’s Theory of Personal Identity,” in *British Journal for the History of Philosophy* (1999).

**Kinch Hoekstra** Professor of Law and Associate Professor of Political Science at the University of California, Berkeley. Publications include *Thomas Hobbes and the Creation of Order* (forthcoming); “Tyrannus Rex vs. Leviathan,” in *Pacific Philosophical Quarterly* (2003); “The DeFacto Turn in Hobbes’s Political Philosophy,” in *Leviathan after 350 Years* (2004); and “Hobbes and the Foole,” in *Political Theory* (1997).

**Aaron James** Associate Professor of Philosophy at the University of California, Irvine. Publications include “Rawlsian Justice in a Common Globe,” in *Sustainability and Security within Liberal Societies* (2008); “Legal and Other Governance in Second Person Perspective,” in *Loyola Law Review* (2006); “Equality in a Realistic Utopia,” in *Social Theory and Practice* (2006); and “Constructivism about Practical Reasons,” in *Philosophy and Phenomenological Research* (2007).

**S. A. Lloyd** Professor of Philosophy, Law, and Political Science at the University of Southern California. Publications include *Morality in the Philosophy of Thomas Hobbes: Cases in the Law of Nature* (2009) and *Ideals as Interests in Hobbes’s Leviathan: The Power of Mind over Matter* (1992).

**Neil McArthur** Associate Professor of Philosophy at the University of Manitoba. Publications include *David Hume’s Political Theory* (2007).

**Jeff McMahan** Professor of Philosophy at Rutgers University. Publications include *Killing in War* (2009); *The Values of Lives* (forthcoming); *The Morality of Nationalism* (1997); *Reagan and the World: Imperial Policy in the New Cold War* (1984); and *British Nuclear Weapons: For and Against* (1981).

**Chris Naticchia** Professor of Law and Philosophy at California State University in San Bernardino. Publications include “The Law of Peoples: The Old and the New,” in *Journal of Moral Philosophy* (2005); “Recognizing States and Governments,” in *Canadian Journal of Philosophy* (2005); “Explanatory



Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

*Contributors*

ix

Unification and the Demystification of Ethics,” in *Southern Journal of Philosophy* (2004); and “Recognition and Legitimacy: A Reply to Buchanan,” in *Philosophy & Public Affairs* (1999).

*Maryam Qudrat* Lecturer at California State University in Long Beach and University of California, Irvine. Publications include *Torn Between Two Cultures: An Afghan-American Woman Speaks Out* (2003).

*Alice Ristroph* Professor of Law at Seton Hall University. Publications include “Respect and Resistance in Punishment Theory,” in *California Law Review* (2009); “State Intentions and the Law of Punishment,” in *Journal of Criminal Law & Criminology* (2009); “Desert, Democracy, and Sentencing Reform,” in *Journal of Criminal Law & Criminology* (2006); “Sexual Punishment,” in *Columbia Journal of Gender and Law* (2006); and “Proportionality as a Principle of Limited Government,” in *Duke Law Journal* (2005).

*Susanne Sreedhar* Assistant Professor of Philosophy at Boston University. Publications include *Hobbes on Resistance: Defying the Leviathan* (2010); “Defending Hobbes’s Right of Self-Defense,” in *Political Theory* (2008); and “The Ethics of Exclusion,” in *Trans and Feminisms* (2006).

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

---

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

## Editor's Introduction

S. A. Lloyd

The purpose of the present volume is to help to energize a new generation of North American Hobbes studies by recruiting some talented political philosophers, both established authorities and emerging scholars, to turn their attention to the relevance of Hobbesian theory to the problems we confront today. Some of the writers are Hobbes scholars, but many are applying their specialties to Hobbes for the first time. Our common hope is that by showing the continuing relevance and usefulness of Hobbes to 21st-century open problems, others may consider investigating whether study of Hobbes may be useful in addressing the problems that concern them.

