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Thomas Hobbes' Response to the Fool: Justice and Magnanimity

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Abstract

I focus on Thomas Hobbes' response to the moral skeptic – the Fool – who claims it is sometimes reasonable to break valid covenants (contracts). The Fool maintains that, in some circumstances, violating a covenant will be in a person's best self-interest, and it will be reasonable to violate when it is. I interpret Hobbes to respond that it will *never* be reasonable for anyone to break a valid covenant, even in the state of nature (prior to society). In fact, everyone is obliged to keep all of his valid covenants, and it is always both reasonable and in each person's best interest to keep them.

Individuals who deliberately break their valid covenants for the sake of personal benefit run the risk of acquiring the vice of injustice. Such a vice would prove disadvantageous to them, and possibly even put their lives at risk. Further, people can only acquire the virtue of justice if they consistently endeavor to keep their valid covenants. Finally, it is incredibly advantageous to any person to acquire this virtue, because only those who possess it can achieve the greatest possible felicity (happiness), which every person greatly desires. Because everyone loves felicity and justice is necessary for it, justice is always in anyone's self-interest, and thus, for Hobbes, reasonable as well.

I focus on passages suggesting that it is always reasonable and beneficial to perform on valid covenants (i.e., L: 15.5), and I consider Hobbes' suggestion that only a genuinely just person, who endeavors to keep all of his valid covenants, could ever be perfectly reasonable (L: 15.10). I also examine Hobbes' claim that we are obliged to the laws of nature *in foro interno* even in the state of nature (i.e., DC: 3.27, L: 15.36, and L:

30.30). According to Hobbes, if a person possesses the vice of injustice, his peers will eventually discover it and treat him terribly, potentially killing him.

I then change tracks and focus attention on Hobbes' conception of magnanimity (i.e., L: 6.27 and EL: 9.20). By discussing the relations between magnanimity, justice, and felicity, I explain why, according to Hobbes, the virtue of justice is necessary for anyone to achieve the greatest possible felicity. Since everyone highly prizes this great felicity, it must be reasonable for anyone to pursue the virtue of justice, and it is always unreasonable and contrary to benefit for anyone to endeavor to violate a valid covenant.

THOMAS HOBBS RESPONSE TO THE FOOL:
JUSTICE AND MAGNANIMITY

by

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Dissertation

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PART 1
THE FOOL

Chapter 1. Introduction to Part 1: *The Fool*

Many Hobbes scholars are particularly drawn to a few paragraphs in Chapter 15 of *Leviathan*, in which Thomas Hobbes describes the philosophical position of a “Fool,” and then attempts to explain why this Fool is mistaken. The Fool suggests that, on some occasions, it will be reasonable to break valid covenants and act unjustly. In particular, the Fool suggests that it would be reasonable for a person to break valid, or obligatory, covenants whenever he reasonably believes that doing so would be genuinely conducive to his ends. That is, the Fool suggests that whenever it is in a person’s best interest to break a valid covenant, it would be reasonable to break it.

In response, Hobbes suggests that it is never reasonable for a person to believe that breaking a valid covenant would be in his best interest. Hobbes tells the Fool that, in a society with a strong sovereign, it will always be reasonable and beneficial to perform valid covenants. Hobbes also claims that, in a state of nature, that is, without a sovereign, it would be neither reasonable nor beneficial to break a valid covenant provided the other party has already performed.

To many theorists, Hobbes’ assertions seem obviously mistaken. Suppose, for instance, that you belong to a society with a strong sovereign. Couldn’t you nonetheless enter a situation in which you reasonably and correctly believe that it would be in your best interest to break a valid covenant? What if you realized that you would never be caught or punished? Alternatively, couldn’t you face a situation in which you are aware that there is a huge chance of significant reward if you break a valid covenant and only a small chance of facing minor consequences if you were caught? Provided these circumstances could arise, it seems clear (initially at least) that, in some situations, you

could reasonably believe that breaking a valid covenant would be in your best interest – would be genuinely conducive to your ends.

Nonetheless, suppose you are willing to assent to what Thomas Hobbes seems to claim about covenants in a society. Even so, it seems all the more outrageous for Hobbes to suggest that, in a state of nature, where there is neither a society nor a sovereign, it could never be beneficial or reasonable to break a valid covenant provided the other party has already performed. Without a government to enforce covenants, why couldn't you enter a circumstance in which you could reap great rewards by breaking a valid covenant without facing any risk of negative consequences? And if you entered a circumstance like this, couldn't you be aware of those benefits? At first glance, it seems clear that, in the state of nature, it could sometimes be beneficial to break a valid covenant, even if the other party has already performed.

Many theorists have tried, with various degrees of success, to provide interpretations of the Fool's philosophy and Thomas Hobbes' response. My work, as a whole, aims to provide an even better interpretation. To do so, I will focus heavily on the notions of the just person, just dispositions, and the virtue of justice.

I focus on two of Hobbes' arguments. First, I take Hobbes to argue that it is neither reasonable nor beneficial to be an unjust person. My interpretation builds on David Boonin-Vail's so-called "Argument From Revealed Disposition." Oversimplifying, I take Hobbes to suggest that it is unreasonable to be an unjust person because, if one is, his peers will eventually recognize that he is and treat him terribly as a result. I take this to be Hobbes' chief response to the Fool. In this chapter, I will begin to

argue that this is an accurate interpretation, and by the end of **Chapter 5**, I will have offered substantially more evidence on its behalf.

Next, I suggest that Hobbes provides a more universal argument, directed at a general audience rather than to the Fool. In this argument, Hobbes provides an even better reason for claiming that it could never be reasonable or beneficial to break valid covenants. I maintain that we should understand Hobbes' argument as follows:

1. At any given time, it is reasonable and beneficial for anyone to do whatever is necessary to become or remain a just person.
2. In order to become or remain a just person, a person must take care to perform all of his valid covenants. He must obtain or have the virtue of justice, a disposition strengthened by habit to perform valid covenants.
3. If (1) and (2) are true, then it is reasonable and beneficial for anyone to perform all of his valid covenants.
4. **Therefore:** It is reasonable and beneficial for anyone to perform all of his valid covenants.

By focusing on a close reading of Thomas Hobbes' response to the Fool, much of the present chapter will lay the groundwork for my interpretation of the two arguments described above. Later, **Chapters 2, 3, and 4** will continue to argue that my interpretation is accurate, and will address a number of potential counter-arguments. **Chapter 5** returns to, and focuses on, the merits of Hobbes' "Argument From Revealed Disposition" in response to the Fool.

My project has two parts. The first five chapters explain why, according to Hobbes, it is unreasonable and harmful for anyone to be a genuine Fool. They provide a *negative* justification for moral action. But, for Hobbes, most people are neither genuine Fools nor truly just. They are somewhere in between. So just because it's unreasonable to be a Fool, it doesn't follow that it's reasonable to be genuinely just. So why be truly

just? We need to find, in Hobbes' writings, a *positive* justification for moral behavior as well. This is what the second part of my project seeks.

Chapters 6-10 argue that, according to Hobbes, it really is beneficial and reasonable for anyone to become genuinely just. To arrive at this conclusion, I will need to introduce and explore a new notion in Hobbes' thought – namely, the magnanimous person. This notion is vital; it captures what Hobbes took to be the best possible for any person. By examining the notion of magnanimity, these chapters will also explore why the virtue of justice, too, is of substantial worth to Hobbes. For Hobbes: the magnanimous person is identical to the just person; it is in anyone's best interest to become magnanimous; and it is always reasonable to pursue one's best interest in this way. So, it is reasonable and beneficial to become and remain just.

While my work will focus on Thomas Hobbes' theory, it will have significant weight outside of Hobbes scholarship. I suspect that these Fool paragraphs have received as much attention as they have because the Fool's objection still has weight today. I, myself, sometimes find the Fool's suggestion appealing. In general, isn't it reasonable for me to perform those actions that are most conducive to my ends? And, so, wouldn't it likewise be reasonable for me to break a valid covenant, provided I could reasonably believe that doing so would be beneficial to me?

Consider any modern philosopher who seeks to defend an instrumental rationality according to which a choice is rational provided it is the best means of maximizing expected utility. Any philosopher who finds this kind of position appealing will have to square with his very own Fool. For a Fool is bound to ask him: but what if I know that

breaking a valid covenant will maximize my expected utility? Would it be reasonable to choose to break the covenant? Would injustice be reasonable?

Some modern philosophers, when faced with these questions, might be willing to adopt a variation of Hobbes' response. I provide an interpretation of Hobbes' response to the Fool, which I take to be consistent with instrumental rationality, and which can still reasonably maintain that injustice will never be reasonable. Modern philosophers might find different aspects of Hobbes' approach appealing. While my project, throughout, is largely interpretive, and doesn't seek to prove that Hobbes is correct, I admit that I find his response appealing as well. I agree with Hobbes: no one should be a Fool.

The remainder of this chapter will consider the relevant paragraphs, concerning the Fool, from Hobbes' Chapter 15, in more detail.

Section 1.1: The Fool

The Fool hath said in his heart, there is no such thing as justice; and sometimes also with his tongue, seriously alleging that every man's conservation and contentment being committed to his own care, there could be no reason why every man might not do what he thought conduced thereunto; and therefore also to make or not make, keep or not keep covenants was not against reason when it conduced to one's benefit (L: 15.4)¹

This is how Thomas Hobbes introduces his Fool. By referring to the Fool who "hath said in his heart there is no God" (L: 15.4), Hobbes directs his readers to consider the Bible's 14th Psalm, which begins: "Fools say in their hearts, 'There is no God.'"² Later in the same paragraph, Hobbes once again refers to the Psalm, writing: "for the same fool hath said in his heart there is no God" (L: 15.4). It is useful to remember that

¹ Thomas Hobbes, *Leviathan: Parts 1 and 2*, ed. A.P. Martinich (Ontario: Broadview Editions, 2005).

² *The Holy Bible: Containing the Old and New Testaments, New Revised Standard Version* (Grand Rapids: Zondervan, 1989).

Hobbes' intended audiences would have had the Psalm in mind while they read Hobbes' text.

The passage quoted above is clear about the Fool's personal philosophy. The Fool maintains that it is reasonable for a person to break a valid covenant if that person reasonably believes that doing so would be beneficial. This is the Fool's key sentiment, one that is repeated several times as Hobbes continues:

He does not therein deny that there be covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called injustice; but he questioneth whether injustice . . . not sometimes stand with that reason which dictateth to every man his own good (L: 15.4).

All the voluntary actions of men tend to the benefit of themselves; and those actions are most reasonable that conduce most to their ends (L: 15.4).

This last passage seems particularly forceful. To the Fool, not only is it reasonable to break a valid covenant if you reasonably believe that doing so would be beneficial, but an action is reasonable for a person in proportion to the degree to which he believes it will benefit him.

Taking these assertions into account, the Fool's argument, overall, seems to proceed as follows:

1. In some circumstances, a Fool could reasonably believe that breaking a valid covenant would be genuinely beneficial to him.
2. If the Fool could reasonably believe that breaking a valid covenant would be genuinely beneficial to him, then it would be reasonable for him to break that covenant.
3. *Therefore:* In some circumstances, it would be reasonable for him to break that valid covenant.

In defense of the first premise, the Fool tries to imagine circumstances in which a person could reasonably believe that breaking a covenant would be beneficial. Why couldn't someone face a circumstance in which he knows he would benefit from an

injustice without being caught for it, or without facing substantial penalties if he were? The Fool wonders about this, asking: “Were it against reason to get it, when it is impossible to receive hurt by it?” (L: 15.4).

The Fool imagines one particular circumstance in which it seems clear that one could, through injustice, receive great benefit without any real penalty. The Fool imagines a situation in which, by breaking a covenant, a person could himself become a sovereign, with so much power that he is in a “condition to neglect not only the dispraise and revilings, but also the power of other men” (L: 15.4). The Fool suggests that, in this circumstance, the person might reasonably and correctly believe that breaking the covenant would be beneficial to him.

In just this way, the Fool appeals to intuitive evidence in support of his first premise. Now, to be sure, the Fool doesn’t seem to provide much evidence for his second premise, which suggests that, provided the Fool could reasonably believe that breaking a valid covenant would be genuinely beneficial to him, it would also be reasonable for him to break the covenant.

One could argue, as David Gauthier sometimes seems to, that Hobbes believes that, in a society, the second premise is false. Perhaps, for Hobbes, even if a person in a society could reasonably believe that breaking a valid covenant would be genuinely beneficial, it still wouldn’t be reasonable for the person to break the covenant. Still, even if Hobbes does disagree on this point, he certainly isn’t clear about his disagreement when he responds to the Fool. In fact, in responding to the Fool, Hobbes seems to concede to the Fool’s second premise:

Either where one of the parties has already performed already or where there is a power to make him perform, there is the question whether it be **against reason**,

that is, against the benefit of the other party to perform or not. And I say it is not against reason. (L: 15.5, emphasis added.)³

As will be discussed later in this chapter, Hobbes doesn't claim that an action is reasonable whenever it turns out to be beneficial. Rather, Hobbes maintains something very similar to the Fool's second premise. Hobbes suggests that, if it is reasonable to believe that an action or disposition is beneficial, then that action or disposition is reasonable. Hobbes' theory, here, takes an epistemic turn.

For Hobbes, one of reason's "jobs" is to determine what is really good in the long term (DH: 12.1).⁴ And Hobbes suggests that, to do so, reason seems to play a role that is almost mathematical. I interpret Hobbes to suggest that, to determine what is really good, a person must consider its consequences, and *add up* all the good parts and *subtract* all the bad.⁵ In *Leviathan*, Hobbes similarly suggests that all sorts of deductive reasoning can be considered variations of adding and subtracting, so that:

“In what matter soever there is place for *addition* and *subtraction*, there is place for *reason*; and where these have no place, there *reason* has nothing at all to do.” (L: 5.1).

In light of this consideration, we can better understand Hobbes' claim that, if it is reasonable to believe that an action or disposition is beneficial, then the action or disposition is reasonable. According to Hobbes, if you do your math right, and determine

³ A textual note: The edition of *Leviathan* to which I frequently refer makes frequent use of *italics*. When I, myself, have chosen to add emphasis, I have opted to **bold text** instead.

⁴ Thomas Hobbes, *Man and Citizen (De Homine and De Cive)*, trans. Charles T. Wood, T.S.K. Scott-Craig, and Bernard Gert (Indianapolis: Hackett Publishing Company, 1991).

⁵ Hobbes writes: “Not because any apparent good may not truly be good in itself, without considering the other things that follow from it; but in many things, whereof part is good and part evil, there is sometimes such a necessary connexion between the parts that they cannot be separated. Therefore, though in each one of them there be so much good, or so much evil; nevertheless the chain as a whole is partly good and partly evil. And whenever the major part be good, the series is said to be good, and is desired; on the contrary, if the major part be evil, and, moreover, if it be known to be so, the whole is rejected. Whence it happens that inexperienced men that do not look closely enough at the long-term consequences of things, accept what appears to be good, not seeing the evil annexed to it; afterwards they experience damage” (DH: 11.5).

that an action or disposition will be beneficial, then it is also reasonable for you. I will return to this consideration again, later in this chapter.

Section 1.2: Response to the Fool

If Hobbes doesn't tell the Fool that his second premise is false, what does Hobbes say? Another Hobbes scholar, David Boonin-Vail, correctly interprets the passage quoted on the previous page as a disjunction.⁶ That is, he takes Hobbes to suggest that it is reasonable and beneficial to perform a valid covenant provided **either**:

1. The covenant's other party has already performed, **or**
2. The covenant was made in a society with a sovereign – “a power to make him perform” (L: 15.5).

According to this interpretation, even if a person weren't in a civil society, it would still be reasonable for him to perform a valid covenant provided the other party has already performed. Regardless of whether a person is in a civil society or in the state of nature, it will always be reasonable to perform valid covenants like this.⁷

While Boonin-Vail does not consider how the surrounding passages relate to this interpretation, it is clear that they stand in support. In the same paragraph, Hobbes formulates an argument – the *confederation argument* - that clearly concerns the state of nature. Hobbes maintains that a person should perform a valid covenant, when the other party has already performed, even in the state of nature – even “in a condition of war, wherein every man to every man, for want of a common power to keep them all in awe, is an enemy” (L: 15.5). Hobbes argues that, even in this state of nature, one must rely on the help of confederates, and if a person were to break valid covenants, his confederates

⁶ Please see the block quote on the page, starting with “Either where one of the parties . . .”

⁷ David Boonin-Vail, *Thomas Hobbes and the Science of Moral Virtue* (Cambridge: Cambridge University Press, 1994), 75.

might alienate him. It is reasonable, Hobbes suggests, to avoid this risk by following through on valid covenants when the other party has already performed.

This argument stands in support of a disjunctive interpretation of the argument David Boonin-Vail cites. Hobbes' argument makes sense as an explanation of why, as the disjunctive interpretation suggests, we should keep certain covenants even in the state of nature.

Several paragraphs later, Hobbes provides another passage, from which we can also conclude that, even in the state of nature, it is always reasonable to follow valid covenants.

The names of *just* and *unjust* . . . when they are attributed to men . . . signify conformity or inconformity of manners to reason. But when they are attributed to action they signify the conformity or inconformity to reason, not of manners, or manners of life, but of particular actions. A just man therefore is he that taketh all the care he can that his actions may be all just; and an unjust man is he that neglecteth it (L: 15.10).

First, recognize that, for Hobbes, injustice is “no other than *the not performance of [valid] covenant*” (L: 15.2). Hobbes thinks that the name of “unjust,” when attributed to an action, signifies its inconformity of reason. This means that, for Hobbes, unjust actions – the breaking of valid covenants – are unreasonable. According to Hobbes, it is never reasonable to break a valid covenant.

This claim does not seem to be contingent on one's living in a civil society; rather, it should be true in all circumstances. In fact, it seems to be a matter of definition.⁸ Hobbes discusses what the names of “just” and “unjust” **signify**, and he suggests that “unjust” picks out actions that don't conform to reason. Unless these names

⁸ Elsewhere, Hobbes claims that the signification of words are the words' definitions: “. . . and therefore in geometry . . . men begin at settling the significations of words, which setting of significations they call definitions, and place them in the beginning of their reckoning” (L: 4.12).

signify something different in the state of nature, we can conclude that even in the state of nature it is unreasonable to break valid covenants.

On a final note, this passage also suggests that a just man is reasonable, and that a just man tries not to perform unjust acts. It maintains that, if and only if a man is just, his manners are conformable to reason, and it also suggests that, if a man is just, he takes care that all of his actions are just. Understanding that injustice is “the not performance of covenant” (L: 15.2), it is clear, then, that a reasonable person is careful to never break his covenants.

In light of this discussion, the second of my work’s central arguments should be fairly clear. First, it is always reasonable to be a just person. Second, a just person is someone who takes care to perform all of his valid covenants. If these first two premises are correct, then it is reasonable to perform all valid covenants. Therefore, it is reasonable to perform all valid covenants.

When we consider this “just man” passage together with the confederation argument and the disjunctive claim that David Boonin-Vail cites, a consistent interpretation emerges. For Hobbes, if your valid covenant’s other party has already performed, it would always be reasonable for you to perform, even if you are in the state of nature.

Section 1.3: The Just Man

To better understand Hobbes’ response to the Fool, it is important to further consider Hobbes’ passage regarding the righteous, just man:

Therefore a righteous man does not lose that title by one or a few unjust actions that proceed from sudden passion or mistake of things or persons; nor does an unrighteous man lose his character for such actions as he does or forbears to do

for fear, or because his will is not framed by the justice, but by the apparent benefit of what he is to do. That which gives to human actions the relish of justice is a certain nobleness or gallantness of courage, rarely found, by which a man scorns to be beholding for the contentment of his life to fraud or breach of promise. This justice of the manners is that which is meant where justice is called a virtue; and injustice, a vice (L: 15.10).

Upon careful consideration of this passage, it should be clear that Hobbes intended for it to address the Fool's theory. In fact, I believe that Hobbes' discussion of the just man is central to understanding both the Fool and Hobbes' response to him.

David Boonin-Vail recognizes that the passage just quoted seems to draw a stark contrast between the Fool and the just person.⁹ While the Fool "hath said in his heart, there is no such thing as justice" (L: 15.4), the just man, in contrast, "is he that taketh all the care he can that his actions may be all just" (L: 15.1). While the just man's will is "framed by justice" (L: 15.10), the will of the unjust Fool is framed "by the apparent benefit of what he is to do" (L: 15.10). After all, the Fool seriously alleges that to "keep or not keep covenants was not against reason when it conduced to one's benefit." (L: 15.4). In light of the stark contrast this passage draws, it should be clear that the Fool is the opposite of the just man. Thomas Hobbes intends for his audience to view the unjust person as the Fool.

David Boonin-Vail doesn't go any further to defend this interpretation. But, in numerous contexts, Hobbes is clear about the relationship between injustice and foolishness. For example, consider a passage from the first dialogue of Hobbes' *Behemoth*, written as a conversation between "A" and "B" in which they critique members of parliament:

A. If craft be wisdom, they were wise enough. But *wise*, as I define it, is he that knows how to bring his business to pass (without the assistance of knavery and

⁹ Boonin-Vail, *Thomas Hobbes*, 147-148.

ignoble shifts) by the sole strength of his good contrivance. A Fool may win from a better gamester, by the advantage of false dice.

B. According to your definition, there be few wise men now-a-days. Such wisdom is a kind of gallantry, that few men are brought up to, and most think folly (B: p. 38).¹⁰

Here, the wise man seems to be the just man discussed in *Leviathan*. Hobbes refers to the wise man's rare gallantry, which seems to be equivalent to the just man's "gallantness of courage, rarely found" (L: 15.10). Further, given Hobbes' use of the phrase "knavery and ignoble shifts," it seems that the wise man, like the just man, scorns injustice. It seems clear that the wise man, too, takes care that his actions may be just. In addition, a few paragraphs later, Hobbes heavily implies that the "rules of *just* and *unjust*" (39) are known by only a few wise men.

Here, then, perhaps even more so than in *Leviathan*, the contrast between the just man and the Fool is particularly clear and sharp. The just man is wise, and the unjust man is a Fool.

Finally, Hobbes' original audience would have been even more likely, when reading *Leviathan*, to recognize that Hobbes intended to draw a stark contrast between the Fool and the just man. As suggested in **Section 1.1**, by referring to the Fool who "hath said in his heart there is no God" (L: 15.4), Hobbes' *Leviathan* directs its audience to consider the Bible's 14th Psalm. And that Psalm, as Hobbes' intended audience would have known, draws a clear, stark contrast between the Fool and the just person. When Hobbes' audience read *Leviathan* with this Psalm in mind, they would have been all the more likely to recognize a similar contrast in Hobbes' text.

¹⁰ Thomas Hobbes, *Behemoth, or The Long Parliament*, ed. Ferdinand Tonnies (London: Frank Cass & Co., 1969).

Near its end, the Psalm draws a stark contrast between the fool and the righteous, just man: “For God is in the company of the Righteous.” In the Latin Vulgate (the Latin version of the Bible), the phrase for “righteous” is “*generatione iusta*,” literally the just generation – the kind of people who are just. Apparently, it is popular to interpret the Psalm as contrasting two very different kinds of people, fools and just men.

Just as the fool is the opposite of the just man in the Psalm to which Hobbes refers, the Fool is also the opposite of the just man in Hobbes’ theory. After considering all of the passages just discussed, this should be clear.

It should also be clear that at least one of the Fool’s errors is that he is an unjust person. As David Boonin-Vail notes, this means that the Fool has erred in his manners, virtue, and disposition. As Hobbes attests, when the names of “just” or “unjust” are attributed to a person, they signify “conformity or inconformity of manners to reason” (L: 15.10). Thus, for the Fool to err in being an unjust person, the Fool must have unreasonable manners. And further, Hobbes writes that: “this justice of the manners is that which is meant where justice is called a virtue; and injustice, a vice” (L: 15.10). This suggests that the Fool also errs with respect to virtue. Finally, a few lines later, Hobbes further suggests that since the Fool has unreasonable manners, he also has a poor disposition: “Again, the injustice of manners is the disposition or aptitude to do injury” (L: 15.12).

To further strengthen the connection between the Fool and his vice, David Boonin-Vail also draws attention to the fact that Hobbes mentions virtue in his central discussion of the Fool. Hobbes writes that, for the Fool, “successful wickedness hath obtained the name of virtue” (L: 15.4). Even in his discussion of the Fool, Hobbes draws

his readers' attention away from action and to the virtues behind that action. It seems clear that the Fool problematically has unjust virtues, manners, and dispositions.

In **Chapter 3**, I will argue that while David Boonin-Vail's discussion of the contrast between the Fool and the just man is good, we can develop an even better understanding of the Fool by considering in greater depth the distinction between justice and foolishness. For now, though, I will focus on a close reading of Hobbes' response to the Fool. I will consider Hobbes' other arguments.

Section 1.4: The Argument From Revealed Disposition

In **Section 1.2**, I briefly considered one of Hobbes' arguments in response to the Fool, which I called the "confederation argument." The Fool maintains that it is sometimes reasonable to break valid covenants, even when the other party has already performed. Hobbes responds with the following argument, quoted at length for the sake of subsequent discussion:

In a condition of war . . . there is no man can hope by his own strength or wit to himself from destruction without the help of confederates . . . and therefore he which declares he thinks it reason to deceive those that help him can in reason expect no other means of safety than what can be had from his own single power. He, therefore, that breaketh his covenant and consequently declareth that he thinks he may with reason do so, cannot be received into any society that unite themselves for peace and defense but by the error of them that receive him; nor when he is received be retained without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security (L: 15.5).

In brief, Hobbes maintains that even in the state of nature, everyone needs the help of confederates in order to survive. But if one breaks his covenants, his confederates might catch him and alienate him, leading to his death. Further, no one can expect his confederates not to catch him and force retribution. To avoid the risk of alienation and

death, Hobbes argues, it is reasonable and beneficial for a person to keep all of his covenants provided their other parties have already performed.

While this does seem to be Thomas Hobbes' argument, as David Boonin-Vail attests, there is more to it than might initially meet the eye. Boonin-Vail argues that, according to Hobbes, one's confederates would alienate him, not for his destructive actions, but rather because they recognize he has a destructive disposition. It's not so much that one's confederates alienate him for his actions, but rather for the unjust disposition that the person's actions reveal.¹¹ That is, Hobbes maintains that if you are a lousy person with wicked dispositions, you will very likely eventually reveal yourself to some of your confederates, and they will treat you terribly as a result.

This interpretation, which Boonin-Vail calls the *argument from revealed disposition*, seems especially persuasive in light of our earlier discussions. As suggested, one of the Fool's errors is that he has foolish vices and dispositions. By interpreting the confederation argument as David Boonin-Vail does, we can understand it to explain *why* it is an error to have these foolish vices. One shouldn't have these vices because if one does, he will very likely eventually reveal them to his confederates who will alienate him in response. Boonin-Vail's interpretation of the confederation argument is compelling insofar as it seems to work with other passages to present an attractive and powerful picture, overall.¹²

¹¹ Boonin-Vail, *Thomas Hobbes*, 147-148.

¹² In his feedback at a 2011 workshop, Anthony Fisher correctly argued that Hobbes' "confederation argument" addresses two different types of individuals: first, Fools who already have confederates; and second, Fools who don't yet have them. If a Fool already has confederates, they will be likely to treat him badly or "cast [him] out" (L: 15.5). If a Fool doesn't yet have confederates, others might never receive him into their confederations at all. Hobbes is clear that he is addressing both kinds of individuals when he writes: "He, therefore, that breakth his covenant . . . cannot **be received** into any society . . . but by the error of them that receive him; **nor when he is received be retained in it** without seeing the danger of their error" (L: 15.5). In my work, I focus on Fools who *already have* confederates. Certainly, a Fool

But there are other good reasons to understand the passage as David Boonin-Vail does. As David Boonin-Vail suggests, to get a better understanding of Hobbes' confederation argument, we can look at Hobbes' defense of the fourth law of nature (as numbered in *De Cive*). Hobbes' argument for the fourth law is very similar to the confederation argument, and by considering one we might better learn about the other.¹³

In both, Thomas Hobbes argues that one should follow a law, either the third law which demands that a person obey his covenants, or the fourth, that a person “render himself useful unto others” (DC: 3.9).¹⁴ In both arguments, too, Hobbes argues that a person should follow the law because if he doesn't, he might be “troublesome” to his confederates and cast out of his society. When defending the “render himself useful” law in *Leviathan* (there numbered the fifth law), Hobbes is clear that if one breaks the law, he might be “left or cast out of society as cumbersome thereunto” (L: 15.17).

But, as David Boonin-Vail points out, in Hobbes' argument in *De Cive*, Hobbes explicitly makes use of the notion of dispositions:

We must remember that there is in men a diversity of dispositions to enter into society, arising from the diversity of their affections, not unlike that which is found in stones, brought together in the building, by reason of the diversity of their matter and figure. For a stone, which in regard of its sharp and angular form takes up no more room from other stones than it fills up itself . . . is cast away, as not fit for use; so a man, for the harshness of his dispositions in retaining superfluities for himself . . . is commonly said to be useless and troublesome unto others (DC: 3.9).

Here, Hobbes is clear: One should act appropriately, and “render himself useful unto others,” because if he doesn't, he will likely reveal a harsh disposition for which he will

might never be accepted by his peers in the first place, if he reveals a lousy disposition too soon; but even if the Fool could hide it well enough to be received in the first place, he will very likely eventually reveal it and face poor treatment from the confederates he, by then, already has.

¹³ Boonin-Vail, *Thomas Hobbes*, 151.

¹⁴ Thomas Hobbes, *Man and Citizen (De Homine and De Cive)*, trans. Charles T. Wood, T.S.K. Scott-Craig, and Bernard Gert (Indianapolis: Hackett Publishing Company, 1991).

be cast out of society, much as a builder casts away a troublesome stone. If we can recognize that Hobbes' argument, here, is parallel to his confederation argument in response to the Fool, then we might also recognize that the confederation argument concerns revealed dispositions as well.

David Boonin-Vail also notes that, in *Leviathan*, Hobbes is clear that a troublesome stone will be cast out if it cannot easily be fixed, if it “for harshness cannot be easily made plain” (L: 15.17). Boonin-Vail rightly takes this to suggest that, just as a stone won't be cast out if it can be reshaped, a person who acts unjustly won't be exiled if he can be changed easily. That is, to be cast out, it isn't sufficient for a person to *act* unjustly; he must also have an unacceptable disposition that is too difficult to change.

Provided that this is correct, the same should be true with respect to Hobbes' confederation argument. A person won't lose the help of his confederates simply by acting unjustly and breaking a valid covenant or two. Rather, a person will only be alienated if, by breaking his contracts, he reveals a poor disposition that is too difficult to change.

The dispositions that Hobbes is discussing here seem to be deep-seated virtues and vices, the kind of dispositions that are strengthened by habit and not easily changed.

After all, according to Hobbes, that's all that virtues and vices are:

Dispositions, when they are so strengthened by habit that they beget their actions with ease and with reason unresisting, are called *manners*. Moreover, manners, if they be good, are call *virtues*, if evil, *vices*. (DH: 13.8).

Your confederates will alienate you only if you can't be easily changed – only if your wicked disposition has been so strengthened by habit that it has become a vice.

According to Hobbes, it is in a person's interest to develop good virtues, in part because

if he doesn't, his actions will likely eventually reveal his vices and cause his confederates to exile him.

Hobbes frequently suggests that actions might act as signs that reveal a person's opinions, passions, and dispositions. David Boonin-Vail notes this, and focuses, in particular, on Hobbes' justification for *Leviathan's* sixth law, which claims in part that a pardon, "not granted to them that give caution to the future time is a sign of an aversion to peace and therefore contrary to the law of nature" (L: 15.18). This passage seems to suggest that one should pardon others because failing to do so reveals an unacceptable disposition, an aversion to peace.¹⁵

David Boonin-Vail doesn't adequately note the substantial number of passages in which Thomas Hobbes suggests that actions serve as signs of psychological or personal attributes. For example, in *Leviathan's* discussion of honor, alone, Hobbes claims that: to speak with consideration is a sign of fear to offend (10.26); to believe someone is a sign of an opinion of virtue (10.27); to be known for wealth is a sign of power (10.44); to act proceeding from equity joined with loss is a sign of magnanimity (10.46); etc. Hobbes is quite clear in his belief that actions can reveal deeper truths about us to which other people will respond. Hobbes would doubtlessly agree that unjust acts, like breaking covenants in the state of nature, are also revealing.

Section 1.5: Hobbes on Virtue

There is another reason to accept David Boonin-Vail's "revealed disposition" interpretation. We should adopt the interpretation because, if we take the confederation

¹⁵ Boonin-Vail, *Thomas Hobbes*, 156.

argument to focus solely on actions, rather than on dispositions and vices, then the argument seems to be unreasonably weak.

Adopting David Boonin-Vail's interpretation, I take the argument to explain why it is neither reasonable nor beneficial to have an unjust vice. But, if we interpret it to focus on actions rather than on vices, then what is the argument meant to conclude?

Regardless of whether Hobbes' confederation argument focuses on vices or actions, two things about the argument are clear: 1. The argument intends to defend Hobbes' claim, discussed above, that it is never reasonable or beneficial to break a valid covenant provided the other party has already performed. 2. The argument suggests that it is reasonable for a person to believe that his confederates will discover him and that he will face serious repercussions such as alienation or death.

If we interpret the argument to focus solely on actions rather than vices, it seems we would best interpret it to suggest the following: nobody could ever reasonably/beneficially breach a valid covenant in which the other party has performed, because it is never reasonable for a person to believe that he won't be caught for his action – his breach – and face serious repercussions such as alienation or death. If the confederation argument focuses solely on actions, this is how we would need to interpret it, yet this is clearly false and I doubt Hobbes would agree with it.

Why couldn't a person enter a circumstance in which he reasonably believes that there is no chance of being caught for his breach of covenant? If he could, then couldn't he also reasonably believe that he could break a valid covenant without facing any chance of alienation or death? Alternatively, why couldn't an individual ever reasonably believe that, even if he were caught for a certain breach, his confederates wouldn't alienate or kill

him for it? What if, for instance, he considered breaching a very minor, almost-insignificant covenant?

Even setting these intuitive questions aside, Thomas Hobbes is clear that wicked people do, in fact, often prosper:¹⁶

This question, *why evil men often prosper; and good men suffer adversity*, has . . . shaken the faith, not only of the vulgar, but of philosophers (L: 31.6).

Men, from having observed how in all places and all ages unjust actions have been authorized by the force and victories of those who have committed them (L: 27.10).

In light of these passages and the frequent success of unjust actions, Hobbes should realistically admit that an individual could, potentially, reasonably believe that he could break a valid covenant without facing any chance of alienation or death for that particular breach.

It would be unreasonable to suggest that the confederation argument concludes the contrary. Rather, by recognizing that the confederation argument focuses on vices in addition to actions, we can recognize that it is, instead, a strong defense of the claim that it is never reasonable or beneficial to have an unjust, foolish vice.¹⁷

Thomas Hobbes' reasoning goes as follows: Even if a person with a foolish, unjust disposition/vice frequently could get away with unjust *actions* that seem to benefit him, his confederates are still very likely to eventually discover that he has this *vice*.

That is, if a person has this vice, his confederates are likely to eventually notice it. Since

¹⁶ S.A. Lloyd draws attention to these passages for a similar reason. Lloyd, "Hobbes' Reply to the Foole: A Deflationary Definitional Interpretation," *Hobbes Studies* XVIII (2005): 51-52.

¹⁷ In **Chapter 10**, I argue that Thomas Hobbes is not, in fact, a virtue theorist. Roughly speaking, I take Hobbes to evaluate dispositions in the same way he evaluates actions, by determining whether, for any given individual, they maximize personal benefit. I maintain that, according to Hobbes, when determining how to act or who to be, a person should evaluate the advantages/disadvantages, not only of actions, but also of dispositions (virtues/vices) as well. More in **Chapter 10**.

that would be disastrous for anyone, it is neither reasonable nor beneficial for anyone to have this vice.

Certainly, a person's confederates might not recognize that he has this vice for a long time. It can be very difficult to discover. As Hobbes suggests:

For though the wicked were fewer than the righteous, yet because we cannot distinguish them, there is a necessity of suspecting, heeding, anticipating, subjugating, self-defending, ever incident to the most honest and fairest conditioned (DC: preface, p. 100).

Nonetheless, if a person has an unjust, foolish disposition/vice for long enough, some of his confederates are very likely to eventually discover that he has it, and, if so, they will treat him quite badly as a result.

In **Chapter 5**, I will argue that, according to Hobbes, if a person ever has an unjust, foolish vice, then he will have it for a long time. Provided this is correct, Hobbes' confederation argument can conclude that it is never reasonable to have this kind of vice.

To be clear, I don't think Hobbes needs to maintain that a community is very likely to kill or alienate anyone with an unjust vice. For Hobbes to successfully argue that it is neither reasonable nor beneficial to possess the vice of injustice, he need only argue that an unjust person will very likely eventually reveal himself to some of his confederates, and that the treatment he will receive in response will inevitably be so bad that the benefits the person received from injustice would pale in comparison. It is unreasonable to believe that your life would be better if you were unjust rather than just. If Hobbes can reasonably believe this, then he would have good reason to argue that it wouldn't be reasonable or beneficial for anyone to be unjust.

As suggested, I will argue that, for Hobbes, it is unreasonable for a person ever to have an unjust vice, because if he does, he will have it for a long time. But, before I can

make a case for this, I must first provide a clearer case that, for Hobbes, it is unreasonable to have the vice of injustice for long. I will make this case in **Chapter 3**.

In general, I will provide an even stronger argument that we ought to understand Hobbes' confederation argument, and his response to the Fool, in general, in terms of what vices and dispositions it is reasonable to possess.

Section 1.6: Hobbes' Other Response to the Fool

I agree with theorists who suggest that, according to the confederation argument, it is unreasonable to break valid covenants because doing so wouldn't be beneficial – because of the risk of alienation and death.

Hobbes makes a similar sort of move in another response to the Fool as well. In this section, we will consider Hobbes' first claim in response to the Fool:

When a man doth a thing, which notwithstanding anything can be foreseen and reckoned on tendeth to his own destruction, howsoever some accident, which he could not expect, arriving may turn it to his benefit; yet such events do not make it reasonably or wisely done (L: 15.5).

S.A. Lloyd, another Hobbes' scholar, points out that, according to Hobbes, here, some actions that benefit a person greatly might, in fact, have been unreasonable for the person to perform.¹⁸ Hobbes considers a person who should have foreseen that an action would lead to "his own destruction," but who performed the action anyway and, by some lucky chance, found that it benefited him greatly. And Hobbes suggests that the person's action, despite its benefit, was still unreasonable.

S.A. Lloyd provides a good, intuitive example to capture Hobbes' idea:

Suppose for instance that the holder of a winning lottery ticket explains that he chose the number by compiling the birthdates of his family members. We would

¹⁸ Lloyd, "Hobbes's Reply to the Foole," 58.

not be tempted to conclude from the fortuitous outcome that his procedure was rational, nor even that he was rational to enter the lottery in the first place, considering the odds against winning and how he might otherwise have used the money.¹⁹

Thomas Hobbes, himself, considers a similar case, namely one in which a person has become sovereign through rebellion:

And for the other instance of attaining sovereignty by rebellion, it is manifest that, though the event follow; yet because it cannot reasonably be expected, but rather the contrary, and because by gaining it so, others are taught to gain the same in like manner, the attempt thereof is against reason (L: 15. 7).

This case mirrors the case of the lottery ticket. The lottery winner acted unreasonably when he bought the ticket because he shouldn't have expected success. Likewise, the new sovereign acted unreasonably when he rebelled against the old one because he should have expected his own destruction rather than his success.

In light of these considerations, it appears that, for Hobbes, an action that has conduced to a person's ends need not be reasonable for that person.²⁰ And yet, by phrasing his passage as he has, Hobbes seems to suggest that, if a person did reasonably believe that an action would be beneficial for him, it would be reasonable for him to perform it.

Here, I am returning to an epistemic point, which I mentioned earlier in this chapter, when I compared reason to addition and subtraction. Certainly, an action is not reasonable for a person if that person should have reasonably foreseen that the action wouldn't be beneficial. But Hobbes also seems to imply that an action *would* be reasonable for a person if that person reasonably foresees that the action *would* be beneficial. As suggested previously, Hobbes seems to suggest that, if a person does his

¹⁹ Lloyd, "Hobbes's Reply to the Foole," 56.

²⁰ Lloyd, "Hobbes's Reply to the Foole," 56.

math right, and determines that an action would be beneficial, then that action is reasonable for him to perform.

S.A. Lloyd considers Hobbes' passage, quoted above (L: 15.7), to be in itself a successful response to the Fool. She takes the Fool to maintain that an action is always reasonable if it is beneficial, and she takes the passage quoted above to prove that it isn't.²¹ In contrast, I don't think the passage quoted is, by itself, a successful response to the Fool. As suggested earlier, I take the Fool to suggest something a bit different, namely that, if it is *reasonable for one to believe that* an action is in his best interest, then it is reasonable to perform that action.

Ultimately, Hobbes needs a response, not only to the Fool as S.A. Lloyd sees him, but also to the Fool as I see him as well. Remember that my Fool's argument goes as follows: (1) If it is reasonable to believe that breaking a valid covenant would be genuinely beneficial, then it is reasonable to break that covenant. (2) In some circumstances, it is reasonable to believe that breaking a valid covenant, when the other party has already performed, would be genuinely beneficial. (3) Therefore: In some circumstances, it is reasonable to break a valid covenant when the other party has already performed.

Hobbes needs a response to my Fool if he is to reasonably maintain, as he does, that it is *never* reasonable or beneficial to break a valid covenant when the other party has already performed. Insofar as Hobbes' passage above says nothing decisive in response to my Fool, the principle of charity compels us to look further, at the confederation argument and the discussion of the just man, and recognize more powerful responses to the Fool there.

²¹ Lloyd, "Hobbes's Reply to the Foole," 56.

Section 1.7: Conclusion

In this chapter, I have provided my interpretation of Hobbes' response to the Fool. The next three **Chapters (2-4)** will further defend and clarify the position presented here. Hobbes maintains that it is unreasonable to be a fool and it is reasonable to be a just person, instead. And even today, we might well draw from Hobbes' arguments and conclude that it is always reasonable and beneficial to be truly just.

Section 1.8: Looking Forward: Hobbes' Ransom Example, A Case in Point

In *Leviathan*, Hobbes is clear that covenants in the state of nature are obligatory, even if they are "entered into by fear":

Covenants entered into by fear, in the condition of mere nature, are obligatory. For example, if I covenant to pay a ransom or service for my life to an enemy, I am bound by it . . . And even in commonwealths, if I be forced to redeem myself from a thief by promising him money, I am bound to pay it, till the civil law discharge me. For whatsoever I may lawfully do without obligation, the same I may lawfully covenant to do through fear; and what I lawfully covenant, I cannot lawfully break (L: 14.27).

Hobbes, here, seems very clear that a person is always obligated to perform his valid covenants – covenants that have not been "discharged" or made void – even if he is in the state of nature, itself. And this means that, if a person forms a valid covenant with a thief, to exchange money for his life, the person is obliged to keep it. And, granting that, for Hobbes, it is reasonable to act as one is obliged to do and unreasonable to do otherwise,²² Hobbes should also maintain that it is always reasonable for a person to keep his valid covenants, as well.

Still, given the relation Hobbes draws between personal benefit and reason, it seems, at first, easy to imagine scenarios in which it would be reasonable to break a valid

²² I return to this point in **Chapter 2**, and in many subsequent chapters.

covenant, like this, with a thief. Why can't we imagine a scenario in which a person makes a covenant like this and then subsequently realizes it isn't in his best interest to keep it? Suppose the ransom is tremendous, and suppose the person is entirely and reasonably confident that neither the thief nor any associate could cause any trouble if the ransom isn't paid. Perhaps the thief is from a foreign and isolated country, for instance. Regardless, it seems, at first, perfectly right to say that in some cases, you shouldn't pay back the evil man who held you captive, even if the two of you have a valid contract! A person could reasonably believe it isn't in his best interest to do so, and, thus, breaching the covenant should be completely reasonable as well.

Yet Hobbes seems to suggest that, *regardless* of the situation, if a person's covenant – even with a thief - is valid,²³ then he is obligated to perform it, and it is unreasonable not to do so. And, in later chapters, I will argue that Hobbes believes this is the case, because of what breaching a covenant like this means with respect to a person's dispositions/virtues. I will argue that, according to Hobbes, if a person breaches a valid covenant like this, because he believes doing so is in his best interest, then the person isn't fully just, and he isn't doing what is necessary to become fully just, either.²⁴ In order to become or remain just, a person must endeavor to keep each and every one of his valid covenants. And since, in any situation, it is reasonable to do what is necessary to

²³ Hobbes is clear that individuals are not obliged to perform covenants that are not valid – covenants that have been made void. And Hobbes goes to great lengths to describe the various situations in which a covenant is either invalid from the start, or is made void by changing circumstances. For more on this, see **Chapter 2**.

²⁴ A caveat: No doubt, a just person might, through error, occasionally act unjustly. According to Hobbes, a just person might remain just, and still perform an unjust action because of a "sudden passion or mistake of things or persons" (L: 15.10). But Hobbes is very clear that a just person never acts unjustly solely because he conceives an injustice to be in his best interest. Only the Fool's will is "framed by . . . the apparent benefit of what he is to do" (L: 15.10). I will return to this point, in much more depth, in **Chapter 3**, and will return to it frequently after that. It is a key point to my work as a whole. The just person always endeavors to keep each and every one of his covenants, and while he might fail, he never fails for the wrong reasons.

become/remain truly just (and unreasonable to do otherwise), it is also reasonable for the person to endeavor to keep his valid covenant with the thief. Because of what a breach would mean with respect to one's virtues, it is never reasonable for a person to believe that the breach is in his best interest.