North American Hobbes studies zoomed to international prominence in the 1980s with the nearly simultaneous publication of the game-theoretic interpretations by Gregory S. Kavka and Jean Hampton, developing the approach pioneered by Gauthier in his seminal work of 1969. It received a second wave of interpretive attention in the 1990s by scholars such as Edwin Curley, this author, and A. P. Martinich, seeking to integrate Hobbes's extensive discussions of religion into his larger political theory. Both of these movements, though in different ways, challenged the orthodoxy of traditional interpretations attributing to Hobbes an unrealistic and narrowly truncated human psychology, with its patently false conclusion that order can always be maintained by mere brute force.

But when that familiar yet barren Hobbes is discarded, does he have anything of use to us today? The authors in this volume answer with a resounding "Yes!" From the structure of political institutions and the authority of law; to domestic problems of punishment, fiscal policy, public reason, and the duty of military service; to just relations on an international scale, human rights, and the ethics of war, Hobbes continues to provide resources to refine our thinking.

Joshua Cohen's chapter, "Getting Past Hobbes," which presents an element of his forthcoming larger work on Hobbes, *Protection for Obedience*, critically assesses Hobbes's argument that it would be irrational to impose

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

normative limits and institutional constraints on sovereign authority. He explores Hobbes's case against such limits and constraints – his case against what Cohen calls a “normative order” – and shows how that case depends on a very restrictive and highly controversial set of assumptions about the conditions of human interdependence and what we can expect from politics, rather than merely on a widely accepted set of claims about human nature and the circumstances of human life. When applied to more realistic assumptions, Hobbesian reasoning in fact supports a normative order.

David Braybrooke's chapter offers a much needed thumbnail overview of the intended arc of Hobbes's political writings. Hobbes was not a champion of democracy. Nonetheless, he made full allowance for democracy as one type in his typology of sovereignty. The allowance not only accommodates democracy, it accommodates democracy in its representative form, and as remarkably stable, as modeled, for instance, by Schattschneider, capable through party competition of peacefully changing a regime by changing parties. Braybrooke sets in context the practical project with which Hobbes engaged, and suggests that he largely succeeded.

In “Hobbes's Theory of Rights: A New Application,” Eleanor Curran notes that although the seemingly extensive and centrally important individual rights that Hobbes describes in *Leviathan* have often been seen by modern Hobbes scholars as stalling in the face of absolutism, not all of Hobbes's contemporaries were so convinced. Critics such as Bramhall (1658) and Clarendon (1676) saw the infamous chapter 21 of *Leviathan*, where Hobbes discusses “the true Liberty of a Subject,” as an undoing of the carefully constructed absolute power of the sovereign or, even worse, as John Bramhall memorably termed it, as a rebel's catechism.

But on close examination, Curran maintains, Hobbes's theory of rights is revealed as a striking and conceptually elegant theory that looks forward to the modern, secular rights theories of the 20th century, rather than backward to traditional theories of natural rights and natural law, as is the case, for example, with Locke's far more famous theory. The argument of her chapter is that Hobbes breaks with the natural law tradition of the early modern theories of *natural rights*, and moves instead to justify the rights of each individual without recourse to the theological or metaphysical premises of traditional natural law theory. Presaging the modern, secular “will” and “interest” theories of rights of the 20th and early 21st centuries, Hobbes seeks to ground the notion of a right in a concept that requires no such contestable premises and relies rather on nothing more than a careful analysis of what we mean when we use the term “right.” The concept that Hobbes picks out as foundational for rights is that of liberty. In ridding himself of the reliance on the premises of traditional natural law, Hobbes gives us a theory of rights that is credible today and that, Curran suggests, may point the way to tackling some of the seemingly intractable problems faced by modern rights theories.

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)*Editor's Introduction*

xiii

Claire Finkelstein writes, in “Hobbesian Legal Reasoning and the Problem of Wicked Laws,” that no jurisprudential question is more important, and at the same time more difficult, than that of the status of morally repugnant laws. Indeed, one might say that this question has come to define postwar jurisprudence, as it is the central manifestation of the debate between the natural lawyers, those who think that the concept of law is limited by that of moral obligation, and the legal positivists, those who rather think it defined by the authority of political sovereigns over their subjects.

Finkelstein maintains that the standoff between natural lawyers and positivists on wicked laws, and the correlated question of the legitimacy of prosecuting individuals who act under such laws, is as timely a question today as it was when Gustav Radbruch first attacked H. L. A. Hart and other positivists for having contributed to the rise of Nazi law by espousing a view of law that disconnected it from its moral roots. In our own time, the problem has recently made itself felt in concerns about the legality of the way in which the United States is waging the War on Terror, and in particular the question of whether former officials of the Bush administration should be prosecuted for authorizing the torture of suspected terrorists. From the standpoint of natural law, the legal opinions of Justice Department officials authorizing this treatment arguably cannot be given the status of law, given their violation of basic principles of human rights. Like the German lawyers and judges of the Third Reich, they are subject to prosecution for their distortions of law, and those who acted in accordance with these legal opinions cannot shield themselves from prosecution by purporting to act in accordance with law. On a positivistic approach, by contrast, such prosecutions would be difficult to justify. Whatever the wisdom of such policies, their legality may be difficult to question. This is particularly so with regard to the actions of those acting on the legal directives of higher officials.

Finkelstein argues that an examination of the legal philosophy of Hobbes sheds light on this well-worn but important debate between positivists and natural law theorists. Hobbes's approach to law presents a middle road between the two standard theories: It incorporates content-based restrictions on the notion of law without embracing tendentious natural law commitments. Although Hobbesian jurisprudence contains a number of elements of both positivist and natural law theory, if understood correctly, it would provide a third alternative to the traditional array of jurisprudential approaches to the nature of law. Legal contractarians garner the central benefit of the naturalistic approach on this question – they are able to deny evil regimes the status of law – but do so on the basis of rationalistic, rather than moralistic, assumptions. For this reason, the problem of wicked laws and legal regimes that has so vexed legal theorists of both natural and positivistic orientation is better resolved in a contractarian theory of the sort Hobbes proposes.

Kinch Hoekstra investigates, in his chapter “Hobbesian Equality,” Hobbes's famous assertion that human beings are naturally equal. Examining Hobbes's views on the equality of liberty, right, and ability, Hoekstra offers a novel account

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

of why Hobbes makes the assertion. Although his analysis raises doubts about the widely accepted view that natural equality is a foundational premise of Hobbes's moral and political philosophy, it suggests an understanding of Hobbesian equality that is arguably more worthy of our contemporary consideration.

Arash Abizadeh offers, in his "The Representation of Hobbesian Sovereignty: *Leviathan* as Mythology," an argument that readers of Hobbes have often seen his *Leviathan* as a deeply paradoxical work. On the one hand, recognizing that no sovereign could ever wield enough coercive power to maintain social order, the text recommends that the state enhance its power ideologically, by tightly controlling the apparatuses of public discourse and socialization. The state must cultivate an image of itself as a mortal god of nearly unlimited power, to overpower its subjects and instill enough fear to win obedience. On the other hand, by drawing explicit attention to the ideological and partly illusory bases of the state's power, *Leviathan*, itself construed as a political intervention designed to appeal to a broad English readership, appears to undermine the very program it recommends. Indeed, many have argued that *Leviathan*'s substantive political-philosophical doctrine is flatly at odds with the authority that Hobbes claimed for himself in order to advance that doctrine. The paradox, Abizadeh argues, is only an apparent one. Precisely because Hobbes believed that in practice no one could ever become the mortal god that sovereignty requires, that is, that the seat of sovereignty could never actually be securely occupied and fully represented by a mere mortal, he sought constantly to remind his readers of the precariousness of earthly sovereignty by pointing to its illusory basis. Far from seeking to undermine the sovereign, however, this reminder was designed to enhance readers' fears, especially the fear that, despite the security they may enjoy today, the slightest misstep may lead them straight into the horrors of the state of nature. Hobbes's purpose was, in other words, to enhance the sovereign's power by enhancing not our fear of *him*, but out fear of his absence. Ironically, this is also in part why Hobbes insisted on the individual's inalienable right of self-defense, an insistence that has puzzled many of his readers, given Hobbes's obvious wish to defend absolute, unlimited sovereignty. Its political function is not to provide a covert *justification* for resistance theories. Rather, by reminding his readers of their right but doing so while addressing them as isolated atoms whose resistance would be hopeless, Hobbes sought to remind each one of the ultimate impossibility of securely filling the seat of sovereignty, without encouraging anyone actually to resist the most promising pretender. Like God-talk, Hobbes's representations of sovereign power do not ultimately comprise descriptive propositions at all: they are expressions of praise and honor designed to help create the very thing they purport to describe. Abizadeh concludes that Hobbes was keenly aware that indivisible state sovereignty is an ideological construct whose terms are never fully realized in practice.