I suspect – and I think Hobbes would agree – that in many circumstances, a substantial percentage of people wouldn't pay back the thief who held them hostage. And it's easy to imagine, even having the dispositions they do, that their peers/confederates never treat them all that badly. It would be a mistake to try to convince these individuals that they should keep *even this covenant* because, if they don't, they'll wind up with poor dispositions, because of which their peers will punish them. This purely *negative* justification for moral behavior seems to fall short. And this, really, is why I think it is so important for Hobbes to provide a positive argument, explaining what substantial benefits a person can gain by acquiring the dispositions and virtues of someone truly just, someone who wouldn't even break his covenant with a thief who held him hostage.

In **Part 2** of my work, **Chapter 6-10**, I will examine Hobbes' positive argument. I will contend that a person can only become truly magnanimous if he is just. And I will argue that a person can only ever acquire the greatest possible felicity – a goal which everyone highly seeks – if he becomes magnanimous. So, then, the notion of magnanimity is key.

In the next several chapters, I will focus attention on Hobbes' negative argument. It is his clearest response to the Fool, and gives a good sense of why, in most situations, it is reasonable to keep one's covenants.

Chapter 2. Reason, Covenants, and the State of Nature

In the previous chapter, I argued that we should interpret Hobbes to suggest that, even in the state of nature, it is always reasonable and beneficial to perform a valid covenant if the other party has already performed. Yet numerous theorists, including Kinch Hoekstra, A. Zaitchik, and Pasquale Pasquino all interpret Hobbes to suggest the contrary. They think that, according to Hobbes, it could sometimes be reasonable to break a valid covenant like this.²⁵ They suggest that, for Hobbes, a person could reasonably or beneficially break his covenant, even if the other party had already performed, provided he were in the state of nature and correctly recognized that he could gain from his injustice without risk of punishment.

In this chapter, I return to this issue, consider Pasquale Pasquino's objection in particular, and provide even more evidence suggesting that all of these theorists are mistaken. I will suggest that, since, in the state of nature, people are obliged *in foro interno* to maintain their valid covenants, it is also reasonable to maintain them.

Section 2.1: Pasquale Pasquino

In **Chapter 1**, I discussed the passages that are central to my position:

Either where one of the parties has already performed already or where there is a power to make him perform, there is the question whether it be against reason, that is, against the benefit of the other party to perform or not. And I say it is not against reason (L: 15.5).

According to my interpretation, Hobbes claims that it is reasonable and beneficial to perform a valid covenant in either of two conditions.

²⁵ Hoekstra, "Hobbes and the Foole," *Political Theory* 25, no. 5 (Oct 1997): 626; Zaitchik, "Hobbes' Reply To the Fool: The Problem of Consent and Obligation," *Political Theory* 10, no. 2 (May 1982): 246-47; Pasquino, "Hobbes, Religion, and Rational Choice: Hobbes's Two Leviathans and the Fool," *Pacific Philosophical Quarterly* 82 (2001): 408.

1. When the covenant's party has already performed.
2. The covenant was made in a society with a sovereign – “a power to make him perform” (L: 15.5).

I take the passage to suggest that, even if a covenant weren't made in a society, it would still always be reasonable and beneficial to perform it provided the other party has already performed. That is, even in the state of nature, it will always be reasonable and beneficial to perform a valid covenant provided the other party has already performed. In the previous chapter, I suggested that Hobbes' discussions of the confederation argument and the just man both stand in support of this interpretation.

Nonetheless, as stated, numerous theorists suggest that, for Hobbes, it could sometimes be reasonable/beneficial to break a valid covenant in the state of nature, even if the other party has already performed. Yet peculiarly, Pasquale Pasquino is the only one of the theorists mentioned who explicitly addresses Hobbes' passage cited above. He acknowledges that, while the English *Leviathan* can be interpreted as I suggest, the corresponding text in the Latin *Leviathan* cannot be so easily interpreted this way. He then argues that we should acknowledge that Hobbes recognized the English *Leviathan* to be either mistaken or unclear on this point, and chose to improve the text when writing the later, Latin version. To get a better sense of Pasquino's argument, we should consider the corresponding section of the Latin *Leviathan*:

*Quaestio enim non est de promissis mutuis in conditione hominum naturali ubi nulla est potentia cogens; nam sic promissa illa pacta non essent; sed existente potentia, quae cogat, et si alter promissum praestiterit, ibi quaestio est, an is, qui fallit cum ratione, et ad bonum proprium congruenter fallat. Ego vero contra rationem, et imprudenter facere dico.*²⁶

²⁶ Thomas Hobbes, *Opera Philosophica Quae Latine Scripsit Omnia, In Unum Corpus Nunc Primum Collecta Studio et Labore Guliemi Molesworth* (Londini: Apud Joannem Bohn, 1841; Aalen: Scientia Verlag 2nd print, 1966), 113. Emphasis added.

As Pasquino points out, in the passage above, Thomas Hobbes uses the word “*et*” (and) rather than “*sive*” (or). Just so, we cannot easily read the passage as a disjunction, and can more easily read it as a conjunction, like this:

For the question is not of promises mutual in the natural condition of men, where there is no compelling power; for thus those promises would not be covenants. *But if there is a compelling power **and** if the one party has performed his promise* [italics mine], the question is then whether the one who deceives does so with reason and in accordance with his own good. I say he acts against reason and imprudently.²⁷

This passage no longer clearly suggests that, even in the state of nature, one should perform his covenant if the other party has performed first. We can more easily read the Latin version to suggest only that if there is a compelling power **and** the covenant’s other party has already performed, then we too should perform.²⁸

Pasquale Pasquino argues that we should accept that this claim from the better-revised Latin *Leviathan* rightly belongs to Hobbes’ philosophy, and that we should disregard the interpretation we take from the English *Leviathan*. We should consider the Latin *Leviathan* the finished version, in which Hobbes has cleared up numerous confusions.

Is this right? Pasquale Pasquino fails to take into account the other two passages, discussed in **Chapter 1**, which also suggest that, according to Hobbes, it is always reasonable to perform covenants if the other party has performed. In **Section 2.1**, we also considered Hobbes’ confederation argument and his “just man” passage, which seem to suggest that, even in the state of nature, it is always reasonable to perform valid covenants if the other party has already performed.

²⁷ As translated by Pasquino, “Hobbes,” 409.

²⁸ Pasquino, “Hobbes,” 409.

In the Latin version of *Leviathan*, Hobbes is clear that the confederation argument is meant to apply in the state of nature. To this end, he writes:

In conditione autem naturali, ubi unusquisque uniuscujusque hostis est, sine ope sociorum secure vivere nemo potest.

This can be translated as:

But in the state of nature, where each and every one is an enemy to each and every other, no one is able to live securely without the help of confederates.²⁹

This passage makes it clear that the argument which follows is supposed to apply, not only in a society, but also in the state of nature. As suggested in **Chapter 1**, the confederation argument is clear that, even in the state of nature, it isn't reasonable or beneficial to do anything else that might seriously jeopardize one's relationship with his peers. And the argument further suggests that, even in that state, it wouldn't be reasonable or beneficial to break a valid covenant if the other party has already performed.

Hobbes doesn't stop here. As **Chapter 1** further suggests, Hobbes goes on to discuss the just man, and to strongly imply that only just people, who endeavor to perform all of their valid covenants, could ever be reasonable (L: 15.10). Thus, too, Hobbes seems to imply that it would always be reasonable to perform valid covenants.

Based on the "just man" passage and the confederation argument, we still have good reason to think that, according to Hobbes, it is always reasonable, even in the state of nature, to perform a valid covenant provided the other party has already performed.

Further, these two passages seem to suggest that the interpretation of the English *Leviathan* is correct, and that, at least on this one point, we should take the English version as definitive.

²⁹ My translation.

Section 2.2: Reason and Obligation *In Foro Interno*

Yet, regardless of which interpretation we adopt, there is good reason to think that, for Hobbes, it is never reasonable to breach a valid covenant, even in the state of nature. I maintain that, for Hobbes to be consistent, he would need to accept the following: First, individuals are obliged *in foro interno* to perform all of their valid covenants, even if they are in the state of nature. Second, if individuals are obliged *in foro interno* to do anything, then it is unreasonable for them to do otherwise. Thus, to interpret Hobbes so that his philosophy is consistent, we should also interpret him to maintain that it is never reasonable for individuals to breach their valid covenants in the state of nature. In the following two sections, I will explain why Hobbes needs to accept the first and second assertions, above.

Section 2.3: Obligation *In Foro Interno*

In this section, I argue that individuals are obliged *in foro interno* to perform all of their valid covenants, even if they are in the state of nature. My argument runs as follows: First, Hobbes' laws of nature always oblige *in foro interno*, even in the state of nature. This implies that the third law of nature, which demands that people obey their valid covenants, also obliges *in foro interno* in the state of nature. Second, if a law obliges *in foro interno*, then a person must act according to it unless he honestly believes that doing so would put his life at risk. Taken together with the first premise, this means that a person in the state of nature must perform his valid covenants unless he honestly believes that doing so would put his life at risk. Third and finally, even in the state of nature, a person cannot honestly believe that performing a valid covenant would put his

life at risk if the covenant's other party has already performed. So, even in the state of nature, a person must perform his valid covenant provided that the other party has already performed.

I will not maintain that Hobbes, himself, ever explicitly expresses this argument. I do maintain that Hobbes clearly endorses each of its separate premises, but he may never have thought to derive its conclusion from them. Still, for Hobbes' theory to be consistent, he should accept this conclusion, and I believe that he does.

Section 2.3.1: The laws of nature always oblige in foro interno, even in the state of nature

To arrive at this conclusion, it is necessary to note that, according to Thomas Hobbes, all of the laws of nature oblige *in foro interno*, in the internal court of conscience, even in the state of nature. Hobbes suggests that while the laws don't always oblige *in foro externo*, in the external court of action, they always oblige *in foro interno*. The laws don't oblige a person *in foro externo*, but do oblige *in foro interno*, in the state of nature, where performing on all the laws might "make [him] a prey to others and procure his own certain ruin" (L: 15:36).³⁰ Along these lines, Hobbes writes:

The laws of nature oblige *in foro interno*, that is to say, they bind to a desire they should take place; but *in foro externo*; that is, to the putting them in act, not always. For he that should be modest and tractable, and perform all he promises in such time and place where no man else should do so, should but make himself a prey to others, and procure his own certain ruin (L: 15:36).

Further, Hobbes is clear that the laws oblige in the state of nature when, much later in *Leviathan*, he suggests that the laws of nature still oblige men in the state of

³⁰ Howard Warrender has interpreted this passage similarly: "With regard to the State of Nature, Hobbes maintains that the laws of nature oblige in conscience always, but that they oblige in the individual to *act* according to their dictates only where there is security." Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Oxford University Press, 1961), 52.

nature, where there is “no civil government” (L: 30:30) and “where not man, but God reigneth” (L: 30:30). Once again, Hobbes is clear that, in the state of nature, laws oblige, not *in foro externo*, “in the court of natural justice” (L: 30:30), but only *in foro interno*, “in the conscience only.”

And the same law that dictateth to men that have no civil government what they ought to do, and what to avoid in regard of one another, dictateth the same to commonwealths . . . there being no court of natural justice, but in the conscience only, where not man, but God reigneth (L: 30:30).

Finally, Hobbes is also clear in the *De Cive* version of the argument that the laws oblige in the state of nature. While we are not always obliged to exercise laws in the state of nature, we are obliged “in the interim” to a readiness of mind to observe them, because the laws of nature always oblige *in foro interno*, in the internal court.

It is not therefore to be imagined, that by nature, that is, by reason, men are obliged to the exercise of all these laws in that state of men wherein they are not practiced by others. We are obliged yet, in the interim, to a readiness of mind to observe them, whensoever their observation shall seem to conduce to the end for which they were ordained. We must therefore conclude, that the law of nature doth always and everywhere oblige in the internal court (DC: 3:27).

Since we can conclude that the laws of nature oblige *in foro interno* even in the state of nature, we can further conclude that the third law of nature, which demands that “men perform their [valid] covenants made” (L: 15:1), also obliges *in foro interno* in the state of nature.

Section 2.3.2: If a law obliges in foro interno, then a person must act according to it unless he honestly believes that his actions would put his life at risk

But what does it mean for the laws, and in particular the third law, to oblige *in foro interno*? What does it mean for the laws to “bind to a desire that they should take place” (L: 15:36)?

To arrive at an answer, we can more closely consider what Hobbes writes about an obligation *in foro interno*. In *De Cive*, Hobbes suggests that, insofar as the laws of nature oblige *in foro interno*, “We are obliged . . . to a readiness of mind to observe them, whensoever their observation shall seem to conduce to the end for which they were ordained” (DC: 3.27). In *The Elements of Law: Natural and Politic*, Hobbes writes that:

Reason therefore, and the law of nature over and above all these particular laws, doth dictate this law in general, *That those particular laws be so far observed, as they subject us not to any incommmodity, that in our own judgments may arise, by the neglect thereof in those towards whom we observe them*; and consequently requireth no more but the desire and constant intention to endeavour and be ready to observe them, unless there be cause to the contrary in other men’s refusal to observe them toward us. The force therefore of the law of nature is not *in foro externo*, till there be security for men to obey it; but is always *in foro interno*, wherein the action of obedience being unsafe, the will and readiness to perform is taken for the performance (EL: 17.10).³¹

The last sentence of this passage closely connects to the passage quoted above from *De Cive*. Since we are obliged *in foro interno*, we are obliged to a “readiness to perform,” a “readiness of mind to observe.” But this passage also relates an obligation *in foro interno* to “the desire and constant intention to endeavor and be ready to observe [the laws], unless there be cause to the contrary in other men’s refusal to observe them toward us.”

Why shouldn’t we endeavor to follow the laws when other men refuse to observe them toward us? Hobbes suggests that we shouldn’t observe the laws in these situations because then the laws wouldn’t “conduce to the end for which they were ordained,” namely peace and self-protection. If one were to observe the laws in these situations, one wouldn’t promote peace and protection, but would only “make himself prey to others.” Hobbes writes:

³¹ Thomas Hobbes, *The Elements of Law: Natural and Politic* (Elibron Classics, 2005).

These laws . . . in case they should be observed by some, and not by others, would make the observers but a prey to them that should neglect them . . . which is against the scope of the said laws, that are made only for the protection and defence of them that keep them (EL: 17.10).

As such, to say that one should have a “desire and endeavour . . . to observe the laws, *unless there be a cause contrary in other men’s refusal to observe them toward us*” seems to be on par with a “readiness of mind to observe [the laws], *whensoever their observation shall seem to conduce to the end for which they were ordained.*” After all, situations in which other men refuse to obey the laws toward us are situations in which the observation of the laws wouldn’t “conduce to the end for which they were ordained.”

In *De Cive*, two paragraphs after discussing the laws’ obligation *in foro interno*, Thomas Hobbes is clear about the endeavor that the laws oblige:

It is evident by what hath hitherto been said, how easily the laws of nature are to be observed, because they require the endeavour only (but that must be true and constant); which whoso shall perform, we may rightly call him *just*. For he who tends to this with his whole might, namely that his actions be squared according to the precepts of nature, he shows clearly that he hath a mind to fulfill all those laws; which is all we are obliged to by rational nature (DC: 3.30).

According to this passage, it seems that, to endeavor as the laws oblige *in foro interno*, one must perform certain actions.³² He must “tend . . . that his actions be squared according to the precepts of nature” and “show clearly that he hath a mind to fulfill all those laws.” Just so, as Howard Warrender points out, it is inappropriate to view an obligation *in foro interno* as requiring no external action.³³ Warrender points out that this passage from *De Cive* seems to suggest that a law’s *in foro interno* obligation does, at least in some circumstances, require action.

³² Later in *De Cive*, Hobbes once again suggests that the endeavor, mentioned here, which is indicative of a just man is the endeavor obliged *in foro interno*, in the court of conscience, by the laws: “We also said [in the foregoing chapter] that the laws of nature had regard chiefly unto conscience; that is, that he is just, who by all possible endeavour strives to fulfill them” (DC: 4.21).

³³ Warrender, *The Political Philosophy of Hobbes*, 55.

Yet Hobbes is clear that we needn't always perform as the laws suggest. In some circumstances, following the laws would make us "prey to others." Hobbes is also clear, as we have seen, that one needn't always endeavor to follow the laws. An obligation to the laws *in foro interno* requires only that a person has a "desire and constant intention to endeavor and be ready to observe them, **unless** there be cause to the contrary in other men's refusal to observe them toward us" (EL: 17.10, emphasis added).

So, it seems, the laws oblige a person *in foro interno* to follow the laws, to square his actions according to the precepts of nature, only if doing so wouldn't make the person "prey to others." Since the laws of nature always oblige *in foro interno* (even in the state of nature), one must always act on the laws provided following them would not put his life in jeopardy. He must act on them provided there is not some "cause contrary in other men's refusal to observe them." As Howard Warrender also attests, according to Hobbes, if a person doesn't honestly think that breaking the laws is necessary for his self-preservation, then he is obliged to follow them.³⁴ This should be true even in the state of nature.

Of course, Hobbes does claim that, in the state of nature, "nature hath given to every one a right to all" (DC: 1.10), but Hobbes is clear that he does not mean that a person in the state of nature lacks an obligation to the laws. In fact, in *De Cive*, he immediately qualifies this "right to all" claim with a footnote:

[A man] therefore hath a right to make use of, and to do all whatsoever he shall judge requisite for his preservation; wherefore by the judgment of him that doth it, the thing done is either right or wrong, and therefore right. True it is therefore in the bare state of nature, &c. But if any man pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so, he may offend against the laws of nature (DC: 1.10 footnote, p. 116).

³⁴ Warrender, *The Political Philosophy of Hobbes*, 60.

A person would still “offend against the laws of nature,” failing to fulfill an obligation, provided that he “pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so.” Howard Warrender correctly interprets this passage, suggesting that, for Hobbes:

The individual is permitted to do anything which he regards as necessary for his security, but this does not mean that his obligations are suspended where he does not honestly think his action to be required, on grounds of self preservation.³⁵

Overall, this footnote reinforces our claim, already expressed, that the laws of nature oblige a person, *in foro interno*, to act on the laws provided that he honestly thinks that following them would not endanger him. And since a person is obliged *in foro interno* even in the state of nature, he is obliged, even in the state of nature, to act on the laws provided that he honestly thinks that following them would not endanger him.

As Howard Warrender also acknowledges,³⁶ Hobbes further reinforces this claim when, in *De Cive*, he writes:

But there are certain natural laws, whose exercise ceaseth not even in the time of war itself. For I cannot understand what drunkenness or cruelty, that is, revenge which respects not the future good, can advance toward peace, or the preservation of any man. Briefly, in the state of nature, what is just and unjust, is not to be esteemed by the counsel and conscience of the actor. That which is done out of necessity, out of endeavour for peace, for the preservation of ourselves, is done with right, otherwise every damage done to a man would be a breach of the natural law, and an injury against God (DC: 3.27 footnote, p. 149).

As suggested, a person must act on the laws of nature provided that following them would not endanger him. Just so, as Hobbes suggests here, one must avoid drunkenness and cruelty in the state of nature, because pursuing them is never necessary for survival. Hobbes is very clear, here, that violating a natural law in the state of nature, when one doesn't honestly think that breaking it is necessary for self-preservation, is “a breach of

³⁵ Warrender, *The Political Philosophy of Hobbes*, 60.

³⁶ Warrender, *The Political Philosophy of Hobbes*, 62.

the natural law and an injury against God.” The law of nature obliges a person to act on the laws provided that he does not honestly think that doing so would put his life at risk.³⁷

Overall, then, it is clear that a law’s *in foro interno* obligation demands that a person act on the law provided that he doesn’t believe that pursuing it would put his life at risk. In **Section 3.1**, we concluded that the laws of nature oblige *in foro interno* even in the state of nature. So it is now clear that, even in the state of nature, one is obliged *in foro interno* to act on the laws provided that he doesn’t think that doing so will put his life at risk.

And since the third law of nature demands that “men perform their [valid] covenants made” (L: 15:1), it is now clear that, in the state of nature, a person is obliged *in foro interno* to act on this law provided that he doesn’t reasonably believe doing so would put his life at risk. That is, he has an obligation to perform his valid covenants, provided that he doesn’t honestly think that doing so would put his life at risk.

Section 2.3.3: Even in the state of nature, a person cannot honestly believe that performing a valid covenant would put his life at risk if the covenant’s other party has already performed

Now, can a person honestly think that performing a *valid* covenant would put his life at risk? Thomas Hobbes is clear that the answer to this question is “no,” because a valid covenant, by its very nature, cannot obligate one of its contractors to risk his life.

Hobbes is clear that a person cannot create a valid covenant that would lead to his own death. He writes that: “No man can transfer or lay down his right to save himself from death, wounds, and imprisonment, the avoiding whereof is the only end of laying

³⁷ Note, too, that this passage refers to the “conscience” and an “endeavor for peace,” drawing the reader’s attention back to a law’s obligation *in foro interno*, in the court of conscience, and to the endeavor that this obligation obliges.

down any right” (L: 14.29). A covenant that would lead to one’s death must be understood as invalid, because a man cannot be understood to abandon or transfer his right to self-preservation. Along these lines, Hobbes writes:

Therefore there be some rights which no man can be understood by any words, or other signs, to have abandoned or transferred . . . The motive and end for which this renouncing and transferring of rights is introduced is nothing else but the security of a man’s person in his life, and in the means of so preserving life as not to be weary of it. And therefore if a man by words, or other signs, seem to despoil himself of the end for which those signs were intended, he is not to be understood as if he meant it, or that it was his will (L: 14.8).

Further, according to Hobbes, a person is never obligated to do anything impossible. Hobbes writes that, “No man, therefore, by his compact obligeth himself to an impossibility” (DC: 2.14). In *Leviathan*, he also writes:

But if that prove impossible afterwards, which before was thought possible, the covenant is valid and bindeth, though not to the thing itself, yet to the value; or, if that also be impossible, to the unfeigned endeavour of performing **as much as possible, for to more no man can be obliged** (L: 14.25, emphasis added).

And Hobbes also maintains that it is basically impossible for a person to do anything that will put his life at grave risk, provided he has a better alternative. To make this point, Hobbes writes:

For there is in every man a certain high degree of fear, through which he apprehends that evil which is done to him to be the greatest, and therefore by natural necessity he shuns it all he can, and it is supposed he can do no otherwise. When a man is arrived to this degree of fear, we cannot expect but he will provide for himself either by flight or fight. Since therefore no man is tied to impossibilities, they who are threatened either with death (which is the greatest evil to nature) or wounds, or some other bodily hurts, and are not stout enough to bear them, are not obliged to endure them (DC: 2.18).

It is impossible for a man not to shun significant evil like his own death, and since a man is never obliged to do anything impossible, he can never be obliged to do anything that would put his life in peril. Just so, since a valid covenant only obliges a person to do

what is possible, it cannot oblige anyone to put his life in peril.³⁸ And further, if performance would put someone's life in peril, the contract is not valid.

Hobbes makes numerous arguments on the basis of these principles. In all of them, he argues that some covenants are invalid because performing them would imperil one's life. Below, I will provide two examples of Hobbes' arguments.

First Hobbes argues that, in the state of nature, a covenant is invalid if neither party has performed and there is reasonable suspicion that one won't.

If a covenant be made wherein neither of the parties perform presently, but trust one another, in the condition of mere nature (which is a condition of war of every man against every man) upon any reasonable suspicion, it is void . . . He which performeth first does but betray himself to his enemy, contrary to the right he can never abandon of defending his life and means of living (L: 14.18).

Second, Hobbes argues that: "A covenant not to defend myself from force, by force, is always void" (L: 14.29).

For (as I have shown before) no man can transfer or lay down his right to save himself from death, wounds, or imprisonment, the avoiding whereof is the only end of laying down a right; and therefore the promise of not resisting fore, in no covenant transferreth any right, nor is obliging (L: 14.29).

If performing would imperil oneself, then the covenant is no longer valid. In the example involving defending oneself, the covenant is never valid because, from the start, performing it would imperil one's life. In the case involving first performance, the covenant becomes invalid after it is made, when a new cause for fear and suspicion arises after the covenant is made. The follow passage makes this obvious:

The cause of fear, which maketh such a covenant invalid, must always be something arising after the covenant made, as some new fact or other sign of the will not to perform, else it cannot make the covenant void (L: 14:20).

³⁸ Howard Warrender interprets this point similarly on p. 33. Warrender, *The Political Philosophy of Hobbes*, 33.

Overall, it should be clear that a valid covenant can never oblige a person to do anything impossible, and so it cannot oblige a person to put his life in peril. Just so, as long as one recognizes that a covenant is valid, and recognizes what that means, he also recognizes that performing it will not endanger his life. So, a person cannot honestly think that performing a *valid* covenant would ever put his life at risk.

Now, Hobbes is clear that performing a contract first in the state of nature might often put one's life at risk and invalidate the contract. So he doesn't explicitly maintain that, in the state of nature, it is in general smart to perform if the covenant's other party hasn't already performed. But he can say this: in the state of nature, a person cannot honestly believe that performing a valid covenant would put his life at risk if the covenant's other party has already performed.

Section 2.3.4: The Argument Overall

At this point, I have justified each of the premises, which, in the beginning of **Section 2.3**, I argued that Hobbes accepted. Now, the argument, overall, runs as follows:

1. Even in the state of nature, a person is obligated to perform valid covenants, provided he doesn't honestly believe that doing so would put his life at risk. (*This follows from the conclusions of Section 2.3.1 and 2.3.2*)
2. Even in the state of nature, the person cannot honestly believe that doing so would put his life at risk if the covenant's other party has already performed. (*This follows from the conclusion of Section 2.3.3*)
3. So, even in the state of nature, a person is obligated to satisfy every valid covenant if the covenant's other party has already performed.

Again, I do not claim that Hobbes ever, himself, explicitly stated this argument. I only claim that he does assert its premises to be true, and that its conclusion would follow, if we treat Hobbes' theory as consistent, overall. Individuals are obligated *in foro interno* to perform all of their valid covenants, even if they are in the state of nature.

Section 2.4: Reason and Obligation

In this section, I will argue that we should also interpret Thomas Hobbes to suggest that, if an individual is obligated *in foro interno* to do something, then it is unreasonable for him to do otherwise. When we eventually add this to the conclusion of **Section 2.3**, we will also be able to conclude that it is never reasonable for an individual to breach his valid covenants, even in the state of nature.

First, for Hobbes, if a person is obligated to do something, then he doesn't have the right to do otherwise. Second, if and only if a person has a right to do something, then it is reasonable to do it. Thus, for Hobbes, if a person is obligated to do something, then it isn't reasonable to do otherwise.

Thomas Hobbes is clear about the first premise. It is obvious that, for Hobbes, if a person is obliged to do something, then he doesn't have the right to do otherwise. To this end, Hobbes suggests that a right is merely a kind of liberty (DC: 1.7 and L: 14.3), and he maintains that: "Obligation and liberty . . . in one and the same matter are inconsistent" (L: 14.3). Still, the second premise, above, is less obvious, and requires more textual analysis.

Section 2.4.1: A person has the right to do something if and only if it is reasonable

To begin, let's consider the following two passages, which concern the relationship between rights and reason:

1. It is not against reason, that a man doth all he can to preserve his own body and limbs both from death and pain. And that which is not against reason, men call right, or *jus*, or blameless liberty of using our own natural power and ability (EL: 14.6).

2. But that which is not contrary to right reason, that all men account to be done justly, and with right. Neither by the word right is anything else signified, than that liberty which every man hath to make use of his natural faculties according to right reason (DC: 1.7)

As suggested, I interpret these two passages to imply that the following biconditional is true: if and only if an action is reasonable for a person, the person has the right to perform it.

Provided this interpretation is correct, we should further suspect that, if an action were unreasonable, then a person wouldn't have the right to perform it. This is exactly what Hobbes suggests. A person doesn't have the right to do anything that is contrary to reason. In the passage below, Hobbes describes as "wrong" those actions that are unreasonable, and that, as a result, a person doesn't have the right to perform:

But since all do grant, that is done by right, which is not done against reason, we ought to judge those actions only wrong, which are repugnant to right reason, that is, which contradict some certain truth collected by right reasoning from true principles. But that which is done wrong, we say it is done against some law. Therefore true reason is a certain law; which, since it is no less a part of human nature, than any other faculty or affection of the mind, is also termed natural. Therefore the law of nature, that I may define it, is the dictate of right reason, conversant about those things which are either to be done or omitted for the constant preservation of life and members, as much as in us lies (DC: 2.2).

Section 2.4.2: If a person is obligated to perform an action, then it is unreasonable for him to do otherwise.

In **Section 2.4** thus far, I have concluded that, for Hobbes: 1. If a person is obligated to perform an action, he doesn't have the right to perform otherwise. 2. If and only if a person has the right to perform an action, then it is reasonable for the person to perform it. I can logically conclude that, for Hobbes to be consistent, he must also admit that if a person is obligated to perform an action, then it is unreasonable for him to do otherwise.

On a related note, Hobbes also seems to maintain that, if a person is obligated to perform an action, then it is reasonable for him to perform it. To recognize this, once again consider the lengthy passage immediately quoted above in **Section 2.4.1**. First, Hobbes seems to suggest that if a person doesn't have a right to perform an action – if the action is “wrong” – then it is against a law of nature. Second, we have already seen that, for Hobbes, a person doesn't have the right to perform any action that is unreasonable. Thus, we can conclude that unreasonable actions must be against the laws of nature.

What does it mean for an action to be against a law? Hobbes is clear that a law of nature is a “precept or general rule” that obliges a person:

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 . . . right consisteth in liberty to do or forbear; whereas law determineth and bindeth to one of them; so that law and right differ as much as obligation and liberty, which in one and the same matter are inconsistent (L: 14.3).

So, it seems, for an action to be against a law, it must be contrary to obligation – contrary to what a person is bound and determined to do. Now, we have just seen that if an action is unreasonable for a person, that action is against the law of nature. So, we can conclude that if an action is unreasonable for a person, the person is obliged not to perform it.

And finally, we can likewise say that if a person is obliged to perform an action, then it is reasonable for him to do so.

Section 2.5: Reason and Obligation in the State of Nature

In **Section 2.3**, we interpreted Hobbes to suggest that any person, even one in the state of nature, is obligated to perform all of his valid covenants. In **Section 2.4**, we interpreted him to suggest that, if a person is obligated to perform an action, then it is

unreasonable for him to do otherwise. Thus, we now have reason to interpret Hobbes to further maintain that it is unreasonable for someone in the state of nature to break any of his valid covenants. And, in light of evidence suggesting that fulfilling our obligations is reasonable, we can also interpret Hobbes to say that it is reasonable for anyone to keep his valid covenants.

In light of these conclusions, let's once again reconsider Hobbes' immediate response to the Fool:

Either where one of the parties has already performed already or where there is a power to make him perform, there is the question whether it be against reason, that is, against the benefit of the other party to perform or not. And I say it is not against reason (L: 15.5).

Now, in light of our discussions of Hobbes' position on reason and obligation, we have even more evidence to interpret this passage to suggest that, even in the state of nature, it is reasonable to fulfill any valid covenant provided the other party has already performed.³⁹ After all, in the state of nature, we are obligated to fulfill these covenants, and it is reasonable to keep our obligations and unreasonable to do otherwise.

³⁹ The word "valid" is important, here. As long as a covenant **is valid**, a person can perform it without reasonably believing that it would seriously endanger his life. And *only* as long as a person can perform it without that belief, he is obliged to do so, and doing so is reasonable.

Chapter 3. Hobbes and the Just Man

In **Chapter 1**, I interpreted Hobbes' response to the Fool to focus heavily on the problems associated with the vice of injustice. In this chapter, I will once again argue in favor of this interpretation. I will demonstrate that, for Hobbes, a Fool is foolish if and only if he possesses this vice. For Hobbes, nobody is a Fool simply for performing the wrong actions. I will argue that, since this is the case, Hobbes' arguments in response to the Fool must be understood to focus on the problems associated with possessing such a vice.

In order to arrive at this conclusion, I will focus on the contrast Hobbes draws between the Fool and the just man. Recall, from the previous chapter, how stark this contrast is. Whereas the Fool "has said in his heart, there is no such thing as justice" (L: 15.4), the just man "taketh call the care he can that his actions may be all just" (L: 15.10). While the just man's will is "framed by justice" (L: 15.10), the will of the unjust man, namely Hobbes' Fool, is framed "by the apparent benefit of what he is to do" (L: 15.10). The Fool maintains that "to keep or not keep covenants was not against reason when it conduced to one's benefit" (L: 15.4).

Now, if the Fool and the just man stand in stark contrast, then, to determine how the Fool is at error, we can simply look at how the two men fundamentally differ. After all, the just man must lack whatever trait causes the Fool to be a fool. And likewise, the Fool must lack whatever trait is sufficient for being a just man. But, before we can understand the differences between the Fool and the just man, we must first come to a better understanding of the just man.

As we proceed, I will also continue to focus on the notion of obligation *in foro interno*, which was discussed in **Chapter 2**. I maintain that Hobbes closely links the notion of the virtue of justice to the notion of obligation *in foro interno*. And I contend that, to adequately understand the relationship between the Fool and the just man, we must also understand how the notion of obligation *in foro interno* is relevant.

Section 3.1: The Just Man

Thomas Hobbes describes the just man in three of his major works, *De Cive*, *The Elements of Law*, and *Leviathan*. Three of the “just man” passages – *De Cive* 3.5, *Leviathan* 15.10-11, and *The Elements of Law* 16.4 – repeat many of the same points. *De Cive* and *The Elements of Law* both claim that the words “just,” “unjust,” “justice,” and “injustice” are equivocal. All three “just man” passages suggest that these terms signify one thing when attributed to men, and signify another when attributed to actions. For example, in *De Cive*, Hobbes writes:

These words, *just* and *unjust*, as also *justice* and *injustice*, are equivocal; for they signify one thing when they are attributed to persons, and another when to actions (DC: 3.5).

Additionally, all three passages suggest that a man who performs just actions might fail to be a just man. If a person acts justly, he is certainly “guiltless,” but he may still be an unjust man.

He who hath done some just thing, is not therefore said to be a *just* person, but *guiltless*; and he that hath done some unjust thing, we do not therefore say he is an *unjust*, but *guilty* man (DC: 3.5).

Further enforcing this point, both *De Cive* and *The Elements of Law* insist that an unjust man could, in fact, perform a wide array of just actions. Likewise, a just man could frequently act unjustly.

And therefore a just man may have committed an unjust act; and an unjust man may have done justly not only one, but most of his actions (EL: 16.4).

Innumerable actions of a just man may be unjust; and innumerable actions of an unjust man, just (DC: 3.5).

While the 1651 English *Leviathan* doesn't make a similar point, the 1668 Latin *Leviathan* makes an even stronger one, suggesting that an unjust man might never have performed an unjust act.

In contrast the unjust man is one who neglects justice, even if from fear or from some other perverse cause, he has never done injury to anyone.⁴⁰

In a later passage, *De Cive* makes a similar claim:

And although a man should order all his actions so much as belongs to external obedience just as the law commands, but not for the law's sake, but by reason of some punishment annexed unto it, or out of vain glory; yet he is unjust (DC: 4.21).

So what makes a person just, if it isn't his actions? *De Cive* and *Leviathan* suggest that, for a *man* to be just, he must "taketh all the care he can that his actions may be all just" (L: 15.10). *De Cive* suggests that a just man, "endeavour[s] in all things to do that which is just" (DC: 3.5). *The Elements of Law* doesn't make any claim that is clearly similar, but the following statement is relevant:

When justice and injustice are attributed to men, they signify proneness and affections, and inclination of nature, that is to say, **passions of the mind apt to produce just and unjust actions** (EL: 16.4, emphasis added).

It is reasonable to think that someone with an inclination and aptness for justice would also endeavor to perform just acts.

⁴⁰ My translation, based on the text and on Curley's translation: "*Injustus contra est, qui justitiam negligit, etsi metu vel alia causa sinistra nemini unquam injuriam fecisset.*" Thomas Hobbes, *Leviathan With Selected Variants From the Latin Edition of 1668*, ed. Edwin Curley (Indianapolis: Hackett Publishing Co., 1994), 115.

The Elements of Law isn't alone in suggesting that the justice of a person has to do with a person's inclination or mind. In fact, in *De Cive*'s passage, Hobbes seems to suggest that, for a man to be just, he must possess "justice of mind":

So as the justice or injustice of the mind, the intention, or the man, is one thing, that of an action or omission another (DC: 3.5).

The Elements of Law repeats this notion when it suggests:

Likewise, when justice and injustice are taken for habits of the mind, the man may be just, or unjust, and yet not all his actions so (EL: 16.4).

So, the justice of a person (rather than the justice of an action) has to do with a person's mind – with his proneness and affections, inclination of nature, passions, habits of mind, and intention.

All three passages, including the passage from *Leviathan*, seem to focus on intention, in particular. To be a just person, when one acts justly, he must do so with the correct intentions. *De Cive* makes this point the clearest in two separate passages, the passage quoted above from 4.21, and the following passage:

But that man is to be accounted just, who doth just things because the law commands it, and unjust things only by reason of his infirmity; and he is properly said to be unjust, who doth righteousness for fear of punishment and annexed unto the law, and unrighteousness by reason of the iniquity of his mind (DC: 3.5).

One who acts justly with the intention of avoiding punishment is considered unjust. In contrast, if a person acts justly because the law commands it, then that person is just. While Hobbes' *De Cive* makes this point most clearly, all three passages are concerned with the cause of a person's actions. If a person's just actions find their source in a just mind (DC: 3.5), just inclinations of nature (EL: 16.4), or just character (L: 15.10), then the person is just. In contrast, if a person's just actions find their source in

vainglory (DC: 4.21), fear of punishment or the iniquity of mind (DC: 3.5), then the person is unjust.

The source of a person's actions is emphasized numerous times in Hobbes' works. *Leviathan* further suggests that the will of the unjust man "is not framed by the justice, but by the apparent benefit of what he is to do" (L: 15.10). And *De Cive* suggests that some unjust men think that righteous dealing "is to be measured not according to my contract, but some present benefit" (DC: 3.5). In both passages, the emphasis seems to be on the source of the action. If you act justly because of the apparent benefit of your actions, then you are unjust, but if you act because your will is framed by justice, then you are just.⁴¹

Hobbes' emphasis on an action's cause is not unique to his discussion of the just man. Later in *Leviathan*'s fifteenth chapter, Hobbes discusses moral virtues, and objects to other writers of moral philosophy because:

Though they acknowledge the same virtues and vices; yet, not seeing wherein consisted their goodness, nor that they come to be praised as the means of peaceable, sociable, and comfortable living, place them in the mediocrity of the passions, as if not the cause, but the degree of daring, made fortitude, or not the cause, but the quantity of gift, made liberality (L: 15.40).

Here, Hobbes seems to suggest that if a person's daring has the wrong cause, the person would lack the virtue of fortitude, and that if a person's gift has the wrong cause, the person would lack the virtue of liberality. We can easily imagine Hobbes adding that, if a person's just actions had the wrong cause, the person would lack the virtue of justice.

⁴¹ Hobbes makes a similar point in a later passage (4.21) from *De Cive*. First, he suggests that a man is unjust if he acts, not for the sake of the law, but from fear of punishment or vainglory. Then he suggests that the Holy Scriptures proves this claim, and he provides Biblical passages in support. Finally, he writes that, "In the following verses, our Saviour explains to them how the commands of God are broken, not by deeds only, but also by the will." In effect, he suggests that the man who acts justly, but not with the correct will, is still unjust – still breaks the commands of God. Again, the point is that, if your actions spring from the wrong kind of will, then you are an unjust person.

But Hobbes needn't add this here, because, in a sense, he has already made this point. Recall, from the last section of this paper, that Hobbes relates the virtue of justice to the justice of a person, rather than to the justice of actions. The term "justice," when attributed to men (rather than actions) signifies "conformity or inconformity of manners to reason" and "this justice of the manners is that which is meant where justice is called a virtue; and injustice, a vice" (L: 15.10). So, if and only if a man is just, he possesses the virtue of justice. But, as already suggested, for a man to be just, his actions must have the correct cause or intent when he acts. So, for a person to possess the virtue of justice, his actions must have the correct cause. Thus, consistent with the passage quoted above, Hobbes puts great emphasis on internal cause, rather than on external act. In fact, as already suggested, a person can be a just man, and have the virtue of justice, and yet still perform numerous unjust, external acts during his life.

But what exactly is the cause of a just man's actions? Clearly, he cannot act justly from a fear of punishment, or vainglory, or from the apparent benefit of an action. Instead, Hobbes suggests that he acts "because the law commands it" (DC: 3.5), "for the law's sake" (DC: 4.21) and has a will that is "framed by justice" (L: 15.10). The just man must intend to act according to both the law of nature and sovereign law. In his essay, "A Defense of Hobbes's 'Just Man'," Martin Harvey correctly interprets these claims to suggest:

The Just Man does as he ought primarily because the law commands it – he requires not extra-moral incentive, i.e., fear of punishment, to so behave . . . the *Law itself* bears *intrinsic* value for the Just Man. As such, he is motivated to be just for the sake of justice itself . . . as opposed to such *selfish* reasons as "vainglory" and "fear of punishment."⁴²

In further discussing this claim, Martin Harvey quotes another of *De Cive's* footnotes:

⁴² Martin Harvey, "A Defense of Hobbes's 'Just Man,'" *Hobbes Studies* XV (2002): 71.

To be obliged, and to be tied being obliged seem to some men to be one and the same thing . . . More clearly therefore, I say thus: that a man is obliged by his contracts, that is, that he ought to perform for his promise's sake; but that the law ties him being obliged, that is to say, it compels him to make good his promise for fear of punishment appointed by the law (DC: 14.2, footnote).

This passage draws the same contrast suggested in the passages concerning the just man.

One can perform out of fear of punishment (as the unjust man does), or one can perform for the promise's sake (as the just man does, performing for the law's sake).⁴³

And what is motivating the just man who is *obliged*, and is not *tied being obliged*?

Such a man isn't motivated, as the unjust man is, by "the apparent benefit of what he is to do" (L: 15.10), or by the fear of punishment. What he considers most important is the law or the promise's obligation, rather than the typical rewards that are relevant to many other people.

For the just man, justice is its own reward, and injustice its own penalty. He truly delights in justice, for, as Hobbes suggests, "*to be just* signifies as much as to be delighted in just dealing" (DC: 3.5). The Latin *Leviathan*, which also suggests that the just man "loves justice," makes it even clearer how much the just man disapproves of injustice; he:

Himself condemns what he had done unjustly, even if he did it secretly, wishes he had not done it, and if he did damage, he patches it up as much as he can.⁴⁴

The English *Leviathan* is also clear that the just man sees justice as something grand and good and disapproves of injustice:

⁴³ Further, as Harvey points out, presumably if we *ought* to perform for the promise's sake, then it is also *possible* for us to so perform. Harvey, "A Defense," 71.

⁴⁴ My translation, based on the text and on Curley's translation: "*Vel quod injuste fecerat, etiamsi clam sit, ipse damnet, factum nolit, damnum, si quod factum sit, rescariat quantum potest*" (115). Of interest, note the double use of the root "damn," first as a verb "to condemn," and second as the noun "damage." (Also see Curley's translation: Thomas Hobbes, *Leviathan With Selected Variants From the Latin Edition of 1668*, ed. Edwin Curley (Indianapolis: Hackett Publishing Co., 1994).

That which gives to human actions the relish of justice is a certain nobleness or gallantness of courage, rarely found, by which a man scorns to be beholding for the contentment of his life to fraud or breach of promise (L: 15.10).

On a final, side note, there is some evidence that Hobbes saw himself as a just man. Late in his life, he wrote an essay called the “Considerations Upon the Reputation, Loyalty, Manners, and Religion of Thomas Hobbes of Malmesbury, Written by Himself, By Way of a Letter To A Learned Person (John Wallis, D.D.).” In this biting essay, Hobbes includes the following passage:

Nor can that clamour of adversaries make Mr. Hobbes think himself a worse Christian than the best of them. And how will you disprove it, either by his disobedience, to the laws *civil* or *ecclesiastical*, or by any ugly action? Or how will you prove that the obedience, which **springs from scorn of injustice**, is less acceptable to God, than that which **proceeds from fear of punishment, or hope of benefit** (433, emphasis added).⁴⁵

Section 3.2: The Just Man and Obligation *In Foro Interno*

Hobbes is clear that the just man is he who maintains his obligations *in foro interno*. As suggested in **Chapter 2**, an obligation to the laws *in foro interno* requires “the desire and constant intention to endeavor and be ready to observe” (EL: 17.10). As further noted, in *De Cive*, Hobbes suggests that someone who endeavors, as the laws oblige in the court of conscience, is a just man.

It is evident by what hath hitherto been said, how easily the laws of nature are to be observed, because they require the endeavour only (but that must be true and constant); which whoso shall perform, we may rightly call him *just*. For he who tends to this with his whole might, namely, that his actions be squared according to the precepts of nature, he shows clearly that he hath a mind to fulfill all those laws; which is all we are obliged to by rational nature. Now he that hath done all he is obliged to, is a just man (DC: 3.30).

⁴⁵ In *The English Works of Thomas Hobbes of Malmesbury*, Vol. IV, ed. Sir William Molesworth, Bart. (London: J. Bohn, 1840).

In the passages immediately prior to this, Hobbes explicitly addresses what the laws oblige *in foro interno*, in the court of conscience, so it is natural to read this passage as an extension of this discussion.

Later in *De Cive*, Hobbes refers back to this passage, and once again connects the notion of obligation *in foro interno* to the notion of the just man:

That we said in the foregoing chapter, the law of nature is eternal . . . We also said, that the laws of nature had regard chiefly unto conscience, that is, that he is just, who by all possible endeavours strives to fulfill them (DC: 4.20-21).

Given the explicit reference to *De Cive's* Chapter 3, in which Hobbes discusses obligation *in foro interno* and calls it an obligation “in the court of conscience” (DC: 3.29), Hobbes’ reference to “conscience,” here, should clearly be understood to refer back to a person’s obligation *in foro interno*. So, here, too, Hobbes suggests that any person who satisfies all of his obligations *in foro interno* – any person who endeavors with the proper intent – is a just man.