In Part II of this collection, Application to Civil Society and Domestic Institutions, scholars address contemporary problems internal to states using Hobbesian resources.

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)*Editor's Introduction*

xv

Gerald Gaus, in his chapter “Hobbes’s Challenge to Public Reason Liberalism: Public Reason and Religious Convictions in *Leviathan*,” argues that in the last twenty years we have witnessed a resurgence of claims by religious citizens that they must be free to express, and act upon, their faith in the political arena when deciding what is just and unjust, right and wrong. Many citizens of faith have particularly objected to the doctrine that politics and reasoning about justice should be conducted in terms of a “public reason” that all citizens share, and that can instruct a citizen to restrict appeal to his or her religious convictions.

Hobbes, who was reacting to what he saw as the extreme claims of conscience by some parties in the English Civil War, developed a doctrine of public conscience that, at least *prima facie*, presents a radical rejoinder to claims of the public status of private conscience. In *Leviathan* Hobbes writes that one disease of the commonwealth derives from what he calls the poison of the seditious doctrine “*That every private man is judge of good and evil actions.*” Another doctrine repugnant to civil society is that “*whatsoever a man does against his conscience, is sin*; and it dependeth on the presumption of making himself judge of good and evil.” Hobbes appears to see diversity of private conscience as a threat to political order, and so citizens must follow “public conscience” – the law – in judging good and evil (when it is available).

Gaus’s chapter focuses on two issues, one of Hobbes interpretation and one of broader political philosophy. The interpretative question is what Hobbes can mean by a “public conscience” about good and evil. Hobbes denies that belief can be commanded, even by the sovereign. Given this, what is “public conscience” and how can it override the individual’s private conscience based on what his reason endorses? The wider question is whether Hobbes’s doctrine is as radical as it seems. Citizens of faith stress that fidelity to their convictions and conscience requires that, when deliberating about politics, they speak what they see as the whole truth – their judgment of what God requires. But what happens after the political process has concluded and a law has been passed that they opposed? If the integrity of religious citizens required that they *speak* against the law as their private conscience demands, does not this same appeal to integrity show they must *act* on their private conscience, even if the law commands otherwise? Does God insist that people speak the truth as He reveals it, but not act on it? If, however, religious integrity demands not simply political speech, but also action in conformity to what one sees as the whole truth, Hobbes seems right to say that defending such integrity is a “seditious doctrine.”

Neil McArthur tackles issues closer to the pocketbook. In his chapter, “‘Thrown amongst Many’: Hobbes on Taxation and Fiscal Policy,” he provides a general survey of Hobbes’s views on taxation and trade, followed by a detailed philosophical discussion of (what we would now call) fiscal policy. He shines a bright light on Hobbes’s view that government should usurp the role of the church and private charities in providing for its citizens’ basic economic needs. McArthur analyzes Hobbes’s argument as based on three propositions:

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

1. Contrary to those who see the unfettered right to property as rooted in nature, property rights are a creation of government, which therefore may abridge them where this is necessary.
2. To ensure social order, the government must ensure citizens are provided with a minimum level of sustenance.
3. Taxation and public spending – to which the state is entitled, as per (1) – are the most efficient means of accomplishing (2).