In *Leviathan*, Hobbes again connects the notion of the just man to the notion of obligation *in foro interno*. Just as he does in *De Cive*, Hobbes mentions the just man while he is discussing the endeavors obligated *in foro interno* by the laws:

The same laws, because they oblige only to a desire and endeavour, mean an unfeigned and constant endeavour, are easy to be observed. For in that they require nothing but endeavour, he that endeavoureth their performance fulfilleth them; and he that fulfilleth the law is just (L: 15.39).⁴⁶

⁴⁶ Here, Hobbes writes that the laws are “easy to be observed.” I take him to mean “easy,” here, the same way he does later when he writes: “The unwritten law of nature, though it be **easy** to such as without partiality and passion make use of their natural reason and therefore leaves the violators thereof without excuse; yet considering there be very few, perhaps none, that in some cases are not blinded by self-love or some other passion, it is now become of all the laws the most obscure and has consequently the greatest need of able interpreters” (L: 26.21, emphasis added). The laws would be easy to follow, *for anyone who could* “without partiality and passion make use of their natural reason.” But very few people, if anyone, are like that.

Yet even without these passages from *Leviathan* and *De Cive*, it seems reasonable to suppose that a just man satisfies his obligations *in foro interno*. First and foremost, it is hard to imagine that a just man, whose will is framed by justice (L: 15.10), would ever break his *in foro interno* obligations, knowingly and unnecessarily breaking the natural laws. After all, the just man acts as he does “because the law commands it” (DC: 3.5) and “for the law’s sake” (DC: 4.21).

Second, it seems as if someone who fulfills his obligations *in foro interno* would also satisfy those conditions sufficient for being a just man. As suggested in **Section 3.1**, a man is just if and only if he has justice of mind, an “inclination of nature, that is to say, passions of mind apt to produce just . . . actions” (EL: 16.4). Clearly, someone who fulfills his obligations *in foro interno* also satisfies this condition. After all, such a man “hath a mind to fulfill those laws” and tends “to this with his whole might, namely that his actions be squared according to the precepts of nature” (DC: 3.30). Recognizing that the laws of nature require that people should keep their covenants and act justly, it should be clear that someone who satisfies his obligation *in foro interno* tries, with his whole might, to be just. Someone who satisfies his obligation *in foro interno* has an inclination of nature apt to produce just actions, and is necessarily a just man.

Third, the *in foro interno* man is similar to the just man in that both possess the same sort of inclination and intentions. The *in foro interno* man must have a “readiness of mind to observe [the laws]” (DC: 3.27), and the “desire and constant intention to endeavour and be ready to observe them” (EL: 17.10). Similarly, the just man must have “proneness and affections, and inclinations of nature, that is to say, passions of the mind apt to produce just . . . actions” (EL: 16.4).

Fourth and lastly, just as no one can be just without having these inclinations, no one can satisfy his obligations *in foro interno* without them, either. A person cannot be just simply by performing just actions. Likewise, a person cannot satisfy his obligations *in foro interno* simply by following the laws and acting justly. As suggested in **Section 3.1**, a person can perform innumerable just actions without being a just man:

Innumerable actions of a just man may be unjust; and innumerable actions of an unjust man, just (DC: 3.5).

His actions need the right cause and intent of mind behind them, for him to be just.

Likewise, a person can follow the laws and act justly and yet still break his obligations *in foro interno*, in the court of conscience:

But the laws which oblige conscience may be broken by an act not contrary to them, but also agreeable with them; if so be that he who does it, be of another opinion (DC: 3.27).

And whatsoever laws bind *in foro interno* may be broken, not only by a fact contrary to the law, but also by a fact according to it, in case a man think it contrary. For though his actions in this case be according to the law; yet his purpose was against the law; which, where the obligation is *in foro interno*, is a breach (L: 15.37).

What is important, both to the just man and the *in foro interno* man, is the internal purpose/intent/mind, not the external act, alone. Focusing on these similarities, and paying particular attention to the two passages cited in the beginning of this section, it is clear that the just man is the *in foro interno* man.

Once this is recognized, it appears clear that the relationship between one pair of terms - “*in foro interno*” and “*in foro externo*” – closely resembles another – “just man” and “guiltless man.” The just man is the *in foro interno* man, while the person who behaves justly, as he is obliged *in foro externo*, is the guiltless man. Recall that Hobbes suggests:

He who hath done some just thing, is not therefore said to be a *just* person, but *guiltless*; and he that hath done some unjust thing, we do not therefore say he is *unjust*, but *guilty* man (DC: 3.5).

By recognizing the similarity between these pairs of terms, we can even better understand the notion that the justice of a man (rather than the justice of an act) has more to do with internal features – conscience, intention, habits of mind – than with external actions. After all, the justice of a man has to do with *in foro interno* obligations in the internal court of conscience, rather than *in foro externo* obligations in the court of external actions. All of this is consistent with the conclusion of the previous chapter’s discussion of obligation *in foro interno*. It suggested that the only external actions forbidden *in foro interno* are those that have the wrong intent, breaches of law performed without honestly believing they are necessary for survival.

Once we recognize that the just man is the *in foro interno* man, we have even better reason to conclude that, to satisfy obligations *in foro interno*, one must never perform certain actions – those that are forbidden *in foro interno*. Insofar as a truly just man can never perform any unjust act that is motivated by fear of punishment, vainglory, or apparent benefit, the *in foro interno* man can never perform any such action, either.⁴⁷

Section 3.3: Dispositions, The Just Man, and Obligation *In Foro Interno*

Anything necessary to satisfy the laws’ obligations *in foro interno* would also be required of the just man, and vice versa. In a sense, a person is obliged *in foro interno* to be a just man, and a just man would naturally fulfill his obligations *in foro interno*. So it

⁴⁷ In **Chapter 9**, I go into much greater depth, about the motives of someone who fulfills his obligations *in foro interno*, versus the motives of someone who satisfies only his *in foro externo* obligations. After substantial work in earlier chapters, this discussion, in **Chapter 9**, will be key to understanding Hobbes’ conception of reasonable people, and how reason relates to obligation *in foro interno* and justice.

is very relevant to the just man, when Hobbes suggests that, to satisfy the laws' obligations *in foro interno*, in the court of conscience, one must possess the correct dispositions:

The laws of nature are immutable and eternal: what they forbid, can never be lawful; what they command, can never be unlawful. For pride, ingratitude, breach of contracts (or injury), inhumanity, contumely, will never be lawful, nor the contrary virtues to these ever unlawful, as we take them for dispositions of mind, that is, as they are considered in the court of conscience, where only they oblige and are laws (DC: 3.29).

In **Chapter 2's** discussion of obligation *in foro interno*, I argued that the laws oblige a person *in foro interno*, even in the state of nature. They are eternal, and "what they forbid can never be lawful." And what do the laws eternally oblige? They oblige a person to have certain dispositions of mind. And insofar as the just man satisfies his *in foro interno* obligations, a just man must have these dispositions.

In keeping with his emphasis on internal features rather than external actions, Hobbes is clear that only a person's dispositions must remain constant; his actions, in contrast, might vary from situation to situation:

Yet actions may be so diversified by circumstances and the civil law, that what is done with equity at one time, is guilty of iniquity at another; and what suits with reason at one time, is contrary to it at another. Yet reason is still the same, and changeth not her end, which is peace and defence, nor the means to attain them, to wit, those virtues of the mind which we have declared above, and which cannot be abrogated by any custom whatsoever (DC: 3.29).

As suggested in **Chapter 2**, a person in the state of nature is only obliged to act on the laws of nature provided he doesn't believe that breaking them is necessary for his self-preservation. Just so, his actions might only sometimes fit the laws, and yet he might always be acting reasonably and in line with his obligations. Nonetheless, while his actions might not always fit the laws, to be just his dispositions must always fit them. If

he satisfies his obligations *in foro interno*, he must always have a readiness of mind to observe the laws (DC: 3.27), and he must possess an inclination of nature apt for producing just action (EL: 16.4). So again, insofar as the just man must satisfy his obligations *in foro interno*, he too must constantly maintain the correct dispositions.

We can arrive at this conclusion – that the just man must have certain dispositions - by a different method, by considering the relationship Hobbes draws between dispositions and virtues.

In the two passages quoted above, Hobbes refers to “virtues of the mind” and equates them to “dispositions of mind.” In other works, such as his *Thomas White’s De Mundo Examined*, Hobbes also refers to virtue as a disposition, writing: “We call ‘virtue’ that disposition by which we act in accordance with the laws” (392).⁴⁸ And, later in his life, when Hobbes wrote his *De Homine*, he continued to view virtues as dispositions, writing that:

Dispositions, when they are so strengthened by habit that they beget their actions with ease and with reason unresisting, are called *manners*. Moreover, manners, if they be good, are called *virtues*, if evil, *vices* (DH: 13.8).

Hobbes is clear that the just man possesses the virtue of justice. Recall that, when the term “just” is attributed to men, it signifies “conformity or inconformity of manners to reason” and “this justice of manners is that which is meant where justice is called a virtue” (L: 15.10). So, since the just man possesses the virtue of justice, and since this virtue is a disposition strengthened by habit, the just man must possess a just disposition.

Further, it appears that possessing the virtue of justice is *sufficient* for being a just man. After all, given what the term “just” signifies, when referring to a man, it seems

⁴⁸ Thomas Hobbes, *Thomas White’s De Mundo Examined*, trans. Harold Whitmore Jones (London: Bradford University Press, 1976).

that, if any person possesses the virtue of justice, then he is a just man. Thus, too, since the virtue of justice is a just disposition strengthened by habit, it follows that if one has such a disposition, he is a just man.

We can arrive at this conclusion, too, by different means. Recall, as Hobbes writes in *The Elements of Law*:

When justice and injustice are attributed to men, they signify proneness and affections, and inclination of nature, that is to say, passions of the mind apt to produce just and unjust actions (EL: 16.4).

Now, recognizing that, for Hobbes, dispositions are “men’s inclinations toward certain things” (DH: 13.1), it should be clear that since the just man possesses a just inclination of nature, he also possesses a just disposition. And, too, if one possesses a just disposition, he possesses an inclination toward justice, and is a just man. This said, I take it that someone with a just disposition – one that is strengthened by habit – is a just man. He obeys the laws *in foro interno* and has all the requisite desires, intentions, passions, delights, etc.

On a final note, it will be valuable in later chapters to recognize the importance of habit to a just disposition. In general, Hobbes suggests that a person can gain or change his dispositions through experience and habit (DH: 13.1), so that, for instance:

Habit makes those who have often lived in danger for a long time have a less fearful disposition; and those who have lived with honours for the longest time are less insolent in disposition, as by now they have ceased to admire themselves (DH: 13.3).

Thus dispositions, by their nature, often demand the correct habits and life experiences.

More particularly, someone who is just possesses the virtue of justice, which, given the definition of “virtue” cited from Hobbes’ *De Homine*, means that the just person has a just disposition which is so strengthened by habit that it begets just actions

with ease. Thus, a just person must be habituated to justice, and possess just “habits of mind” (El: 16.4). So, even if it were possible for someone to have a just disposition without being appropriately habituated – and this is doubtful – that person still wouldn’t be just. To be just, one must have the virtue of justice, and that requires the appropriate habituation.

Section 3.4: The Just Man and the Fool

Now, having adequately explored Hobbes’ notion of the just man, we can better understand the stark contrast that Hobbes draws between the just man and the fool.

As already suggested, the Fool is everything the just man is not. In **Chapter 1**, I cited some evidence that the Fool and the just man are opposites. I point out that while the Fool “has said in his heart, there is no such thing as justice” (L: 15.4), the just man “taketh all the care he can that his actions may be all just” (L: 15.10). I also acknowledge that the just man’s will is “framed by justice” (L: 15.10), and the Fool’s will is framed “by the apparent benefit of what he is to do” (L: 15.10). As I point out, the Fool thinks that to “keep or not keep covenants was not against reason when it conduced to one’s benefit” (L: 15.4). In light of the contrast between the Fool and the just man, it appears that Fools are unjust men.

Since the Fool and the just man stand in such stark contrast, we need only examine the comparison between them in order to determine what error is most characteristic of a Fool. After all, the just man must lack whatever trait makes the Fool so foolish. And, likewise, the Fool must lack whatever trait is sufficient for being a just man.

At this point, it should be clear that the Fool must lack the virtue of justice, a disposition for justice that is strengthened by habit. After all, that is what makes the just man just. And lacking a disposition for justice, the Fool must, by the definition of “disposition,” lack an inclination for justice, and he wouldn’t possess the just man’s “proneness and affections, and inclination of nature, that is to say, passions of the mind apt to produce just and unjust actions” (EL: 16.4). Further, since the just man has just intentions (acting for the sake of the law (DC: 4.21)), and since the just man doesn’t act with the Fool’s intentions (acting for apparent benefit (L: 15.10) or out of fear of punishment (DC: 4.21)), it seems reasonable to conclude that the Fool does not have just intentions.

Additionally, since just men satisfy all their obligations *in foro interno* (as suggested in **Section 3.2**, and since the Fool is far from a just man, he fails to satisfy at least some of his *in foro interno* obligations. In fact, as suggested by **Chapter 2**’s discussion of obligation *in foro interno*, the Fool violates his *in foro interno* obligations whenever he breaks a valid covenant with another party who has already performed on his end. As suggested in **Sections 3.2 and 3.3** in conjunction, to satisfy obligations *in foro interno*, it is sufficient that one’s actions spring from a just disposition. So, again, the Fool clearly does not possess such a disposition.

Section 3.5: The Fool and the Argument From Revealed Dispositions

So far, we have not drawn any firm conclusion about what is necessary or sufficient for being a Fool. This section arrives at these conditions, and offers a clear sense of what they mean with respect to Hobbes’ response to the Fool.

As suggested in **Section 3.1**, it is possible for the unjust man, namely the Fool, to consistently behave justly. And, likewise, it is possible for a just man to frequently behave unjustly. Along these lines, Hobbes writes numerous passages like the following two:

1. And although a man should order all his actions so much as belongs to external obedience just as the law commands, but not for the law's sake, but by reason of some punishment annexed unto it, or out of vain glory; yet he is unjust (DC: 4.21).
2. Innumerable actions of a just man may be unjust; and innumerable actions of an unjust man, just (DC: 3.5).

Now, since someone can be an unjust Fool without ever *acting* unjustly, we can easily recognize that, according to Hobbes, it isn't *necessary* to act unjustly in order to be a Fool. We can also recognize, from passages like these, that no unjust action (or actions) could ever be *sufficient* to make a person a Fool, either. This requires a bit more work.

In light of the passages cited above, it seems that, no matter what injustices we imagine a Fool committing during his life, we can imagine a just person committing them as well. After all, a Fool could consistently act justly, and a just person can act unjustly. So I suspect that, no matter what Fool you imagine, it is possible to imagine a just person who acts unjustly in exactly the same situations.⁴⁹ Nonetheless, one remains a just person, and the other remains a Fool.

⁴⁹ No doubt, a Fool and a just person couldn't act identically in *every* respect – only with respect to their just or unjust actions. As Kevan Edwards pointed out at a 2010 workshop presentation, if a Fool could act identically to a just person in every respect during his life, then, presumably, since the just person's actions would never reveal his lousy dispositions to any of his peers (after all he doesn't have a lousy disposition), the Fool's actions wouldn't either. But this would run counter to the argument presented in **Chapter 1**, which suggests that a Fool must always eventually reveal his dispositions to at least some of his confederates.

No matter what set of unjust actions you imagine,⁵⁰ if a Fool could perform them, a just person could as well. Now, remember, too, that a just man does not have any trait, or perform any action, that is sufficient to make him a Fool. Thus, according to Hobbes, acting unjustly is not sufficient to make a person a Fool. No matter what unjust actions a Fool could perform, they would never be sufficient to make a person a Fool, because a just person could, in theory, perform them without becoming foolish.

A Fool's unjust actions are neither necessary nor sufficient to make him a Fool. A Fool is not a Fool because of the way he acts. But if it isn't a Fool's actions that make him foolish, then something else must. On the basis of evidence presented earlier, I contend that, according to Hobbes, a person is a Fool only if he has an unjust disposition – the vice of injustice. The just person is just because he possesses the virtue of justice. And the just person stands in stark contrast to the Fool; they are opposites. So we can acknowledge that the Fool is foolish because he possesses the vice of injustice. This vice is both necessary and sufficient to be a Fool.

In light of this, consider any argument meant to explain why it is unreasonable to be a Fool in the state of nature, as Hobbes suggests. The argument had best concern that which is most characteristic of the Fool, not his external actions and obligations *in foro externo*, but rather his foolish and unjust disposition and obligations *in foro interno*. Ultimately, if being a Fool means having a foolish disposition, then, to argue that one shouldn't be a Fool, one had better argue that one shouldn't have a disposition like this. If the argument focused solely on actions, it couldn't either target or condemn those

⁵⁰ Provided you disregard their intentions. A just person could act unjustly, but he couldn't act unjustly because he was motivated to do so by fear, vainglory, or personal benefit.

Fools who happen to act justly. And, more generally, it would focus merely on symptoms – on the Fool’s behavior – rather than on the root cause, his vice.

In light of this, it makes sense to understand that Hobbes’ confederation argument, which is intended to target Fools, concerns dispositions. In particular, it makes sense for the argument to concern the vice of injustice – that bad disposition so strengthened by habit that it begets actions with ease. In order to adequately address the Fool, the confederation argument should relate why, even in the state of nature, it is unreasonable to possess the vice of injustice.

In fact, Hobbes’ argument suggests that one shouldn’t have the vice of injustice because, if one does, he will likely eventually reveal it to his confederates. And, once he does, there is a very good chance that his peers will alienate or kill him. Since this would be disastrous for anyone, it is unreasonable for anyone to possess such a vice.

Section 3.6: The Rule Egoist Interpretation

Many other scholarly interpretations of Hobbes’ response to Fool fall short for one of two reasons.

First, as argued in **Chapter 1**, Hobbes clearly suggests that, even in the state of nature, it is never reasonable or beneficial to break a valid covenant provided the other party has already performed. Any interpretation would fall short if it implies that, for Hobbes, it could potentially be reasonable or beneficial to break a valid covenant like this. Ideally, too, an interpretation should be able to explain why it could never be reasonable or beneficial to break such a covenant.

Second, as suggested in the present chapter, Hobbes' response should be interpreted to concern dispositions as much as actions. Any interpretation that focuses exclusively on a person's actions would seem to miss the point.

In light of this, I would like to briefly consider one competing interpretation, namely that proposed by Gregory S. Kavka, according to which Hobbes is a rule egoist. First, I will briefly argue that this interpretation fails to explain why it could never be reasonable or beneficial to break a valid covenant. Second, I will argue that even if it could successfully explain why this could never be reasonable or beneficial, the interpretation would still fall short, insofar as it focuses too exclusively on actions.

Gregory S. Kavka correctly recognizes that, for Hobbes, the potential risks involved with injustice can be steep. If a person is/acts unjust, he might be alienated or killed. Kavka then considers conditions of uncertainty, conditions in which a person doesn't know and cannot accurately predict "the probabilities of the various possible outcomes emerging from the available choices."⁵¹ In such situations, it seems rational, as Kavka suggests, to *play it safe* and avoid risking such terrible outcomes. As Kavka suggests:

Since the benefits of violation are uncertain and the risks of failure are so grave, it is rational, in purely forward-looking terms, to play it safe and follow the generally beneficial third (or other) law of nature.⁵²

Kavka argues that Hobbes agrees with him on this. I concur with Kavka; Hobbes might have believed that, when a choice is uncertain and the risk is grave, it is better to play it safe. But this doesn't explain why, for Hobbes, it is *always* unreasonable to break a valid covenant when the other party has already performed. It explains why a person

⁵¹ Gregory S. Kavka, "The Rationality of Rule-Following: Hobbes Dispute with the Foole," *Law and Philosophy* 14, no. 1, Conrad Johnson Memorial Issue (Feb. 1995): 21.

⁵² Kavka, "The Rationality of Rule-Following," 22-23.

should choose to keep his covenant if both: (1) the choice is being made under conditions of uncertainty and (2) the risk of failure is grave. But what if the risk of failure isn't so harsh? That is, what if a person is well aware that, even if he were he caught, he wouldn't face any serious consequences? Alternatively, what if a person makes his choice under conditions of certainty or risk, rather than uncertainty? That is, what if a person really does know there is only a tiny chance of facing any penalty, and that the reward will be great?

Kavka responds for Hobbes, claiming that we should never break valid covenants because we can never reliably tell which of our conditions are being made under conditions of risk or certainty and which are being made under conditions of uncertainty. We know we have a tendency to be shortsighted, self-deceptive, and overly self-confident, so we should play it safe and keep all of our valid covenants, rather than facing risks that might be far greater than we anticipate.⁵³

Does Hobbes really believe this? And, even more importantly, is it true? Actually, it seems that circumstances could and will arise in which a person *could* reliably tell that his choice is being made under conditions of risk or certainty. In fact, Kavka seems to agree with this at times. He considers the Toxin Puzzle, in which:

An eccentric billionaire offers you one million dollars if, at midnight tonight, you will sincerely promise to drink at noon tomorrow a glass of toxin that would make you very sick for a day. The billionaire makes it clear that actually drinking the stuff is irrelevant, he does not care whether you drink it, and will in fact deposit the money in your account at 12:01 A.M. once you make the sincere promise at midnight.⁵⁴

⁵³ Kavka, "The Rationality of Rule-Following," 26-28.

⁵⁴ Kavka, "The Rationality of Rule-Following," 19.

Kavka suggests that, if someone made the promise – the covenant – with the billionaire, he would know with certainty that he would do better by violating it.⁵⁵ And, according to Kavka, Hobbes would agree. But, then, Kavka’s Hobbes *would* believe it could be possible for a person to reliably tell that his choice is made under conditions of risk or certainty, rather than uncertainty.

If Hobbes’ theory allows that people can sometimes reliably tell that they are making choices in circumstances of risk and certainty, then Kavka’s theory is questionable. It fails to explain why Hobbes suggests that it is *never* reasonable or beneficial to break a valid covenant when the other party has already performed. Kavka’s theory does not explain why it would be unreasonable for a person to break a valid covenant like this in a circumstance in which he knows there is a great chance of substantial reward and only the tiniest possibility of any negative consequence. Further, Kavka’s theory fails to explain why it would be unreasonable for a person to break a valid covenant were he aware that the worst penalty he could face would be well worth the reward of breaching.

But even if Gregory S. Kavka could reasonably interpret Hobbes to suggest that circumstances like this were impossible, Kavka’s interpretation would still fall short. His theory clearly addresses the Fool’s actions, rather than his dispositions/vices. But, as suggested earlier, the Fool isn’t a fool because of his actions! It is his vices/dispositions that have gone awry. The intent with which he acts is flawed.

⁵⁵ “Thus it does not commit Hobbes to holding that if we knew with certainty that we would do better by violating (as in the Toxin Puzzle) we should keep the agreement anyway” (Kavka, “The Rationality of Rule-Following,” 22 footnote 14).

As David Boonin-Vail maintains, if Hobbes were a rule egoist as Kavka suggests, “he would have to endorse the claim that a person is morally good to the extent that he or she always follows rules which prescribe certain sorts of acts as good.”⁵⁶

Section 3.7: Conclusion

We should interpret Hobbes to focus, not on rules, but on virtues and vices. By doing so, Hobbes can adequately respond to the Fool, whose defining error is that he has the vice of injustice. Thus, we should interpret his response to the Fool – the confederation argument in particular – to focus on virtues and vices.

Section 3.8: Looking Forward: The Just Person and Obligations *In Foro Externo*

I have focused – and will continue to focus – on the relation between the just person and obligations *in foro interno*. This is the relation that is necessary to understand and explore, in order to fully appreciate Thomas Hobbes’ response to the Fool. Nonetheless, it will be valuable, for a moment, to focus attention on the relation between the genuinely just person and obligations *in foro externo*. This discussion will help to set up not only the next chapter, but also discussions in much later chapters as well.

First, it should be clear that, if a person satisfies all of his obligations *in foro interno*, then, provided he belongs to a society, he always endeavors to satisfy all of his obligations *in foro externo* as well. After all, in light of the third law of nature, someone who satisfies his obligations *in foro interno* must endeavor to perform all of his valid covenants. So, since the social covenant that establishes a sovereign is valid, a person must endeavor to obey it as well. To comply with this covenant, the *in foro interno* man

⁵⁶ Boonin-Vail, *Thomas Hobbes*, 89.

must endeavor to satisfy all of his sovereign's civil laws; he must, that is, endeavor to satisfy all his obligations *in foro externo*. Thomas Hobbes makes this point very clear in *Leviathan*, writing:

The civil law is part of the dictates of nature. For justice, that is to say, performance of covenant and giving to every man his own is a dictate of the law of nature. But every subject in a commonwealth has covenanted to obey the civil law . . . and therefore obedience to the civil law is part also of the law of nature (L: 26.8).

As a result, the sovereign is largely responsible for how the genuinely just person must endeavor to act. The sovereign determines what will be necessary – what civil laws must be followed – for the just individual to satisfy the social covenant.

Going even further, the sovereign is often responsible for determining what particular actions will be *good or bad* for a just individual, and for any other individual as well. In light of the third law of nature, we can recognize that it is good for a person to satisfy his valid covenants. So, since the sovereign determines what behaviors are necessary in order to comply with the valid social covenant, the sovereign in part determines what would be good for his citizens. Hobbes is very clear that the sovereign and his/its civil law is the measure of what is good and bad for people:

Whence it is understood that they, who consider men by themselves and as though they existed outside of civil society, can have no moral science because they lack any certain standard against which virtue and vice can be judged and defined . . . A common standard for virtues and vices doth not appear except in civil life; this standard cannot, for this reason, be other than the laws of each and every state (DH: 13.8).

I observe the diseases of the commonwealth that proceed from the poison of seditious doctrines, whereof one is that every private man is judge of good and evil actions. This is true in the condition of mere nature, where there are no civil laws, and also under civil government in such cases as are not determined by the law. But otherwise, it is manifest that the measure of good and evil actions is the civil law; and the judge [is] the legislator, who is always representative of the commonwealth (L: 29.6).

The latter passage, from *Leviathan*, is perhaps the more relevant to our present discussion. In the paragraph immediately following it, Hobbes is clear about what a just person, who satisfies his obligations *in foro interno*, must do once he has entered into society. If we recall the relations between conscience, sin, and obligations *in foro interno*, we can appreciate the following argument:

For a man's conscience and his judgement is the same thing; and as the judgement, so also the conscience may be erroneous. Therefore, though he that is subject to no civil law sinneth in all he does against his conscience, because he has no other rule to follow but his own reason; yet it is not so with him that lives in a commonwealth, because the law is the public conscience by which he hath already undertaken to be guided (L: 29.7).

Hobbes clearly suggests that, in a society, the sovereign's civil laws determine, in many cases, what is necessary for a person to satisfy his obligations *in foro interno*. After all, the social covenant has introduced a brand new conscience to follow! The covenant even changes what it means to sin!

In cases determined by civil law, a person in society has agreed to be guided by a "public conscience" and no longer a private one. Certainly, as I will argue in **Chapter 4**, Hobbes maintains that a person can satisfy his obligations *in foro interno* if and only if he consistently does what is reasonable. But, according to Hobbes, each private individual in a society has agreed that he won't trust himself to be the judge of what is reasonable, at least in circumstances determined by civil law. Hobbes is clear that each individual has agreed to accept his sovereign's conscience and reason, rather than his own. On a similar note, Hobbes writes:

That the law can never be against reason . . . is true; but the doubt is of whose reason it is that shall be received for law. It is not meant of any private reason; for then there would be as much contradiction in the laws as there is in the Schools, nor yet, as Sir Edward Coke makes it, an *artificial perfection of reason*,

gotten by long study, observation, and experience, as his was. For it is possible long study may increase and confirm erroneous sentences; and where men build on false grounds, the more they build, the greater is the ruin . . . Therefore it is . . . the reason of this our artificial man the commonwealth and his command that maketh law; and the commonwealth being in their representative but one person (L: 26.11).

When a person enters the social covenant, he agrees to accept his sovereign's judgments (L: 18.1), and thus has also agreed to accept his sovereign's conscience and reason as his own, at least in cases determined by civil law. This might sound extreme, but it is nothing more than what was said earlier in this section. Each individual has agreed that the sovereign may determine what is necessary for him to comply with the valid social covenant. And so, each individual has given the sovereign the power to determine which individual actions are just. People have given the sovereign the power to determine what behaviors a just person must endeavor to perform.

I mean to be very clear that the sovereign has a strong role to play with respect to the actions of a genuinely just man. But I do not mean to suggest that the sovereign influences just individuals *in the same way* that the sovereign impacts the everyday, average citizen. In **Chapter 5**, I will focus on Hobbes' contention that very few people are genuinely just or reasonable. In **Chapter 9**, I will argue that the majority of individuals will only satisfy their obligations *in foro externo* if motivated to do so by fear, vainglory, or personal benefit. The sovereign must, in a sense, go out of his (or its) way to achieve their compliance. And even when he/it has, the majority of individuals will still often fail to have to have the correct desires/intentions/etc. necessary to fully satisfy their obligations *in foro interno*.

The sovereign much more directly affects the lives of those who are truly just. The truly just person adheres to the social covenant for the covenant's sake – for the

law's sake - and does not perform his end out of fear, vainglory, or benefit. He does what the sovereign commands because he has obliged himself, through covenant, to accept that the sovereign's decrees are reasonable and right. And the just person always desires to satisfy his valid covenants, and to endeavor to do whatever is necessary to do so. Since the sovereign determines what is required by the social covenant, the sovereign also determines what it means to be a just person as well.

Chapter 4. Hobbes and the Just Man - Equivocally Contractarian

For Hobbes, are there natural moral obligations – obligations a person has in the state of nature, even before he forms covenants? In **Chapters 2 and 3**, I have argued that a person does have certain obligations in the state of nature, and that the laws oblige a person *in foro interno* even before he has contracted with his peers to lay down any of his rights. My interpretation of Hobbes' response to the Fool finds its footing in this interpretation.

Yet David P. Gauthier has argued to the contrary, suggesting that Hobbes does not allow for any natural moral obligations.⁵⁷ Gauthier suggests that, according to Hobbes, a person must grant away his rights, principally by means of covenant, in order to have an obligation.⁵⁸ Since there are no obligations in the state of nature prior to people relinquishing their rights, Gauthier suggests: “there are no moral distinctions in the state of nature.”⁵⁹ Gauthier provides a contractarian interpretation of Hobbes' philosophy, seeing Hobbes' morality as conventional and man-made, “an artificial construct introduced to further human ends.”⁶⁰ To argue in favor of his interpretation, Gauthier cites numerous passages from Hobbes' text, and he argues that a contractarian interpretation of Hobbes' work avoids several theoretical pitfalls and is consistent with Hobbes' moral subjectivism.

In this chapter, I intend to defend my interpretation and respond to David Gauthier's arguments. I will argue that, if we recognize both that a person's reason

⁵⁷ David P. Gauthier, *The Logic of Leviathan: the Moral and Political Theory of Thomas Hobbes* (Oxford: Clarendon Press, 1969), 40.

⁵⁸ Gauthier, *The Logic of Leviathan*, 40-41.

⁵⁹ David Gauthier, “Thomas Hobbes: Moral Theorist,” *The Journal of Philosophy* 76, no. 10 (October 1979): 550.

⁶⁰ Boonin-Vail's description of Gauthier's position, in *Thomas Hobbes*, 68.

morally obliges him and that everyone shares certain common desires, we can develop a consistent interpretation of Hobbes' theory without committing him to full-blown contractarianism.

In the beginning of this chapter, I will focus on textual concerns. In the first section, I will cite passages that seem consistent with Gauthier's interpretation, but in the second, I will cite even more that seem to stand in conflict with it. In **Chapter 2**, I already cited several of these conflicting passages, regarding obligation *in foro interno*.

On the surface, these passages seem to contradict those that Gauthier cites in defense of his contractarian interpretation. In response to these apparent contradictions, Gauthier suggests that Hobbes is sometimes involved in an inaccuracy, and that we, as readers, should "replace his actual words" with "what we claim is a more accurate statement."⁶¹ Ultimately, Gauthier recommends rejecting or reinterpreting those passages that are opposed to contractarianism. In contrast, other theorists, like David Boonin-Vail, argue that we should reject or reinterpret any passage that limits Hobbes to conventionalism or contractarianism.⁶²

Unlike these philosophers, I do not believe that Hobbes contradicts himself. Rather, the conflicting passages merely refer to different kinds of moral obligation. I will argue that Hobbes uses the term "obligation" equivocally. In some passages, the term refers to obligation *in foro interno*, and in others it refers to obligation *in foro externo*. The passages may *appear* to contradict, but only because what is true of obligation *in foro interno* is not always true of obligation *in foro externo*, and vice versa. A person can be obliged *in foro interno* without laying down his rights, but he can never be obliged *in*

⁶¹ Gauthier, *The Logic of Leviathan*, 72.

⁶² Boonin-Vail, *Thomas Hobbes*, 82.

foro externo without laying down a right. Ultimately, Hobbes is a contractarian about morality *in foro externo* but not about morality *in foro interno*.

Section 4.1: The Contractarian Interpretation, Hobbes' Texts

David Gauthier cites numerous passages in support of his position that, for Hobbes, obligations are self-imposed and there are no natural moral obligations. There are no obligations in the state of nature, unless individuals in that state have laid down their rights. The following two passages are particularly relevant in light of Hobbes' repeated insistence that, in the state of nature, "every man has the right to every thing; even to one another's body" (L:14.4):

"Obligation and liberty . . . in one and the same matter are inconsistent." (L: 14.3)

"To lay down a man's right to any thing, is to divest himself of the liberty, of hindering another of the benefit of his own right to the same" (L: 14.6)

We can conclude that, if one has the right (liberty) to do something, he has no obligation not to do it. If we grant this and further allow that, in the state of nature, every man initially has a right to every thing, we can conclude that nobody has any obligations in the state of nature, until he lays down his right, divesting himself of liberty. Just so, every obligation is self-imposed, an artifact of human action. The following two passages, which Gauthier cites, seem to make this point all the more explicitly:

"And when a man hath . . . abandoned, or granted away his right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such right is granted, or abandoned, from the benefit of it: and that he ought, and it is his DUTY, not to make void that voluntary act of his own." (L: 14.7)

"There being no obligation on any man, which ariseth, not from some act of his own; for all men equally, are by nature free." (L: 21.10)⁶³

⁶³ As quoted by Gauthier, *The Logic of Leviathan*, 40.

Just so, Gauthier argues, individuals cannot be obligated without first laying down their rights, principally by means of covenant. On a similar note, David Boonin-Vail cites passages suggesting there is no justice or morality in the state of war/nature, until men have covenanted or laid down their rights:

To this war of every man against every man this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice . . . Justice and injustice are none of the faculties neither of the body, nor mind . . . They are qualities, that relate to men in society, not in solitude (L: 13.13).

There are no authentical doctrines concerning right and wrong, good and evil, besides the constituted laws in each realm and government (DC: preface, p. 98).

The laws of commonwealth . . . are the ground and measure of all true morality (pp. 75-6).⁶⁴

These passages seem, on the surface, to suggest that, for Hobbes, morality and justice are artificially made, and that there are no moral obligations prior to individuals laying down their rights.

Hobbes' discussions concerning the sovereign seem, at times, to support this conclusion as well. As David Boonin-Vail deftly points out, the sovereign does not participate in the covenant which establishes civil society.⁶⁵ Thus, in a sense, the sovereign remains in the state of nature.⁶⁶ Were it possible to act unjustly in the state of nature, prior to laying down rights, we might suspect that the sovereign, too, could act unjustly. Yet Hobbes is very clear that he cannot:

⁶⁴ Thomas Hobbes, "Decameron Physiologicum," in *The English Works of Thomas Hobbes of Malmesbury*, Vol. VII, ed. Sir William Molesworth, Bart. (London: Longman, Brown, Green, and Longmans, 1845).

⁶⁵ To this end, Hobbes writes: "Because the right of bearing the person of them all is given to him [whom] they make sovereign by covenant only of one to another and not of him to any of them, there can happen no breach of covenant on the part of the sovereign" (L: 17.4).

⁶⁶ Boonin-Vail, *Thomas Hobbes*, 77.

Nothing the sovereign representative can do to a subject, on what pretense soever, can properly be called injustice or injury (L: 21.7).

Now, Hobbes doesn't argue that the sovereign commits no injustice *because* he remains in the state of nature. Rather, Hobbes argues that the sovereign can do no injustice or injury because: 1) Anything he does with respect to a person is performed by the authority of that person, and 2) If an action is performed by the authority of a person, that action does no injustice or injury to that person. To this end, Hobbes writes:

For he that doth anything by authority from another doth therein no injury to him by whose authority he acteth; but by this institution of a commonwealth every particular man is author of all the sovereign doeth; and consequently he that complaineth of injury from his sovereign complaineth of that whereof he himself is author (L: 18.6)

Still, Hobbes' conclusion, that the sovereign cannot commit injustice or injury, seems to support the notion that Hobbes is a contractarian, especially if we take Hobbes to suggest that the sovereign cannot act immorally. Those who, like David Boonin-Vail, argue that Hobbes is not a contractarian, suggest that, for Hobbes, the laws of nature are moral principles that oblige each and every man even before he lays down his rights.⁶⁷ If this position is correct, then the following also seems true: if the laws were moral principles, then anyone would be acting immorally if he violated them. If so, then provided that the sovereign doesn't act immorally when he violates the law, we have reason to think that the laws aren't moral principles. And we also have reason to think that Hobbes is a contractarian.

Even disregarding Hobbes' discussions of the sovereign, there is good reason, based on the passages discussed above, to think that Hobbes is a moral contractarian.

⁶⁷ See Boonin-Vail, *Thomas Hobbes*, section 3.2, particularly pp. 71-72.

Section 4.2: The Natural Obligations Interpretation, Hobbes' Text

David Gauthier and David Boonin-Vail both acknowledge that numerous passages also, at least on the surface, seem to support a natural obligations interpretation of Hobbes' text, rather than a contractarian reading. These passages imply that a person is morally obligated to follow the laws of nature even before he takes any action relinquishing his rights.

Many of these passages suggest that the laws of nature, themselves, oblige a person, even in the state of nature –presumably even before he forms obliging covenants.

The following three passages, cited by David Gauthier, serve as examples:

For the law of nature did oblige in the state of nature . . . Seeing therefore our obligation to observe these laws is more ancient than the promulgation of the laws themselves, as being contained in the very constitution of the city; by the virtue of the natural law which forbids breach of covenant, the law of nature commands us to keep all the civil laws (DC: 14.9-10).

For a civil law, that shall forbid rebellion, . . . is not, as a civil law, any obligation, but by virtue only of the law of nature, that forbiddeth the violation of faith; which natural obligation, if men know not, they cannot know the right of any law the sovereign maketh (L: 30.4).

Whereas signs and miracles had for end to procure faith, not to keep men from violating it, when they have once given it; for to that men are obligated by the law of nature (pp. 469-470).⁶⁸

As suggested in this chapter's introduction, Gauthier suggests that, in passages like these, Hobbes is involved in an inaccuracy.⁶⁹ He suggests that Hobbes is actually a contractarian, and that we shouldn't take his actual words here, seriously. Instead, we should "replace his actual words by what we claim is a more accurate statement."⁷⁰ We should take him to suggest that "our obligation to keep civil laws is prior to the laws

⁶⁸ Hobbes, Thomas. "Part 3: Of A Christian Commonwealth," in *The English Works of Thomas Hobbes of Malmesbury*, Vol. III, ed. Sir William Molesworth, Bart. (London: J.Bohn, 1839).

⁶⁹ Gauthier, *The Logic of Leviathan*, 72.

⁷⁰ Gauthier, *The Logic of Leviathan*, 72.

themselves,”⁷¹ but not because the natural laws, themselves, are obliging, prior to any covenant. Rather, the obligation is prior to the laws because individuals oblige themselves, through covenant, to follow the laws before the laws are formulated or promulgated.

Yet even if we can reinterpret these passages, so that they remain consistent with a contractarian reading, it is far more difficult to reinterpret some of Hobbes’ other claims. It is, in fact, harder to reinterpret Hobbes’ passages regarding obligation *in foro interno*, obligation in the internal court. Recall these passages, which were cited and discussed in **Chapter 2**:

It is not therefore to be imagined, that by nature, that is, by reason, men are obliged to the exercise of all these laws in that state of men wherein they are not practiced by others. We are obliged yet, in the interim, to a readiness of mind to observe them, whensoever their observation shall seem to conduce to the end for which they were ordained. We must therefore conclude, that the law of nature doth always and everywhere oblige in the internal court (DC: 3:27)

The laws of nature oblige *in foro interno*, that is to say, they bind to a desire they should take place; but *in foro externo*; that is, to the putting them in act, not always. For he that should be modest and tractable, and perform all he promises in such time and place where no man else should do so, should but make himself a prey to others, and procure his own certain ruin (L: 15:36).

And the same law that dictateth to men that have no civil government what they ought to do, and what to avoid in regard of one another, dictateth the same to commonwealths, that is, to the consciences of sovereign princes and sovereign assemblies; there being no court of natural justice, but in the conscience only, where not man, but God reigneth; whose laws, such of them as oblige all mankind, in respect of God, as he is the author of nature, are *natural*; and in respect of the same God, as he is King of kings, are *laws*. (L: 30:30)

All three of these passages suggest that, even in the state of nature, a person is obliged to the laws *in foro interno*. And the passages clearly imply that a person is obliged even if he hasn’t formed a contract that obliges him. There is no prerequisite

⁷¹ Gauthier, *The Logic of Leviathan*, 72.

condition for the laws' *in foro interno* obligation; they oblige "always and everywhere" and they oblige even if putting them in action would lead to ruin.

David Gauthier acknowledges that these passages are especially problematic for a contractarian reading. In responding to them, he suggests that there is a "secondary definition"⁷² of the laws of nature, according to which the laws are the commands of God. And he suggests that, according to a straightforward interpretation of Hobbes, if the laws are commands of God, they might oblige a person even before that person lays down any of his rights. But, Gauthier suggests, this secondary definition is not vital to Hobbes' central arguments, involving the central role of the laws.

Nonetheless, Gauthier's response is problematic insofar as it suggests that the hard-and-fast contractarianism, to which he otherwise seems dedicated, is an inaccurate interpretation. In fact, a person does have obligations prior to laying down his rights, if only because God has commanded him. And insofar as Hobbes suggests that a person has these natural obligations, Hobbes allows for a natural morality that is neither artificial nor manmade. It is hard to see how Gauthier can suggest that, for Hobbes, the laws naturally oblige as God's commands, and yet still read Hobbes as a strict contractarian. The passages above seem to stand in strong opposition to a contractarian reading, and in strong support of a natural obligations interpretation.

Additionally, David Gauthier is wrong to insist that, prior to relinquishing rights, the laws of nature only oblige because they are the commands of God. I will return to this issue later, in **Section 4.4.1**. There I will argue that, even if we understand the laws as dictates of reason, rather than as commands of God, we should recognize that they morally oblige a person *in foro interno* even before he forms any covenants.

⁷² Gauthier, *The Logic of Leviathan*, 76.

Other passages from Hobbes' texts also imply that Gauthier's contractarian reading is flawed. As suggested in **Chapter 2**, Hobbes suggests that the laws oblige a person *in foro interno* to possess certain dispositions – certain “virtues of the mind.” And then Hobbes writes that:

Yet actions may be so diversified by circumstances and the civil law, that what is done with equity at one time, is guilty of iniquity at another; and what suits with reason at one time, is contrary to it at another. Yet reason is still the same, and changeth not her end, which is peace and defence, nor the means to attain them, to wit, those virtues of the mind which we have declared above, and which cannot be abrogated by any custom whatsoever (DC: 3.29).

Recognizing that the laws oblige a person to possess certain virtues, this passage seems to suggest that a person is always obliged to maintain these virtues, regardless of the law or the covenants he has or hasn't made. That is, even if a person isn't obliged to perform certain particular actions, prior to relinquishing his rights, he is nonetheless obliged to possess certain virtues/dispositions of mind. That is why, as argued in **Chapter 2**, someone in the state of nature would “offend against the laws of nature” if he had the wrong mindset, if he “pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so” (DC: 1.10, footnote, p. 116). Just so, a contractarian interpretation is inaccurate, since a person can be obliged in certain ways, without first laying down his rights.⁷³

Finally, while some of Hobbes' passages concerning the sovereign seem to support contractarianism, others seem to stand in opposition to it. Recall that, in a sense, the sovereign remains in the state of nature, insofar as he does not participate in the contract that establishes civil society. Just so, if the sovereign could act immorally, then we have some reason to think that individuals in the state of nature might be able to as

⁷³ For a fairly similar argument, see Boonin-Vail, *Thomas Hobbes*, 72.

well, perhaps even before they lay down any rights. While numerous passages suggest that the sovereign cannot perform injustice or injury, David Boonin-Vail cites numerous passages suggesting that the sovereign can still do wrong:⁷⁴

The people, the nobles, and the monarch may diverse ways transgress against the other laws of nature, as by cruelty, iniquity, contumely, and other like vices, which come not under the strict and exact notion of *injury* (DC: 7.14).

If the *monarch* make any decree against the *laws of nature*, he sins himself (DC: 7.14).

If he do not his utmost endeavour to discharge himself thereof, he committeth a sin, which neither King nor Parliament can lawfully commit (p. 16).⁷⁵

These passages, when considered in light of all those cited above, seem to suggest that Hobbes is not, in fact, a contractarian. Rather, numerous passages suggest that, for Hobbes, the laws of nature morally oblige individuals in the state of nature, even before they have laid down any of their rights.

Section 4.3: Equivocally Contractarian

How can we reconcile those passages, cited in defense of contractarianism in **Section 4.1**, with the passages just cited in support of a natural obligation's interpretation? Is Hobbes involved in an inconsistency, and does he contradict himself as David Boonin-Vail and David Gauthier suggest? I argue that Hobbes does not. Rather, I maintain that the conflicting passages use certain terms equivocally, or in technical ways that have led interpreters to think Hobbes contradicts himself. But I further argue that Hobbes is very clear about how he will use these terms, and thus commits no real error.

⁷⁴ Boonin-Vail, *Thomas Hobbes*, 77-78.

⁷⁵ Thomas Hobbes, "A Dialogue Between A Philosopher & A Student of the Common Laws of England," in *The English Works of Thomas Hobbes of Malmesbury*, Vol. VI, ed. Sir William Molesworth, Bart. (London: J. Bohn, 1945).

To begin to recognize how Hobbes' language has led to some confusion about whether or not his morality is artificial and manmade, we can re-consider the following passage, cited in defense of contractarianism:

To this war of every man against every man this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice . . . Justice and injustice are none of the faculties neither of the body, nor mind . . . They are qualities, that relate to men in society, not in solitude (L: 13.13).

Likewise, we might also look at other similar passages, such as the following:

When a Covenant is made, then to break it is *unjust*: and the definition of INJUSTICE, is no other than the *not performance of covenant* . . . Before the names of *just* and *unjust* can have place, there must be some coercive Power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant . . . and such power there is none before the erection of a commonwealth (L: 15.3).

How should we understand the term "injustice" as it appears in these passages?

Consider that, in *De Cive*, *The Elements of Law*, and *Leviathan*, Hobbes is clear that the terms "justice" and "injustice" are equivocal. In *De Cive*, he writes:

These words, *just* and *unjust*, as also *justice* and *injustice*, are equivocal; for they signify one thing when they are attributed to persons, and another when to actions (DC: 3.5).

And similarly, in *Leviathan*, he writes:

The names of *just* and *unjust*, when they are attributed to men, signify one thing, and, when they are attributed to actions, another (L: 15:10).

In light of these passages, whenever Hobbes writes about justice, it makes sense to ask: which kind of justice? When Hobbes writes that justice has no place in the state of nature, does "justice" signify the justice attributed to persons, the justice attributed to actions, or both kinds of justice?

For Hobbes, the justice attributed to actions is “no other than *the not performance of [valid] covenant*,” (L: 15:2). Based on this definition, it seems that, if an individual is party to no covenants, then he cannot perform an unjust act. It seems reasonable to suggest that no one can perform an unjust act in the state of nature before he lays down his rights in covenant.

But could someone still be a just person in the state of nature, prior to making any covenant? Since one must have the virtue of justice in order to be just, we could similarly ask: could someone in the state of nature possess the virtue of justice?

To arrive at a complete answer, we must recognize that, for Hobbes, not only are there two types of justice, there are also two types of virtue as well. Hobbes frequently refers to courage, prudence and temperance as virtues, but he also admits that, since these virtues could potentially be responsible for the destruction of a state, they are: “not virtues of citizens as citizens, but as men” (DH: 13.9). Hobbes additionally writes that: “These virtues are useful not so much to the state as they are to those individual men who have them” (DH: 13.9). These virtues are not tied to society, and it is easy to imagine that someone in the state of nature might have a virtue like this. In contrast, if anything is a virtue of a citizen as a citizen, there must already exist a society, and that virtue must be useful to it:

Good dispositions are those which are suitable for entering into civil society; and good manners (that is, moral virtues) are those whereby what was entered upon can be best preserved (DH: 13.9).

Now, for Thomas Hobbes, there is clearly a sense of the term “justice” according to which justice is a virtue of a citizen. In his *De Homine*, he claims that this virtue is: “truly measure[d] by civil laws, which is different in different states” (DH: 13.9). If we

consider this “justice,” we might reasonably conclude that, until there is a society in which individuals are guided by civil laws, no one could have the virtue of justice and thus no one could be a just person.

But I maintain that, for Hobbes, there is also a sense of “justice” according to which it is a virtue of men, rather than a virtue of citizens. And I maintain that Hobbes, taking “justice” this way, admits that individuals in the state of nature could have the virtue of justice and be just people. To achieve a better understanding of how an individual in the state of nature could have this virtue, it is important to consider once again briefly what Hobbes means when he suggests that a person is just.

Hobbes claims that the justice attributed to persons concerns a person’s “proneness and affections, and inclination of nature, that is to say, passions of the mind apt to produce just and unjust actions” (EL: 16.4). As discussed in **Chapter 3**, the justice of persons is concerned with a person’s intentions and motivations, insofar as the just man acts “for the law’s sake” (DC: 4.21) and is motivated neither by fear of punishment (DC: 3.5) nor by “the apparent benefit of what he is to do” (L 15:10). Further, if someone possesses the justice of persons, he needn’t always act justly, since “innumerable actions of a just man may be unjust” (DC: 3.5). Ultimately, **Chapter 3** concludes that justice of persons has to do with a person’s virtues (L: 15.10), his good dispositions strengthened by habit (DH: 13.8).

I maintain that, for Hobbes, someone in the state of nature could have the correct dispositions strengthened by habit. That person could have passions of mind apt to produce just actions, even if he cannot yet act justly because no society exists. Insofar as

people in the state of nature could have these dispositions and passions, people in the state of nature could also be just and have the virtue of justice.

There is very good reason to think that, for Hobbes, people in the state of nature can be either just or unjust. In **Chapter 3**, we recognized that, for Hobbes, if anyone perfectly satisfies the natural laws' obligations *in foro interno*, then he is a just person. To this end, discussing the kind of endeavor the laws oblige *in foro interno*, Hobbes writes:

It is evident by what hath hitherto been said, how easily the laws of nature are to be observed, because they require the endeavour only (but that must be true and constant); which whoso shall perform, we may rightly call him *just*. For he who tends to this with his whole might, namely, that his actions be squared according to the precepts of nature, he shows clearly that he hath a mind to fulfill all those laws; which is all we are obliged to by rational nature. Now he that hath done all he is obliged to, is a just man (DC: 3.30).

Now, if anyone who satisfies his obligations *in foro interno* is a just person, then some people could be just even in the state of nature. After all, as suggested in **Chapter 2**, it is possible for individuals to satisfy their obligations *in foro interno* even in the state of nature. Further, since individuals require the virtue of justice in order to be just, individuals in the state of nature could have the virtue of justice. We should not read Hobbes to suggest the contrary. When he says there is no justice in the state of nature, he means only that no one performs just actions and that no one has the virtue of justice, where justice is a virtue of a citizen. An individual in the state of nature could nonetheless be just and have the virtue of justice as a man.

Likewise, Hobbes seems to maintain that an individual could also have the vice of injustice in the state of nature. Hobbes claims that the laws immutably and eternally forbid the vice of injustice – the vice of breaching contracts. When he makes claims like

this, Hobbes seems to imply that the vice of injustice is a disposition of mind that someone might unlawfully possess eternally, even in the state of nature:

The laws of nature are immutable and eternal: what they forbid, can never be lawful; what they command, can never be unlawful. For *pride, ingratitude, breach of contracts* (or *injury*), *inhumanity, contumely*, will never be lawful, nor the contrary virtues to these ever unlawful, as we take them for dispositions of the mind, that is, as they are considered in the court of conscience, where only they oblige and are laws (DC: 3.29).

In light of these considerations, and especially in light of the many seemingly inconsistent passages cited earlier in this chapter, I maintain that Thomas Hobbes has two different moralities. There is a public morality, relating to the justice of actions and obligation *in foro externo*, and there is a private morality, relating to the justice of persons and obligation *in foro interno*. The first is manmade and artificial, and depends on the creation of covenants and the generation of a society. The second is natural, relating to a person's motivations, dispositions, and conscience.

Sometimes Hobbes discusses the first kind of morality, and sometimes he discusses the second. In some passages, he seems to suggest that morality is manmade and artificial, dependent on law and government:

1. The laws of commonwealth . . . are the ground and measure of all true morality" (pp. 75-6).⁷⁶
2. There are no authentical doctrines concerning right and wrong, good and evil, besides the constituted laws in each realm and government (DC: preface, p. 98).

In others, he suggests that the natural law is moral, and obliges men *in foro interno* even prior to the creation of civil society:

3. "The [natural] law . . . commands also good manners, or the practice of virtue; and therefore it is called moral" (DC: 3.31).

⁷⁶ Hobbes, "Decameron Physiologicum."

4. “The laws of nature [are] also moral laws, because they concern men’s manners and conversation one towards another” (EL: 18.1)
5. It is not therefore to be imagined, that by nature, that is, by reason, men are obliged to the exercise of all these laws in that state of men wherein they are not practiced by others. We are obliged yet, in the interim, to a readiness of mind to observe them, whensoever their observation shall seem to conduce to the end for which they were ordained. We must therefore conclude, that the law of nature doth always and everywhere oblige in the internal court (DC: 3:27).

I maintain that these passages are all consistent, if a bit confusing, because Hobbes discusses one kind of morality in some, and a different kind of morality in others. Yet Hobbes takes good efforts to alert his readers to the way he is using his terms. He is clear, in many of his works, that “justice” is equivocal, and he is equally clear that there are two kinds of obligation – obligation *in foro interno* and obligation *in foro externo*. Further, as I have suggested, these notions are linked – the justice of persons with obligation *in foro interno*, and the justice of actions with obligation *in foro externo*. Hobbes is clear that there are two very different approaches to justice and obligation, and, I would argue, to morality overall.

Typically when, as in quotes 3, 4, and 5 above, Hobbes suggests that there are moral rules in the state of nature, he appeals to the same kind of language he uses to discuss the justice of persons. He discusses “good manners” and “virtue,” the very same terms he uses to define the justice of persons. When the terms “justice” and “injustice” are attributed to people, Hobbes writes, “[t]hey signify conformity or inconformity of manners to reason” (L: 14.10). And he writes that: “This justice of manners is what which is meant where justice is called a virtue; and injustice, a vice” (L: 14.10).

Hobbes’ language, here, acts as a clear indication about the kind of morality he is discussing in the passages cited, above. He is discussing the morality associated with just

persons and obligations *in foro interno*, not the morality associated with civil society, justice of actions, and obligations *in foro externo*. In contrast, in those passages that suggest there are no moral rules in the state of nature, Hobbes is clearly discussing a different kind of morality, that which is dependent on a person's civil society.

By a similar token, Hobbes consistently suggests that the laws oblige a person even prior to laying down rights, and then go on to write:

“There being no obligation on any man, which ariseth, not from some act of his own; for all men equally, are by nature free.” (L: 21.10)

When Hobbes writes that the laws oblige in the state of nature, he is discussing one kind of obligation, obligation *in foro interno*. And when he writes that no man is obliged without performing some act of his own, Hobbes is discussing a different sort of obligation, obligation *in foro externo*, which is dependent on the formation of covenant.

Hobbes lets his readers know that he is going to use the term “obligation” equivocally. After all, the term “justice” is equivocal, and its two equivocal uses correspond to the two kinds of obligation. As suggested, obligation *in foro interno* is linked to the justice of persons, and obligation *in foro externo* is linked to the justice of actions. Hobbes is clear that there are two sorts of morality, and that only one – the one associated with justice of persons - with manners and “virtues of mind” - is constant and steadfast, and doesn't depend on civil law:

Yet actions may be so diversified by circumstances and the civil law, that what is done with equity at one time, is guilty of iniquity at another; and what suits with reason at one time, is contrary to it at another. Yet reason is still the same, and changeth not her end, which is peace and defence, nor the means to attain them, to wit, those virtues of the mind which we have declared above, and which cannot be abrogated by any custom whatsoever (DC: 3.29).

Section 4.4: Responding to Possible Objections

Theorists like David Gauthier provide several other arguments in favor of a contractarian argument. In this section, I will examine and respond to two of them.

Section 4.4.1: Genuine Laws as Commands

David Gauthier provides several other arguments in favor of his contractarian argument. In one, he suggests that, by adopting a contractarian interpretation, we can avoid a serious pitfall. He suggests that if the laws of nature were naturally obliging, prior to an individual laying down his rights, then the laws must be considered nothing more than the commands of God. Gauthier's justification for this claim goes as follows: if the laws were naturally obliging, then they would be genuine laws. Yet for Hobbes, all genuine laws are the commands of those to whom one is obliged. But in the state of nature, prior to laying down rights, no man is obliged to any other. So if the laws of nature were naturally obliging, then the laws must be merely the commands of God.⁷⁷

Why is this a pitfall? As Gauthier suggests, none of Hobbes' primary arguments involving the laws of nature depend on their being the commands of God. Were the laws nothing more than commands, we might expect this to play a more serious role in Hobbes' discussion and arguments concerning the laws. But Hobbes' principal arguments do not pertain to this. Rather, the natural laws are derived from reason alone, and Hobbes appeals to every man's desire for his own self-preservation.⁷⁸

In response, I argue that Gauthier's first premise, above, is false; just because the laws are naturally obliging, it does not follow that they are genuine laws. I argue that, even if the laws of nature were not genuine laws, they would still be naturally obliging.

⁷⁷ Gauthier, *The Logic of Leviathan*, 67-68.

⁷⁸ Gauthier, *The Logic of Leviathan*, 68-69.

To begin to understand why, consider how Hobbes conceives of laws of nature and genuine laws. For Hobbes, a law of nature 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 (L: 14.3).

And what is a genuine law? As David Gauthier and A.P. Martinich point out that, among other requirements, a law must be commanded by an authority and be promulgated to its subjects.⁷⁹ Gauthier cites one passage in defense, and Martinich cites several more:

“Law in general, is not counsel, but command; nor a command of any man to any man; but only of him, whose command is addressed to one formerly obliged to obey him” (L: 26.2).

“The style of a law is, *we command* . . . Law is distinguished from counsel in this, that the reason of a law is taken from the design and benefit of him that prescribeth it” (p. 561).⁸⁰

“To rule by words, requires that such words be manifestly made known; for else they are no laws: for to the nature of laws belongeth a sufficient, and clear promulgation, such as may take away the excuse of ignorance” (L: 31.3).

Now, for a law to oblige someone, must it be genuine like this? I argue that it needn't. Even if the laws of nature were not genuine laws, they would still be obligatory. A law – a precept found out by reason – would be obliging even if nothing commanded it. I argue that, for Hobbes, a person is obliged by his own reason. That is, if it is truly unreasonable to perform an action, a person is obliged not to perform it.

As I have already shown in **Chapter 2**, according to Hobbes, if an action is against reason, then a person doesn't have the right to perform it. Further, in that chapter, I also demonstrated that, if a person doesn't have the right to perform an action, then he is

⁷⁹ A. P. Martinich, *The Two Gods of Leviathan: Thomas Hobbes On Religion and Politics*. (Cambridge: Cambridge University Press, 1992), 113.

⁸⁰ Hobbes, “Part 3: Of A Christian Commonwealth.”

obliged not to perform it. Just so, we can further conclude that if an action is against reason, then a person is obliged not to perform it. Just so, a law of nature needn't be genuine in order to oblige a person; it need only be a precept of reason, as every law of nature is.

That is, if a person recognizes that certain actions are against reason – if he arrives at a precept or general rule forbidding him to act certain ways – then he is obliged not to act in those ways. A precept of reason is by its nature obliging, regardless of whether it is a genuine law or not.

Section 4.4.1.1: Better Understanding of Reason and Obligation

In order to better understand the relationship between reason and obligation, let's first consider the following passage:

“And when a man hath . . . abandoned, or granted away his right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such right is granted, or abandoned, from the benefit of it: and that he ought, and it is his DUTY, not to make void that voluntary act of his own” (L: 14.7).

In light of this passage, consider the following question: is a person obliged because he actively grants away a right, or is he obliged simply because he lacks the right? Clearly, a person is only obliged not to do something if he doesn't have the right to do it. To this end, Hobbes suggests that a right is just a kind of liberty (DC: 1.7 and L: 14.3), and he maintains that: “Obligation and liberty . . . in one and the same matter are inconsistent” (L: 14.3). But can we further conclude that, for Hobbes, if a person doesn't have the right to do something, then he is obliged not to do it?

As argued in **Section 4.1**, David Gauthier takes Hobbes to suggest that, in order to become morally obliged, one must actively lay down a right. Certainly, it does seem that,

to become obliged *in foro externo*, one must lay down a right in covenant. Hobbes suggests that a person is only obliged *in foro externo* to follow all the laws once he is in civil society (DC: 3.27, L: 15.36) and has covenanted explicitly or not to obey them. Further, as already suggested, the notion of obligation *in foro externo* is closely connected to the notion of the justice of actions, and Hobbes is clear that, in order to perform an unjust act, one must first lay down a right in covenant.

But, it should be clear that a person could be obliged *in foro interno* without actively granting away his rights. After all, as argued in **Section 4.2**, people are obliged *in foro interno* in the state of nature, even before they actively lay down any of their rights. That said, a person needn't actively grant away his rights in order to become obliged. He can be obliged to do something even if he hasn't actively granted away any rights, provided he nonetheless lacks the right to do otherwise. For Hobbes, if and only if a person doesn't have the right to do something, then he is obliged *in foro interno* not to do it.

In **Chapter 2**, I argued that every person - even someone in the state of nature who has never laid down his rights in covenant - is obligated not to perform any action that is unreasonable. Recently, we have also recognized that no one in the state of nature is obligated *in foro externo* until he has laid down his rights in covenant. Thus, we can further conclude that, when a person who has never laid down his rights is obligated by reason not to perform an action, he is obligated *in foro interno*, not *in foro externo*.

People are obliged in the state of nature, even before they lay down any rights, because their own reason obliges them. The laws of nature need not be genuine laws, or

the commands of God, to oblige people in the state of nature. It is enough that the laws of nature are precepts of obliging reason.

On a related side note, Hobbes is clear that reason isn't merely sufficient for obligation; it is also necessary. That is why Hobbes asserts that children are: "free of guilt . . . because wanting the free use of reason they are exempted from all duty" (DC: preface, 100).

Now, David Gauthier has argued, that, according to Hobbes, reason alone doesn't create *moral* obligations for people. He suggests that, if a person has a "rational obligation" not to perform an action, the person might still lack a moral or practical obligation not to perform it.⁸¹ Gauthier grants, as I do, that: "For Hobbes, a right to do what is contrary to reason would be impossible by definition."⁸² But Gauthier maintains that, even though a person might not have the right to do what is unreasonable, he might still lack a *moral* obligation not to perform it. In essence, according to Gauthier, obligations *in foro interno* are not moral obligations.

Gauthier is mistaken. According to his interpretation, Hobbes suggests that individuals in the state of nature might sometimes perform actions that they don't have the right to perform without ever doing anything morally wrong. This seems like an absurdity. But even if it isn't, Gauthier's interpretation has another clear problem. It suggests that the laws of nature wouldn't be moral laws, when they oblige only *in foro interno*, prior to any covenants between men, or between men and God. But, as we saw earlier, Hobbes is very clear that the laws of nature are always moral laws, even prior to the creation of covenants.

⁸¹ Gauthier, *The Logic of Leviathan*, 192.

⁸² Gauthier, *The Logic of Leviathan*, 192.

Granted, we also recognized that Hobbes claims that “the notions of right and wrong, justice and injustice, have . . . no place” (L: 13.13) in the state of nature, and that: “the laws of commonwealth . . . are the ground and measure of all true morality” (pp. 75-6).⁸³ But, as I have argued, Hobbes’ terms are often equivocal, even terms like “moral.” I take Hobbes to deny, in passages like these, that there are *in foro externo* moral obligations in the state of nature. But I also take him to suggest that there are, in fact, *in foro interno* moral obligations in that state. Obligations *in foro interno* are moral obligations. Individuals are morally obliged by reason. It is a different sense of “moral,” but it is moral, nonetheless.

We might think that each person has these obligations to God, even though they are rational obligations, rather than obligations created by command or covenant. Alternatively or additionally, we might think that a person who is obliged *in foro interno* is obliged to himself, but is obliged to himself in such a way that he can’t release himself from his obligation. If we take this latter view, then we would need to read Hobbes, in passages like the following, to be denying only that there are *in foro externo* obligations, and not obligations *in foro interno*:

For he is free that can be free when he will; nor is it possible for any person to be bound to himself, because he that can bind can release; and therefore he that is bound to himself only is not bound (L: 26.6).

If we took the latter view, described above, we would need to read Hobbes to suggest that a person cannot be bound to himself *in foro externo* for the reasons noted, but that a person could still be bound to himself *in foro interno* because a person cannot release himself from what reason obliges.

⁸³ Hobbes, “Decameron Physiologicum.”

Section 4.4.2: Moral Subjectivism

In the previous section, I responded to one argument proposed in defense of contractarianism. In this section, I will respond to another.

In his essay “Thomas Hobbes: Moral Theorist,” David Gauthier implies that Hobbes’ moral subjectivism goes hand in hand with his contractarianism. On the surface, this seems to make sense. If Hobbes were a moral subjectivist, then, for him, nothing could be absolutely good. But suppose that, in contrast to contractarianism, all men share some natural, moral obligations, even before they lay aside any rights. At first, it seems reasonable to suggest that, were this true, certain actions would be absolutely good. After all, wouldn’t it be absolutely good to fulfill these natural obligations? How could we say that fulfilling these obligations would merely be good-for-me or good-for-you rather than absolutely good?

It does seem clear that Hobbes is a moral subjectivist. Consider the following much-quoted passage, in which Hobbes suggests that nothing is absolutely good, and that something is only good for a person if he desires it:

But whatsoever is the object of any man’s appetite or desire, that is it which he for his part calleth *good*; and the object of his hate and aversion, *evil*; and of his contempt, *vile* and *inconsiderable*. For these words of *good*, *evil*, and *contemptible* are ever used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves (L: 6.7).

Elsewhere, Hobbes similarly writes:

The common name for all things that are desired, insofar as they are desired, is *good*; and for all things we shun, *evil*. Therefore Aristotle hath well defined *good* as that which all men desire. But, since different men desire and shun different things, there must needs be many things that are *good* to some and *evil* to others; so that which is *good* to us is *evil* to our enemies . . . Therefore one cannot speak of something as being *simply good*; since whatsoever is good, is good for

someone or other . . . Good is said to be relative to person, place, and time. (DH: 11.4)

At first, these passages might seem to suggest that human artifice/convention determines what is good or bad; after all, only if a person has a desire for something, is it good for him.⁸⁴ Granting the content of this passage, how can Hobbes resist conventionalism/contractarianism?

I have argued that Hobbes is not, strictly speaking, a contractarian, because he does allow that there are natural obligations which oblige a person *in foro interno* even before he has formed any contracts with his peers. I would further suggest that, for Hobbes, it is good for everyone to fulfill these obligations. Yet I would argue that this position is consistent with subjectivism. I maintain that, for Hobbes, fulfilling these natural obligations is neither *simply good*, nor an absolute good. Rather, for Hobbes, fulfilling natural obligations is only a common good.

According to Hobbes, people share some desires with everyone else.

Considering the passages quoted above, it should be clear that if everyone desires the same objects, then everyone will call those objects good. But these are common goods, not absolute ones, insofar as they are still based on individual desires. They are good for everyone, but only because each object is desired by each person. Hobbes freely admits that there are common goods like this. The text, which appears in place of the first ellipse of the passage just quoted above, reads:

There can be a common *good*, and it can rightly be said of something, *it is commonly a good*, that is, useful to many, or good for the for the state. At times one can also talk of a good for everyone, like health: but this way of speaking is relative (DH: 11.4).

⁸⁴ David Boonin-Vail makes a similar statement on p. 68. In general, he presents a similar line of reasoning, in support of contractarianism, overall.

I maintain that satisfying natural obligations is not absolutely good, but is rather commonly a good. Of course, for Hobbes to consistently hold this position, he would have to claim that each and every person desires to satisfy his natural obligations. This is exactly what Hobbes suggests.

Section 4.4.2.1: Why Satisfying the Natural Obligations Is A Common Good

A basic argument, for this conclusion, runs as follows: For Hobbes, every person desires anything that is a necessary means to peace. Satisfying natural obligations is a necessary means to peace. Thus, every person desires to satisfy natural obligations. And since everyone desires to satisfy them, satisfying them is a common good. After defending this argument, I will work to put it into perspective with the rest of Hobbes' thinking.

The best evidence that Hobbes accept this argument comes from two similar passages - one from *De Cive* and one from *Leviathan*.

All men agree on this, that peace is good, and therefore also the way or means of peace, which (as I have shown before) are *justice, gratitude, modesty, equity, mercy*, and the rest of the laws of nature, are good; that is to say, moral virtues; and their contrary *vices, evil* . . . But the writers of moral philosophy, though they acknowledge the same virtues and vices; yet, not seeing wherein consisted their goodness, nor that they come to be praised as the means of peaceable, sociable, and comfortable living, place them in the mediocrity of passions (L: 15.40)

All men easily acknowledge this state [the state of nature], as long as they are in it, to be evil, and by consequence that peace is good . . . Reason declaring peace to be good, it follows by the same reason, that all the necessary means to peace be good also; and therefore that modesty, equity, trust, humanity, mercy (which we have demonstrated to be necessary to peace), are good manners or habits, that is, virtues. The law therefore, in the means to peace, commands also good manners, or the practice of virtue; and therefore it is called *moral* (DC: 3.31).

Both of these passages make it clear that all men agree that both peace and the means to peace are good. Now, recall that, for Hobbes, an object is only good for a

person if he desires it. It follows that, since all men agree that peace and its necessary means are good, all men desire peace and its necessary means.

In both of these passages, too, Hobbes is clear that virtues such as justice, trust, modesty, etc. are necessary means to peace. So, then, it should be equally clear that everyone desires to have these virtues.

Now recall that, to satisfy the laws' natural obligations, one need only satisfy his obligations *in foro interno*. In contrast, obligations *in foro externo* require the formation of contracts, and are manmade and artificial. Additionally, recall from **Chapter 3** that a person is obliged *in foro interno* only to have the correct virtues – only to have the correct dispositions strengthened by habit. Just so, if someone obtains the correct virtues, he satisfies his natural, *in foro interno* obligations.

This said, it should be clear that, insofar as all people desire the correct virtues, they desire that which would satisfy the laws' natural obligations. Just so, satisfying the laws' natural obligations is a common good.

Section 4.4.2.2: The Argument In Perspective

I interpret both of Hobbes' passages above to suggest that, since everyone desires peace, everyone also desires the necessary means to peace. My interpretation of these passages suggests that Hobbes adopts the following reasoning: If a person desires an end, the person also desires the necessary means to that end. In this section, I will provide additional evidence that Hobbes accepts this kind of reasoning. In so doing, I will be able to even better argue in favor of my premise that, for Hobbes, everyone desires the necessary means to peace.

To begin to provide additional evidence that Hobbes adopts this kind of reasoning, I will cite two passages in which he seems to use similar styles of reasoning. Both of the passages are important to one of Hobbes' central arguments – that the desire for self-preservation could motivate people to form a peaceable society. Consider, first, a passage from Hobbes' *De Cive*:

Yet cannot men expect any lasting preservation, continuing thus in the state of nature, that is, of war, by reason of that equality of power, and other human faculties they are endued withal. Wherefor to seek peace, where there is any hopes of obtaining it, is the dictate of right reason, that is, the law of nature; as shall be showed in the next chapter (DC: 1.15).

In this passage, Hobbes suggests that peace is a necessary means to self-preservation. After all, one cannot expect lasting preservation in a state of war. But how does Hobbes move from this premise to the conclusion that it is reasonable to seek peace? I maintain that his argument goes as follows: Everyone desires his own self-preservation. Peace is a necessary means to self-preservation. If a person desires an end, it is reasonable for him to seek the necessary means to that end. Therefore, it is reasonable for a person to seek peace. Of course, this interpretation doesn't demand that, for Hobbes, if a person desires an end, the person also necessarily *desires* the necessary means to that end. But it does suggest that Hobbes applies reasoning that is similar to this.

Let's consider another passage, this time from *Leviathan*, which seems to involve the same kind of argument:

And because the condition of man . . . is a condition of war of every one against every one, in which . . . there is nothing he can make use of that may not be a help unto him in preserving his life against his enemies; it followeth that in such a condition every man has a right to every thing . . . As long as this natural right of every man to every thing endureth, there can be no security to any man, how strong or wise soever he be, of living out the time which nature ordinarily

alloweth men to live. And consequently it is a precept, or general rule of reason *that every man ought to endeavour peace* (L: 14.4).

In this passage, Hobbes again suggests that peace is a necessary means to self-preservation. One cannot expect security and self-preservation in a state of war, where everyone has a right to every thing. And here, Hobbes moves from this premise to the conclusion that every man ought to endeavor peace, and that it is reasonable (“a general rule of reason”) to do so. How can he make this move? I maintain that Hobbes makes this move on the basis of the following hidden premise: If a person desires an end, he ought to seek its necessary means.

Again, this interpretation doesn't demand that if a person desires an end, he also *desires* the means for that end. But it does suggest that Hobbes is willing to accept a move that is similar.

Of course, as already admitted, my interpretation of neither passage demands that if a person desires an end, he must *desire* the necessary means to that end. Yet, by examining these passages in light of Hobbes' greater theory, we can provide even better proof that Hobbes does accept this position.

Both of the passages just discussed show that Hobbes does not treat peace as an end-in-itself. He suggests that peace is sought as a necessary means to another desired end, namely self-preservation. In light of this consideration, why does Hobbes maintain, as he does, that all individuals desire peace?

Given the subordinate status of peace, it would be wrong to suggest that everyone desires peace as an end-in-itself. Of course, some *just* men might, but other men might not. Hobbes can only conclude that all people desire peace because he recognizes that they desire self-preservation and knows that peace is a necessary means for it. That is,

Hobbes can only say that they desire peace because he grants that, if people desire an end, they desire the necessary means to that end.

Recognizing that Hobbes believes that, if a person desires an end, he desires its necessary means, we should further suspect that, if a person fails to pursue/desire the means, he fails to pursue/desire the ends. And this is exactly what Hobbes suggests, when he asserts that: “He that deserteth the means deserteth the ends” (L: 30.3).

At this point, we have a clear sense of why all individuals desire the necessary means to peace. If an individual desires an end, he desires the necessary means to that end. Every individual desires his own self-preservation. Peace is a necessary means to self-preservation. Therefore, everyone desires both peace, and the necessary means to peace.

So, too, we can see how Hobbes, a subjectivist, can argue that it is good for everyone to satisfy his natural obligations. As a subjectivist, he maintains that something is only good for a person if that person desires it. Yet every individual desires to satisfy his natural obligations, because they are a necessary means for peace. Just so, satisfying the natural obligations is good for everyone. The natural obligations are a common good, not an absolute one, and Hobbes’ subjectivism is compatible with his theory of natural obligations.

Section 4.4.2.3: Looking Ahead --- Even the Most Unreasonable People . . .

It might seem as if all I have suggested that Hobbes believes is the following: If a person desires an end, then if the person is reasonable he will also desire that end’s necessary means. But Hobbes goes farther than this. He contends that, if a person

desires an end, then *even if the person is unreasonable* he will also desire its necessary means.

For example, consider peace. Hobbes suggests that everyone – even the most unreasonable person – desires peace. But why do they desire peace? Each person desires peace because it is a necessary means to self-preservation, and everyone desires his own self-preservation.⁸⁵ No matter how unreasonable a person is, since the person desires this end, he also desires its necessary means. This claim is a vital feature of Hobbes' philosophy.

Suppose, for the sake of a *reductio ad absurdum*, that Hobbes allows that some people don't desire peace *or* its necessary means, such as justice. Suppose, for example, that, for Hobbes, there could exist an individual who is really and genuinely averse, not only to peace, but to justice as well. Grant that this individual has valid covenants which he genuinely desires to break, and doesn't at all desire to keep.

Remember that, for Hobbes, something is only good for a person if he desires it, and is evil to the person if he is averse to it. Additionally, as I have argued in **Chapters 1 and 2**, Hobbes contends that, in each and every situation, it will always be reasonable and beneficial for a person to keep his valid covenants, and every person is obliged to keep them. So, if Hobbes were to allow that there could exist an individual like the one proposed for the *reductio*, then Hobbes would have to suggest that this individual would be obliged to do something that is genuinely evil to him. Further, Hobbes would have to suggest that it is beneficial for this individual do something he didn't desire to do at all.

⁸⁵ In **Chapter 7**, I will provide much greater arguments supporting the claim that each and every person strongly desires his own self-preservation.

And finally, Hobbes would need to say that it is reasonable for this individual to do something that isn't at all good to him.

Even without further argumentation, this should sound like a list of absurdities – positions Hobbes would loathe to adopt. In **Chapter 9**, I will explicitly argue that one of these claims is false for Hobbes; in fact, for Hobbes, it is always reasonable to do what is really good to you. In light of this, Hobbes *must* maintain that there could never be an individual like the one proposed. According to Hobbes, everyone – including even the most unreasonable person – does in fact desire peace, justice, and covenant-keeping. And why does Hobbes say that this is the case? He seems to suggest that, no matter how unreasonable you are being, if you desire an end, you desire that end's necessary means. Thus, since everyone desires self-preservation, everyone desires its necessary means, among them peace and justice.

Certainly, Hobbes allows that some people might *think* they don't desire self-preservation, peace, justice, or covenant-keeping. But Hobbes must maintain that these individuals are mistaken. They do desire all of these things, even if they aren't aware that they do. To recognize this, it will be valuable to consider Hobbes' distinction between real and apparent goods. Additionally, by considering this distinction, we will be able to better understand the relationship Hobbes draws between means and ends. For the sake of subsequent discussion, I will quote Hobbes at length on this:

Moreover, good (like evil) is divided into *real* and *apparent*. Not because any apparent good may not truly be good in itself, without considering the other things that follow from it; but in many things, whereof part is good and part evil, there is sometimes such a necessary connexion between the parts that they cannot be separated. Therefore, though in each one of them there be so much good, or so much evil; nevertheless, the chain as a whole is partly good and partly evil. And whenever there major part be good, the series is said to be good, and is desired; on the contrary, if the major part be evil, and, moreover, if it be known to be so, the

whole is rejected. Whence it happens that inexperienced men that do not look closely enough at the long-term consequences of things, accept what appears to be good, not seeing the evil annexed to it; afterwards they experience damage. And this is what it means by those who distinguish good and evil as *real* and *apparent* (DH: 11.5).

Suppose we take anything that is a real good for a person to be good for the person as well. This seems straightforward, but its consequence is not. If something is good for a person, then, according to Hobbes, the person must desire it. So likewise, if anything is a real good for a person, then the person must desire it, too. Yet Hobbes is clear that an action might be a *real good* for a person even if the person isn't aware that it is. In fact, it might not be *apparent* to the person that the action is good at all. So, Hobbes *must* then also maintain that a person might well desire something, even if the person isn't aware that he does.

I will return to this point, and make a much stronger case for it, in **Chapter 7**, after I have covered more of Hobbes' theory. So for right now, I will leave this topic with a promissory note: I will return to this later! Still, there remains good reason, now, to consider what it means for something to be a real good, and to consider the passage above.

According to Hobbes, to determine if an action is really good, a person must consider its consequences, or "what follows from it." A person must look at the entire "chain" of consequences, and determine whether it is in the major part good or bad. Now, in light of this, which action is a real good for a person? First, we should again acknowledge the strong connection Hobbes draws between the notions of good and desire. And second, we can also note that a person needn't recognize that something is a real good for it to be one.

In light of these things, we should take Hobbes to suggest that, whatever action would, in actuality, best help a person to satisfy his desires (and meet his ends) is in fact a real good for that person. After all, its chain of consequences is the best for the person, and is most clearly in its major part good. Then, recognizing that a person desires whatever is a real good for him, it neatly follows that a person always desires to perform those actions that best help him to satisfy his desires and meet his ends. Just so, for Hobbes, a person always desires the best means to his ends. And Hobbes gives us good reason to think that this is true for everyone – even those who are most unreasonable. After all, in the passage above, he discusses what would be a real good for “inexperienced men” who make substantial mistakes of judgment.

Now, this does not, in itself, demand that, for Hobbes, if a person desires an end, then, even if the person is unreasonable, he will desire the necessary means to that end. But it is suggestive, especially in light of the more straightforward *reductio* proposed for this conclusion, earlier. If, for Hobbes, it is the case that, no matter how unreasonable a person is, he always desires the best means to his ends, we have *some* additional reason to think Hobbes might *also* have held a strong connection between means and their necessary ends, as well.

There is one final argument that I will point to, which also might help to support this section’s central contention. It will require a bit of set-up, before we can arrive at its main thrust, and see how it relates to this discussion as a whole.

First, Hobbes suggests that anyone who doesn’t submit to the social contract establishing a sovereign is not a member of society, and is instead left in a “condition of war”:

And whether he be of the congregation or not and whether his consent be asked or not, he must either submit to their decrees or be left in the condition of war he was in before, wherein he might without injustice be destroyed by any man whatsoever (L: 18.5).

Second, Hobbes is clear that the social contract is valid, and that the transferring or renouncing of right, which is required to participate in a valid contract, must be a voluntary act (L: 14.8). Third, Hobbes is clear that every voluntary act must proceed from the will, and that the will is “the last appetite in deliberating” (L: 6.53). So, the will is a desire (L: 6.2). Thus, everyone who is a member of society desired, at least at some point, to participate in the social contract. This squares with Hobbes’ assertion that “of the voluntary acts of every man, the object is some *good to himself*” (L: 14.8).

Now, why does Hobbes maintain that everyone in society has had this desire? Hobbes seems to suggest that every person has this desire, because the social contract is a necessary means to the end of self-preservation. For example, Hobbes writes:

The final cause, end, or design of men . . . in the introduction of that restraint upon themselves . . . is the foresight of their own preservation and of a more contented life thereby (L: 17.1).

The only way to erect such a common power as may be able to defend them from the invasion of foreigners and the injuries of one another . . . is to confer all their power and strength upon one man or upon one assembly of men (L: 17.13).

It appears that, according to Hobbes, all people in society have had this desire to participate in the social contract because that contract is a necessary means to the self-preservation they desire. Hobbes really seems to take this to be the reason *each and every* person in a society has had the desire to participate. So, consider even the least reasonable person in society. This person has had the desire to participate in the social contract, and has had this desire because it is a necessary means to the end of self-preservation.

This certainly doesn't *entail* that, even if a person is being entirely unreasonable, he will still desire the necessary means to all the ends he desires. Nonetheless, it is suggestive. And, in light of previous arguments, I think the point has finally been struck home.

Section 4.5: In Conclusion

In the beginning of this chapter, I argued that Hobbes uses the term "obligation" equivocally. In one sense of the term, there are obligations in the state of nature, even before individuals form contracts, granting away their rights. In another sense of the term, there are no obligations in the state of nature. Still, I have argued, it would be wrong to assert that, in any sense of the term, there are no obligations in the state of nature. So, strictly speaking, Hobbes is not a contractarian.

Further, I have defended this view against several possible attacks which suggest that Hobbes was, in fact, a strict contractarian. I have suggested that Hobbes could allow that individuals are naturally obliged without needing to claim that they are obliged to God. And I have maintained that Hobbes' subjectivism is compatible with his view of natural obligations.

Chapter 5. Why Not Be A Fool?: *Thomas Hobbes, Habit, and Justice*

I have argued that, according to Thomas Hobbes, there is no circumstance in which it is reasonable or beneficial to be a genuinely unjust person. There is no situation in which it benefits a person to be someone like the Fool, the opponent Hobbes imagines in Chapter 15 of *Leviathan*.

But why does Hobbes maintain this? It might seem possible to imagine a scenario in which a person would best accomplish his goals if he were an unjust or dishonest person. Consider any situation in which, by breaking his covenant, a person could reap great rewards without ever facing any punishment or negative consequences for his action. In a situation like this, wouldn't an unjust person fare much better than a just one, who endeavors to perform only just acts? How can Hobbes suggest that, in every possible scenario - even one like this - it is never reasonable or beneficial to be a genuinely unjust person?

First, as already suggested in **Chapters 1 and 3**, it should be clear that, according to Hobbes, a person is very likely to eventually reveal his virtues or vices through his actions, and be treated well or badly on the basis of them. If you are an unjust person – and have the vice of injustice – for long enough, some of your confederates are bound to figure it out. Further, if a person's confederates discover that he is genuinely unjust and foolish, they are likely to alienate him or generally treat him terribly. Since nobody could survive or live well without the help of confederates, it seems that alienation would be terrible for anyone. Just so, for the sake of keeping confederates, it wouldn't be reasonable or beneficial for anyone to be an unjust person for very long.

Second, as should also be clear from those earlier chapters, the virtue of justice is necessary to be a just person, and the vice of injustice is necessary to be unjust. As such, in order for a person to become just or unjust, he would need to obtain the correct virtue or vice. But how would he do that? According to Hobbes, virtues and vices are dispositions that “are so strengthened by habit that they beget their actions with ease” (DH: 13.8). So, in order to obtain a virtue or a vice, a person would need to have the appropriate disposition strengthened by habit.

According to Thomas Hobbes, to develop or lose habits like this requires a substantial period of time. Since virtues and vices require habit, it would take a long time to acquire or lose them as well. A person couldn't have the virtue of justice now, lack it tomorrow, and possess it again the following day. And since it takes time to acquire or lose a virtue or vice like this, it would also take time to become a just person, or to cease to be unjust. If a person ever becomes unjust, he is going to be unjust for a while.

As already suggested, it isn't reasonable or beneficial to be an unjust person for any substantial period of time. But now it appears that, if a person is ever unjust in any circumstance, then he either has been or will be an unjust person for a substantial period of time. So it seems we can conclude that it is never reasonable or beneficial to be an unjust person, in any circumstance.

This is the central argument for this chapter. But there is a secondary reason to suggest that this is Hobbes' theory. By recognizing that Hobbes adopts this kind of thinking, it should be possible to provide a compelling account of Hobbes' state of nature. For example, it should be possible to explain why so few covenants are

successful in the state of nature despite Hobbes' contention, discussed in earlier chapters, that it is always reasonable and beneficial to perform valid covenants.

Recall, from **Chapter 3**, that an individual is an unjust person if he is a person who is inclined to perform unjust acts when he believes that doing so would benefit him. The will of the unjust man: "is not framed by the justice, but by the apparent benefit of what he is to do" (L: 15.10). In light of passages like this, it should be clear that, according to Hobbes, children are born with the same kind of disposition that unjust men and fools possess. That is, they act solely on the perceived benefit of their actions:

From their birth, as they are merely sensible creatures, they have this disposition, that immediately as much as in them lies they desire and do whatsoever is best pleasing to them . . . A wicked man is almost the same thing with a child grown strong and sturdy, or a man of a childish disposition (DC: preface, p. 100).

Everyone is born with this kind of disposition, and, in order to lose it and become more or completely just, each individual would need to be appropriately habituated over a substantial period of time. In light of this, we can answer the question: Why, in the state of nature, do so many people break their covenants even though it is reasonable and beneficial to keep them? Most people, especially those in the state of nature, haven't been properly habituated to justice, and they break covenants because they believe that breaking them will be beneficial to them. In the state of nature, many covenants fail because people haven't been adequately habituated, because they haven't been: "better governed through good education and experience" (DC: preface, p. 100).

Of course, it remains to explain why so many people in the state of nature incorrectly believe it is beneficial to break their covenants. But there is a ready answer to this question, too. Most people commit an error of reasoning, and fail to recognize that it is never in their best interest to be unjust people – people with the vice of injustice. If

people were to recognize this, then they might further conclude that it is never in their best interest to act unjustly. When Hobbes responds to the Fool, he tries to correct this foolish error of reasoning by explaining why it isn't beneficial to be an unjust person.

In the final section of this chapter, I will more closely consider this line of thought. That section will argue that most people in the state of nature incorrectly believe their situation is a generalized prisoner's dilemma,⁸⁶ even though it isn't. That is, a typical individual in the state of nature incorrectly believes that, when faced with many valid covenants, the best outcome is one in which he breaches and the other party doesn't, and the worst is one in which he doesn't breach and the other party does. The final section of this chapter will argue that individuals view their situation like this because of a foolish error of reasoning. And, since most individuals in the state of nature aren't properly habituated to justice, they frequently break their covenants.

Before considering these things, the next section of this chapter will return to this chapter's main argument, that it is unreasonable to be an unjust person in every circumstance, because if a person is ever unjust, he either has been or will be unjust for a substantial period of time. This section will consider several of Thomas Hobbes' texts, in order to demonstrate that he was aware of the role time plays in developing habits, virtues and vices. Once this has been demonstrated, then, in light of the relationship, drawn in previous chapters, between keeping virtues and keeping confederates, it should be clear that Thomas Hobbes would accept the central argument just proposed.

⁸⁶ David Gauthier argues that the state of nature really is "a generalized prisoner's dilemma . . . a moral vacuum, a condition from which all moral constraints and requirements are absent" (Gauthier, David. "Between Hobbes and Rawls," in *Rationality, Justice and the Social Contract: Themes From Morals by Agreement*, ed. David Gauthier and Robert Sugden (Ann Arbor: The University of Michigan Press, 1993), 27.

Section 5.1: Thomas Hobbes on Habit and Virtue

To establish that Thomas Hobbes recognizes the importance of time for developing habits, virtues and vices, it is useful to consider Hobbes' definition of "habit." He defines "habit" as:

. . . motion made more easy and ready by custom; that is to say, by perpetual endeavour, or by iterated endeavours in a way differing from that in which the motion proceeded from the beginning, and opposing such endeavours as resist (p. 349).⁸⁷

For Hobbes, habit involves custom, which itself involves either perpetual or iterated endeavors. This definition, by including terms like "perpetual" and "iterated," already seems to suggest that it takes time to develop a habit. Still, greater discussion is necessary to illustrate the role of time in Hobbes' theory.

In order to better understand it, it is valuable to have some sense of what Hobbes means by "endeavour." According to Hobbes, the term "endeavour" means:

. . . motion made in less space and time than can be given; that is, less than can be determined or assigned by exposition or number, that is, motion made through the length of a point, and in an instant or point of time (p. 206).⁸⁸

An endeavor is to be conceived as a very small motion, "so that neither the quantity of the time in which, nor the line in which it is made, may in demonstration be at all brought into comparison with the quantity of that time, or of that line of which it is a part" (p. 206).⁸⁹ To get a better sense of this notion, it is useful to consider what Hobbes

⁸⁷ Thomas Hobbes, "The Elements of Philosophy. The First Section, Concerning Body, Written in Latin by Thomas Hobbes of Malmesbury and Translated into English," in *The English Works of Thomas Hobbes of Malmesbury*, Vol. I, ed. Sir William Molesworth, Bart. (London: J. Bohn, 1839).