McArthur argues that Hobbes's argument remains a compelling justification of the welfare state, and concludes by arguing that Hobbes's views on the dangers of luxury and the need for individual thrift, which appear to be rooted in a now-outdated moralism, actually speak directly to one of the pressing problems with the modern welfare state: its tendency to discourage individual savings.

Alice Ristroph, in her chapter, "The Imperfect Legitimacy of Punishment," finds in Hobbes a resource to correct our presently unjust system of punishment. She argues that close observers of criminal justice systems in contemporary liberal democracies tend to agree about two things. They agree that some form of punishment is normatively legitimate, and they agree that existing punishment practices are far from the normative ideal. The U.S. criminal justice system is the target of the greatest criticisms, but, increasingly, the penal systems of Britain and continental Europe are also coming under fire. According to the majority view, there is a right way for liberal constitutional democracies to punish – but no one is getting it right, and over time the failures are multiplying rather than decreasing.

Ristroph's chapter explores the possibility that punishment is not only not justified in practice, but also not justifiable in theory. Perhaps modern forms of punishment – incarceration and, much more rarely, execution – cannot be fully reconciled with the criteria for political legitimacy set forth in modern liberal theory. This conclusion is suggested by a study of punishment at the birth of liberalism: punishment as explained by Thomas Hobbes. According to Hobbes, the sovereign's power to punish is derived from a natural right of self-defense, and buttressed by the authorization of citizens who are not themselves punished. But to the condemned man, punishment is an act of violence, and Hobbes insists that the condemned person has a right to resist punishment. In exploring the tensions between the sovereign's right to punish and the subject's right to resist, we find an account of punishment arguably more honest and egalitarian – and more liberal – than the better-known theories of punishment. Reconsidering Hobbes on punishment should provoke new questions about Hobbes's political theory. No less urgently, Ristroph argues, it should steer contemporary punishment theory and contemporary penal practices in a radically different and more promising direction.

Susanne Sreedhar's contribution, "In Harm's Way: Hobbes on the Duty to Fight for One's Country," considers the questions of whether and under what



Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)*Editor's Introduction*

xvii

circumstances a subject has a duty to risk her life for her country. The issue of military service brings into conflict two central aspects of Hobbes's political doctrine: his claim that political obligation is grounded in, and limited by, rational self-interest and his claim that subjects can be obligated to perform acts that are clearly *not* in their rational self-interest. Sreedhar explores the tension between these two claims, evaluates two ways of reconciling them, and argues that this clash is unavoidable in Hobbes's philosophy.

Hobbes is commonly taken to ground political obligation (i.e., the obligation to obey the laws of the state or "the commands of the sovereign") in rational self-interest; only by submitting to the authority of an absolute – undivided and unlimited – sovereign power can we truly escape the horrors of the state of nature. Hobbes is also very clear that one's obligation to obey the sovereign's commands is nullified when one's life is in danger, and his argument for an inalienable right of self-defense has been heralded as one of the main achievements of his social contract theory. On Hobbes's account, the right of self-defense is construed very widely to include not only the right to resist the sovereign in the face of immediate and certain death but also, under certain circumstances, to disobey commands that are simply dangerous.

Sreedhar notes that Hobbes insists that all subjects have a duty to serve when the help of all is needed for the preservation of the commonwealth, but provides little argument for this claim. Given that political obligation is grounded in the subject's interest in self-preservation, it is unclear how Hobbes can ever justify an obligation to risk one's life at the command of the sovereign. But how can there be an effective and stable Hobbesian commonwealth if none of its subjects are obligated to undertake dangerous or risky behavior? After all, law enforcement and military service are essential for the maintenance of domestic peace and national security. Since the justification for Hobbes's absolutist state is that only an unlimited and undivided government can provide security, how can Hobbesian subjects be obligated to engage in activities that will make their lives fundamentally insecure?

Gregory Kavka and Deborah Baumgold are the two commentators who have paid the most attention to this issue, and both try to defend Hobbes on this point. Kavka's approach is to argue that people, as Hobbes conceives them, would show a general willingness to fight and die for their country. For example, he argues that the dishonor of being a deserter or a draft-dodger will motivate people to join and remain in armies. While Kavka's account does justice to Hobbes's claim that people are essentially preoccupied with reputation and honor, Sreedhar argues that Kavka's argument misses the point: The question is not whether or not people will be able or willing to obey a command that would seriously threaten their lives, but rather whether or not people can, on Hobbes's picture, be *obligated* to do so. Baumgold, on the other hand, attempts to ground a possible Hobbesian obligation to serve in a military by way of Hobbes's notion of authorization. The idea that subjects authorize the sovereign appears only in *Leviathan*, and Baumgold argues that

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

Hobbes includes it in order to answer this very question. However, a careful analysis of Hobbesian authorization reveals that it cannot do the work Baumgold wishes it to do. Sreedhar concludes that justifying the obligation subjects may have to defend their countries is a real, if not a unique, problem for Hobbes.

Maryam Qudrat's chapter, "Confronting *Jihad*: A Defect in the Hobbesian Educational Strategy," begins by describing the rise of the Taliban in the mid-1990s in Afghanistan and situating it in Hobbesian terms. The particular content and methods of its educational system are described in detail. Qudrat then explains the features of that system that made it vulnerable to such an easy overturning by invading forces. She argues that this vulnerability is an ineliminable defect of the educational model Hobbes proposed. Hobbes insisted that only pervasive and uniform education – we might rather think of it as indoctrination – could force the internalization of attitudes of willing deference needed to ensure stability. But mere deference is not a principled commitment, and sheepish followers beaten down by an "educational system" that compels them uncritically to parrot whatever they are told will not have the wherewithal to defend their regime against any threat, whether external or internal. The very sort of charismatic "seducers of the people" that so exercised Hobbes find easy prey in a society of sheepish Hobbesian followers. Hobbes's educational system proves self-defeating.

Qudrat concludes by offering a sketch of a more useful educational model that preserves Hobbes's insights about the importance of education in any stable theocracy, while incorporating elements of John Stuart Mill's "marketplace of ideas" to enable citizens to forge a principled attachment to the system that sustains social order.

Part III of this volume turns to the Application of Hobbes to problems of global scope.

Chris Naticchia argues, in his "Hobbesian Realism in International Relations: A Reappraisal," that Hobbesian realism in international relations refers to a family of views that have come under heavy attack: the view that it is inappropriate to make moral judgments about international affairs; that it is wrong to criticize leaders of state for their foreign policy decisions; that international affairs is a state of nature that must issue in a state of war; that there is a national right to self-preservation; that leaders of state may do whatever is in the national interest; and finally, that, as trustees, they may act solely in pursuit of their national self-interest. Naticchia offers a qualified defense of Hobbesian realism in international relations. He distinguishes these various views and argues that one of them – the view that leaders of state are trustees who may act solely in pursuit of their national self-interest – best extends the spirit of Hobbes's philosophy and has the virtue of being independently plausible as well. Finally, Naticchia explores the limits of this view, arguing that what limits there are derive from the limits of consent theory generally and are not unique to Hobbes's particular version of it.

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)*Editor's Introduction*

xix

Aaron James writes on “Hobbesian Assurance Problems and Global Justice.” He argues that one of Hobbes’s enduring insights is the importance of assurance problems for the basic nature of social justice. They remain particularly important for currently unresolved questions about whether or how justice applies in the global context. Though problems of assurance have been much discussed in the debate between anarchists and institutionalists about international relations, both schools assume that states are egoistic, and consequently fail to appreciate their full force. Assurance problems equally arise among altruistic actors – perhaps only because of known differences in moral situation, interpretation, and judgment. Hobbes’s insight is that such differences in “private judgment” require public resolution. James argues that, while this does not quite require sovereign rule, as Hobbes claimed, it does imply, contrary to “cosmopolitan” views, that basic issues of human rights and global distributive justice must take a fundamentally international and institutional form.