⁸⁸ Hobbes, "The Elements of Philosophy. The First Section, Concerning Body."

⁸⁹ Hobbes, "The Elements of Philosophy. The First Section, Concerning Body."

says about the Latin term “*conatus*,” which he sometimes translates as “endeavour.”⁹⁰

According to Hobbes, *conatus* is:

. . . motion in actuality, even though the motion be very small and indistinguishable to the eye . . . So *conatus* is nothing but an actual motion, either of the whole body that tends, or of its inner and invisible parts. But, (I say) the presence of motion in the inner parts of all hard bodies and of those whose visible parts cohere and resist an agent is argued from the fact that all resistance is reaction; a reaction is an action; and all action is motion (W: 148-149).

In light of this discussion, it would appear that an endeavor is a very small motion of the internal parts of a thing. This makes perfect sense, in light of Hobbes’ frequent assertions that the internal organs of people – their hearts and brains in particular – perform endeavors.⁹¹ Yet, according to Hobbes, habits aren’t peculiar to living organisms. The internal parts of inanimate objects can also perform iterated, perpetual endeavors and develop “motion made more easy and ready by custom” (p. 349).⁹² As Hobbes writes:

Nor are habits to be observed in living creatures only, but also in bodies inanimate. For we find that when the lath of a cross-bow is strongly bent, and would if the impediment were removed return again with great force; if it remain a long time bent, it will get such a habit, that when it is loosed and left with its own freedom, it will not only not restore itself, but will require as much force for the bringing of it back to its first posture, as it did for the bending of it at the first (pp. 349-350).⁹³

As this passage suggests, if a crossbow remains bent for a long enough time, then it won’t return to its normal position even if it is loosed. Hobbes is clear that it takes a substantial period of time for a crossbow to lose the habit of returning to its former

⁹⁰ Brian Stoffel, “Hobbes’s *Conatus* and the Roots of Character,” in *Hobbes’s ‘Science of Natural Justice,’* eds. C. Walton and P. J. Johnson, 123-138 (Dordrecht: Martinus Nijhoff, 1987), 124. In general, Stoffel offers an excellent account of Hobbes’ concept of *conatus*, and cites/discusses many of the same passages I do. Still, while he cites passages concerning Hobbes’ account of crossbows, he doesn’t make nearly as much of Hobbes’ comparison between inanimate objects (like crossbows) and people. Nonetheless, his account had a significant impact on me, and on this chapter overall.

⁹¹ See L: 1.4.

⁹² Hobbes, “The Elements of Philosophy. The First Section, Concerning Body.”

⁹³ Hobbes, “The Elements of Philosophy. The First Section, Concerning Body.”

position and obtain the habit of remaining bent. Further, since Hobbes clearly suggests that the habits of living creatures are like the habits of inanimate objects, it should be clear that it takes a substantial period of time for living creatures to develop or lose habits as well.

Further, Hobbes is particularly clear that he means to compare the habits of the crossbow to the habits of a living person. For, immediately before writing about the bow, Hobbes writes about a person trying to learn to play the piano:

And to make this more perspicuous by example, we may observe, that when one that has no skill in music first puts his hand to an instrument, he cannot after the first stroke carry his hand to the place where he would make the second stroke, without taking it back by a new endeavour, and, as it were, beginning again, pass from the first to the second. Nor will he be able to go on to the third place without another new endeavour; but he will be forced to draw back his hand again, and so successively, by renewing his endeavour at every stroke; till at the last, by doing this often, and by compounding many interrupted motions or endeavours into one equal endeavour, he be able to make his hand go readily on from stroke to stroke in that order and way which was at the first designed (p. 349).⁹⁴

Now, in light of the passage above, and the clear similarity Hobbes draws between the habits of people and the habits of inanimate objects, it should be even clearer what role time plays in Hobbes' theory of habit. A person can't suddenly develop a habit. Rather, like the piano player, he would need to frequently renew his endeavors "till, at the last, by doing this often, and by compounding many interrupted motions" (p. 349).⁹⁵ Only then, after substantial time and effort, could a person finally develop the appropriate habit.

⁹⁴ Hobbes, "The Elements of Philosophy. The First Section, Concerning Body."

⁹⁵ Hobbes, "The Elements of Philosophy. The First Section, Concerning Body."

Section 5.1.1: Thomas Hobbes and the Crossbow

To get an even better sense of Hobbes' theory of habit, we can further consider what he has to say about the crossbow.⁹⁶ After all, Hobbes clearly considers its habits and endeavors to be similar to those of a person. So, by better understanding the habits and endeavors of the bow, we might also get a better sense of the habits and endeavors of people.

In his *Seven Philosophical Problems*, written as a dialogue between two individuals named "A" and "B," Hobbes once again discusses the bow. First "B" says:

- B. Thus there being within the bow a swift (though invisible) motion of all the parts, and consequently of the whole; the bending causeth that motion, which was along the bow (that was beaten out when it was hot into that length) to operate across the length in every part of it, and the more by how much it is more bent; and consequently endeavors to unbend it all the while it stands bent. And therefore when the force which kept it bent is removed, it must of necessity return to the posture it had before (p. 34).⁹⁷

And then, moments later, "B" discusses what would happen if the bow remained bent for a long time, without being loosed:

- B. In time (in a long time) the course of this internal motion will lie along the bow, not according to the former, but to the new acquired posture. And then it will be uneasy to return to its former posture, as it was before to bend it (p. 34).⁹⁸

And "A" moments later, responds:

- A. That is true. For bows long bent lose their appetite to restitution, long custom becoming nature. (p. 35).⁹⁹

⁹⁶ David Boonin-Vail very swiftly compares Hobbes' account of the crossbow to his account of people, but does not examine the comparison in depth or fully demonstrate that Hobbes, himself, urges others to see the two cases as parallel. Boonin-Vail, *Thomas Hobbes*, 161-2.

⁹⁷ Thomas Hobbes "Seven Philosophical Problems," in *The English Works of Thomas Hobbes of Malmesbury*, Vol. VII, ed. Sir William Molesworth, Bart. (London: Longman, Brown, Green, and Longmans, 1845).

⁹⁸ Hobbes, "Seven Philosophical Problems."

⁹⁹ Hobbes, "Seven Philosophical Problems."

These passages are very clear about the nature of habit. Initially, when the bow has the habit to return to its former position when it is loosed, it cannot help but act according to that habit. Further, in order for it to lose this habit, and develop another, it would take a long time and a significant change in the bow's endeavors (internal motions). Over a substantial time, through long custom, the bow's very nature changes.

In light of this, the comparison Hobbes draws between the habits of bows and the habits of people, and the relationship between habits and virtues/vices, we might be able to draw several conclusions about Hobbes' theory of human virtues.

First, if a person has the virtue of justice, which requires a certain kind of habit, he can't help but act in certain ways. But which ways are those? Hobbes is clear that a just person can sometimes act unjustly. But, as suggested in **Chapter 3**, Hobbes is also clear that a just person can never act unjustly *because* he considers it his best interest to do so. This is the nature of a just person.

Second, if a person has either the virtue of justice or the vice of injustice, it will take a long time and substantial changes in that person's internal endeavors for him to lose this virtue/vice and acquire another.

Section 5.1.2: Virtues and Habits

As suggested earlier, Thomas Hobbes is most clear about the relationship between virtues and habits when he writes:

Dispositions, when they are so strengthened by habit that they beget their actions with ease and with reason unresisting, are called *manners*. Moreover, manners, if they be good, are called *virtues*, if evil, *vices*. (DH: 13.8).

This passage does not stand in isolation from the rest of Hobbes' theory. For example, Hobbes frequently seems to suggest that someone who is correctly habituated to perform just actions would, in fact, have the virtue of justice.

As already suggested in **Chapter 3**, Hobbes suggests that a just person loves justice. The just person is "delighted in just dealing" (DC: 3.5), and "scorns to be beholding for the contentment of life to fraud or breach of promise" (L: 15.10). But how can a person become like this? As David Boonin-Vail suggests, according to Hobbes, if a person were habituated to justice, it appears that the person would come to have the correct attitude for it.¹⁰⁰ After all, in a discussion concerning dispositions obtained through habit, Hobbes writes:

Those things that offend when new . . . more often than not whet that same nature when repeated; and those things that at first are merely endured soon compel love (DH: 13.3).

And, similarly, Hobbes also writes:

Even if first experiences of something be sometimes displeasing, especially when new or rare, by habit they are rendered not displeasing, and afterwards pleasing; that much can habit change the nature of single men (DH: 11.3).

Both of these passages suggest that someone correctly habituated to justice would have a just person's attitude and feelings for justice. As David Boonin-Vail also notes,¹⁰¹ other passages also seem to suggest that someone correctly habituated to justice would be a just person. Recall, from **Chapter 3**, that a just person desires justice for justice's sake. The just person acts "because the law commands it" (DC: 3.5), "for the law's sake" (DC: 4.21) and has a will that is "framed by justice" (L: 15.10). But how could a person

¹⁰⁰ Boonin-Vail, *Thomas Hobbes*, 164.

¹⁰¹ Boonin-Vail, *Thomas Hobbes*, 165.

become like this? In the passage from DH: 11.3, quoted above, Hobbes claims that habit renders the experience of something pleasing. And Hobbes also writes that:

The thing that, when desired is called good, is, if desired for its own sake, called pleasing (DH: 11.5).

Just so, as Boonin-Vail attests,¹⁰² it would seem that if a person were habituated to justice, he would come to find it pleasing and would desire it for its own sake. Again, it seems reasonable to conclude that someone who is properly habituated to justice would have the virtue of justice, and that virtues and habits really are very closely linked.¹⁰³

Additional passages are also suggestive. In the preface to *De Cive*, Hobbes is clear that people do not, as children, have the dispositions of just or righteous men:

¹⁰² Boonin-Vail, *Thomas Hobbes*, 165.

¹⁰³ In fact, David Boonin-Vail also provides an argument, based on Hobbes' account of habituation, meant to "justify the goodness of good dispositions" (160). But Boonin-Vail's argument, on this point, is very and substantially different from my own. Boonin-Vail argues that, according to Hobbes, a person can only solicit cooperation from his confederates if the person acts justly with enough frequency. Boonin-Vail further argues that a person cannot trust himself to perform just acts frequently enough, if he is a Fool with the vice of injustice: "It is difficult to see how he will be able to consistently perform those just acts necessary for his long-term well being" (160). Rather, to ensure that he will perform just acts frequently enough, a person needs to make performing just actions a matter of habit. Boonin-Vail further argues that, if a person does make just actions a matter of habit like this, then he will start to find justice pleasing for its own sake, and become a just person with the virtue of justice (160). So, Boonin-Vail concludes, since cooperation is good and necessary for anyone, it is also good to become just. As Boonin-Vail points out, this argument, unlike the revealed disposition argument, doesn't have to do with revealing *dispositions*, but rather with other people's perceptions of our *actions*. Still, I disagree with several of the steps in this argument. First, Hobbes is clear that there are very few truly just people, who possess the virtue of justice (L: 15.10). And yet, many people manage to cooperate fairly well. Just so, for Hobbes, a person doesn't need to be truly just, and always value justice for its own sake, in order to successfully elicit cooperation from others. Still, Boonin-Vail might argue that a truly unjust, vicious person couldn't realistically perform just actions frequently enough to solicit cooperation. Then Boonin-Vail could argue, at least, that *some degree* of virtue is good, insofar as it is necessary for cooperation. But Hobbes also seems to reject this kind of move as well. After all, as discussed in **Chapter 3**, Hobbes repeatedly asserts that a truly unjust person might remain unjust, even if he performs innumerable just actions (DC: 3.5), or even if he never does injury, or acts unjustly, to anyone (*Latin Leviathan*, 115). Now, Boonin-Vail might argue that while these cases are possible *in theory*, in reality no one could reasonably expect to remain unjust and act justly enough to solicit cooperation. But why not? Why couldn't a person remain unjust, and yet consistently desire to – and act – justly because he is afraid of the consequences, because he believes it to be beneficial, or because he is vainglorious? Regardless of this question, this discussion should push us to recognize that, for Hobbes, a person *won't* lose his vice simply by *acting* justly. Clearly, that isn't enough. For Hobbes, as already suggested, habituation occurs on the microscopic level of endeavors; in humans that means desires and imaginings. To become just, a person must, too, habitually have the correct desires.

From nature, that is, from the first birth, as they are merely sensible creatures, they have this disposition, that immediately as much as in them lies they desire and do whatsoever is pleasing to them . . . Unless you give children all they ask for, they are peevish and cry, aye, and strike their parents sometimes; and all this they have from nature . . . A wicked man is almost the same thing with a child grown strong and sturdy, or a man of a childish disposition. (DC: preface, p. 100).

So how does Hobbes suggest that a person become virtuous and righteous?

Hobbes suggests that a person can only become this way through education and experience. Insofar as a wicked person is someone of an age “when nature ought to be better governed through good education and experience” (DC: preface, p. 100), a righteous man must be someone whose nature has been correctly educated.

But, in light of the analogy, already discussed, between people and crossbows, it should be reasonable to think that this education will necessarily involve habituation. For Hobbes is clear that a thing’s nature can be changed through long custom and habituation.

Recognizing that acquiring or losing virtues and vices requires habituation, and that habituation requires substantial time and effort, it should be clear that it takes substantial time and effort to acquire or lose a virtue or vice. Along these lines, it should further be clear that, if a person is unjust at any given time, he either has been or will be unjust for a substantial period of time. Now, as already suggested, Hobbes has argued that it is neither reasonable nor beneficial to be unjust for any substantial period of time. In light of this, Hobbes can further conclude that it is never reasonable to be unjust in any given circumstance.

Section 5.2: Thomas Hobbes on Virtue and the State of Nature

In light of this reasoning and Hobbes' focus on virtues and just people, it should be possible to better understand Hobbes' account of the state of nature. In particular, it should be possible to explain why so many covenants fail in the state of nature, even though it is reasonable and beneficial for their participants to keep them.

Many scholars have tried to explain why so many covenants would fail by claiming that the state of nature is a generalized prisoner's dilemma.¹⁰⁴ They suggest that we can represent most state-of-nature covenants between two individuals, "A" and "B," with the following matrix:

		<i>B</i>	
		Keep	Renege
<i>A</i>	Keep	2, 2	4, 1
	Renege	1, 4	3, 3

In a matrix like this, as Jean Hampton suggests, "A" and "B" can each either keep or renege on their contract, and the numerals in the matrix correspond to each individual's preference orderings. The lower the number is, the higher the preference. So, A would do the best if he broke the covenant and B kept it, and B would fare the best if he broke the covenant and A kept it. Provided this matrix adequately captures covenants in the state of nature, and provided that individuals always seek to maximize their expected utility, it might be easy to explain why so many covenants fail in that state.¹⁰⁵

¹⁰⁴ For example, see Gauthier, *Rationality, Justice and the Social Contract*, 27. Also see Jean Hampton's "rationality account of conflict" on pages 61-63. Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986).

¹⁰⁵ Hampton, *Hobbes and the Social Contract Tradition*, 62. Hampton also acknowledges that even if the prisoner's dilemma matrix captured the state of nature, it would still be difficult to explain why so many covenants fail. After all, it's reasonable to suppose that individuals will sometimes be involved in what

But, as argued in earlier chapters of this work, Hobbes explicitly rejects this conception of the state of nature. As suggested in those chapters, Hobbes is altogether clear that, even in the state of nature, it is in one's best interest to keep his valid covenants. According to Hobbes, the ideal outcome in any valid covenant is the one in which both parties perform. Just so, the prisoner's dilemma matrix is not an adequate representation of the state of nature. But then, if the prisoner's dilemma matrix is inadequate, how can we explain why so many valid covenants fail in Hobbes' state of nature?

Jean Hampton wonders what we might conclude if the prisoner's dilemma conception fails. She suggests that, were it to fail, there would be numerous circumstances in the state of nature in which any reasonable person would fulfill his or her covenants.¹⁰⁶ And she further concludes that Hobbes' state of nature wouldn't be as harsh as he thought, because a large number of covenants would actually succeed there.

Hampton calls "multiplay PD games" (75); that is, it is reasonable to suppose that the prisoner's dilemma games in which individuals are involved will often be "part of a series of these situations extending into the future, rather than a one-time occurrence" (75). But, in such situations, it might well be reasonable and beneficial to cooperate, even though each individual "play" is captured by a prisoner's dilemma matrix. Of course, as Edward F. McClennen and others have pointed out, on many standard accounts of rational choice theory, it will only be reasonable to cooperate on each individual shot of the game if the games are *indefinitely* iterated. See Edward F. McClennen, "Rational Choice and Moral Theory" (unpublished manuscript, p. 7). If the participants knew just how long the series would last, backwards induction would compel them never to cooperate, on any individual game. Still, it is reasonable to suspect that, even if the state of nature were captured by the prisoner's dilemma matrix, individuals would sometimes find themselves in *indefinitely* iterated games, and when they did, they would cooperate and, presumably, their covenants in such cases wouldn't need a sovereign's backing. All of this is more than a little strange. Let's counterfactually suppose that the state of nature is captured by a prisoner's dilemma matrix, and that many individuals in the state of nature were reasonable. Then, according to many standard accounts of rational choice theory, Hobbes should have said that, were individuals' games *indefinitely iterated*, then they would have (more or less) consistently cooperated, and they wouldn't have needed a sovereign. And the state of nature is only as rotten as it is, because not enough games are iterated, in the appropriate way. Thankfully, I can avoid drawing this conclusion about Hobbes; I claim that, for Hobbes, the prisoner's dilemma matrix does not capture the state of nature, and I also claim that, for Hobbes, very few people are genuinely reasonable.

¹⁰⁶ Hampton, *Hobbes and the Social Contract Tradition*, 69.

As Hampton suggests, Hobbes' confederation argument in response to the Fool seems to imply that it is highly advantageous to have confederates who believe you are trustworthy.¹⁰⁷ In light of this, Hampton suggests that numerous circumstances could arise in the state of nature in which the benefits gained by earning a reputation for trustworthiness are greater than the disadvantages of keeping a covenant that the other party breaks. Hampton writes:

A simple commodities exchange provides a good example. If *A* and *B* make a contract to exchange *A*'s horse for *B*'s cow, and *A* hands over her horse to *B*, then if *B* reneges on his promise and keeps his cow, it could still be the case that *A* is glad she kept her promise, simply because the benefits she obtains from her reputation of trustworthiness could be greater than the benefits she would have obtained from possession of either or both of the animals.¹⁰⁸

Jean Hampton suggests that there would be numerous circumstances like this in which any reasonable person would keep his covenant. And she suggests that, as a result, a large number of covenants would, in fact, succeed in the state of nature. Provided it is always in one's best interest to keep valid covenants, the state of nature couldn't have as little cooperation as Hobbes seems to have thought.

Or could it? I contend that, according to Thomas Hobbes, any *reasonable* person would keep many of his valid covenants in the state of nature. In fact, as suggested in previous chapters, I would go even further: a *reasonable* person would strive to keep all of his valid covenants. But I still maintain that, while limited cooperation would be possible in the state of nature, that state would still be terrible and hellish.

How could the state of nature be so harsh, if reasonable people wouldn't treat each other badly? The answer is obvious: according to Hobbes, most people aren't that

¹⁰⁷ Hampton, *Hobbes and the Social Contract Tradition*, 70.

¹⁰⁸ Hampton, *Hobbes and the Social Contract Tradition*, 70..

reasonable.¹⁰⁹ Certainly, if they were reasonable, they would recognize that, even in the state of nature, it is in their best interest to keep their valid covenants. But most people aren't reasonable enough, and they fail to recognize this.¹¹⁰

According to Thomas Hobbes, most people in the state of nature incorrectly believe that it would be in their best interest to break many of their valid covenants. These people act as if their covenants could best be represented by the prisoner's dilemma matrix, even though they aren't best represented this way. And, because most individuals in the state of nature think this way and are inclined to act based on the perceived benefit of their actions, these individuals break many of their covenants. Many covenants fail in the state of nature, not because the state of nature really is a generalized prisoner's dilemma, but because so many people treat it as if it were.¹¹¹

People fail to realize that the prisoner's dilemma conception fails because they fail to realize that it is never reasonable or beneficial to be an unjust person. Were they to realize that it is never reasonable or beneficial to be an unjust person, they could easily conclude that it is never reasonable or beneficial to act unjustly. They fail to focus on the

¹⁰⁹ In **Chapter 9**, I return to this point, and spell out what it means for Hobbes to claim that most people are not altogether reasonable. In light of the work I will have completed by that point, I will argue that, in fact, reasonable people wouldn't need a sovereign, and would get along well enough in the state of nature. In fact, the state of nature is nasty, brutish, and short in large part because most people aren't reasonable.

¹¹⁰ It is valuable to realize that Hobbes does not mean by "reasonable" what John Rawls means when he uses the word. Nor does Hobbes accept the reasonable person standard of contemporary law. For more on what Hobbes does mean when he uses this word, see **Chapter 1**, and, even more importantly, see **Chapter 9**.

¹¹¹ On a separate, but relevant, note, it would even be difficult to start a covenant in the state of nature. Because there are so many unreasonable people who treat the state of nature as a generalized prisoner's dilemma, and because it is very difficult to tell who is reasonable and who isn't, it would be difficult to trust that anyone would fulfill his end of a potential covenant. Hobbes is particularly clear about this problem in *De Cive*. There he suggests that, even though there are reasonable people in the state of nature, because others couldn't distinguish them from those who are unreasonable, everyone would have to treat each other harshly: "For though the wicked were fewer than the righteous, yet because we cannot distinguish them, there is a necessity of suspecting, heeding, anticipating, subjugating, self-defending, ever incident to the most honest and fairest conditioned" (DC: preface, p. 100).

kind of people they should be, and so they fail to recognize that it is never beneficial to renege on valid covenants.

Hobbes is clear that this is the Fool's error. As suggested in earlier chapters, Hobbes tries to persuade the Fool that it isn't reasonable or beneficial to be an unjust person, and that it is reasonable and beneficial to be just, instead. It isn't reasonable to break valid covenants because it isn't reasonable to be the kind of person who would do so. The Fool clearly hasn't understood this on his own.

Further, Hobbes is clear that almost everyone shares in foolishness to some degree or other. In his response to the Fool, Hobbes is clear that very few people are perfectly reasonable. Hobbes notes that only just people are truly reasonable, and he is clear that very few people are truly just:

The names of *just* and *unjust* . . . when they are attributed to men . . . signify conformity or inconformity of manners to reason . . . A just man therefore is he that taketh all the care he can that his actions may be all just . . . That which gives to human actions the relish of justice is a certain nobleness or gallantness of courage, rarely found (L: 15.10).

This is not to suggest that the majority of people are truly Fools. In fact, Hobbes is clear that "the wicked were fewer than the righteous" (DC: preface, p. 100), and that very few people are genuine Fools. Nonetheless, the majority of people share in some degree of foolishness. They fail to consistently act on the recognition that it is never reasonable or beneficial to be an unjust person.

Why do so many people share in foolishness? Hobbes has a clear answer to this, already suggested in earlier sections. Everybody is born with a disposition that would be considered foolish in later life. And, in order to lose this disposition, each person would need the correct sort of habituation and education. People fail to become perfectly

reasonable, just individuals because they don't receive perfect education. In essence, the state of nature is truly terrible because its inhabitants have lacked the appropriate education.

Section 5.2.1: Hobbes on Shortsightedness

Why do individuals fail to recognize that it isn't in their best interest to be unjust people? It isn't that they are overwhelmed by their passions. Rather, as Jean Hampton suggests, people are merely shortsighted.

This chapter has focused on the importance of time in developing virtues, and with good reason. Hobbes does not suggest that an unjust person will immediately face harsh repercussions for his actions. It would have been unreasonable for Hobbes to suggest this. In point of fact, people frequently get away with terrible and unjust actions.

Rather, Thomas Hobbes instead maintains that, if a person is truly unjust for long enough, that person's confederates will eventually pick up on it and treat him terribly as a result. Thus, in order to appreciate the disadvantages of injustice, a person would need to focus, not on the immediate benefits and disadvantages of his actions, but on what might happen in the more distant future.

But, as Jean Hampton correctly suggests, individuals "fail to appreciate the long-term benefits of cooperation and opt instead for the short-term benefits of noncooperation."¹¹² Hampton points to several passages in Hobbes' work that suggest he viewed men as short-sighted:

Men cannot put off this same irrational appetite, whereby they greedily prefer the present good (to which, by strict consequence, many unforeseen evils do adhere) before the future (DC: 3.32).

¹¹² Hampton, *Hobbes and the Social Contract Tradition*, 81.

Most men, by reason of their perverse desire of present profit, are very unapt to observe these laws [of nature], although acknowledge by them (DC: 3.27).

But why are so many people shortsighted like this? Again, it has to do with habituation. Everyone is born with a certain kind of childish disposition, to focus solely on immediate benefits and disadvantages. And, in order to lose this disposition and develop another, individuals would need to be properly habituated and educated. So, since few individuals ever receive a perfect education, most individuals remain too shortsighted.

Section 5.3: Looking Forward: Equilibrium or Pareto Optimal?

I have argued that, for Hobbes, the prisoner's dilemma matrix, depicted earlier, does not apply to the state of nature. I maintained that the best outcome for a person – regardless of what his confederates do – will always be the one in which he performs on his valid covenants.

So far, my argument has proceeded as follows: For Hobbes, it is always reasonable and beneficial for any person, even a person in the state of nature, to keep his valid covenants. If Hobbes accepted that a prisoner's dilemma matrix ever applied to performing valid covenants (in a game iterated a set number of times),¹¹³ then, according to Hobbes, it wouldn't *always* be reasonable and beneficial for a person to keep his valid covenants. Thus, for Hobbes the prisoner's dilemma must never apply like that.

My second premise relies on two further thoughts. First, for Hobbes, it is reasonable and beneficial for a person to pursue an expected outcome that is in equilibrium, and unreasonable/not-beneficial to do otherwise. Second, in the prisoner's

¹¹³ See footnote 105.

dilemma previously depicted, the only equilibrium outcome is the one in which both individuals violate their valid covenant. So, since Hobbes claims that it is never reasonable or beneficial to violate a valid covenant, Hobbes must also contend that this matrix is never applicable to life.

But someone might well object, and argue that, for Hobbes, if individuals were faced with a situation that exemplifies a prisoner's dilemma matrix like this, it would be reasonable and beneficial for them to make choices that they are aware won't lead to an equilibrium outcome. Several modern theorists, David Gauthier and Edward McClennen among them,¹¹⁴ have argued that it can be reasonable/beneficial, in such circumstances, for individuals to choose in a way that leads to a *pareto optimal* outcome that is not, in itself, in equilibrium. Perhaps we could ask: is it possible that Hobbes, too, might adopt a line of thought like this?

While Thomas Hobbes does not explicitly employ notions like those referred to by terms like "equilibrium" or "*pareto optimal*," I nonetheless suspect that he would have rejected this line of thought. To understand why, let's once again examine Hobbes' distinction between real and apparent goods. It will be valuable, here, to quote Hobbes at some length:

Moreover, good (like evil) is divided into *real* and *apparent*. Not because any apparent good may not truly be good in itself, without considering the other things that follow from it; but in many things, whereof part is good and part evil, there is sometimes such a necessary connexion between the parts that they cannot be separated. Therefore, though in each one of them there be so much good, or so much evil; nevertheless, the chain as a whole is partly good and partly evil. And whenever there major part be good, the series is said to be good, and is desired; on the contrary, if the major part be evil, and, moreover, if it be known to be so, the whole is rejected. Whence it happens that inexperienced men that do not look closely enough at the long-term consequences of things, accept what appears to be

¹¹⁴ See for example: David Gauthier, *Morals By Agreement* (Oxford: Oxford University Press, 1986); and Edward F. McClennen, "Rational Choice and Moral Theory" (unpublished manuscript).

good, not seeing the evil annexed to it; afterwards they experience damage. And this is what it means by those who distinguish good and evil as *real* and *apparent* (DH: 11.5).

In light of the discussion of this passage in **Chapter 4**, we can understand that an action is really good for a person if it would better satisfy the person's desires than any other action he could perform. This is a strictly forward-looking account; to determine whether an action is really good, one considers *only* its chain of consequences, stretching off into the future. According to Thomas Hobbes, an action is really good for a person if it would lead to the possible future in which the person's desires are best satisfied.

In **Chapter 9**, I will argue that, for Hobbes, it is always reasonable for a person to do what is really good for him, and not ideally reasonable to do otherwise. Provided I'm right, the passage above presents an entirely forward-looking account of reason, as well. An ideally reasonable person would never perform an action, correctly believing that another possible action would lead to a future in which his desires would be better satisfied.

Now consider any account according to which it will sometimes be reasonable for a person to aim for a *pareto optimal* outcome, even when that outcome is clearly not in equilibrium. I suspect that any account like this will need to suggest that a person would still be acting reasonably if, on occasion, he performed actions that he knew wouldn't lead to a future in which his own desires are best satisfied.

This is certainly clear for David Gauthier. He suggests, for instance, that it would be reasonable for a person to perform certain actions – like following through on some failed threats – knowing that his life would go less well as result than if he didn't.¹¹⁵ Generally, I suspect that any theory that stands in strong support of *pareto optimal*

¹¹⁵ David Gauthier, "Assure and Threaten," *Ethics* 104, no. 4 (July 1994): 690-721.

outcomes will need to make similar claims. According to any such theory like this, I suspect there will arise circumstances in which a person would act reasonably if he behaves in a way that he knows will lead to a future in which his desires aren't best satisfied.

Each theory like this will need to propose some criteria by which individuals could determine which *pareto optimal* outcome is best, when numerous are possible. And I hypothesize that, no matter its criteria, each theory would have to admit that a circumstance could arise in which a "reasonable" person would have to forgo performing an action that would lead to a future in which his own desires are best satisfied. The individual might have to forgo such an action, if only because the relevant outcome that would result wouldn't be considered the best possible *pareto optimal* outcome according to the theory.

This is merely a hypothesis, and perhaps I'm wrong. Perhaps Hobbes could take his forward-looking, desire-satisfaction account of reason, and consistently maintain that individuals should focus on arriving at *pareto optimal* outcomes. Perhaps Hobbes could consistently maintain, for instance, that individuals should perform on their valid covenants even if doing so would result in an outcome that isn't in equilibrium.

In the big picture of my project, I don't think this question is of substantial concern. Ultimately, I think I have very good reason to maintain that, according to Hobbes, there *never will be* circumstances in which mutual performance on a valid covenant would fail to be in equilibrium. I have very good reason - much better than the argument posed at the beginning of this section - to believe that, for Hobbes, the prisoner's dilemma matrix is never applicable when it comes to valid covenants.

My reason has to do with what people truly desire, whether they are aware of it or not. Later, I will argue that, according to Hobbes, everyone very strongly desires the virtue of justice, and also very strongly desires to consistently – and constantly - act justly, maintaining all of his valid covenants. As a result, in any given circumstance, maintaining one’s valid covenant will always lead to the future in which his desires are best satisfied. It may not lead to a future with the most money, the best reputation, the greatest political power, etc., but, for each and every person, the desires for these things are secondary to the desire for justice and keeping covenants. Thus, to keep covenants is to best satisfy one’s desires.

I haven’t made the stronger argument for this conclusion yet, and I need to perform significant legwork before I can. I will set this discussion aside until returning to it in **Chapter 9**. But once there, I intend to argue again that, whenever it comes to keeping or renegeing on a valid covenant between two people, the applicable matrix, for Hobbes, will look like this:

B

	<hr style="width: 100%;"/>	
<i>A</i>	Keep	Renege
Keep	1, 1	2, 3
Renege	3, 2	4, 4

To be clear, according to Hobbes, the majority of people aren’t aware that this is the applicable matrix. Most people aren’t entirely reasonable, and they are in error about what would be most beneficial to them. They fail to discern real goods from merely apparent ones, and fail to act appropriately to achieve what’s really good for them. This has been the main thrust of this chapter: it would, according to Hobbes, be genuinely reasonable and beneficial to perform on valid covenants, but most people simply aren’t

reasonable enough to consistently do so without a powerful sovereign watching over them.

Those who disagree with this section might still accept this more general claim – about unreasonable people – and continue on with the rest of my work, with few future objections. Perhaps my objectors would want to maintain that, for Hobbes, people fail to be reasonable insofar as they fail to recognize the value of maintaining valid covenants *even when* the prisoner’s dilemma matrix pictured earlier *does* apply. While I disagree with this assessment, this won’t be a central point as I continue.

Section 5.4: Conclusion: Thomas Hobbes, Habit and Virtue

I have argued that Thomas Hobbes provides the following argument. It is neither reasonable nor beneficial to have foolish vices for very long, because, if one has, he will eventually reveal his vices to his confederates who will treat him terribly as a result. Further, if anyone ever has foolish vices, he will have them for a long time. So, if anyone is ever a Fool, he will be a Fool for a long time, and he will eventually be discovered. Just so, it is never reasonable or beneficial, at any given time, to have foolish vices.

Additionally, I have argued that individuals in the state of nature fail to act justly or be just people despite the fact that it would be reasonable to do so. I have argued that individuals in the state of nature fail to do so because they are nearsighted and unreasonable, and that they are nearsighted and unreasonable because they typically lack the appropriate habituation.

To be clear, this chapter does not, however, establish that it is always reasonable and beneficial for everyone to be a truly just person. Just because it is neither reasonable nor beneficial to be a truly unjust Fool, it does not follow that it is always reasonable and beneficial to be truly just. For Hobbes, there is a third category of people, those who live somewhere between these two extremes. In fact, most people are neither truly just nor truly unjust. As suggested in **Section 5.2**, very few people are truly righteous, and even fewer are wicked Fools. Most people are somewhat reasonable and somewhat virtuous. Just so, we cannot conclude that, since it is never reasonable to be a truly unjust person, it is therefore always reasonable to be truly just. The possibility remains open: perhaps it is reasonable to be somewhere in the middle, instead.

The next several chapters are designed to argue, together, that it is, in fact, always reasonable and beneficial to be truly just. They describe Hobbes' second argument, in favor of justice.

Section 5.5. Looking Forward: Extreme Justice

Hobbes needs this second argument for another reason, as well. I contend that Hobbes cannot adequately respond to certain cases that are problematic for his confederation argument, as I have interpreted it. The confederate argument cannot convincingly demonstrate why it is unreasonable – or contrary to benefit – for certain people, in a few rare situations that I will describe, to have the vice of injustice. So I maintain that, if Hobbes is to argue that it is always reasonable to be just and never reasonable to be unjust, he'll need a second argument, as well.

In response to Hobbes' confederation argument, an objector might still think that certain people could possess the vice of injustice for as long as they continue to live, without ever revealing it to anyone. Further, too, the objector might claim that such an unjust person might also reasonably believe that he could conceal his vice forever. The objector might imagine numerous cases, in which a person could reasonably believe he could conceal his vice, and would actually be successful at doing so.

First, suppose a person correctly believes himself to be very lucky. He recognizes that things just seem to fall his way. Why couldn't a person like this reasonably believe that, as a matter of luck, he will successfully conceal his vice from everyone permanently, or, at least, until he has managed to acquire the virtue of justice through habituation?

Second, imagine that someone correctly believes himself to be a very good actor, who is excellent at concealing his dispositions and vices from everyone around him. In a way, he is like a much better version of Moliere's *Tartuffe*, who can only conceal himself from some.¹¹⁶ Why couldn't someone like this reasonably believe that he could hide his vice from everyone forever? He knows himself to be that good a performer.

Third, we might wonder about an unjust person, who consistently and constantly acts justly. After all, as suggested in **Chapter 3**, Hobbes certainly treats this as a possibility. Why couldn't an unjust person, like this, reasonably believe that he could conceal his vice forever? After all, he won't reveal himself through his unjust actions, because he isn't performing any. Perhaps we could accept that a person also reveals his deeper virtues and vices in much subtler ways – in his gestures, and way of talking,

¹¹⁶ Anthony Fisher proposed this possibility at a workshop at Syracuse University in 2010. Also, see for example: Jean-Baptist Moliere, *Tartuffe and Other Plays*, trans. Donald M. Frame (New York: New American Library, 1967).

etc.¹¹⁷ Still, why couldn't an unjust person, who consistently acts justly, reasonably believe that he could control these subtler signs well enough that he won't ever reveal his vice?

Fourth, and on the most extreme end, imagine someone who possesses a magical ring – much like Plato's "ring of Gyges"¹¹⁸ – that guarantees that a person will never be caught, either for his actions or for his vices. Certainly, if such a person could reasonably believe he would keep the magical ring forever, he could also reasonably believe that he would never reveal his vice!¹¹⁹ If Hobbes only had recourse to his confederation argument, he couldn't claim that such a person was unreasonable to be vicious.¹²⁰

Recognizing that these kinds of cases are problematic, we might want to try to read Hobbes differently. We might *initially* think that Hobbes would permit that there could be scenarios in which it would not be unreasonable to possess the vice of injustice. Perhaps Hobbes only meant to argue that, *except in cases like those just described*, it is always unreasonable, and contrary to benefit, to possess the vice of injustice.

But this does not seem to be Hobbes' actual position. Rather, Hobbes really does seem to suggest that, even in cases like those described above, it would still be

¹¹⁷ For example, Hobbes writes: "For there is not any virtue that disposeth a man, either to the service of God or to the service of his country, to civil society or private friendship, that did not manifestly appear in his conversation, not as acquired by necessity or affected upon occasion, but inherent, and shining in a generous constitution of his nature" (L: Epistle Dedicatory, p. 3).

¹¹⁸ Plato, *The Republic*, trans. Allan Bloom (New York: Basic Books, 1968). In particular, see Book 2.

¹¹⁹ Fred Beiser, of Syracuse University, emphasized this point at a workshop in 2010.

¹²⁰ Alex John London has also focused on this point, and on how Hobbes would respond to Plato's "Ring of Gyges" case. (London, "Virtue and Consequences: Hobbes on the Value of the Moral Virtues," *Department of Philosophy*, Paper 421, <http://repository.cmu.edu/philosophy/421>, 1998.) London correctly notes that the revealed disposition interpretation of the confederation argument, which David Boonin-Vail offers and which I expand on, suggests that the vice of injustice is neither beneficial nor reasonable because it will often lead a person to acquire a bad reputation, for which he will be poorly treated (14-16). And London is further correct to point out that, in cases in which a person could consistently have a good reputation, while still possessing the vice of injustice – like the Ring of Gyges case – the argument from revealed disposition cannot claim that the person is unreasonable (16).

unreasonable and harmful to have the vice of injustice. For example, much later in *Leviathan*, Hobbes writes:

Having thus briefly spoken of the natural kingdom of God, and his natural laws, I will add only to this chapter a short declaration of his natural punishments. . . And hereby it comes to pass that intemperance is naturally punished with diseases; rashness, with mischances; **injustice, with the violence of enemies**; pride, with ruin; cowardice, with oppression; negligent government of princes, with rebellion; and rebellion, with slaughter. For seeing punishments are consequences of the breach of laws, **natural punishments must be naturally consequent to the breach of the laws of nature**, and therefore follow them as natural, not arbitrary, effects (L: 31.40, emphasis added).

Clearly, this seems to suggest that if a person breaks any of the laws of nature, which oblige a person to possess virtues, then that person will inevitably suffer for the breach during his life. In fact, God will guarantee that he is punished! So, even if a person has the Ring of Gyges, or is a really good actor, or is exceptionally lucky, his vice of injustice will eventually be punished by “the violence of enemies.”

In fact, we could interpret this passage so that it stands in defense of Hobbes’ confederation argument. We could read it to suggest that God guarantees that, if a person has the vice of injustice, some of his confederates will eventually find out, become enemies, and punish him, treating him badly enough that the vice wasn’t worth its cost. By including God like this – as a *deus ex machina* – we might explain why even the luckiest man, the best actor, or the person with the Ring of Gyges would all eventually reveal their vices. God is powerful enough to arrange it.

I do not mean for this argument, just presented, to be taken too seriously. I doubt that it would convince Hobbes’ objectors, who propose problematic cases, like the four mentioned above. If nothing else, this defense would seem out-of-step with the argument as a whole, which previously relied only on a conception of prudential reason combined

with a theory of human nature. Still, the point holds: In light of the passage above, it does appear that, according to Hobbes, even in the most extreme circumstances that will occur, it will never be reasonable or beneficial for anyone to break the laws of nature or, in so doing, possess the vice of injustice.

So, again, if he is to respond to his objectors, Hobbes needs some kind of response that can take into account problematic cases like the four mentioned above. Perhaps we can take Hobbes to maintain that each of the four cases is logically impossible, or, at least, will never happen in the actual world. Perhaps it will never be reasonable or beneficial to possess the vice of injustice because no one will ever reasonably believe he possesses a Ring of Gyges, is that lucky, is that good an actor, or is that good at feigning justice.

But then, it seems, Hobbes owes his objectors arguments, explaining why each kind of case is impossible. And it is unclear whether he can provide them. Consider, for instance, the case of the unjust person, who consistently acts over a lengthy period of time. Now remember that Hobbes suggests that a person who becomes properly habituated to justice will become a just person. So, we might wonder if a person who feigns justice, like this, for long enough will eventually become habituated, and become a just person. If so, then it would be impossible for anyone to succeed at falsely feigning justice for years. After all, eventually, a person would no longer be feigning it.¹²¹

Unfortunately, it doesn't look as if Hobbes can actually adopt this response. For Hobbes, as I argued earlier in this chapter, the habituation of the virtues occurs at the level of microscopic endeavors. To be properly habituated and acquire a virtue, a person must habitually have the correct endeavors – the correct desires, intentions, and

¹²¹ This suggestion was proposed by John Robertson, of Syracuse University, in a private 2011 discussion.

imaginings. But it seems entirely possible that an unjust, vicious person could act justly for years, without ever having the correct desires. He might always keep his covenants out of vainglory (DC: 4.21), fear (DC: 3.5), or apparent benefit (L: 15.10), rather than because the law commands it (DC: 3.5). If this is possible, then an unjust person could act justly for years, without ever being properly habituated, or acquiring the virtue of justice. And Hobbes seems clear that this is possible. For instance, as argued in **Chapter 3**, Hobbes seems to suggest that a person could remain truly unjust even if he performs innumerable just actions (DC: 3.5), or even if he never does injury to anyone (*Latin Leviathan*, 115). It seems possible – although perhaps very challenging – to feign justice for years without ever becoming just.

So, our attempt to save Hobbes from his objectors seems to fall short. So again, it seems that Hobbes needs to explain why such a person must eventually reveal his vice, or why, at least, it is unreasonable for such a person to believe that he will never reveal it. I can find no excellent response within the pages of Hobbes' texts.

In the **Second Part** of my work, I will turn to another, second argument Hobbes provides, in support of justice. I contend that this second argument explains why, even in the extreme cases described above, it is neither reasonable nor beneficial for the individual to be unjust, and it is instead reasonable and beneficial to seek the virtue of justice. This second argument does not try to explain the value of justice in terms of a person's reputation with his confederates. That approach only goes so far. Instead, this second argument, as we will see, suggests that perfect justice is beneficial and reasonable for anyone because of a necessary connection between justice and great felicity, an end which each and every person values extraordinarily highly.

PART 2
MAGNANIMITY

Chapter 6. Introduction to Part 2: *Hobbes On Magnanimity*

This chapter has a markedly different tone and emphasis from those that came before. It also introduces and focuses on a notion that has been largely absent from previous chapters. It goes into great depth and focuses almost exclusively on the topic of Thomas Hobbes' concept of magnanimity, a concept which many scholars might consider obscure or secondary in Hobbes' thought.

There is a reason why this concept makes an appearance now, and plays such a strong role from here on. It is because the argument Hobbes must present, to explain why it is beneficial and reasonable to be truly just, is significantly different from the argument he uses to explain why it isn't beneficial or reasonable to be a Fool. The first argument focuses on the disadvantages any person could avoid, if he ceased to be a Fool, even if he only became a "normal" person, like most people. It is, in a sense, a purely "negative" argument. The second argument focuses, instead, on the unique benefits and advantages that can be found only if one becomes a member of the elite – one of the very few truly just, reasonable people in the world. The second argument offers a "positive" justification of morality.

That is where the notion of the magnanimity – and the magnanimous person – comes in. As this chapter, and **Chapter 7**, will make clear, Hobbes considers magnanimous people to be the elite. The magnanimous person is the closest Hobbes' theory comes to the idea of an "ideal person," an end toward which everyone should strive. In **Chapter 7**, I will argue that, for Hobbes, the truly just man is necessarily magnanimous, and vice versa. In **Chapter 8**, I will contend that it is in anyone's best interest to be truly magnanimous, because that is the only way anyone could possibly

achieve the greatest degree of felicity. And in **Chapter 9**, I will argue that only just, magnanimous people are ever truly reasonable. If any person were at his best, he would be magnanimous, which would mean he could also be just, happy (with great felicity), and reasonable.

In this **Second Part** of my project, my focus is on Hobbes' "elite" – on those who are genuinely magnanimous, just, and reasonable. And my focus is on why it is the case that, for Hobbes, it is reasonable and beneficial for each and every person to do what is necessary to become an ideal person like this. In a sense, the **First Part** of my project focused on those Hobbes considers to be the worst – the Fools; now, in the **Second Part**, I turn my attention to the best. I have sought a better understanding of Hobbes' theory of ethics and morality, by focusing on its extremes.

It is only by considering the notion of magnanimity, and how it relates to Hobbes' theory as a whole, that we can understand why it is always reasonable and in a person's best interest to act justly, and never reasonable for anyone to act unjustly. Hobbes is clear that it is advantageous to be magnanimous, and, since a magnanimous person is nothing more than a just one, we can also recognize that it is advantageous to be just as well. In fact, in later chapters I will argue that, for Hobbes, it is reasonable for anyone – and in anyone's best interest - to do what is necessary to become just and magnanimous. Now, as we already saw in the **First Part** of my project, a person can only become just (and thus magnanimous) if he consistently endeavors to act justly in every situation. So, too, it is reasonable for anyone – and in anyone's best interest – to act justly, always and consistently.

At the end of **Chapter 1**, I described Hobbes' ransom case. In *Leviathan*, Hobbes suggests that a person is obligated to keep all of his valid covenants, even if one is with a thief, with whom one has agreed to exchange money for freedom. But what kind of person would actually keep a covenant like this? I contend that the magnanimous person is just such a person. In a sense, keeping this covenant is a kind of "extreme" justice, particularly if the thief is no longer dangerous. And the magnanimous person is someone who can be just like this. But now, *why* would anyone endeavor to keep such a covenant? Because doing so – consistently endeavoring to keep *all* valid covenants – is necessary to acquire the virtue of justice, which is necessary to be both just and magnanimous. And only a just and magnanimous person could possibly achieve his best interest and greatest felicity.

For Hobbes, it is always reasonable for anyone to do what is necessary to achieve the greatest felicity, and it is always unreasonable to do otherwise. So, in light of what was said above, if a person makes a valid covenant with a thief, it is unreasonable to break it. And, in light of the connection between reason and obligation discussed in **Chapter 2**, a person is also obliged not to break a covenant with a thief, even in the state of nature.

As suggested above, the remainder of this chapter will go into greater detail, to introduce and explore Hobbes' notion of magnanimity, and to give a rough sense of how it fits into his theory as a whole. For now, I will even set aside the notion of justice, felicity, and reasonableness, to which I will return in **Chapters 7, 8, and 9**. This introductory chapter is essential to understanding exactly how Hobbes views the ideal person. For, as I will contend later, the notion of magnanimity is that which ties

everything together. Only a magnanimous person could ever be truly and fully just, reasonable, or happy (with the greatest felicity). If we want to understand these notions, magnanimity will be key.

Now, to understand what it means, for Hobbes, to be ideal – truly just and reasonable – it is also necessary to understand what it means to be magnanimous. I do not think a clear understanding of this notion is possible, unless it is understood with some sense of its historical context – with respect to how several other prominent, early thinkers have understood it. In particular, I don't think it's possible to understand what Hobbes means by “magnanimity” – and thus what Hobbes means by “reasonable” and “just” – unless we understand how the notion of magnanimity relates to heroic figures. It is important to recognize that Hobbes is describing his “elite” person – his ideal hero. Otherwise, the notion of the truly just person never properly seems like a rare extreme, and the unjust Fool – in contrast – won't either. To understand Hobbes' hero, it will be valuable to recognize how earlier, historic writers related heroism to magnanimity.

Not only will this chapter be a departure insofar as it will go into great depth on the notion of magnanimity, it will also be a departure, insofar as it will focus on comparing Hobbes to earlier theorists, and how they and Hobbes viewed famous heroes of literature and philosophy.

Section 6.1: Achilles and Socrates, An Introduction To Hobbes' First Definition

In order to explore the notion of magnanimity, it will be valuable to consider its history, a history that is bound up with two famous literary figures – Achilles and Socrates. I maintain that, to best grasp the notion of magnanimity – even Hobbes' idea of

magnanimity – it is valuable to understand it in light of a discussion of characters like Achilles and Socrates. I do not maintain that Hobbes drew any clear connection between these characters and magnanimity. But I do think that the best way to understand his notion is to consider it in light of these characters. I contend that, whether Hobbes intended to or not, his definitions of “magnanimity” capture important similarities between Achilles and Socrates that made both men great.

Achilles and Socrates are stunning and admirable. Of course, not everyone agrees with this. Some find Achilles too reprehensible or tragic, and I’ve heard Socrates called “pathetic.” But one can easily argue that they are both heroic. Both are larger than life, and both lead lives that seem intense and unique. Yet there is something else about them, too, some quality that is harder to describe but which makes both men shine.

What is that quality? I’ve come to think of it as magnanimity, or greatness of soul. Largely, I’ve come to think of it this way because of Aristotle’s discussions on the subject. In his *Posterior Analytics*, Aristotle argues that, to understand the notion of “magnanimity,” we should understand the similarities between magnanimous men like Achilles and Socrates:

If we were inquiring what the essential nature of magnanimity is, we should examine instances of magnanimous men we know of to see what, as such, they have in common; e.g. if Alcibiades was magnanimous, or **Achilles** and Ajax were magnanimous, we should find on inquiring what they all had in common, that it was intolerance of insult; it was this which drove Alcibiades to war, Achilles to wrath, and Ajax to suicide. We should next examine other cases, Lysander, for example, or **Socrates**, and then if these have in common indifference alike to good and ill fortune, I take these two results and inquire what common element have equanimity amid the vicissitudes of life and impatience of dishonour. If they have none, there will be two genera of magnanimity.¹²²

¹²² Emphasis added. This is a slightly modified version of G.R.G. Mure’s translation of part of Book 2 of Aristotle’s *Posterior Analytics*. Instead of the terms “magnanimity” and “magnanimous,” Mure uses the terms “pride” and “proud.” Aristotle’s original term, however, is better translated as either “greatness of

Of course, Aristotle does not suggest that Achilles and Socrates do, in fact, have the same magnanimity or greatness of soul, but he does suggest that both characters are magnanimous/great-souled. And I tend to think that Aristotle did believe that we could find meaningful similarities between them.

When Aristotle writes at length about greatness of soul in his *Ethics iv, 3*, it isn't clear to which of these characters he refers. Is it Socrates or Achilles? The literature on this subject is divided. Some argue that, for Aristotle, the true great-souled man is Socrates,¹²³ others argue that Aristotle had Achilles¹²⁴ or Alcibiades in mind, and still others suggest that Aristotle allows that both philosophers and warriors could be magnanimous.¹²⁵ In fact, Aristotle seems to have written a description that sometimes matches Achilles best, and, at other times, best connects with Socrates.

On the one hand, Aristotle sometimes seems to favor Achilles. For example, the great-souled man's concern for honor¹²⁶ seems to best fit Achilles, especially since, as Larry Arnhart points out, prior to Aristotle, the term "magnanimity" ("megalopsychia"): "always referred to the qualities of those heroically courageous in war and politics."¹²⁷ As Maurice B. McNamee points out, in several of the *Illiad's* pivotal scenes, Achilles refuses

soul" or "magnanimity," which I take to mean the same thing. (Aristotle, *Posterior Analytics*, trans. G.R.G. Mure. Available online at: <http://classics.mit.edu/Aristotle/posterior.2.ii.html>).

¹²³ For example, Jacob Howland's Article, "Aristotle's Great-Souled Man," in *Review of Politics* 64 (Winter 2002): 27-56.

¹²⁴ For example, consider the first two chapters of: Maurice B. McNamee, *Honor and the Epic Hero: A Study of the Shifting Concept of Magnanimity in Philosophy and Epic Poetry* (New York: Holt, Rinehart and Winston, 1960).

¹²⁵ Larry Arnhart, "Statesmanship as Magnanimity: Classical, Christian, and Modern," *Polity* 16, no. 2 (Winter 1983): 263-283.

¹²⁶ Aristotle writes: "But that greatness of soul has to do with honour is evident even without argument; for it is of honour, especially, that the great think themselves worthy, and worthy they are." Aristotle, *Nicomachean Ethics*, trans. Christopher Rowe (Oxford: Oxford University Press, 2002), 1123b.

¹²⁷ Arnhart, "Statesmanship as Magnanimity," 266.

to enter battle out of a concern for honor and intolerance for Agamemnon's insult.¹²⁸

Further, as McNamee suggests, Achilles also fits the description of Aristotle's magnanimous man in other respects. Like the great-souled man,¹²⁹ he is haughty and insolent to his equals like Agamemnon but friendly to his inferiors like Odysseus and Ajax.¹³⁰ Also, like the magnanimous man,¹³¹ he won't let his life revolve around anyone but his friend – Patroclus.¹³²

On the other hand, Aristotle's description of the great-souled man best fits Socrates in other respects. Aristotle clearly suggests that the magnanimous man is the best man, a man for whom greatness in every excellence is a characteristic.¹³³ Achilles doesn't seem to fit this description, but who would fit it better than Socrates? Further, like Socrates, the great souled man "is unsparing of his life, as one to whom there are some conditions under which it is not worth living"¹³⁴ Also, he "talks and acts openly . . . for he is the sort to speak his mind . . . and tell the truth, except when being self-deprecating with ordinary people."¹³⁵

¹²⁸ See the second chapter of Maurice B. McNamee's *Honor and the Epic Hero*.

¹²⁹ Aristotle writes: "It is a mark of the great-souled person . . . to be grand toward the eminent and wealthy, but an ordinary human being towards those in the middle; for it is a hard and lofty thing to surpass the former, but easy to surpass the latter, and whereas with the former to heave loftily is not ignoble, with people of no distinction it is vulgar as using one's strength against the weak." Aristotle, *Nichomachean Ethics*, 1124b.

¹³⁰ McNamee, *Honor and the Epic Hero*, 13.

¹³¹ Aristotle writes: "Necessarily, too, he cannot live by reference to someone else, unless that person is a friend." Aristotle, *Nichomachean Ethics*, 1124b-1125a.

¹³² McNamee, *Honor and the Epic Hero*, 13.

¹³³ Aristotle writes: "And in fact greatness in respect of each of the excellences would seem to belong to the great-souled person – it would not be at all consistent for the great-souled person – it would not be at all consistent for the great-souled person to retreat with his arms pumping, or to treat people unjustly; for what will motivate him to do shameful things, when nothing impresses him? And if one considers particular cases, the great-souled type would appear quite laughable if he were not good." Aristotle, *Nichomachean Ethics*, 1123b.

¹³⁴ Aristotle, *Nichomachean Ethics*, 1124b.

¹³⁵ Aristotle, *Nichomachean Ethics*, 1124b.

Still, while some parts of Aristotle’s descriptions seem to favor either Achilles or Socrates, other parts seem compatible with both figures. For instance, consider Aristotle’s central definition of greatness: “Greatness of soul seems to belong to the sort of person that thinks himself, and is, worthy of great things.”¹³⁶ From this, it would appear that *both* Achilles and Socrates are great-souled, magnanimous men. Both of these men are worthy of great things, and both accurately recognize that they are. Both seem to have an accurate understanding of themselves – of their own power and ability. Of course, Achilles’ self-understanding could be considered more arrogant. As Maurice B. McNamee points out, he likes to refer to himself as “the best man,” and “the noblest of them all.”¹³⁷ Nonetheless, it should be clear that both men were self-aware. They had an accurate understanding of their own power. Here, then, is a central similarity that Aristotle found.

Section 6.2: Thomas Hobbes’ First Definition of Magnanimity

In **Section 6.5**, I will argue that Hobbes’ conception of magnanimity is similar to Aristotle’s in numerous respects. For now, this present section will argue that Hobbes’ first definition of “magnanimity” clearly captures the similarity between Achilles and Socrates that was just mentioned. Thomas Hobbes’ first definition, from *The Elements of Law*, reads:

[Magnanimity] Magnanimity is no more than glory, of which I have spoken in the first section; but glory well grounded upon certain experience of power sufficient to attain his end in open manner (EL: 9.20).

¹³⁶ Aristotle, *Nicomachean Ethics*, 1123b.

¹³⁷ McNamee, *Honor and the Epic Hero*, 13.

In order to understand this definition, and how it captures the relevant similarity between Achilles and Socrates, it will be important to better understand Hobbes' conception of glory.

Section 6.2.1: Two Kinds of Glory

This section seeks to provide a careful account of Hobbes' notion of glory, so that we might better understand his related notion of magnanimity. To begin, we can consider Hobbes' definitions of "glory" and "glorying":

[Glory] Glory, or internal gloriation or triumph of the mind, is that passion which proceedeth from the imagination or conception of our own power, above the power of him that contendeth with us . . . This imagination of our power and worth, may be an assured and certain experience of our own actions, and then is that glorying just and well grounded . . . Farther, the fiction (which also is imagination) of actions done by ourselves, which never were done, is glorying; but because it begetteth no appetite nor endeavour to any further attempt, is merely vain and unprofitable; as when a man imagineth himself to do the actions whereof he readeth in some roman, or to be like unto some other man whose acts he admireth. And this is called VAIN GLORY (EL: 9.1).

[Glorying] Joy arising from imagination of a man's own power and ability is that exultation of the mind which is called GLORYING; which, if grounded upon the experience of his own former actions, is the same with *confidence*; but if grounded upon the flattery of others or only supposed by himself for delight in the consequences of it, is called VAIN-GLORY; which name is properly given, because a well-grounded *confidence* begetteth attempt, whereas the supposing of power does not and is therefore rightly called *vain* (L: 6.39).

I agree with Jose Benardete who suggests that, reading these passages with a modern ear, the word "imagination" seems suggestive of false fantasy.¹³⁸ Typically, people imagine things that aren't real, or imagine the world as it is not. Just so, the first section of each passage initially seems to concern joy that is not well-grounded – joy that arises when a person imagines that he has a power that he doesn't actually have.

¹³⁸ Jose Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

But these readings conflict with the definition of “glorying” that Hobbes then details. Hobbes suggests that joy, or the triumph of the mind, could be called “glorying” if it is, in fact, well-grounded. That is, a person also experiences glory if he imagines some power that he does, in fact, actually possess. As such, it appears that joy needn’t be poorly grounded, as our modern ear might initially suggest.

Jose Benardete recognizes this tension between a modern reading of “imagination” and Hobbes’ use of the word, but, without providing a careful discussion of Hobbes’ theory of imagination, he doesn’t provide a clear explanation of why this tension arises. In fact, the tension arises, in part, because, by “imagination,” Hobbes does not mean what we now typically do. According to Hobbes’ theory, imagination is very often well-grounded. Individuals often imagine things as they actually are. In fact, Hobbes even seems to define imagination as being well-grounded:

For after the object is removed or the eye shut, we still retain an image of the thing seen, though more obscure than when we see it. And this is the Latins call *imagination*, from the image made in seeing . . . IMAGINATION, therefore, is nothing but *decaying sense* (L: 2.2).

Hobbes also writes that:

This *decaying sense*, when we would express the thing itself (I mean *fancy* itself), we call *imagination*, as I said before. But when we would express the decay and signify that the sense is fading, old, and past, it is called *memory* (L: 2.3).

Finally, Hobbes writes that:

Imagination being only of those things which have formerly perceived by sense, either all at once or by parts at several times. The former . . . is *simple* imagination, as when one imagineth a man or horse, which he hath seen before (L: 2.2-4).

Overall, we see that imagination, or at least a *simple* imagination that is not also memory, expresses something that a man has already seen or experienced, and expresses

the thing as it actually is. The image of the thing is not yet too faded or old; it still captures the subtle distinction of the thing.

Of course, Hobbes also allows that we can imagine things that don't actually exist. He allows for imagination that is not, in fact, well-grounded in reality. He writes about *compounded* imagination and gives the following example: “[W]hen from the sight of a man at one time and a horse at another, we conceive in our mind a centaur” (L: 2.4).

Returning to the focus of our discussion, in his definitions of “glory” and “glorying” cited above, Hobbes isn't initially clear whether he is referring to simple or compounded imagination. In fact, I maintain that Hobbes intends to refer to both. A person experiences glory/glorying if he either imagines his power as it really is (simple imagination) or if he imagines himself to have a power that he doesn't actually have (compounded imagination). In each of his definitions, Hobbes first describes well-grounded glory, which is related to simple imagination, and then he describes vainglory, which is related to compounded imagination.

In fact, Hobbes goes out of his way to strengthen the connection between vainglory and compounded imagination. About vainglory, Hobbes writes:

The vain-glory which consisteth in the feigning or supposing of abilities in ourselves, which we know are not, is most incident to young men and nourished by the histories or fictions of gallant persons (L: 6.41).

. . . as when a man imagineth himself to do the actions whereof he readeth in some roman, or to be like unto some other man whose acts he admireth. And this is called VAIN GLORY (EL: 9.1).

And, about compounded imagination, Hobbes writes that a person can:

Compoundeth the image of his own person with the image of the actions of another man, as when a man imagines himself a Hercules or Alexander (which happenth often to them that are much taken with reading of romances) (L: 2.4).

There is a clear connection, then, between compounded imagination and vainglory. Both can result from reading fiction, and both can amount to imagining that one has power and abilities that he does not. A person imagines himself to be Hercules or Alexander, or a person imagines himself to be like the gallant, fictional heroes he admires.

Likewise, we can recognize a clear connection between well-grounded glory and simple imagination. When a person experiences well-grounded glory, he imagines his power as it really is. And since, for Hobbes, “The power of a man . . . is his present means to obtain some future apparent good” (L: 10.1), the person who experiences well-grounded glory has an accurate representation of his own ability, his own means to obtain those things he desires.

Section 6.2.2: First Definition Of Magnanimity, Achilles and Socrates

Now, in light of these discussions, we can better understand Hobbes’ definition of magnanimity and how it captures the important similarity between Achilles and Socrates mentioned earlier. Please note, again, that I do not contend that Hobbes intended to capture this similarity. But it remains useful, for the sake of understanding, to recognize that it does.

As suggested, for Aristotle, both Achilles and Socrates possess magnanimity insofar as each man “thinks himself, and is, worthy of great things.”¹³⁹ Both Achilles and Socrates have an accurate understanding of their own substantial power. Now, in

¹³⁹ Aristotle, *Nicomachean Ethics*, 1123b.

light of our discussion of glory, it should be clear that Hobbes' magnanimous man also possesses the same self-consciousness:

[Magnanimity] Magnanimity is no more than glory, of which I have spoken in the first section; but glory well grounded upon certain experience of power sufficient to attain his end in open manner (EL: 9.20)

The magnanimous man, according to Thomas Hobbes, is he who experiences well-grounded glory. That is, the magnanimous man has an accurate representation of his own power. His imagination of his power is simple and true rather than compounded and false.

And, further, for Thomas Hobbes, the magnanimous person has truly substantial power. For a person to experience any sort of glory, he must have "a conception of [his] own power, above the power of him that contendeth with [him]" (EL: 9.1). That is, for a person to experience glory, he must believe that his power is more substantial than that of his competitors. And, since the magnanimous person's glory is well-grounded, his conception of his power is accurate. That is, he is correct that his power is greater. Just so, for Hobbes, the magnanimous person, like Achilles and Socrates, has an accurate understanding of his own substantial power.

Thomas Hobbes is also clear about the relationship between grand, historical characters (like Achilles and Socrates) and his two different kinds of glory, and compounded imagination. Consider, again, the following two passages:

1. The vain-glory which consisteth in the feigning or supposing of abilities in ourselves, which we know are not, is most incident to young men and nourished by the histories or fictions of gallant persons (L: 6.41).
2. . . . compoundeth the imagine of his own person with the image of the actions of another man, as when a man imagines himself a Hercules or Alexander (which happenth often to them that are much taken with the reading of romances) (L: 2.4).

Some vainglorious men, it seems, feign or suppose that they have the abilities of heroes like Hercules and Alexander (and perhaps Socrates and Achilles as well?). They imagine themselves to enjoy abilities they don't have, and rely on poorly grounded, non-relational glorying. But what of Hercules, Alexander, Socrates and Achilles themselves? When they imagine themselves to have power, and take pleasure in it, they rely on well-grounded, relational glorying. These men are glorious, and not vain glorious. And, as a result, these men are far more magnanimous.

Section 6.2.3: The First Definition of Magnanimity and Leviathan

In *Leviathan*, Hobbes does not define “magnanimity” as he does in *The Elements of Law*. Rather, in *Leviathan*, Hobbes defines “magnanimity” as: “*Contempt* for little helps and hindrances” (L: 6.26). In **Sections 6.3 and 6.4**, I will discuss this definition at length. For now, I will argue that, while Hobbes’ *Leviathan* does not explicitly define “magnanimity” as he does in *The Elements of Law*, *Leviathan* remains clear that the magnanimous man, by his nature, experiences well-grounded glory.

My argument for this conclusion runs as follows: Hobbes is clear that pusillanimous men, by their nature, experience vainglory and laugh at the defects of others. For Hobbes, pusillanimity is the contrary of magnanimity, and if it is the nature of pusillanimous men to experience vainglory, then this is not the kind of glory magnanimous men experience. Thus, if magnanimous men experience any kind of glory, then they experience well-grounded glorying.

Section 6.2.3.1: In Defense of Premises

To begin, consider how Hobbes defines “sudden glory” and laughter;

Sudden Glory is the passion which maketh those *grimaces* called LAUGHTER, and is caused either by some sudden act of their own that pleaseth them or by the apprehension of some deformed thing in another by comparison whereof they suddenly applaud themselves. And it is incident most to them that are conscious of the fewest abilities in themselves, who are forced to keep themselves in their own favour by observing the imperfections of other men. And therefore much laughter at the defects of others is a sign of pusillanimity. For great minds one of the proper works is to help and free others from scorn, and compare themselves only with the most able.

Remember that, as suggested in **Section 6.2.2**, there are two kinds of glorying, well-grounded glory and vainglory. In light of this, we can notice, as Jose Benardete has also suggested,¹⁴⁰ that this new passage also seems to capture a very similar distinction.

Some people glory in their own power, and take joy in their own ability. Such people, it can be imagined, might be so pleased by their own power and actions that they laugh out loud. They “maketh those grimaces called LAUGHTER,” and their laughter is caused by some “act of their own that pleaseth them.” These people enjoy glory grounded in their own ability, and their laughter is grounded in their own activity and what they like about themselves.

In contrast, some people laugh at the defects of others. These people, who are generally conscious of having few or no personal abilities, cannot enjoy well-grounded glorying. To experience glorying grounded in their power and ability, these individuals would need to possess real powers and abilities, and these sorry individuals recognize themselves to have few or none! Any glory they experience is ungrounded vainglory, and their grimaces of laughter are caused, as Hobbes suggests, by “the apprehension of some deformed thing in another by comparison whereof they suddenly applaud themselves.” They glory in power they don’t actually have, and they do not laugh in

¹⁴⁰ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

response to any activity they actually perform or out of any true appreciation of their own power. Instead, their sudden glory, their laughter, requires people external to them, and it is petty; they laugh after recognizing the flaws of others. Sometimes, the flattery of others supports a person's vainglory, and sometimes the imperfections of others cause a person to laugh.

As the passage suggests, the pusillanimous man is he who laughs at the imperfections of others. So it seems pusillanimity is associated with vainglory and petty laughter. In fact, Hobbes is explicit about this connection in *The Elements of Law*, when he writes:

Whatsoever therefore is a sign of vain glory, the same is also a sign of pusillanimity: for sufficient power maketh glory a spur to one's end. To be pleased or displeas'd fame true or false, is a sign of the same . . . To be at enmity and contention with inferiors, is a sign of the same, because it proceedeth from want of power to end the war. **To laugh at others, because it is affection of glory, from other men's infirmities, and not from any ability of their own** (EL: 9.20, emphasis added).¹⁴¹

Petty laughter and vainglory are associated with pusillanimity, which, according to Hobbes, is the: "*Desire* of things that conduce but a little to our ends, and fear of things that are of but little hindrance" (L: 6.25). So not only does the pusillanimous man desire things that won't much help him reach his goals, he also imagines himself to have greater power than he actually does.

In light of these considerations, can we say anything about magnanimity? Can we draw any conclusions about it? We can, if we consider the argument Hobbes proposes at the end of the passage, concerning laughter, which was cited above:

¹⁴¹ To repeat a textual note: In the edition of *Leviathan* to which I frequently refer makes frequent use of *italics*. So, when I, myself, have chosen to add an emphasis, I have opted to **bold text** instead. For the sake of consistency, I have done this even when emphasizing portions of Hobbes' other works.

And therefore much laughter at the defects of others is a sign of pusillanimity. For great minds one of the proper works is to help and free others from scorn, and compare themselves only with the most able (L: 6.42).

How is this argument meant to work? Why, in fact, is petty laughter a sign of pusillanimity? At first, the argument might seem to proceed as follows:

1. Great minds (magnanimous men) “help and free others from scorn, and compare themselves only with the most able.”
2. People who laugh at the defects of others don’t “help and free others from scorn” or “compare themselves only with the most able.”
3. **Therefore:** People who laugh at the defects of others are pusillanimous.

But this argument is invalid. After all, perhaps the people who laugh at the defects of others are neither magnanimous nor pusillanimous. Perhaps they belong to a third category. So, it seems, this argument needs to be reconsidered; it seems to require that pusillanimity be the contrary to magnanimity.

1. Magnanimity is the contrary of pusillanimity, and if anyone does the opposite of what a magnanimous man does, then he is pusillanimous.
2. People who laugh at the defects of others do the opposite of what magnanimous men do. (Magnanimous men compare themselves only with the most able.)
3. **Therefore:** People who laugh at the defects of others are pusillanimous.

Jose Benardete, too, suggests that pusillanimity is the contrary of magnanimity, though he does not draw this conclusion from a consideration of Hobbes’ discussion of sudden glory in paragraph 42. Rather, Benardete supports this interpretation on the basis of historical precedent, since Thomas Aquinas, whom Edwin Curley suggests affected Hobbes’ philosophical thought, also treated the terms as contraries.¹⁴²

¹⁴² Thomas Aquinas writes: “**On the contrary**, Pusillanimity and magnanimity differ as greatness and littleness of soul, as their very name denote. Now great and little are opposites. Therefore pusillanimity is opposed to magnanimity. **I answer that**, Pusillanimity may be considered in three ways. First, in itself, and thus it is evident that by its very nature it is opposed to magnanimity, from which it differs as great and little differ in connection with the same subject.” (*Summa Theologica*, Q. 133, Art. 2, <http://www.newadvent.org/summa/3133.htm>).

As a final piece of evidence that, for Hobbes, the terms are contraries, we can also consider the following passage:

Magnanimity, liberality, hope, courage, and confidence are honourable; for they proceed from the conscience of power. Pusillanimity, parsimony, fear, diffidence, are dishonourable (L: 10.40).

Here, it appears that Hobbes is providing two lists of contraries. While the first list has five terms while the second had only four, it still seems as if the structure of Hobbes' language pairs honorable traits with their contrary, dishonorable traits: "magnanimity" with "pusillanimity"; "liberality" with "parsimony"; and "confidence" with "diffidence."

When this argument is considered in light of my other arguments with the same conclusion, and when one considers that the etymological structure of "magnanimity" and "pusillanimity" makes them likely candidates as opposites ("magnanimity" and "pusillanimity") it is clear that Hobbes is using the terms as contraries.

Now, in light of this, considering that the pusillanimous man experiences petty laughter and vainglory, what can we say about the magnanimous man? Since magnanimity is the contrary of pusillanimity, perhaps we can say that the magnanimous man never experiences vainglory, and only ever experiences well-grounded glorying. If the magnanimous man enjoys sudden glory at all – if he grimaces in laughter in response to glory – his sudden glory cannot be caused by the apprehension or defects in others! No, he must enjoy the other kind of sudden glory, which is caused by one of his own actions that pleases him.

Even if it were logically possible for a magnanimous man to exhibit vainglory, it certainly wouldn't be fitting. First and foremost, according to *The Elements of Law*, anything that is a sign of vainglory is also a sign of pusillanimity. If a magnanimous man

acted vaingloriously, he would be giving a sign of a pusillanimity that doesn't belong to him.

Further, vainglorious men tend to require other men to lend support to their glory. Vainglory is often based on flattery and vainglorious laughter requires other men's faults. But the magnanimous man, who typically exhibits well-grounded glorying, glories and laughs at his own power. He doesn't clearly need other people for his glory.

Finally, vainglorious, pusillanimous men who laugh at the defects of others either don't find themselves powerful or aren't actually powerful. They are "conscious of the fewest abilities in themselves" (L: 6.42). On the contrary, magnanimous men enjoy well-grounded glorying, which, by its nature, requires them to be powerful and to recognize their own power.

Section 6.3: Achilles and Socrates, An Introduction To Hobbes' Second Definition

Having discussed Hobbes' first definition of "magnanimity," which appeared in *The Elements of Law*, it is almost time to address the second definition of *Leviathan*. But again, in order to best understand this definition, it will be valuable to consider how it, like the first definition, captures an important similarity between Achilles and Socrates.

The similarity it captures, I maintain, is one that was discovered and appreciated by Plato. In Plato's *Apology*, Socrates compares himself to Achilles in the following way:

Someone will say: And are you not ashamed, Socrates, of a course of life which is likely to bring you to an untimely end? To him I may fairly answer: There you are mistaken: a man who is good for anything ought not to calculate the chance of living or dying; he ought only to consider whether in doing anything he is doing right or wrong – acting the part of a good man or of a bad. Whereas, according to your view, the heroes who fell at Troy were not good for much, and the son of Thetis above all, who altogether despised danger in comparison with disgrace . . .

he . . . utterly despised danger and death, and instead of fearing them, feared rather to live in dishonor, and not to avenge his friend . . . Had Achilles any thought of death and danger? For wherever a man's place is, whether the place which he has chosen or that in which he has been placed by a commander, there he ought to remain in the hour of danger; he should not think of death or of anything, but of disgrace. And this, O men of Athens, is a true saying.¹⁴³

This passage clearly focuses on the intolerance for dishonor that Aristotle claims makes Achilles magnanimous.¹⁴⁴ Achilles would rather die than live in dishonor and disgrace. But how does this passage relate Achilles' magnanimous trait to Socrates'? How are the two figures similar?

Why can't Achilles tolerate dishonor, and why does Socrates have the trait that makes him magnanimous, namely his indifference to misfortune?¹⁴⁵ According to the passage above, Achilles can't tolerate dishonor because he is so focused on honor and disgrace. For Achilles, nothing else is nearly as important. As Plato points out, Achilles would rather die than face disgrace. For his part, Socrates doesn't care about fortune (in the case of this passage, whether he will live or die), because he is only focused on whether he and others are doing right or wrong. Nothing else is nearly as important. As Plato points out, Socrates would rather die than do wrong.

Just so, it appears that Socrates' indifference to fortune and Achilles' intolerance for dishonor do share something in common. Both are born of a strong dedication to a goal (to doing good, to being honorable) such that everything else, even death, pales in comparison. Both are wholeheartedly dedicated to their goals, and don't concern themselves with anything that doesn't significantly advance or hinder these goals.

¹⁴³ Plato, *Apology*, trans. Benjamin Jowett. Available online at: <http://classics.mit.edu/Plato/apology.html>

¹⁴⁴ Aristotle, *Posterior Analytics*.

¹⁴⁵ Aristotle, *Posterior Analytics*.

Recall that, for Aristotle, Socrates and Achilles have the same sort of magnanimity if and only if Achilles' intolerance for dishonor and Socrates' indifference to fortune have something in common. Thus, since these things do share something in common, the two men have the same sort of magnanimity. Achilles, the warrior, and Socrates, the philosopher, are not so different after all.

Section 6.4: Thomas Hobbes and A Different Sort of Hero

Hobbes must now break with ancient traditions, and disagree with some part of what those traditions consider heroic. For Hobbes, as I will most directly argue in **Chapter 7**, each and every person most strongly desires his own self-preservation. That said, when Achilles and Socrates maintain that they desired other things to a greater degree, they must be mistaken. And, as I will argue in **Chapter 9**, a person cannot be reasonable or act reasonably, if he ever behaves as if self-preservation is not one of his chief concerns. Likewise, in that chapter, I will argue that such a person couldn't be counted genuinely just or magnanimous, either. So, for Thomas Hobbes, neither Socrates nor Achilles could be considered genuinely magnanimous.

The importance of this note should not be ignored! I have no doubt that Hobbes' conception of magnanimity shares a great deal with ancient accounts. And these similarities are valuable to recognize, in order to additionally see just how extreme and heroic Hobbes' just and magnanimous person must be. But, at the same time, Hobbes is not entirely agreeing with the writers who came before him. He is breaking with them as well. For Hobbes, Achilles and Socrates would, I suspect, be *far more* magnanimous than the average person, but would still fall short of ideal.

So how can we understand Hobbes' magnanimous person now, in light of this difference? Just imagine someone very much like Socrates or Achilles, but who is truly dedicated to self-preservation, instead of to honor or to "the good." Further, imagine that this individual continuously makes choices that can best help him achieve the greatest felicity in life. Grant this person the same sort of courage, and whole-hearted pursuit of goals that either Socrates or Achilles experienced. And there you have Hobbes' hero, the genuinely magnanimous, reasonable person.

Section 6.5: Thomas Hobbes' Second Definition of Magnanimity

While Hobbes does not accept that a magnanimous person could ever reasonably act as if honor or "the good" were more important than self-preservation, I contend that Hobbes does, on a more general level, agree that magnanimity relates to the dedication to which one pursues one's ends. For Hobbes, a magnanimous person doesn't concern himself with anything that doesn't have a significant impact on whether he will achieve his ends or not. This much Hobbes accepts, even if he feels that a person must greatly desire and be concerned with his self-preservation.

Perhaps Hobbes doesn't take this idea – of the wholehearted pursuit of ends – from Aristotle or Plato. But he would agree with it nonetheless. In order to recognize that Hobbes adopts this standpoint, we need to arrive at a complete understanding of his second definition of "magnanimity," which appears in *Leviathan*. That definition reads:

Contempt for little helps and hindrances, MAGNANIMITY (L: 6.26).

Now, in order to understand this definition, it is important to understand Hobbes' definition of "contempt":

Those things which we neither desire nor hate, we are said to *contemn*: CONTEMPT being nothing else but an immobility or contumacy of the heart . . . that . . . is already moved otherwise by other more potent objects (L: 6.5).

In light of this, it should be clear that the magnanimous man who contemns little helps and hindrances neither desires nor hates them. The magnanimous man neither desires nor hates anything that will not help or hinder his endeavors to reach his ends.

Hobbes clearly considers any endeavor toward something a desire (L: 6.2), and he suggests that people hate whatever they either have an aversion to or endeavor away from (L: 6.2-3). In light of these considerations, we can also recognize that the magnanimous man neither endeavors toward nor away from little helps and hindrances. And, since all of man's passions are endeavors toward or away from things, we can conclude that the magnanimous man feels nothing for little helps and hindrances. They are nothing to him.

As it stands, Hobbes' notion of magnanimity might seem to be strictly negative. It might seem as if we only know what the magnanimous man doesn't do. He doesn't desire those things that don't conduce greatly to his ends, and he doesn't hate those things that would hinder him only a little. But what does the magnanimous man do, instead? Would someone who desires and hates nothing, and thus also has a contempt for little helps and hindrances, be magnanimous? Or would the magnanimous man, who contemns little helps, need to desire great ones?

I agree with Jose Benardete, that the magnanimous man would need to desire those things that conduce greatly to his ends and hate those things that hinder him greatly.¹⁴⁶ We can already recognize this, simply by considering Hobbes' definition of contempt. In order for the magnanimous man to have contempt of little helps and hindrances, his heart must be "moved otherwise by other more potent objects" (L: 6.5).

¹⁴⁶ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

This suggests that, in order to condemn one thing, you must have strong feelings for another. And, in light of this, since the magnanimous man feels nothing for little helps and hindrances, it should be clear that the magnanimous person does have strong feelings for big helps and big hindrances. As Jose Benardete suggests, if we are magnanimous men, we: “endeavor toward helps that conduce greatly to our ends and fear [hate] only of hindrances that conduce greatly to their frustration.”¹⁴⁷

Provided this is correct, we can recognize that Hobbes’ second definition of “magnanimity” captures the similarity between Achilles and Socrates that Plato had recognized. For Hobbes, the magnanimous man, like Achilles or Socrates, is concerned only with those things that have a significant impact on whether he will achieve his desires. He doesn’t sweat the small stuff; he doesn’t concern himself with anything that won’t significantly advance or hinder him.

Section 6.5.1: Thomas Hobbes’ Long Definition of Magnanimity

In order to better establish this, it will be important to provide even more evidence that, for Hobbes, the magnanimous man does in fact endeavor toward things that conduce greatly to his ends and away from those things that hinder him greatly. In order to establish this, we can further consider Thomas Hobbes’ definitions of “magnanimity” and “pusillanimity.”

Based on these definitions, Jose Benardete correctly infers that there is a more complex notion and definition of magnanimity at work in Hobbes’ philosophy.

Benardete defines magnanimity as the:

¹⁴⁷ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

ENDEAVOR [ONLY] TOWARD THINGS THAT CONDUCE GREATLY AS HELPS TO ONE'S ENDS, AND COURAGE IN RESISTING EVEN FAIRLY GREAT HINDRANCES TO THEM.¹⁴⁸

Jose Benardete establishes this definition in a number of steps. First, he recognizes that, as argued in **Section 6.2.3.1**, “magnanimity” and “pusillanimity” are contraries.¹⁴⁹ Second, he works backwards from Hobbes’ definition of “pusillanimity,” in order to arrive at a more complex definition of “magnanimity.”

Benardete notes that: “Given contraries C1 and C2, the definition, or analysis, of the one must square with the other.”¹⁵⁰ That is, if we recognize that two terms are contraries, we should be able to arrive at a definition/analysis of one by considering the other. We should be able to understand the two definitions/analyses as opposites. So, in light of this, let’s once again consider Hobbes’ definition of “pusillanimity”:

Desire of things that conduce but little to our ends, and fear of things that are but of little hindrance (L: 6.25).

Now, in light of this, we might consider the opposite notion of magnanimity in the following way: desire only of things that conduce greatly to our ends, and fear only of things that are great hindrances.

If we recognize that desires are just endeavors toward things and that Hobbes understands magnanimity in terms of helps and hindrances, we can further understand that magnanimity is the: endeavor toward things that conduce greatly as helps to our ends, and fear only of things that are great hindrances.

¹⁴⁸ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

¹⁴⁹ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

¹⁵⁰ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

Yet Benardete suggests that it doesn't seem right to say that the magnanimous man **fears** great hindrances.¹⁵¹ While Benardete does not elaborate much further on why the notion of fear is inappropriate in an analysis of magnanimity, the reason is fairly clear: fear is a defining characteristic of the pusillanimous man, not the magnanimous man. We shouldn't understand the magnanimous man in terms of his fear. Rather, we should understand him in terms of his courage.

In fact, as Leo Strauss points out, Thomas Hobbes even seems, on occasion, to use "magnanimity" and "courage" as synonyms.¹⁵² Beyond this, both courage and magnanimity arise from an accurate assessment of one's own power. It should be clear, from the discussion in **Section 6.2**, that magnanimity proceeds from this, and Hobbes also claims that courage, too, "proceed[s] from the conscience of power" (L: I.10.40). Finally, we can also note that, by definition, the truly magnanimous man also possesses courageous qualities like valor and fortitude: "*Magnanimity* in danger of death or wounds, Valour, FORTITUDE" (L: 6.27).

In light of this, it seems appropriate to understand magnanimity in terms of the magnanimous man's courage in resisting hindrances, rather than his fear.¹⁵³ Since the

¹⁵¹ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

¹⁵² Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Chicago: Chicago University Press, 1963), 53. Also see EL: 19.2.

¹⁵³ In Jose Benardete's different argument for this conclusion, he incorrectly maintains that, for Hobbes, "courage" is the contrary of "fear." In fact, "hope" is the contrary of "fear." To get a sense of why, we could compare the pair of definitions for "hope" and "despair" to the pair for "fear" and "courage":

For *appetite* with an opinion of attaining is called HOPE.
The same, without such opinion, DESPAIR (L: 6: 14-15).

Aversion, with opinion of *hurt* from the object, FEAR.
The same, with hope of avoiding that hurt by resistance, COURAGE (L: 6.16-17).

Note how similar the pairs are, in their language. The first pair's phrase: "with the opinion of attaining," becomes, in the second pair: "with the opinion of hurt." Note, too, that the first pair's phrase:

magnanimous man has no aversion to **little** hindrances, and since he does experience the aversion called “courage,” we can imagine that the magnanimous man must face **great** hindrances with this passion. And so, finally, we arrive at Jose Benardete’s long definition of “magnanimity”:

ENDEAVOR [ONLY] TOWARD THINGS THAT CONDUCE GREATLY AS HELPS TO ONE’S ENDS, AND COURAGE IN RESISTING EVEN FAIRLY GREAT HINDRANCES TO THEM.¹⁵⁴

In light of this understanding, it should be clear how Hobbes’ magnanimous man relates to Achilles and Socrates. Like them, Hobbes’ magnanimous man only concerns himself with what is truly important to him. Those things that wouldn’t help or hinder him much are irrelevant, and he treats them that way.

Section 6.6: Thomas Hobbes and The Ancient Magnanimity

Overall, Thomas Hobbes’ notion of magnanimity is very similar to that of the ancient thinkers, and it is particularly similar to Aristotle’s. No doubt, and to repeat, there is a very important difference: Hobbes suggests that the magnanimous person must, in fact, act with a great concern for his own self-preservation. But, that significant difference aside, Hobbes’ considerations do resemble the ancients’ thoughts in many different respects.

“the same, without,” becomes, in the second pair: “the same, with.” These changes seem necessary because the first pair deals with appetite, while the second pair deals with aversion.

Hobbes’ language seems to demand his audience to consider the two pairs in similar ways. Further, since the language of “hope” is similar to the language of “fear,” we are drawn to compare these two terms and their definitions. When we do, we discover that they are contraries. “Appetite” is to one as “aversion” is to the other. “Attaining” is to one as “hurt” is to the other. Each term seems to be the opposite of the other.

¹⁵⁴ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

I have already suggested that Hobbes' notion is similar to Aristotle's, insofar as both philosophers emphasize that the magnanimous man is accurately aware of his own great power. I will now focus on other similarities.

As already suggested, Aristotle stressed that magnanimity explicitly has to do with honor.¹⁵⁵ For Hobbes, too, there is a close tie between these notions. Where magnanimity relates to the conception of one's *own* power, honor "consisteth in the inward thought and opinion of the power and goodness of another" (L: 31.8). Further, the magnanimous man is necessarily well honored. The same signs that allow him a well-grounded conception of his own power also guarantee him honor from others:

The signs by which we know our own power are those actions which proceed from the same; and the signs by which other men know it, are such actions, gesture, countenance and speech, as usually such powers produce: and the acknowledgement of power is called HONOUR; and to honour a man (inwardly in the mind) is to conceive or acknowledge, that the man hath the odds or excess of power above him that contendeth or coropareth himself. And HONORABLE are those signs for which one man acknowledgeth power or excess above his concurrent in another (EL: 8.5).

Further, the magnanimous man also possesses many honorable traits. As already suggested, Hobbes claims that the magnanimous man has courage. Further, since liberality is: "*Magnanimity* in the use of riches," it should be clear that the magnanimous man has this trait. Additionally, since the magnanimous man's glorying is well-grounded, and since glorying "grounded upon the experience of his own former actions is the same with confidence" (L: 6.39), it follows that the magnanimous man also possesses confidence. And finally, since confidence is "constant *hope*" (L: 6.39), the magnanimous man is hopeful. And all of these traits are, according to Hobbes, honorable, while all of the contrary traits, held by the pusillanimous man, are dishonorable:

¹⁵⁵ Aristotle, *Nichomachean Ethics*, 1123b.

Magnanimity, liberality, hope, courage, [and] confidence are honourable; for they proceed from the conscience of power. Pusillanimity, parsimony, fear, diffidence, are dishonourable (L: 10.40).

Additionally, actions “proceeding from equity, joined with loss, are honorable and signs of magnanimity” (L: 10.46). And finally, timely resolution is honorable “as being the contempt of small difficulties and dangers” (L: 10.41). This amounts to saying that determining what one is to do in a timely fashion is also honorable as a sign of magnanimity; after all, according to *Leviathan*’s definition, magnanimity is the “contempt of little helps and hindrances” (L: 6.26).

In light of these considerations, it might also appear that for Hobbes, as for Aristotle, the magnanimous man is the ideal man. Aristotle clearly implies that this is the case. It is only possible for a man to be truly great-souled if he possesses all of the other excellences, and magnanimity is, in a sense, the crowning virtue.¹⁵⁶ For Hobbes, while this isn’t as obvious, I maintain that it is also true. I’ve already suggested that Hobbes’ magnanimous man is honorable, confident, hopeful, liberal and courageous. And, earlier, I argued that he has the qualities of valor and fortitude. In the next chapter, I will argue that the magnanimous man is noble and heroic as well, and that magnanimity is the source of the virtue of justice.

Provided I can arrive at this conclusion, I will have shown another clear connection between the ancient notion of magnanimity and Thomas Hobbes’ notion. In this chapter, I suggested that Hobbes’ definitions of “magnanimity” capture two important similarities between Socrates and Achilles. First, the magnanimous man, like these figures, has an accurate understanding of his own substantial power. Second, like

¹⁵⁶ Aristotle, *Nicomachean Ethics*, 1124a.

Socrates and Achilles, the magnanimous man only cares for those things that will either significantly advance his ends or significantly hinder him.

Section 6.7: Conclusion and Beyond

This chapter sets up and explores Thomas Hobbes' notion of magnanimity. While this project has value in itself, it is far more important to this work for its instrumental value. On the basis of the notion set up here, I will be able to argue, in the next chapter, that a person is truly just if and only if he is magnanimous. I will also be able to argue, in **Chapter 8**, that since it is reasonable and beneficial to be magnanimous, it is also reasonable and beneficial to be truly just.

Chapter 7. Why The Just Person is the Magnanimous Person

This chapter will argue that, for Hobbes, the notion of a just person is identical to the notion of a magnanimous person. A person is just if and only if he is magnanimous. On the basis of this argument, in the next chapter I will argue that, since it is always beneficial and reasonable to be magnanimous, it is always reasonable and beneficial to be just.

The first part of this chapter will provide textual evidence that suggest that the magnanimous man is the just man. The second part will explain *why* Hobbes might have closely linked the two notions. The third will justify an earlier premise, and the fourth will defend my interpretation against the counter-argument that the magnanimous man cannot be identical to the just man, because the magnanimous person is, by his nature, prideful. I will argue that the magnanimous person is not, in fact, prideful at all.

Section 7.1: Textual Evidence, *Magnanimity and Justice*

In order to recognize the connection between magnanimity and justice, we should once again consider Hobbes' discussion of the just person in *Leviathan*:

The names of *just* and *unjust*, when they are attributed to men . . . signify conformity or inconformity to manners of reason . . . **That which gives human actions the relish of justice is a certain nobleness or gallantness of courage**, rarely found, by which a man scorns to be beholding for the contentment of his life to fraud or breach of promise. This justice of the manners it that which is meant where justice is called a virtue; and injustice, a vice (L: 15.10, emphasis added).