In my chapter, “International Relations, World Government, and the Ethics of War: A Hobbesian Perspective,” I construct a scaffold to support a Hobbesian system of international relations. What, I ask, is the relationship between democratic citizenship and responsibility for those policies of one’s government that are morally indefensible? Might terrorist attacks on the citizens of democratic states aimed at motivating those states to cease their wrongful policies be justifiable, while attacks on armed conscripts under an autocratic state for similar policies might not be? Hobbes proves a surprisingly helpful resource for investigating these questions. He provides an elaborate argument that might sustain Michael Walzer’s under-argued position that those who act wrongfully but only in response to the government’s command are not to be held responsible in a way that would legitimate targeting them with violence. If Hobbes is right, our status as democratic citizens will not usually expose us to greater moral liability than subjects of autocratic regimes bear.

Jeff McMahan, in his chapter “Hobbesian Defenses of Orthodox Just War Theory,” explores the pervasive assumption that morality applies differently in war than the way it does in other contexts. Hobbes is taken as perhaps the most influential progenitor of this general view. He argues that morality can arise only through agreement enforced by an absolute sovereign and hence that there can be no morality in a state of nature. Because war is a relation between states and states exist in a state of nature vis-à-vis one another, there can be no morality of war. An argument of this sort is probably the best foundation for the view of the political realists that morality has no application in conditions of war. Some Hobbesians, however, might accept a weaker conception than Hobbes’s of the conditions in which a contract is binding and enforceable, and thus might argue that international law has reached or is leading to a point at which principles of morality can apply to war and its conduct. Some might – as many people do, at least implicitly – identify the morality of war with the law of war. Another and more common view is that while war is governed by moral

Cambridge University Press

978-1-107-00059-9 - Hobbes Today: Insights for the 21st Century

Edited by S. A. Lloyd

Frontmatter

[More information](#)

principles, these principles are different from those that govern other areas of life, including lesser forms of violent conflict. Views of this sort often have a basis in Hobbesian concerns about the absence in war of a common authority over all belligerents, and the absence of an impartial source of enforcement. McMahan's chapter explores the plausibility of these views and considers the rival view that war is continuous with other aspects of human life and is governed by the same moral principles that govern lesser forms of conflict, such as individual self-defense.

Michael Green argues, in "Hobbes and Human Rights," that there is a line of argument in Hobbes that runs between two unattractive ways of thinking about human rights and other moral values in international affairs. One of these alternatives is the naïve thought that human rights are independent of security. Hobbes, by contrast, insisted that what we call human rights depend on the circumstances of those who are asked to respect them. Human rights for me depend on security for you. Green believes that Hobbes's point is an improvement on the naïve view but that his argument for it is too strong. One of his concerns is to give a plausible weaker version of Hobbes's argument.

With that in hand, Green turns to the other unattractive way of thinking about human rights, the realist assertion that there are no moral constraints at all in the insecure realm of international affairs. But the contrast realists draw with the domestic realm is too sharp. Why, Green asks, would our values change so drastically at the border? Hobbes has more persuasive grounds for doubt about the use of morality in international relations that do not depend on dismissing moral values altogether. These include the more plausible version of the argument against the naïve view of human rights.

In addition to these authors, thanks are due to those who helped in other ways to produce this volume. Claire Finkelstein graciously organized a contributors' conference hosted by the University of Pennsylvania's Law and Philosophy Institute. My research assistant, Anastasya Lloyd-Damnjanovic, helped to organize and edit the present volume. I owe thanks, as always, to Zlatan Damnjanovic, for his material and moral support.