I agree with Leo Strauss that the “nobleness or gallantness of courage” cited in this passage is magnanimity, and that this passage attributes the virtue of justice to at

least some magnanimous men.¹⁵⁷ In fact, according to the emphasized section, it even seems as if magnanimity is the source of, and a necessary prerequisite for, the virtue of justice.

Beyond the inherent plausibility of understanding nobleness and gallantness of courage as magnanimity, there are more specific reasons for believing that Strauss' interpretation is correct. First, as already suggested, the magnanimous person is courageous. Further, gallantness of courage and magnanimity both have similar relationships to injustice. The person who possesses gallantness of courage "scorns to be beholding . . . to fraud or breach of promise" (L: 15.10). Similarly, Hobbes writes that the magnanimous person has: "contempt of unjust or dishonest helps" (L: 8.12). While gallantness of courage is drawn in contrast with fraud or breach of promise, Hobbes suggests that magnanimity stands in contrast to "craft, shifting, and neglect of equity" (L: 10.46), which are dishonorable and signs of pusillanimity, or smallness of soul (L: 8:12). Gallant and magnanimous attitudes for injustice are similar, filled with scorn or contempt.

We can further connect the just man's gallantness of courage with magnanimity by considering a passage from Hobbes' *Behemoth*, in which he critiques members of parliament, writing:

- C. If craft be wisdom, they were wise enough. But *wise*, as I define it, is he that knows how to bring his business to pass (without the assistance of knavery and ignoble shifts) by the sole strength of his good contrivance. A fool may win from a better gamester, by the advantage of false dice.
- D. According to your definition, there be few wise men now-a-days. Such wisdom is a kind of gallantry, that few men are brought up to, and most think folly (B: p. 38).

¹⁵⁷ Strauss, *The Political Philosophy of Hobbes*, 54.

Here, as argued in **Chapter 1**, the wise man seems to be the just man, complete with his rare gallantry. But this passage also employs much of the same language Hobbes uses, when he describes magnanimity in *Leviathan*:

To prudence, if you add the use of unjust or dishonest means, such as usually are prompted to men by fear or want, you have the crooked wisdom which is called CRAFT, which is a sign of pusillanimity. For magnanimity is contempt of unjust or dishonest helps. And that which the Latins call *versutia* (translated into English, *shifting*) . . . is but a shorter-sighted craft (L: 8.12).

Just as, in *Behemoth*, Hobbes contrast justice with false wisdom, craft, and ignoble shifts, in *Leviathan*, Hobbes contrasts magnanimity with the same. In *Behemoth*, Hobbes writes that: “if craft be wisdom, they were wise enough.” In *Leviathan*, he writes of the “crooked wisdom which is called CRAFT.” In *Behemoth*, Hobbes claims that the just man doesn’t resort to ignoble shifts. In *Leviathan*, the magnanimous man doesn’t resort to dishonest helps or shifting. The passages heavily relate pusillanimity to foolishness, and magnanimity to justice and wisdom. In light of this and the other evidence connecting the magnanimous man to the just man, it looks more and more as if they are one and the same.

With the help of Leo Strauss’ interpretation and arguments, we can further link these two notions. Earlier, I suggested that the just person’s “nobleness or gallantness of courage” is in fact magnanimity – that the just person must be magnanimous. Strauss provides good evidence linking the notions of nobility and magnanimity. Strauss first draws a strong connection between nobility, heroism and honor, and then he draws a he draws additional strong connections between all of these notions and magnanimity.

What are the relationship between nobility, heroism and honor? First, Hobbes maintains that nobility is honorable (EL: 8.5). Further, Hobbes seems to sometimes

conflate the notions of heroism and nobility, as when, for instance, he praises the Cavendish family for exhibiting “heroic virtue” insofar as it exhibits noble, aristocratic virtue and honor.¹⁵⁸ Further, Strauss cites texts showing that, for Hobbes, heroes exhibit nobility. For example, in the introduction to his translation of Homer’s *Iliad* and *Odyssey*, Hobbes writes:

I intend not here any accession of wealth, either to the poet, or to the reader, but accession of prudence, justice, and fortitude, by the example of such great and noble persons as he introduceth speaking, or describeth acting . . . Also, the names of instruments and tools of artificers, and works of art, though of use in the Schools, are far from being fit to be spoken by a hero. He may delight in the arts themselves, and have skill in some of them, but his glory lies not in that, but in courage, nobility, and other virtues of nature, or in the command he has over other men (p. iii).¹⁵⁹

Finally, Strauss considers the qualities Hobbes attributes to heroes overall (“valour, noble descent, beauty, love, authority, wisdom, the art of division, ambition”¹⁶⁰), and points out that:

In his ethics, Hobbes treats of those very virtues under the heading, ‘Honour.’ He says there: “Honorouable are . . . beauty of person, consisting in a lively aspect of the countenance . . . as also, general reputation amongst those of the other sex . . . and actions proceeding from strength of body and open force . . . such as are victory in battle or duel . . . Also to adventure upon great exploits in danger . . . And to teach or persuade . . . And nobility . . . And authority.” Thus, the meaning of ‘heroic virtue’ and ‘honour’ coincide completely.¹⁶¹

Here, then, we see that nobility and heroism completely coincide with honor. But how does magnanimity relate to honor? As suggested in the previous chapter, the magnanimous man possesses heroic ‘virtues’ like courage and fortitude, as well as other

¹⁵⁸ Strauss, *The Political Philosophy of Hobbes*, 45. Also see Hobbes’ dedication in his translation of Thucydides’ *Peloponnesian War*. Hobbes, *The Peloponnesian War: The Complete Hobbes Translation with Notes and a New Introduction by David Grene*. (Chicago: The University of Chicago Press, 1989).

¹⁵⁹ Thomas Hobbes, “To The Reader: Concerning the Virtues of An Heroic Poem,” in *The Iliads and Odysseys of Homer Translated out of the Greek Into English by Thomas Hobbes of Malmesbury With a Large Preface Concerning the Virtues of an Heroic Poem Written by the Translator*, in *The English Works of Thomas Hobbes of Malmesbury*, Vol. X, ed. Sir William Molesworth, Bart. (London: J. Bohn, 1843).

¹⁶⁰ Strauss, *The Political Philosophy of Hobbes*, 48.

¹⁶¹ Strauss, *The Political Philosophy of Hobbes*, 48.

“virtues of nature.” Further, like a hero, the magnanimous man experiences well-grounded glorying, glory grounded in his heroic qualities. And beyond that, the magnanimous man is honorable, possessing numerous traits the signs of which allow he and others to be conscious of his true power. In many respects, he is much like the hero Achilles who, as argued, possessed many of the qualities just described.

Thus, the notions of nobility, heroism, and magnanimity are strongly linked. This gives us even better reason to think that the just person’s “nobleness or gallantness of courage” is in fact magnanimity. In light of this and the other evidence presented earlier (the similar ways in which magnanimous and just people view justice, etc.), we have excellent reason to think that the just person is in fact nothing more than the magnanimous person.

Section 7.2: Why Are They Identical?

In this section, I will explain why Hobbes might have claimed that these kinds of people are identical. To do so, it is important to once again consider the magnanimous person, but to focus now on his ends.

In **Section 7.4**, I will provide a lengthy discussion defending the claim that, according to Hobbes, each and every person desires his own self-preservation more than anything else. A person might not care about anyone else’s preservation, but he certainly desires his own. Now, in light of this, it should be clear that the magnanimous person, too, desires his own self-preservation very highly.

Imagine a magnanimous person for whom his self-preservation is his sole and only “final” end. Of course, he may have other ends, which he views as instrumentally

valuable for his self-preservation. Now consider: how would this “one-end” magnanimous person act?

Recall, from **Chapter 6**, that the magnanimous person endeavors only toward things that conduce greatly to his ends and show courage in resisting great hindrances to them. Further recall, from **Chapter 4**, that peace is a necessary means to self-preservation. We can also remember that, for Hobbes, the means to peace are the virtues of justice, gratitude, modesty, etc. Just so, since the “one-end” magnanimous person would endeavor toward things that are conducive to his ends, the “one-end” magnanimous person would endeavor to possess the virtue of justice. That is, he would endeavor to be a just person.

Of course, we have not yet concluded that all magnanimous people would strive for justice. What about the magnanimous person who has a number of different ends – a “many end” magnanimous man? Naturally, of course, since every person desires his self-preservation most highly, we should imagine that this magnanimous person would as well. But let’s further suppose that, while the virtue of justice is conducive to peace and self-preservation, it isn’t conducive to some of his other goals. Would this magnanimous person nonetheless strive to possess the virtue of justice?

I think that, for Hobbes, any magnanimous person would. I have good reason to believe this; the textual evidence in **Section 7.1** leads me to believe that, for Hobbes, the magnanimous person is the just person, and vice versa.

But, leaving aside that textual evidence, Hobbes’ theory itself provides additional justification. First, recall from **Chapter 5**, that to acquire or lose the virtue of justice requires a substantial amount of time and effort. Just so, if someone were to lose or forgo

acquiring the virtue of justice for the sake of some of his ends, he would lack that virtue for quite a while. There would be a substantial period of time in which the person would fail to possess that which is the means for his greatest goal, namely self-preservation.

In effect, the person would forgo the pursuit of his greatest goal for the sake of his lesser ones. I don't think that the magnanimous person could do this, and I suspect Hobbes would agree. I imagine that, for Hobbes, such a person would be petty or trifling, like a pusillanimous man rather than a magnanimous one.

I ultimately suspect that this is why the magnanimous person must be just. Certainly, the magnanimous person endeavors toward those helps that are most conducive to his ends. But in particular, he must endeavor toward those helps that are most conducive to his highest end, namely self-preservation. And since peace is most conducive to this end, and the virtue of justice is most conducive to peace, the magnanimous person endeavors toward the virtue of justice.

Now, the just person is he who "taketh all the care he can that his actions may be all just" (L: 15.10). Someone who is magnanimous – someone who endeavors toward those helps that are most conducive to his highest end – would take this care. But likewise, someone who isn't magnanimous wouldn't. He wouldn't always endeavor to be virtuous and follow the laws. So, just as someone who is magnanimous would be a just person, someone who isn't magnanimous wouldn't be. Again, the textual evidence in **Section 7.1** provides a strong reason for accepting this interpretation.

On a historical side note, in **Chapter 6** I suggested that, for Hobbes, neither Achilles nor Socrates could be considered genuinely magnanimous. Here we see even better reason for this claim. Both of these historic figures were willing to pursue other

goals, even if doing so would lead to their death. But, for Hobbes, neither would be just nor magnanimous, since a just, magnanimous person consistently pursues the best means for his greatest ends, namely self-preservation.

Section 7.3: Competition, Power, Virtue, and Magnanimity

By better considering the relationships Hobbes draws between competition, power, virtue, and magnanimity, we can further support the conclusion, that the just person is necessarily magnanimous, and vice versa.¹⁶²

First, we can recognize that, for Hobbes, power “exists only by comparison” (466)¹⁶³ and:

Because the power of one may resisteth and hindereth the effects of the power of another: power simply is no more, but the excess of the power is simply no more, but the excess of power of one above that of another (EL: 8.4).

It is as if, to measure a person’s power to accomplish something, you attribute scores to all of the person’s relevant traits and abilities, add them up, and then *subtract* the score attributed to a competitor. So that, in effect, a person is powerless if his competitor has just as substantial means to achieving the common end.

Next, Hobbes also suggests that every sort of glory is comparative as well. It is: “that passion which proceedeth from the imagination or conception of our own power, above the power of him that contendeth with us” (EL: 9.1). So, insofar as magnanimity is well-grounded glory (EL: 9.20), we seem to have some reason to think that a person could only be magnanimous, if he correctly conceived himself to be more powerful than his competitors.

¹⁶² This section’s content owes a great deal to a discussion with John Robertson of Syracuse University.

¹⁶³ Harold Whitmore Jones’ translation of Thomas Hobbes’ *Thomas White’s De Mundo Examined* (London: Bradford University Press, 1976).

Now, if a just person – who has the virtue of justice – is necessarily magnanimous, we have reason to think that, for Hobbes, a just person must necessarily be more powerful than many competitors, as well. And, independent of this consideration, Hobbes gives us excellent reason for believing this.

Recall that, for Hobbes, “the power of a man . . . is his present means to obtain some future apparent good” (L: 10.1). Now, since only the just person fully possesses the virtue of justice, he – and only he – has the best means to his greatest end, namely peace. Thus, all else being equal, the virtuous person would be more powerful than his more-vicious competitors.

In fact, seeing how much each individual values peace and self-preservation, we have reason to think that, for Hobbes, virtue is power for each and every person. And likewise, we might think that, without the virtues, no individual could possibly be powerful enough to be truly magnanimous. After all, a vicious person lacks the means to achieve what he most desires! Then, we would have even better reason to think that, for Thomas Hobbes, magnanimity and the virtue of justice would be inextricably linked together.

It is peculiar, from a modern perspective, to think that a virtuous person must be *better than – or at least more powerful than* - other people, in order to be considered virtuous at all. But clearly, this is what Hobbes seemed to think. Hobbes is clear that even virtue “consisteth in comparison” (L: 8.1). And, amazingly, Hobbes makes the same kind of case that virtue is comparative that he also makes for power. He writes:

Virtue generally in all sorts of subjects is somewhat that is valued for eminence and consisteth in comparison. For if all things were equally in all men, nothing would be prized (L: 8.1).

Just as complete equality would mean no one is powerful, it appears that complete equality would also mean that no one possesses any virtues.

Remarkably, since virtue and power are linked like this, the human drive toward competition to acquire greater power might actually drive some people to acquire the virtues, including the virtue of justice. Of course, some people might act unjustly, in order to gain the temporary advantages of foul play. But, all else being equal, a just person, who wouldn't act unjustly to achieve personal benefit, is more powerful than an unjust person who would. And so, too, if a person is seeking greater power, he might well choose to seek justice!¹⁶⁴

Section 7.4: Each Individual Most Desires His Own Self-Preservation

A number of the arguments in Section 7.2 rely heavily on the claim that, according to Hobbes, each and every person most desires his own self-preservation. In this section, I will defend this claim by looking at Hobbes' text and theories.¹⁶⁵

First, it is valuable to note just how clear Hobbes is about this sentiment when he writes:

Moreover, the greatest of goods for each is his own preservation. For nature is so arranged that all desire good for themselves. Insofar as it is within their

¹⁶⁴ In **Chapter 8**, I will argue, further, that only the truly just, magnanimous person possesses the necessary means to achieving the greatest degree of felicity, another end each and every person values highly. So, too, if a person is competing for greater felicity, he *might* also be driven to seek justice, as well.

¹⁶⁵ Let me immediately note one possible exception. For Hobbes, someone who is suffering torturous pain without end might really desire death over his own self-preservation. Several passages suggest that this might be the case. In his *Thomas White's De Mundo Examined*, Hobbes writes: "Is it better not to exist at all than to suffer eternal torment, when happiness is lost? In my opinion, not to exist is preferable to existence in such a state . . . That we prefer a torment *which lasts [only] for a fixed, finite, and short period* to perishing or to death is due not to the loathsomeness associated with death or with our ceasing-to-be, but either to the hope of receiving, with life itself, the joys of life, or to the fear of [suffering] pain as we die" (486). Similarly, in his *De Homine*, Hobbes writes that: "Though death is the greatest of all evils (especially when accompanied by torture), the pains of life can be so great that, unless their quick end is foreseen, they may lead men to number death among the goods" (DH: 11: 6).

capacities, it is necessary to desire life, health, and further, insofar as it can be done, security of future time (DH: 11.6).

As I have already suggested in **Chapter 4**, the notions of good and desire are very closely related. It follows that, since the greatest good for each is his own preservation, each person most desires this end.

In other contexts, Hobbes is also quite clear about how central the pursuit of self-preservation is. For example, he writes:

For every man is desirous of what is good for him, and shuns what is evil, but chiefly the chiefest of natural evils, which is death; and this he doth by a certain impulsion of nature, no less than that whereby a stone moves downward. It is therefore neither absurd nor reprehensible, neither against the dictates of true reason, for a man to use all his endeavors to preserve and defend his body and the members thereof from death and sorrows (DC: 1.7).

And he similarly writes:

Necessity of nature maketh men . . . to avoid that which is hurtful; but most of all that terrible enemy of nature, death, from whom we expect both the loss of all power, and also the greatest of bodily pains in the losing” (EL: 14.6).

In light of the passage from the *De Homine*, above, it should be clear just how central the desire for self-preservation is. This desire is built into humans, and they pursue its end “by a certain impulsion of nature, no less than that whereby a stone moves downward.”

And, because the desire for self-preservation is so central, Hobbes defines both laws of nature and the right of nature in terms of what a person can do to preserve himself. For Hobbes, a law of nature 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 (L: 14.3).

And the right of nature is:

. . . the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently of doing anything, which in his own judgment and reason, he shall conceive to be the aptest means thereunto. (L: 14.1)

Clearly, as Thomas Nagel suggests, the basic precept of both the laws and the right of nature is self-preservation.¹⁶⁶ In light of our considerations in **Chapter 4**, this makes complete sense. Recall that, according to Hobbes, the laws are the necessary means to peace (DC: 3.31). Recall, too, that people desire the means to peace because they desire peace, and that people desire peace because it is a necessary means to self-preservation. So, in some strong sense, the basic precept of the laws is not peace, but self-preservation. As Nagel suggests,¹⁶⁷ Hobbes is clear about the laws' basic precept when he suggests that certain things, which are primarily destructive to individual men rather than to peace in general, are still forbidden by laws of nature:

These are the laws of nature, dictating peace, for means of the conservation of men in the multitudes; and which only concern the doctrine of civil society. There be other things tending to the destruction of particular men, as drunkenness, and all other parts of intemperance, which may therefore also be reckoned amongst those things which the law of nature hath forbidden (L: 14.34).

In order to understand Hobbes' theory of the laws and right of nature, it is vital to recognize just how central each individual's desire for self-preservation is. This is each person's ultimate desire.

Section 7.4.1: Responding to Objections

Surprisingly, a number of theorists suggest that, for Hobbes, the desire for self-preservation does not play so central a role. For example, Bernard Gert argues that, for

¹⁶⁶ Thomas Nagel, "Hobbes's Concept of Obligation," *The Philosophical Review* 68, no. 1 (Jan. 1959): 71. Nagel focuses on the laws of nature, rather than the rights.

¹⁶⁷ Nagel, "Hobbes's Concept of Obligation," 71.

Hobbes, some individuals do not actually desire their own self-preservation more than anything else.¹⁶⁸ In his defense, he points out that, according to Hobbes: “Most men would rather lose their lives (that I say not their peace) than suffer slander” (DC: 3.12).

David Gauthier, too, argues that self-preservation is not a necessary, basic motive.¹⁶⁹ He, too, implies that some individuals desire other ends more than self-preservation. Gauthier points out that, for Hobbes, some individuals choose to commit suicide. It seems as if these people prefer death, and the cessation of whatever is troubling them, to their own self-preservation. Further, adding weight to his claim that some people do not most desire self-preservation, Gauthier acknowledges that Hobbes writes: “A son will rather die than live infamous and hated of all the world” (DC: 6.13).

Finally, even Jean Hampton sometimes seems to suggest that, for Hobbes, some people do not desire their own self-preservation more than other ends. She doesn't seem entirely consistent on this point. On one occasion, she maintains that: “Each person wants his own self-preservation above all else, not the self-preservation of everyone.”¹⁷⁰ But later, she strongly implies that, for Hobbes, some people do, in fact, desire other things like glory more than self-preservation.¹⁷¹ She interprets Hobbes to suggest that people in fact desire whatever appears good to them,¹⁷² and she further implies that, according to Hobbes, glory appears better than self-preservation to some people. Just so, her interpretation seems to suggest that, for Hobbes, some people in fact desire glory more than self-preservation.

¹⁶⁸ Bernard Gert, “Hobbes on Reason,” *Pacific Philosophical Quarterly* 82 (2001): 251.

¹⁶⁹ Gauthier, *The Logic of Leviathan*, 24.

¹⁷⁰ Hampton, *Hobbes and the Social Contract Tradition*, 9.

¹⁷¹ Hampton, *Hobbes and the Social Contract Tradition*, 37.

¹⁷² Hampton writes: “If I don't know that an antibiotic is a means to that end, then I might in fact desire a certain herbal medicine that I believe will cure me but that in fact will not. In this case, the herbal medicine is only an apparent good; the antibiotic drug is the real good . . . *In fact* I desire the herbal medicine because of a false believe I have that this is a means to another desired end” (34).

But this conclusion, like the conclusions drawn by Gauthier and Gert, clearly contradicts Hobbes adamantly held position that, in fact, each person most desires his own self-preservation.¹⁷³ But how can Hobbes reconcile his position with the passages these theorists have cited?

I maintain that, in the passages cited, Hobbes does not assert that anyone really does desire anything more than self-preservation. Instead, Hobbes only suggests that some people *think* they desire some things more. They *think* they desire these things – these things *appear* better to them – but they don't really desire them as much as they believe they do. I do not believe that Hobbes is suggesting that anybody does, in fact, put anything above self-preservation.¹⁷⁴

In the next section, I will argue that Jean Hampton errs in suggesting that, for Hobbes, people in fact desire whatever they think they desire – whatever appears good to them. I will suggest something quite different. For Hobbes, a person doesn't always really desire that which *appears* good to him. Rather, sometimes a person in fact desires things he doesn't think he desires at all. By interpreting Hobbes this way, I will also be able to defend my strong, self-preservation position against the objections raised by David Gauthier and Bernard Gert.

Section 7.4.2: Apparent And Real Desires

My interpretation of Hobbes' theory of desire revolves around Hobbes' distinction between what appears to be good and what really is. As Jean Hampton points out, Hobbes provides two different uses of the word "good."¹⁷⁵ The term can refer either

¹⁷³ With the possible exception of someone who suffers torture without end, of course.

¹⁷⁴ Save, again, the person who is suffering torturous pain without end.

¹⁷⁵ Hampton, *Hobbes and the Social Contract Tradition*, 34.

to what *seems* good to a person, or to what *really is* good for a person. For the sake of subsequent discussion, I will quote Hobbes' most relevant passage at length:

Good (like evil) is divided into *real* and *apparent*. Not because any apparent good may not truly be good in itself, without considering the other things that follow from it; but in many things, whereof part is good and part evil, there is sometimes such a necessary connexion between the parts that they cannot be separated. Therefore, though in each one of them there be so much good, or so much evil; nevertheless the chain as a whole is partly good and partly evil. And whenever the major part be good, the series is said to be good, and is desired; on the contrary, if the major part be evil, and, moreover, if it be known to be so, the whole is rejected. Whence it happens that inexperienced men that do not look closely enough at the long-term consequences of things, accept what appears to be good, not seeing the evil annexed to it; afterwards they experience damage. And this is what is meant by those who distinguish good and evil as *real* and *apparent* (DH: 11.5).

This passage suggests that something can *appear* to be good without being *really* good, and vice versa. In attempting to interpret and explain this passage, Jean Hampton acknowledges (as discussed in **Chapter 4**), that something is only good for a person if he desires it. In light of this passage and these considerations, Hampton proceeds to suggest that, for Hobbes, a person *in fact* desires those things that appear good to him.¹⁷⁶ That is, people in fact desire whatever they think they desire. Hampton further suggests that *real* goods are those things that a person would desire if he were to have true beliefs about the world.¹⁷⁷ Just so, a person might in fact desire an herbal concoction (an apparent good), believing that it will cure his symptoms even though it won't. And, likewise, the person would in fact desire a truly helpful antibiotic (real good) if he knew it existed and what it could do.

While Jean Hampton's interpretation doesn't seem implausible, it does seem to commit her to a tricky stance, with respect to Hobbes' claims about the desire for self-

¹⁷⁶ Hampton, *Hobbes and the Social Contract Tradition*, 34.

¹⁷⁷ Hampton, *Hobbes and the Social Contract Tradition*, 33.

preservation. Consider everyone to whom suicide and/or glory appears better than self-preservation. That is, consider those people who think they desire death and/or glory more than their own lives. Shouldn't Hampton, based on her considerations above, claim that these people *in fact* desire other things more than self-preservation? Shouldn't Hampton claim that, according to Hobbes, there are some people who don't, in fact, desire self-preservation more than anything else? I suspect that she is committed to this position, which contradicts Hobbes' claim, discussed above, that everyone really does desire self-preservation more than anything else.

To avoid this conclusion, I will re-interpret the *De Homine* passage, quoted above. Hampton suggests that a person in fact desires those things that are apparent goods. I suggest the exact opposite. For Hobbes, a person in fact desires those things that are *real* goods. And something that is an apparent (but not real) good is something a person doesn't really desire but only thinks he desires.

While I disagree with Hampton about real and apparent goods, I do agree with her that, for Hobbes, something is only good for a person if the person desires it. Now, let's once again consider the passage quoted above in light of this consideration. The passage suggests that something can appear to be good without really being good. So perhaps it would be reasonable to think that a person can think he desires something without really desiring it. Perhaps, too, since something can be really good without appearing to be, a person can really desire something without thinking that he does.

Putting this position intuitively, those things that are really good are those things we really desire. We in fact desire whatever is a real good. And if we think we desire something, but that thing isn't a real good, then it is only an apparent good.

Now, once again consider those people who think they desire death and/or glory more than their own lives. According to Hobbes, these people don't in fact desire death and/or glory more than self-preservation. Really, these people only think they desire these things more. In fact, they, like everyone else, desire self-preservation much more highly.

My interpretation, which suggests that real goods are those things we in fact desire, seems to have several advantages to Hampton's interpretation. First, it enables me to avoid the conclusion that, for Hobbes, some people don't desire self-preservation so highly. Secondly, it lets me capture, in my interpretation, some of the language Hobbes employs – *real* goods are what we *really* (in fact) desire.

Third and finally, it makes better sense of why real goods are in fact goods. Consider what Jean Hampton would say about something that is a real but not apparent good for a person. According to her, a person doesn't in fact desire it. Instead, it is only something the person would desire if he/she had true beliefs. But if this is true, it's hard to say how, according to Hobbes, this good is really a good at all. After all, something is good for a person only if the person desires it. But, according to Hampton, the person doesn't in fact desire this real good. So, it would seem, according to Hampton, this real good isn't really a good at all. My interpretation avoids this conclusion. People really do desire real goods; that's what they in fact desire.

Now, according to my interpretation, Hobbes is clear that the term "good" has two different significations. It signifies either real goods (which we in fact desire) or merely apparent goods (which we only think we desire). As such, it seems that the term is equivocal, referring at different times to apparent and real goods. Thus, whenever

Hobbes says that something is good, we should be careful to ask: Does Hobbes mean that it is really good, or does he mean that it is only apparently good? Do people really desire it, or do they only think they do?

Given the close relationship between the notions of good and desire, perhaps we could also take terms like “desire” and phrases like “person x would rather do y than z ” to be equivocal as well. Whenever Hobbes implies that people desire something, perhaps we should similarly ask: Does Hobbes mean that people think they desire it, or does he mean that they really do?

In light of these considerations, let’s reconsider the passages opponents have quoted, to suggest that, for Hobbes, there are people who don’t most desire self-preservation:

Most men would rather lose their lives (that I say not their peace) than suffer slander (DC: 3.12.)

A son will rather die than live infamous and hated of all the world (DC: 6.13).

I would like to interpret the first passage to suggest that people *think* they would desire death rather than to suffer slander. And I would like to suggest the same about the second; a son thinks he would desire death over living infamously. According to my interpretation, these passages are appealing to what is only *apparently* good. Again, I’d like to maintain that, for Hobbes, everyone most desires his own self-preservation. But I still believe that Hobbes acknowledge that some people think they desire other things more. Some people think they more highly desire suicide, glory, or avoiding infamy. But really, they don’t. Self-preservation is always the greatest good.

To get at the same notions a different way – and this argument might be more compelling to some – consider Hobbes’ notion of a “common good.” In *De Homine*,

Hobbes claims that: “the common name for all things that are desired, insofar as they are desired, is *good*” (DH: 11.4). Then, moments later, Hobbes suggests that there are some things which are common goods, or “good for everyone, like health” (DH: 11.4), but only insofar as each and every person desires these things. After all, nothing is “*simply good*; since whatsoever is good, is good for someone or other” (DH: 11.4). Something is only good for a person if that person desires it, and something is only good for everyone if each and every person does.

Now, as I have argued in **Chapter 4**, Hobbes clearly contends that self-preservation is a common good like this – one that is good for everyone. And this clearly means that each and every person must therefore desire it. And Hobbes is clear that they desire it very highly. Yet, it seems, there are some people who aren’t aware that they desire life, and others who are unaware of how much they desire it. So, Hobbes must suggest that people have desires of which they are unaware, and that people can be unaware of how much they want something. There can be things which are good for us, which we don’t recognize are good for us. This is precisely what Hobbes says, though not exactly in these words. He claims that, as a result of error, people can have *real* goods that aren’t in fact *apparent* (DH: 11.5), and he adds that it is reason’s “job” to seek the real good (DH: 12.1).

Finally, and of equal importance, in **Chapter 4**, I argued that, for Hobbes, if any individual desires an end, he must also desire the necessary means to that end. But clearly, many people might *think* they desire an end without desiring the means. According to Hobbes, these individuals must be wrong. Either they don’t really desire the end – and it isn’t a real good for them – or they do, in fact, desire the means. In the

latter kind of cases, Hobbes must insist that they desire the means, even though they don't *think* they do. And this is what I take Hobbes to suggest; in these cases, individuals have *real* goods – namely, the means – that aren't *apparent* goods to them.

Section 7.5: Why Magnanimity Is Not Pride

Now, in light of the previous several sections, I can conclude that, for Hobbes, the magnanimous person is identical to the just person. After all, if a person is magnanimous, he endeavors wholeheartedly toward the means to his self-preservation, and is therefore just. And, likewise, if a person isn't magnanimous, then he doesn't always pursue the means to his self-preservation, and he doesn't take the care necessary to be a just person.

Still, this position faces a moderately strong counter-argument. Leo Strauss, who correctly recognizes that Hobbes seems to connect magnanimity with justice, argues that Hobbes must ultimately reject this identity, because magnanimity “is a form of pride.”¹⁷⁸ Strauss suggests that since the just person isn't prideful, magnanimity cannot be the source of the virtue of justice.

Straus' argument, that magnanimity is a form of pride, relies on two passages from Hobbes' works. First, Strauss considers a passage in *The Elements of Law*:

Glory, or internal gloriation or triumph of mind, is that passion which proceedeth from the imagination or conception of our own power, above the power of him that contendeth with us . . . And this passion, by them whom it displeaseth, is called pride: by them whom it pleaseth, it is termed a just valuation of himself (EL: 9.1).

¹⁷⁸ Strauss, *The Political Philosophy of Hobbes*, 55.

Strauss seems to take this passage to equate glory, both well-grounded and poorly-grounded, with pride.¹⁷⁹ He also takes another passage, from *Leviathan*, to do the same:¹⁸⁰

The force of words being . . . too weak to hold men to the performance of their covenants, there are in man's nature but two imaginable helps to strengthen it. And those are either a fear of the consequence of breaking their word **or a glory or pride in appearing not to need to break it** (L: 14:31, emphasis added).

Since Strauss correctly recognizes, as argued in **Chapter 6**, that magnanimity is well-grounded glory, he takes this passage to suggest that magnanimity amounts to pride. Strauss writes that: "Glory or pride, consciousness of one's own superiority, when this consciousness is well founded, is magnanimity."¹⁸¹

I disagree with Strauss and can offer different interpretations of the two passages he considers. Strauss suggests that the passage from the *Leviathan* offers only two alternatives. Only two things can make a person keep his word and his covenants: either "fear" or "a glory or pride in appearing not to need to break it" (L: 14.31). But, I actually think the passage offers *three* distinct options. A person will keep his word either from fear, magnanimity, or vainglory. In Hobbes' passage, I take the word "glory" to refer to well-grounded glory or magnanimity, and I think that Hobbes takes pride to be vainglory. I do not think that, in this passage, Hobbes is, in any sense, identifying magnanimity with pride at all.

As I will argue in the next section of this chapter, Hobbes is quite clear that he takes pride to be vainglory, rather than magnanimity. For right now, I offer another

¹⁷⁹ Strauss, *The Political Philosophy of Hobbes*, 50-51.

¹⁸⁰ For evidence that Strauss views the passage this way, see 24-25 and 55, where he writes: "'Glory or Pride' are used by Hobbes synonymously with 'Nobleness of courage,' i.e. magnanimity, in passages in which he characterizes magnanimity as the origin of justice."

¹⁸¹ Strauss, *The Political Philosophy of Hobbes*, 51.

argument that the “glory” to which Hobbes refers, in this passage, must be magnanimity and *not* pride. To wit, as argued in **Chapter 3**, just people do not keep their covenants out of fear; in other words, fear does not strengthen their words.¹⁸² But certainly, Hobbes does not condemn just people for being prideful. In fact, while Hobbes condemns pride, he exalts the virtue of justice. So, while it is clear that fear does not strengthen the just person’s words, it is also clear that pride doesn’t strengthen them, either. There must be a third option for just people – namely magnanimity, or well-grounded glory. And that is what I take the passage from *Leviathan* to suggest.

Now, the “Glory” passage from *The Elements of Law*, cited on the previous page, might, at first, seem to support Strauss’ argument that magnanimity is pride. But notice that the passage doesn’t actually say this. Rather, it merely suggests that those whom glory displeases *call* it pride. The passage doesn’t clearly suggest that these people are correct to call it this. Perhaps, instead, the person whom glory pleases is correct to call it “a just valuation of himself.”

It is easy to imagine that, after a pitiable enemy calls him prideful, a powerful man of well-grounded glory responds, “I’m not prideful. I merely have a just valuation of myself!” But which man is correct? Clearly, the powerful man is right to assert that he has a fair valuation of himself, since his glorying is well-grounded. But is he prideful or isn’t he? The passage doesn’t clearly say.¹⁸³

¹⁸² I will return to this point, in great detail, in **Chapter 9**.

¹⁸³ Theorist Gabriella Slomp makes a similar point, arguing that while, for Hobbes, the term “glory” is descriptive, the word “pride” is value loaded, and “disclose whether an observer approves of or disapproves of someone else’s glorying.” Slomp, *Thomas Hobbes and the Political Philosophy of Glory* (New York: St. Martin’s Press, 2000), 36.

Leo Strauss supposes that the weak enemy, namely he whom his enemy's glory displeases, is correct. Strauss suggests that, according to Hobbes, the man whose glory is well-grounded is prideful. He suggests that the magnanimous man is a prideful man.

In contrast, I maintain that the magnanimous person isn't prideful. I contend that, for Hobbes, the powerful man's pitiable enemy is wrong. I propose two arguments for this conclusion. First, as suggested earlier in this section, the just person's covenants are strengthened by glory, rather than by fear. Now, granting that, for Hobbes, just people need not be prideful, the glory of the just person must not be the same as pride. Instead, it is magnanimity, which is clearly distinct.

There is, I think, a different and equally strong argument that magnanimity is not a form of pride, and that the magnanimous person is not, by his nature, prideful. It can be better understood after we have considered the paragraph immediately following Hobbes' description of "glory" in *The Elements of Law*:

The passion contrary to glory, proceeding from apprehension of our own infirmity, is called HUMILITY by those whom it is approved; by the rest, DEJECTION and poorness, which conception may be well or ill grounded. If well, it produceth fear to attempt any thing rashly; if ill, it may be called vain fear, as the contrary is vain glory, and consisteth in fear of the power, without any other sign of the act to follow, as children fear to go in the dark, upon imagination of spirits, and fear all strangers as enemies. This is the passion which utterly crows a man, that he neither dare speak publicly, nor express good success in any action (EL: 9.2).

This passage makes several relevant points. First, according to this passage, humility/dejection proceeds from the "apprehension of our own infirmity." Also, this apprehension need not be well-grounded; it is possible for a powerful person to believe himself weak. When humility/dejection is poorly grounded, it amounts to vain fear, the kind of fear children have who "fear to go in the dark, upon imagination of spirits, and

fear all strangers as enemies.” Finally, this poorly grounded humility/dejection is devastating; it “utterly cows a man, that he neither dare speak publicly, nor express good success in any action.”

In light of this passage, consider any person of great ability, art, strength, etc. Such a person would, according to Hobbes, possess significant power, because, as Hobbes suggests in *Leviathan*:

The power of a man . . . is his present means to obtain some future apparent good . . . Natural power is the eminence of the faculties of body or mind, as extraordinary strength, form, prudence, arts, eloquence, liberality, nobility (L: 10.2).

How should this powerful person think and feel about his ability and power? He certainly shouldn't think too much of himself, and imagine himself to have abilities that he doesn't. That would amount to petty vainglory. But similarly, the man shouldn't believe himself to be weaker than he is. If he did, his humility/dejection would be poorly grounded; it would amount to vain fear, and would utterly cow him. In fact, it seems that, according to Hobbes, the person ought to have an accurate, well-grounded conception of his own significant power.

Hobbes' text seems clear that, if a person is wrong about his power, then he will experience either vainglory or vain fear. So, too, it seems reasonable to think that, for Hobbes, if a powerful person has an accurate, well-grounded conception of his power, then he will also experience well-grounded glory (or magnanimity) as well. So too, according to Hobbes, powerful people should be magnanimous.

Now, provided this is correct, then Hobbes could not possibly take magnanimity to be a form of pride, as Leo Strauss suggests. I have just argued that, for Hobbes,

powerful men should be magnanimous. But, it should also be clear that, for Hobbes, no one should be prideful. So, we can rightly conclude that magnanimity is not pride.

If Strauss were correct, then Hobbes' philosophy would put powerful men in a very difficult position; they couldn't undervalue their power without experiencing vain fear, they couldn't overvalue themselves without vainglory, and they couldn't assess themselves accurately without magnanimity and pride. But then, Strauss is not correct. Powerful people can be magnanimous without being prideful.

Section 7.5.1: Vainglory is Pride

In this section, I provide an additional argument, concluding that magnanimity is not pride. It goes as follows: First, as argued in **Chapter 6**, the magnanimous person is not vainglorious. Second, for Hobbes, vainglory is identical to pride. Therefore, it should be clear that the magnanimous person is not prideful.

In **Chapter 6**, I have already established the first premise. So, here, I need only argue for the second. Hobbes is clear about this premise when he writes:

The passion whose violence or continuance maketh madness **is either great vainglory, which is commonly called *pride*** and *self-conceit*, or great *dejection* of mind (L: 8.18, emphasis added).

Yet, for Hobbes, this is not the only connection between pride and vainglory. Consider, for example, what Hobbes writes about madness, which he says is caused by pride. Hobbes also claims that madness is, in fact, caused by the "folly in them that are possessed of an opinion of being inspired" (L: 8:21). I argue that this folly of pride, which causes madness, amounts to uncontrolled vainglory.

Remember, from **Chapter 6**, that the vainglorious man imagines himself to be better than he is, and takes joy in his merely imagined power and ability. And Hobbes seems to suggest that if one were too vainglorious – if one supposes himself to be inspired and isn't – then he might sink into madness. To begin to recognize this, consider what Hobbes says about madness:

And [even] if there were nothing else that bewrayed [*sic*] [revealed] their madness, yet that very arrogating inspiration to themselves is argument enough. If some man in Bedlam should entertain you with sober discourse, and you desire in taking leave to know what he were that you might another time requite his civility, and he should tell you he were God the Father, I think you need expect no extravagant action for argument of his madness (L: 8.21).

As this example shows, a man is not mad merely by feeling himself to be inspired. He is mad for imagining himself to be so inspired, not actually being so, and expressing his extravagant thoughts. After all, if someone were to sincerely claim he is Alexander the Great, others might find him mad/delusional, but only if he weren't, in fact, Alexander. Like the vainglorious man, the madman's imagination must be poorly grounded. And someone who is extremely vainglorious – who imagines himself to be as good as God when he isn't – should be considered mad.

Hobbes is even clearer about the connection between vainglory (vanity) and madness when he writes:

That madness is nothing else but too much appearing of the passion may be gathered out of the effects of wine . . . For (I believe) the most sober men, when they walk along without care and employment of the mind, would be unwilling [that] the vanity and extravagance of their thoughts at the time should be publicly seen; which is a confession that passions unguided are for the most part mere madness (L: 8.24).

Typically, the sober man is vain, and imagines himself to be better than he is. But if he were to fail to control his passions, and were to express his vain thoughts to his

peers, then he would be acting madly. So, again, we see that a man would be acting madly if he believes himself to be better than he is and reports these beliefs. Just so, madness seems to be nothing more than uncontrolled vainglory.

At the very least, it appears that if a man takes joy in his mad thinking, then he would be vainglorious. After all, he would suppose himself to be better than he is and would take joy in supposing this. If this line of thought is sensible, then the folly, which is known as pride and can cause madness, is actually unguided vainglory.

Further, now considering rage rather than madness, it appears that Hobbes believes that the pride that causes people rage is also uncontrolled vainglory.

Considering rage, Hobbes writes:

Pride subjecteth a man to anger, the excess of whereof is the madness called RAGE and FURY. And thus it comes to pass that excessive desire of revenge, when it becomes habitual, hurteth the organs and becomes rage; that excessive love with jealousy becomes also rage; excessive opinion of man's own self for divine inspiration, for wisdom, learning, form, and the like, becomes distraction and giddiness; the same, joined with envy, rage; vehement opinion of the truth of anything, contradicted by others, rage (L: 8.19, emphasis added).

If a man has “excessive opinion of [his] own self or divine inspiration, for wisdom, learning, form and the like,” then he is clearly vainglorious. After all, vainglory consists in imagining oneself to have abilities/powers that he does not and taking joy in imagining this. Further, the vainglorious man is, by his nature, excessive – taking undue joy in abilities that he doesn't actually have. This excessiveness seems to go hand in hand with an “excessive desire of revenge,” and an “excessive love with jealousy.”

The magnanimous person, on the other hand, is not so excessive by his nature. He takes joy only in the power and abilities that he actually has.

At this point, I have defended my argument's central premises. First, as

suggested in **Chapter 6**, a magnanimous person is not vainglorious. Second, I have argued that, for Hobbes, a prideful person is vainglorious. So, I can conclude that, for Hobbes, a magnanimous person is not prideful.

Section 7.6: Conclusion

In this chapter, I have argued that the magnanimous person is identical to the just person. I have argued that this is the case because a person is magnanimous if and only if he pursues the most conducive means to self-preservation, namely peace and justice. Further, I have argued that, in contrast to what other theorists have argued, magnanimity is, in fact, distinct from pride.

On the basis of these arguments, in the next chapter I will finally argue that, for Hobbes, it is to everyone's great benefit to be a just person. The next chapter will argue that Hobbes clearly maintains that there are numerous benefits to magnanimity. In fact, Hobbes seems to suggest that only magnanimous people could ever be really, truly happy. And, since magnanimity and justice are identical, if magnanimity has such great benefits, justice does as well.

Addendum to Chapter 7.

Magnanimity Versus Power, Honor, and Injustice

For a moment, I'd like to focus on a certain kind of person, who might appear to be truly magnanimous, but isn't. I'd like to focus on a man who intentionally performs great and difficult injustices and, in doing so, achieves some of his greatest ends. We can imagine that he might, as a result of his actions, become wealthy, famous, influential, and so forth. I imagine a man like this who, on the surface, seems to fit the definition of "magnanimity" discussed in **Chapter 6**. He is someone who seems to "endeavor [only] toward things that conduce greatly as helps to [his] ends, and [has] courage in resisting even fairly great hindrances to them."¹⁸⁴

It should be clear that, for Hobbes, this unjust man still falls short in some respect. As discussed in **Chapter 4**, each and every person desires the virtue of justice. Yet this greatly unjust man certainly doesn't pursue the means that are most conducive to this end. Nonetheless, this unjust man might still endeavor only toward things that are greatly conducive to his *other* ends. And he might seem to be magnanimous, as a result.

Now, according to Hobbes, an unjust man like this is clearly quite powerful. According to Hobbes, power is nothing more than "the present means to obtain some future apparent good" (L: 10.1). And, since for Hobbes, something is good for a person if and only if the person desires it, it follows that power is nothing more than the present means to obtain something that is desired. The unjust man I imagine clearly possesses the means to achieve many of his desires. He might be able to attain truly remarkable results through his dishonest actions. Further, Hobbes suggests that not only is such an

¹⁸⁴ Benardete, *Greatness of Soul in Hume, Aristotle, and Hobbes* (unpublished manuscript).

unjust man powerful, he could also be highly honored as well. Hobbes sums up his position on such a man in a passage from Chapter 10 of *Leviathan*:

Nor does it alter the case of honour whether an action (so it be great and difficult and consequently a sign of much power) be just or unjust, for honour consisteth only in the opinion of power. Therefore, the ancient heathen did not think they dishonoured but greatly honoured the gods, when they introduced them in their poems as committing rapes, thefts, and other great, but unjust or unclean acts, insomuch as nothing is so much celebrated in Jupiter as his adulteries, nor in Mercury as his frauds and thefts, of whose praises in the hymn of Homer the greatest is this, that being born in the morning, he had invented music at noon and before night stolen away the cattle of Apollo from his herdsman (L: 10.48).

The unjust man I imagine is like the truly magnanimous person insofar as he is powerful and highly honored. He might also seem, at least at first, to satisfy Hobbes' definitions of "magnanimity." So is this incredibly unjust man truly magnanimous, or must the magnanimous person be just, as I have argued earlier?

To answer this question, I'd like to compare this unjust man to another sort of man. Imagine a truly just man. Imagine, too, that this just man takes actions that are equally great, challenging, and effective as those actions performed by the incredibly unjust man. Suppose, as a result of his grand actions and virtues, the just person can achieve his non-moral goals just as effectively as the unjust man.

But look! In addition to satisfying these other goals, the just man also successfully achieves his goal of attaining and keeping the virtue of justice. He is thus more successful than the unjust man. An unjust man will always and necessarily be a failure with respect to one of his desires – his desire to be just. A just man, in contrast, doesn't have this limitation or necessarily have any other. So the greatest just man could potentially be more successful than the greatest unjust man.

Now, with that acknowledged, let's compare the two men we imagine. On the one hand, there is the unjust man, who performs great, unjust deeds in order to accomplish incredible things, but who doesn't satisfy his desire to be virtuous. On the other hand, there is the just man, who performs great, just deeds in order to accomplish his remarkable goals, and who does satisfy his desire for justice. Which of these two men is more magnanimous?

I maintain that, according to Hobbes, the latter man is more magnanimous. Provided I am right, we have good reason to think that, for Hobbes, only a just person could be truly magnanimous. This is because, for a person to be truly magnanimous, it isn't enough that he pursues things that are greatly conducive as helps to *some* of his goals. Ideally, a magnanimous man pursues things that are greatly conducive to *all* of his goals.

But let's suppose that this isn't necessary for magnanimity, and grant that a person could be truly magnanimous without pursuing means that are greatly conducive to each and every one of his goals. Nonetheless, I maintain that an unjust person *still* couldn't be truly magnanimous. For, at the very least, a truly magnanimous person must pursue that which is most conducive to his *greatest* goals.

As suggested earlier in **Chapter 7**, according to Hobbes, every person's greatest goal is his own self-preservation. Further, as suggested in **Chapter 4**, peace and the virtue of justice are both greatly conducive to this end in addition to being the necessary means for it. If someone is to endeavor toward that which is most conducive to his greatest end, he must endeavor toward the virtue of justice. And since a magnanimous

person pursues that which is most conducive to his greatest goals, a magnanimous person must be just.

I maintain that an unjust man might seem to be truly magnanimous, but he never could be. He might, of course, be very magnanimous in comparison with his peers, many of who don't successfully pursue many of their goals. But the great but unjust person is still found wanting.

Chapter 8. Why Be Just?: *Justice, Magnanimity and Felicity*

I will argue that, for Hobbes, it is in each and every person's best interest to be a truly magnanimous person. As a result, since a magnanimous person is nothing more than a just person, it is also in everyone's best interest to be just. I maintain that it is in each person's best interest to be magnanimous because magnanimity is conducive to experiencing felicity, which everyone desires. Additionally, only a truly magnanimous person could experience the joy necessary to experience the greatest felicity.

Before I address the arguments just described, it will be valuable to consider Hobbes' notion of felicity. As I do so, I will provide another, different argument suggesting that, for Hobbes, it is in everyone's best interest to be just. This argument, which doesn't clearly rely on the identity between magnanimity and justice, will add greater weight to my central argument, which follows it.

Section 8.1: Felicity and Justice, An Introduction

In previous chapters, I have argued that, according to Hobbes, nothing is good for a person unless that person desires it. For anything to be in each and every person's best interest, it has to be desired by each and every person.

Of course, this is a necessary but not a sufficient condition. After all, a person could desire something and yet correctly recognize that satisfying that desire is not in his best interest. It might not be in his best interest, for instance, if it would have too adverse an effect on his other pursuits. This is why, for Hobbes to maintain that self-preservation is in every person's best interest, he needs to maintain not only that everyone desires it,

but also that everyone desires it to such an extent that all of his other pursuits pale in comparison.

In **Chapter 4**, I argued that, according to Hobbes, if a person desires an end, he also desires the necessary means to that end. In light of this, if Hobbes could have argued that it is necessary for an individual to be a truly just person in order to preserve himself, Hobbes could also have concluded that it is in everyone's best interest to be truly just. But Hobbes cannot reasonably make this argument. While few people are truly just, their societies tend to ensure that they nonetheless find the self-preservation they so strongly desire.

To recognize how Hobbes can nonetheless maintain that it is in everyone's best interest to be a truly just person, we need to recognize why justice is necessary to achieve a different common good – something else that each and every person desires highly.¹⁸⁵ In fact, we need to look to Hobbes' notion of felicity.

In *Leviathan*, Thomas Hobbes defines the term "felicity" twice. First, in his sixth chapter, he defines it as:

Continual success in obtaining those things which a man from time to time desireth, that is to say, continual prospering, is that men call FELICITY; I mean felicity in this life. For there is no such thing as perpetual tranquility of mind while we live here, because life itself is but motion and can never be without desire, nor without fear no more than without sense (L: 6.58).

Then, later, Hobbes defines the term again:

Felicity is the continual progress of the desire from one object to another, the attaining of the former being still but the way to the latter. The cause whereof is that the object of man's desire is not to enjoy once and only for one instant of

¹⁸⁵ According to Hobbes, something is a "common good" if and only if each and every person desires it for himself. That is all it means, for something to be a "common good." So, self-preservation is a common good, because each individual desires it for himself, even though an individual may care very little for the self-preservation of anyone else. Likewise, felicity is a common good, even though a person may think he cares little for the felicity of others.

time, but to assure forever the way of his future desire. And therefore the voluntary actions and inclinations of all men tend not only to the procuring, but also the assuring of a contented life and differ only in the way (L: 11.1).

It seems clear that, for Hobbes, the “contented life” that every person seeks is a life in which he experiences felicity. Each and every person possesses desires and wants success with them. That is, each and every person desires felicity – the continual success in obtaining what is desired.

In *The Elements of Law*, Hobbes once again implies that felicity is a common good. He compares a person’s life to a race, and says that this race has “no other goal, nor other garland, but being foremost” (EL: 9.21). That is, each and every person wants to win. And, keeping with this analogy, Hobbes claims that: “Continually to out-go the next before, is felicity” (EL: 9.21). Felicity amounts to being a constant winner. It seems reasonable to think that, for Hobbes, each and every person desires felicity.¹⁸⁶

There is another reason to think that, for Hobbes, felicity is a common good. In Chapter 11 of *Leviathan*, Hobbes moves directly from his discussion of felicity to a discussion of power, writing:

So that in the first place, I put for a general inclination of all mankind to the perpetual and restless desire of power after power that ceaseth only in death (L: 11.2).

Here, Hobbes is clear that every person has a perpetual desire for power. For Hobbes, power is clearly another common good. But, unless we recognize that this desire for perpetual power is intimately linked to a desire for felicity, this power-passage might

¹⁸⁶ In the following passages, I will argue that the desire for felicity is a perpetual desire for power. That said, these current passages from *The Elements of Law* seem to suggest that, to achieve great felicity, a person must acquire more power than his competitors. If I am correct, that a person must be just and magnanimous, to acquire the best possible felicity, then we can make particularly good sense of this. After all, as argued in **Chapter 7**, in order to be either just or magnanimous, a person must be comparatively powerful. Likewise, as argued there, in order for anyone to be very powerful at all, a person must also possess the virtues. So the most powerful person – the greatest “winner” – will also, necessarily, be just.

seem to come out of nowhere and represent an abrupt change of topic. Yet I maintain that this passage is directly relevant to what comes before. It is *because* everyone desires felicity that Hobbes can then claim that everyone desires power.

If everyone desires felicity, it follows that everyone desires to continually satisfy more and different desires. Further, seeing that for Hobbes, if a person desires an end he also desires the necessary means to that end, as an individual constantly seeks to satisfy different desires, he also constantly desires the different means that are necessary to his various ends. And finally, since a power is, for Hobbes, nothing more than “the present means to obtain some future good” (L: 10.1), it follows that each and every person has a perpetual “desire of power after power” (L: 11.2). Thus, since each and every person desires felicity, each person also desires power.

Section 8.2: Thomas White’s *De Mundo Examined*

We might even better understand *Leviathan*’s connection between power and felicity, if we consider Hobbes’ discussions in his *Thomas White’s De Mundo Examined*. To recognize the relevance of this earlier text to *Leviathan*, it is important first to recognize that both texts seem to express very similar ideas about the notion of felicity.

In *Leviathan*, Hobbes writes that: “Felicity is the continual progress of the desire from one object to another” (L: 11.1), and in the Latin *Leviathan* Hobbes translates this as: “*Felicitas progressus perpetuus est ab una cupidate ad alteram*” (77). In *De Mundo Examined*, Hobbes similarly writes:

*Consistit ergo foelicitas in progressu appetitus a bono acquisito ad aliud bonum acquirendum.*¹⁸⁷

In *Leviathan*, Hobbes writes that the *felicitas*/felicity is the *progressus*/progress of the desire from one object to another. Now, in *De Mundo Examined*, Hobbes similarly writes that *foelicitas*/felicity consists *in-progressu*/in-the-progress of the appetite from a good thing acquired to another good thing yet to be acquired. Recognizing that, for Hobbes, something is only good for a person if the person desires it, this largely amounts to the claim made in *Leviathan*.

Now, in light of the similarity between the notion of felicity in *Leviathan* and the notion detailed in *De Mundo Examined*, we have good reason to think that the discussions of felicity in *De Mundo Examined* might help us to better understand the notion discussed in *Leviathan*. So let's consider the link *De Mundo Examined* draws between power and felicity. First Hobbes writes that:

Opportet itaque ad foelicitatem, coniunctam esse cum spe acquirendi spem conservandi; & per consequens foelicitatem consistere in progressu tali acquirendi, ut nova acquisita conducere videantur ad tuenda verera. Et quoniam non modo acquirere, sed parta tueri potentiae sunt, erit foelicitas progressus appetitus & spei a potentia minore ad maiorem perpetuus.

And so in order to gain felicity, the hope of acquiring should be joined with the hope of conserving, and as a consequence felicity consists in the progress of acquiring such that newly acquired things seem to conduce to holding fast the old. And since not only to acquire, but also to hold fast to things produced are both powers, felicity is the progress of the appetite and hope from a lesser power to a greater power.¹⁸⁸

¹⁸⁷ All of *De Mundo Examined* Latin passages come from pages 414-419 of the following text: Thomas Hobbes, *Critique Du De Mundo De Thomas White*, Introduction, Texte Critique Et Notes Par Jean Jacquot et Harold Whitmore Jones (Paris: Librairie Philosophique de J. Vrin, 1973).

¹⁸⁸ In this chapter, unless otherwise stated, the translations of Hobbes' *Thomas White's De Mundo Examined* are my own. While they are heavily influenced by the translations provided by Harold Whitmore Jones (London: Bradford University Press, 1976), many differ in numerous important respects. Relevant here, Jones frequently chooses to translate "*foelicitas*" as "happiness" rather than as "felicity." Yet it seems clear that Hobbes is discussing the same notion of *foelicitas* that he addresses in his Latin *Leviathan* and chooses to call "felicity" in his English *Leviathan*. Second, Jones translates "*potentia*" as "potential" rather than as "power." Yet, in his Latin *Leviathan*, Hobbes translated his English *Leviathan's*

And a few sentences later, Hobbes similarly writes that:

Foelicitas, iucunditas percepta ex continuato & placido progressu appetitionis at potentia ad potentiam ulteriorem.

Felicity is the pleasure perceived in the continual and peaceful progress of the appetite from one power to another.

In these two passages, Hobbes seems to suggest that felicity is nothing more than the successful acquisition of power. After all, Hobbes seems to identity felicity with either the progress of the appetite from one power to another or with the pleasure perceived in such a progress. Hobbes maintains that the acquiring of a good is a power. As such, the progress of the appetite from one acquired good to another yet-to-be-acquired amounts to nothing more than the progress of the appetite from one power to another.

But why is the acquiring of a good a power? Hobbes maintains that we build on our successes, “one success is the cause of another,”¹⁸⁹ and the attaining of a former desire is “but the way to the latter” (L: 11.1). Each good we attain is a means to attain future goods, and, according to Hobbes, that is all that “power” amounts to.

In light of these considerations, we have even better reason to connect *Leviathan’s* notion of a perpetual desire for power with the notion of felicity. And just as Hobbes maintains that each and every person desires power, he can similarly say that each and every person desires felicity. Everyone desires a progress of the appetite from power to power, and so everyone also desires felicity, a progress of the appetite from one desire to the next.

phrase “the power of a man” (L: 10.1) as “*potentia cujusque*” (68). And when Hobbes, in his Chapter 11, connects the notion of felicity with the notion of power, he once again uses the word “*potentia*” in his Latin *Leviathan*.

¹⁸⁹ “*Unus atuem successus causa est alterius*” (*Critique Du De Mundo*).

Section 8.3: Felicity and Justice, An Argument

Not only is felicity a common good, but it also that which we pursue in all of our actions. As Hobbes suggests, the “voluntary actions and inclinations of all men tend not only to the procuring, but also to the assuring of a contented life,” (L: 10.1) – a life in which one experiences felicity.

It is impossible for a person to forgo striving toward felicity in order to aim for the object of some other desire. For any action a person takes is taken in order to procure and assure a contented life of felicity. This squares with Hobbes assertion that, “of all voluntary acts, the object is to every man his own good” (L: 15.16). We do everything we do for the sake of some good, for the sake of satisfying some desire, and we desire success in acquiring what we want. We can’t help but strive for felicity, for “*continual success* in obtaining those things” that we desire (L: 6:58). We seek the best success, and the greatest degree of felicity possible.¹⁹⁰

In light of Hobbes’ contention that if a person desires an end, he desires the necessary means to that end, it also follows that we all desire the means necessary to acquire the greatest felicity. Further, it seems reasonable to conclude that pursuing the necessary means to the greatest felicity is in every person’s best interest, even if those means will in many cases be different from person to person. Likewise, it is in every person’s best interest to pursue the necessary means to his greatest felicity, even if doing so were to impede the pursuits of other individuals, which might be possible, given the various, wide-ranging ends and desires that humans might possess.

¹⁹⁰ At the end of this chapter, I will return to this point, and discuss the notion of felicity as it relates to Hobbes’ theory of voluntary action and the notion of a final good, or *summum bonum*.

Now, in light of the fact that felicity is the “*continual success* in obtaining those things which a man from time to time desireth” (L: 6.58), it seems reasonable to think that the more successfully a person satisfies his desires, the greater is his felicity. So, if we consider two people who are otherwise as identical as possible, except that one has satisfied a desire that the other has not, we have good reason to say that the more satisfied man experiences the greater felicity.

While I’m not aware of any text in which Hobbes makes this point explicitly, several passages do seem to lean in its favor. For example, in *De Mundo Examined*, Hobbes writes:

Nam acquisitio foelicitatis fit per electionem mediorum quae ad eam ducunt; de eligendis autem deliberatur; deliberation autem non est nisi de iis quae in potestate & arbitrio sunt deliberantium, quare appetitio eorum ad quae perveniendi via nulla apparet, foelicitas non est, sed cruciatus.

For the acquisition of happiness is secured through the choice of the ways that lead to it; it is deliberated about the things to be chosen; but it is not deliberation unless it is about those things that are in the power and control of the deliberator, wherefore the appetite for things which there appears no way to attain, it is not felicity, but torment.

In this passage, Hobbes is clear that a person cannot have great felicity if he desires something that is impossible to attain. It would seem sensible to think that, for Hobbes, someone who doesn’t attain something he truly desires, even if it were possible to attain, would have less felicity than someone who was completely satisfied.

Now, in **Chapter 4**, I have argued that, for Hobbes, every person desires the virtue of justice. I have also suggested that, for Hobbes, only a truly just person could ever completely satisfy this desire. As such, truly just people experience a success no other people achieve. Everyone desires to be truly just, but only the just man achieves this goal. Since there is no good reason to think that a truly just person is less capable of

satisfying his other desires than those who are less just, we have good reason to conclude that a truly just person could potentially experience a greater degree of felicity than anyone who is less just.

That is, a truly just person has the potential to satisfy more of his desires, and acquire a greater felicity, than anyone who is less than fully just. In order to acquire the greatest degree of felicity, a person must acquire the virtue of justice and become a just person. Becoming such a person is in anyone's best interest. It is in the person's best interest in an "ideal" sense; a person could only achieve the ideal outcome for himself, the greatest felicity, if he or she is genuinely just.

Section 8.4: Magnanimity, Justice and The Successful Acquisition of Goods

To be clear, Hobbes does not and cannot maintain that every truly just person experiences a greater degree of felicity than every person who isn't as just. It is easy to imagine someone who is truly just who nonetheless fails to acquire the objects of some of his desires. Just imagine someone who is strong and capable, who, despite his best efforts, is nonetheless thwarted by the people around him. Hobbes is clear that this is possible; he routinely acknowledges, for instance, that even the weakest man can kill the strongest (L: 13.1).

Nonetheless, Hobbes can maintain that a truly just person could potentially experience greater felicity than someone who is less just. And Hobbes can and does further maintain that a just person is more likely to experience greater felicity – greater continual success in his desires – than someone who is less just.

In order to properly recognize this, it is valuable to focus on the identity Hobbes draws between the magnanimous person and the just person. After all, it is easy to recognize that, for Hobbes, a truly magnanimous person is more likely to be successful in his pursuits than someone who is less magnanimous.

First, as argued in previous chapters, a truly magnanimous person is he who consistently and wholeheartedly desires and pursues only the best means to his ends. In contrast, someone who is less magnanimous and more pusillanimous desires and pursues things that aren't nearly as conducive to his ends. Truly pusillanimous people "are snatched from their purpose by everything that comes in their thought by so many and so long digressions and parentheses that they utterly lose themselves" (L: 8.3). As such, it is easy to imagine that the magnanimous person will be more successful at achieving his great desires than the less magnanimous person.

Furthermore, as argued in previous chapters, the truly magnanimous person has an accurate representation of his own power, while the less magnanimous person does not. As a result, it seems reasonable to think that the less magnanimous person, who suffers from vainglory, might pursue a goal that is impossible for him, because he falsely believes he has enough power.¹⁹¹ Likewise, it is easy to imagine that a not-so-magnanimous person, who suffers from vain fear, might fail to pursue some goal, believing that it is impossible when it isn't.¹⁹²

As argued in **Chapter 7**, Hobbes takes every truly just person to be magnanimous. Thus, for Hobbes, a person can only have perfect virtue if he has an

¹⁹¹ See the discussion in **Part 5**. In particular, see the quote starting: "But if he estimates his power by means of his own fiction . . ."

¹⁹² Hobbes writes that, if a person has an inaccurate representation of his power, which leads him to believe himself to have more infirmities than he actually has, he experiences vain fear, which: "utterly crows a man, that he neither dare speak publicly, nor expect good success in any action" (EL: 9.2).

accurate representation of his own power.¹⁹³ As we will see in **Section 8.5**, Hobbes further argues that, if a person has an inaccurate representation, either as a result of vain glory or vain fear, the person will fail to achieve the greatest possible felicity, an end which he seeks highly.

Finally, as argued in previous chapters, the magnanimous person is, other things being equal, far more likely to be honored than someone who is less so.¹⁹⁴ And as a result, the magnanimous person is far more likely to enjoy all of the advantages of honor. He is more likely to be obeyed (L: 10.20), to receive great gifts (L: 10.21), to be loved (L: 10.24), and to be trusted (L: 10.20). With these advantages at his disposal, the magnanimous person is likely to be more successful at achieving certain goals than the more pusillanimous man who doesn't enjoy these benefits.

Since a truly just person is nothing more than a truly magnanimous one, the truly just person is more likely to enjoy these advantages as well. He is more likely to be honored. He has an accurate representation of his own power, and he pursues his goals

¹⁹³ This stands in stark contrast to Julia Driver's modern account of the virtue of modesty, according to which it is virtuous to have a "disposition to underestimate self-worth in some respect." See: Julia Driver, "Modesty and Ignorance," *Ethics* 109, no. 4 (Jul. 1999): 827. In particular, Driver argues that a person might possess the virtue of modesty if she underestimates her worth to a limited degree. If a person underestimates himself too much, he might suffer, instead, the vice of self-deprecation. But, for Hobbes, any degree of underestimation would mean that a person is not entirely virtuous. For Driver, a modesty of underestimation is valuable, in part, because a modest person won't be as inclined to compare her worth to the worth of other people, and thus won't "provoke an envy response in others" (828). For Hobbes, in contrast, as argued in **Chapter 7**, a person must have an accurate understanding of his own power, *in comparison to* the power of others, in order to be magnanimous, or perfectly just. And, as I am arguing and will continue to argue, according to Hobbes, a person must have this kind of magnanimity in order to achieve the best possible felicity. In fact, Hobbes has a distinct account of the virtue of modesty, which doesn't rely on under-estimation. While this is not the proper place for a complete account, to speak roughly, Hobbes identifies the virtue of modesty with the habit-strengthened disposition to follow the tenth law of nature, as numbered in *Leviathan* (L: 15.22).

¹⁹⁴ To be clear, the magnanimous person is only more honored because he is more powerful than others. People only ever honor each other, because of what they take to be signs of power: "*Honourable* is whatsoever possession, action, or quality is an argument and sign of power" (L: 10.38). Further, Hobbes is clear that anything which is a sign of magnanimity is honorable because magnanimity is itself a sign of power: "Actions proceeding from equity, joined with loss, are honourable, as signs of magnanimity, for magnanimity is a sign of power" (L: 10.46).

without distraction. As a result, a truly magnanimous, just person is more likely to find success than someone who is less just.

Section 8.5: Why Magnanimity is Necessary for the Greatest Felicity¹⁹⁵

Finally and perhaps most significantly, in *De Mundo Examined*, Hobbes is clear that some magnanimity is necessary for felicity, and that only a truly magnanimous person could ever experience the greatest degree of felicity. As a result, Hobbes can also consistently maintain that it is in every person's best interest to become magnanimous. And since a magnanimous person is nothing more than a just one, Hobbes can also conclude that it is in everyone's best interest to be just.

In order to recognize that, for Hobbes, magnanimity is necessary for felicity, it is necessary to understand the relationships between the notions of felicity, pleasure, glory, and magnanimity. This section will explore these relations, and will conclude that only a truly magnanimous person could ever experience the greatest felicity.

To begin, recognize that, for Hobbes, to experience the greatest felicity is also to experience the greatest pleasure. As he writes in *De Mundo Examined*:

Quod autem foelicitas consistat in eo ut vita cum voluptate, id est iucunditate maxima traducatur, id negandum non est; sed quaestio manet in quo iucunditas illa collocanda sit.

Moreover, it cannot be denied that felicity consists in this, that life is led with pleasure, i.e. with the greatest pleasure.

¹⁹⁵ This section was heavily influenced by Chapter 3 of Gabriella Slomp's book *Thomas Hobbes and the Political Philosophy of Glory*. Slomp doesn't clearly acknowledge that, for Hobbes, magnanimity is necessary for the greatest felicity, nor does she acknowledge that, for Hobbes, magnanimity (or well-grounded glorying) is necessary in order to have the only kind of great pleasure that is, itself, necessary for the greatest felicity. Nonetheless, she does recognize that, in *De Mundo Examined*, "Hobbes treats happiness and glorying as virtually interchangeable concepts" (44), and she further recognizes that only true (well-grounded) glory gives grounds for happiness (35).

But also note that, for Hobbes, the pleasure necessary for felicity is not the pleasure of the senses, because:

Deinde quomodo potest fruitio earum rerum ulla pro foelicitate haberi, quae brutis animalibus communes sunt nobiscum?

Then how could the enjoyment of happiness be had by any of those things that are common between brute animals and ourselves?

Rather, the pleasure necessary for felicity has to be a pleasure of the mind. But which kind of pleasure of the mind is necessary for felicity? To arrive at the answer, it is necessary to understand what Hobbes means by a pleasure of the mind. In *De Mundo Examined*, Hobbes claims that every pleasure of the mind arises when a person correctly recognizes (or falsely imagines) himself to have power and excellence:

Et si quidem omnis dolor animi in recordatione, vel fictione propriae impotentiae collocatus sit, necesse est ut omnis animi iucunditas consistat in recordatione, vel saltem ficta imaginatione propriae potentiae, sive excellentiae.

And indeed if every pain of the mind is located in the recollection, or in the fiction of one's own powerlessness, it is necessary that every pleasure of the mind consists in the recollection, or at least in the false imagination of one's own power or excellence.

And Hobbes then acknowledges that, as a result, every pleasure of the mind is glory:

Est itaque gaudium, sive delectatio animi nihil aliud quam triumphus quidam animi, seu interna gloria, vel gloratio eius de potentia & excellentia propria respectu alterius qui cum se comparat.

And so joy, or the delight of the mind, is nothing other than a certain triumph of mind, or an internal glory, or gloriation about his own power and excellence with respect to another with whom he compares himself.¹⁹⁶

¹⁹⁶ My translation, here, again differs substantially from that provided by Harold Whitmore Jones. Jones translates "*gloria*" as "pride," but, as I argued in my **Chapter 7**, not every form of glory is pride. Further, my translation preserves similarities between Hobbes' *De Mundo Examined*, *Leviathan*, and *Elements of Law: Natural and Politic*. Consider the following two passages, for example: 1. "Glory, or internal gloriation or triumph of the mind, is that passion which proceedeth from the imagination or conception of our own power, above the power of him that contendeth with us" (EL: 9.1). 2. "Joy arising from

Now, since a pleasure of the mind is necessary for felicity, and since every pleasure of the mind is glory, we can ask: what type of glory is necessary for felicity? Hobbes is clear that every glory is either well-grounded or empty. Further, Hobbes is clear that empty glory is not conducive to felicity. In *De Mundo Examined*, Hobbes addresses two different kinds of empty glory and claims that neither leads to felicity.¹⁹⁷

First, Hobbes discusses the person who believes himself to be better than he is because he has deceived himself with fictions. Hobbes claims that this person's mental pleasure is immediate and empty and is "called empty glory." Hobbes further claims that this person won't be hopeful about the future, and his pleasure will in no way be conducive to felicity.

Quod si quis potentiam suam aestimet ex fictione propria (potest enim quilibet attribuere sibi per fictionem phantasticam actiones quaslibet fictas a poetis) spes nulla futurui successus inde oritur, sed delectatio praesens & inanis, propter quam vocatur quoque inanis gloria, neque ad foelicitatem ullatenus conducit (7 – 417).

But if he estimates his power by means of his own fiction (for anyone is able to attribute to himself, through imaginary fiction, any of the actions contrived by the poets), no hope for a successful future rises thereupon, but instead a delight present and empty, because of which it is also called empty glory, and is not conducive to felicity in any way.

imagination of a man's own power and ability is that exultation of the mind which is called GLORYING" (L: 6.39).

¹⁹⁷ In *The Elements of Law*, Thomas Hobbes distinguishes "false glory" from "vain glory" (EL: 6.1). There, he suggests that a person experiences *false* glory when that person imagines himself to be more powerful than he is because of flattery – the deceiving fame and trust of other people. And a person experiences *vainglory* when he imagines himself to be better than he is, based on personal fancy or thinking about fictions. In *De Mundo Examined*, Hobbes doesn't make this distinction, and he there refers to both of these kinds of glory as "*inanis*," or "empty." Certainly, in his *Latin Leviathan*, Hobbes chose to understand "*inanis gloria*" as vainglory. But it isn't clear if, as a result, we should take Hobbes, in *De Mundo Examined*, to contradict his *Elements of Law* and claim that both types of empty glory are actually vain. All that is obvious is that Hobbes means to distinguish these two kinds of glory – which are empty, present, and useless – from well-grounded glory, which is conducive to felicity. Along these lines, I have chosen to translate "*inanis gloria*" as "empty glory," rather than as "vainglory."

Second, Hobbes discusses the person who believes himself to be better than he is because he listens to flatterers. Hobbes likewise claims that this person's glory is also empty. This person might try to take significant actions, but he won't be up to facing the challenges, and he won't experience felicity, either.

Vel si quis potentiam suam aestimat non ex factorum conscientia, sed ex testimonies adulatorum, ea quoque inanis gloria est; excitat tamen ad res gerendas, sed infoeliciter, quia potentia inchoepta non respondit.

Or if anyone estimates his power, not by the knowledge of facts, but from the testimonies of flatterers, his glory is also empty; nevertheless it rouses him to exploits to be carried out, but without felicity, since his power does not square with the things begun.¹⁹⁸

Now, since some kind of glory is necessary for felicity, and since the glory necessary for felicity cannot be empty – cannot be poorly grounded – we can conclude that the glory necessary for felicity is well-grounded glory. This is what Hobbes suggests when he claims that this well-grounded glory is conducive to continued success, and that felicity consists in this kind of success.

Iam si gloria talis oriatur ex aestimatione potentiae per facta priora, faciunt spem, propterea quod is qui fecit, videtur habere potestatem rursus faciendi. Ideoque tali suiipsius aestimatione erigitur industria, & plerumque cum successu, propter potentiae aestimationem veram et iustam; unus autem successus causa est alterius, propter novam potentiam omni successu comparatam; atque hoc modo continuati successus una cum causis sperandi si | perserverant, foelicitas dicitur.

Now if such glory arises from an estimation of powers based on prior deeds, they make hope, since a person who did that, seems to have the power to do so again. Hence a self-estimation like this gives rise to diligence and often, through an estimation of power that is true and just, with success. Moreover one success is the cause of another, on account of new power joined with every success; and felicity is said to consist in successes continued this way along with reasons to hope if they persist.¹⁹⁹

¹⁹⁸ Here, Harold Whitmore Jones, who had been understanding “*inanis gloria*” as “empty glory,” peculiarly translates it very differently as “a worthless self-glorification.”

¹⁹⁹ Here, I have stayed very close to Harold Whitmore Jones’ translation on page 466.

So, we can conclude that the pleasure of well-grounded glory is the only pleasure necessary for and conducive to felicity. And further, since the greatest felicity requires the greatest pleasure, we can further conclude that only a person who experiences the greatest well-grounded glory could experience the greatest felicity.

So who experiences the greatest well-grounded glory? Remember that, by the definition discussed in **Chapter 6**, magnanimity is well-grounded glory. Further recall that the truly magnanimous person experiences the greatest glory of this type. So, it appears that only the truly magnanimous person could ever experience the greatest felicity.

As suggested earlier, the magnanimous person might fail to experience great felicity, because he might fail to achieve what he desires. Nonetheless, only a magnanimous person could possibly experience the greatest felicity. He might not always experience it, but at least it's possible for him.

Since it is in each and every person's best interest to experience the greatest felicity and to do whatever is necessary for it, it is also in every person's best interest to become a truly magnanimous person. Now, finally, it should be abundantly clear why, for Hobbes, it is in everyone's best interest to be a truly just person. After all, as argued in previous chapters, a truly magnanimous person is nothing more than a truly just one.

To be clear, all I have shown it is that justice and magnanimity are in a person's best interest in an "ideal" sense. They are necessary for anyone to achieve an ideal life outcome. This doesn't yet mean that it is reasonable and beneficial for anyone to pursue them in their everyday lives; they may yet prove risky, and the stakes might be too high.

But my argument has, as of now, established that, for Hobbes, the virtue of justice is incredibly advantageous, at least for those who seek great happiness.

Section 8.6: Felicity and Self-Preservation

In earlier chapters, I have argued that, for each and every individual, self-preservation is the greatest real good. How does this relate to the discussion of felicity, above? Hobbes seems to say both that self-preservation is the greatest good for every person, *and* that felicity is as well. But how can there be two greatest goods?

In Chapter 11 of *De Homine*, Hobbes suggests that: “The greatest of goods for each is his own preservation” (DH: 11.6). Hobbes later suggests that: “The greatest good, or as it is called, felicity and the final end, cannot be attained in the present life” (DH: 11.15). How can both passages be true?

In fact, the English translation obscures a more subtle point, made in Hobbes’ Latin. In the original Latin, the wording of the two passages isn’t the same at all. Felicity is the “*summum bonum*,” and self-preservation is the “*bonorum primum*.”²⁰⁰ Each is first/foremost, and greatest, but clearly in its own, particular way. What is going on here?

I take Hobbes to appeal to a distinction between second- and first-order desires. I mean to make a simple distinction; second-order desires are “about” other desires, and first-order desires aren’t. I take felicity to be the greatest second-order desire: a *summum bonum* which concerns all other desires. And I take Hobbes to suggest that self-preservation is the greatest first-order desire. The desire for felicity and the desire for

²⁰⁰ Thomas Hobbes, *Opera Philosophica Quae Latine Scripsit: Vol. II.* (Elibron Classics, 2006).

self-preservation are the greatest *of their kinds*, and while there are some interesting relations between them, neither should be said to be greater than the other.

According to Hobbes, a person can only successfully pursue the greatest possible felicity if he successfully pursues many of his other real desires. Along these lines, recall that felicity is the: “*continual success* in obtaining those things which a man from time to time desireth” (L: 6.58). Felicity, then, is a second-order desire insofar as it is “about” all of a person’s other desires, both present and future. To desire felicity is to desire that one’s present and future desires should be satisfied, and that one should also preserve the good he has already acquired.

Just so, whenever a person seeks to obtain something which he desires, he is also – whether he is aware of it or not – taking steps toward his own felicity. To satisfy any first- or second-order desire is to take a step toward the desire for felicity – toward the desire to satisfy desires.

Now, in light of this, consider what Hobbes says about voluntary actions: “For a *voluntary act* is that which proceedeth from the *will* and no other . . . *Will*, therefore, is *the last appetite in deliberating*” (L: 6.53). I take this to suggest that a person cannot act voluntarily without seeking to satisfy a desire he either really has, or at least thinks he possesses. Just so, whenever a person acts voluntarily, he also takes a step, which, if he correctly understood the relation between desire and felicity, he would also believe was a step toward his greatest second-order desire, namely the desire for felicity.

This is why, as argued in **Section 8.3**, a person can never forgo his desire for felicity, in order to pursue some other desire. And this is also why any voluntary action a person takes is taken in order to procure and assure a contented life of felicity.

Of course, Hobbes is also aware that a person can, in fact, successfully pursue an *apparent* good – one that isn't *real* – without ever *actually* increasing his felicity at all. Consider, for example, most people who pursue their own death through suicide. According to Hobbes, death is: “that terrible enemy of nature . . . from whom we expect both the loss of all power, and also the greatest bodily pains in the losing” (EL: 14.6). Now, as argued in **Section 8.2**, above, a person's desire for felicity is nothing more than his restless desire for power. So it should also be clear that, for Hobbes, since death involves the “loss of all power” it can be understood as involving no felicity at all. Likewise, recognizing, as argued in **Section 8.4**, that great pleasure is necessary for felicity, since death typically involves the greatest bodily pains, we again have reason to think that pursuing death is rarely, in fact, conducive to felicity at all.

This is because, in almost all cases, when a person chooses to die, he is pursuing something that is an *apparent* good, but not a *real* one (see my discussion in **Chapter 7**). He is, in fact, pursuing something he thinks he desires, but doesn't really or actually desire at all. Insofar as this is the case, we should recognize that, for Hobbes, a person can, in fact, pursue an end that he doesn't really desire, so long as he thinks he desires it. In light of what Hobbes says about the relation between voluntary actions and will, we should understand him to take the will to be the last appetite we either really have, *or at least think we have*, in our deliberation. Certainly, it is true that, for Thomas Hobbes, if a person ever satisfies his desire for a *real* good, then he also takes a step toward felicity. But if a person strives to satisfy a desire for an *apparent* good that isn't real, he may not actually increase his felicity, even if he were to believe he would or did.

Now, there are a few, limited cases in which pursuing death really could be desired as good for a person. Along these lines, Hobbes writes:

From this, White slips into the question: ‘Is it better not to exist at all than to suffer eternal torment, when happiness is lost?’ In my opinion, not to exist is preferable to existence in such a state . . . That we prefer torment *which lasts [only] for a fixed, finite, and short period* to perishing or to death is due not to the loathsomeness associated with death or with our ceasing-to-be, but either to the hope of receiving, with life itself, joys of life, or to the fear of [suffering] pain as we die.²⁰¹

We can read this to suggest that, when a person’s only choice is between either eternal torment or death, then, and only then, can death be considered a real good. After all, to pick death in this case is to pick the option with greater felicity. In this circumstance, it is preferable to choose to have no felicity at all, over the powerlessness, pain, and lack of hope that comes with eternal suffering.

This might lead us to think that, for Hobbes, it is good to pursue self-preservation only insofar as it is instrumental to felicity. After all, it can actually be preferable to choose death, when it is the best option with respect to felicity. Yet I still maintain that, for Hobbes, most individuals – even reasonable ones – pursue self-preservation for its own sake, not only insofar as it is instrumental to their second-order desire for felicity.

For Hobbes, *any* action or disposition can only be a *real* good if, in the long run, it is conducive to felicity. If self-preservation should be considered only instrumentally good, because it is a real good only when it is conducive to felicity, then we would also have reason to think that *every* action and disposition is only instrumentally good as well. But Hobbes clearly believes that reasonable people pursue many things that are good for their own sake, rather than merely useful to other ends. I will return to this point again, in my **tenth and final chapter**.

²⁰¹ Harold Whitmore Jones’ translation, *Thomas White’s De Mundo Examined*, 486.

Rather, I maintain that, for Hobbes, felicity is the greatest second-order desire, and self-preservation is the greatest first-order desire, and neither is greater or purely instrumental to the other. Certainly, pursuing one is necessary for achieving a great degree of the other, but no more can be said than that.

And yes, I do contend that, for Hobbes, felicity is a “*summum bonum*.” That is precisely the language Hobbes uses to describe it in *De Homine*. In *Leviathan*, Hobbes does write: “For there is no *finis ultimus* (utmost aim) nor *summum bonum* (greatest good) as is spoken of in the books of the old moral philosophers” (L: 11.1). But, as C. Richard Booher has pointed out,²⁰² we needn’t read Hobbes to deny that there is a *summum bonum, simpliciter*; rather, we need only acknowledge that, for Hobbes, there exists nothing that has the features the “old moral philosophers” used to describe a *summum bonum*. Hobbes does reject the existence of “final causes,” and he also rejects the possibility of *summum bonum* that calls for individuals to give up their desires.²⁰³ But Hobbes does allow that there is a *summum bonum* of a different sort – a great second-order desire toward which, in a sense, all other actions are directed.

To conclude this section, it is worthwhile to note that theorists like Jean Hampton are mistaken when they make pleasure – and not felicity – the cornerstone of Hobbes’ theory. For instance, Hampton is wrong to suggest that: “It is because we will experience excruciating pain as we die that we fear death and desire self-preservation above all else.”²⁰⁴ This puts far too much stress on the pain of death, and far too little on the desire for power and the hope of receiving joy. Hobbes is very clear that death is

²⁰² In his feedback after a January, 2011 presentation at the Upstate Early Modern Workshop.

²⁰³ “Nor can a man any more live whose desires are at an end than he whose senses and imaginations are at a stand” (L: 11.1).

²⁰⁴ Hampton, *Hobbes and the Social Contract Tradition*, 17.

fearful not only because of how it relates to pleasure and pain, but also because of how it relates to hope and power. That is, death is fearful because of the way it relates to the desire for the greatest *felicity*, which can only be satisfied by acquiring power, constantly hoping for the future, and obtaining the greatest pleasure possible.

Additionally, Hampton is wrong to suggest that Hobbes: “seems to presuppose that a human being’s most fundamental pursuit is for pleasure, although . . . that pleasure is not characterized by Hobbes as an object of desire.”²⁰⁵ If we should consider any pursuit to be more fundamental than the pursuit of self-preservation, it should be the pursuit of felicity, not the pursuit of pleasure. After all, just as it is only good to pursue self-preservation when it is conducive to felicity, it is also only good to pursue the *pleasure* that is conducive to felicity as well. Clearly, as argued in **Section 8.5**, above, the pleasure of vainglory, for instance, is not to be sought, insofar as it can be quite disastrous, with respect to achieving the greatest felicity.

Section 8.7: Conclusion, and Hobbes’ Ransom Case

In **Chapter 1** of my project, I described Hobbes’ ransom case, in which Hobbes seems to suggest that a person it is reasonable – and a person is obliged – to keep all of his valid covenants. Thus, Hobbes insists, if a person forms a valid covenant with a thief, and agrees to exchange money for his life, the person is obliged to perform his covenant, and it is reasonable to do so.

Earlier in this chapter, I have explained that, according to Hobbes, it is beneficial – at least in an ideal sense – for a person to become and remain genuinely just. That is the only way to become magnanimous, and to potentially experience the greatest degree

²⁰⁵ Hampton, *Hobbes and the Social Contract Tradition*, 17.

of felicity. And, in **Part 1** of my work as a whole, I argued that, for Hobbes, the only way a person could become and remain just is to consistently endeavor to act justly – and keep his valid covenants – in *every* situation he enters. Thus, in an ideal sense, at least, it is in anyone's best interest to keep his valid covenants, even one with a thief.

In the next chapter, I will argue that, for Hobbes, regardless of the risks and costs involved, it is reasonable and beneficial for anyone and everyone to constantly do what is necessary to become just, and achieve the greatest possible degree felicity. And so, too, I will conclude that it is reasonable and beneficial for anyone to keep his valid covenants, even in their everyday lives.

Chapter 9. Thomas Hobbes and The Reasonable Man

I will argue that, for Thomas Hobbes, if everyone were genuinely reasonable, and recognized each other as such, they could achieve a truly great result: a state of peace, without a sovereign or any other costly enforcement mechanisms. If everyone were reasonable, lives in the state of nature wouldn't be nasty, brutish and short; rather, everyone could actually achieve a great degree of felicity there, as well. It is only because so many people aren't strictly reasonable, and because we can't quickly discern which are unreasonable, that we need a society and a sovereign.

I argue that, according to Hobbes, a reasonable person will consistently maintain his obligations *in foro interno*, and thus will, if he belongs to a society with a strong sovereign, also maintain his obligations *in foro externo* as well. Yet, according to Hobbes, most people fail to maintain their obligations *in foro interno*. And while a sovereign might insure that people will tend to maintain their covenants with each other – and fulfill their obligations *in foro externo* – people will continue to fail *in foro interno*. Thomas Hobbes' theory successfully addresses the following question: Granting that many people aren't strictly reasonable, and that they fail to meet their obligations *in foro interno*, what kind of system can be put in place, to ensure that they will nonetheless maintain a state of peace?

This ties into a bigger question, which modern theorists like Edward McClennen have recognized. When should we expect the bargaining of reasonable people to arrive at outcomes that require costly surveillance and enforcement mechanisms? Both McClennen and Hobbes suggest that reasonable people, left on their own, would often arrive at outcomes that don't demand these costs, and which are better than any possible

outcome that would require them. That is, for Thomas Hobbes, if everyone were strictly reasonable, there would be no need for a sovereign.

Section 9.1: Thomas Hobbes and A Higher Standard Of Reason

According to Thomas Hobbes, very few people are genuinely reasonable. He is very clear about this. The terms “just” and “unjust,” when attributed to men, “signify conformity or inconformity of manners to reason” (L: 15. 10), and “that which gives to human actions the relish of justice is a certain nobleness or gallantness of courage, rarely found” (L: 15.10). The reasonable man is rare. So is the virtue of justice, since a person needs just manners in order to possess it.

To begin to understand why this is the case, it will be valuable to consider, first, exactly what Hobbes thinks reason is meant to do. In *De Homine*, Hobbes is clear that the “job of reason” is to seek the “real good” (DH: 12.1). That is, reason is meant to determine which actions to perform and which dispositions to acquire, taking into account all of their various consequences and interconnections. In *De Homine*, Hobbes suggests that something is an “apparent good” but not a “real one,” if a person mistakenly believes that it is good for him, because he hasn’t properly taken into account its long-term consequences:

In many things, whereof part is good and part evil, there is sometimes such a necessary connexion between the parts that they cannot be separated. Therefore, though in each one of them there be so much good, or so much evil; nevertheless, the chain as a whole is partly good and partly evil. And whenever the major part be good, the series is said to be good, and is desired; on the contrary, if the major part be evil, and, moreover, if it be known to be so, the whole is rejected. Whence it happens that inexperienced men that do not look closely enough at the long-term consequences of things, accept what appears to be good, not seeing the evil annexed to it; afterwards they experience damage. And this is what is meant by those who distinguish good and evil as *real* and *apparent* (DH: 11.5).

So, for Hobbes, the “job of reason” is to arrive at what is a “real good.”

Therefore, presumably, if someone is consistently reasonable, he is aware of what is really good for him. The reasonable man knows the truth about what is good for him. His apparent goods are real goods as well.

But, for Hobbes, in order to be completely reasonable it isn't enough just to realize what is really good; a person must also consistently endeavor to perform those actions and acquire those dispositions that can help him to achieve it. As I have argued in previous chapters, according to Hobbes, the pursuit of virtue, self-preservation, and felicity are all real goods. And he is clear that anyone who doesn't endeavor toward these ends is unreasonable. For example, if a person doesn't take “all the care he can that his actions may all be just” (L: 15.10), then he doesn't have the virtue of justice, and thus isn't entirely reasonable, either!

On a similar note, Bernard Gert is correct to suggest that: “Hobbes would regard someone who uses all of his experience, instrumental reasoning, verbal reasoning, and science in order to kill himself in the most painful possible way, not only mad, but as acting irrationally.”²⁰⁶ Gert defends this claim by considering numerous passages in which Hobbes clearly connects reason to self-preservation, including Hobbes' definitions of both the right and law of nature:

The RIGHT OF NATURE, which writers commonly call *jus naturale*, is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently of doing anything, which in his own judgment and reason, he shall conceive to be the aptest means thereunto (L: 14.1).

Therefore *true reason* is a certain *law*; which, since it is no less a part of human nature, than any other faculty, or affection of the mind, is also termed natural.

²⁰⁶ Gert, “Hobbes on Reason,” p. 248.

Therefore the *law of nature*, that I may define it, is the dictate of right reason, conversant about those things which are to be done or omitted for the constant preservation of life and members, as much as in us lies (DC: 2.1).

Still, Gert is mistaken about *why* the notions of reason and self-preservation are connected as they are. He doesn't focus on the relationship Hobbes draws between reason, real goods, and desires. In fact, Hobbes is clear that it is reasonable for anyone to pursue his self-preservation because every person very strongly desires his own self-preservation as a real good for himself. Immediately after describing the differences between real and apparent goods in *De Homine*, Hobbes declares that the "greatest of goods for each is his own self-preservation" (DH: 11.6). Hobbes also maintains that something is only good for a person if he desires it (L: 6.7). So, each person greatly desires his own self-preservation. And, unless a person acknowledges this – and acts appropriately – his reason has failed in its search for the "real good" and thus isn't doing "its job" (DH: 12.1).

Bernard Gert is wrong to think that Hobbes does not commit everyone to a very strong desire for self-preservation, and that: "Hobbes is not making an empirical generalization about the desires and aversions of actual people."²⁰⁷ In fact, that is exactly what Hobbes is doing. Hobbes is suggesting that everyone does, in fact, strongly desire his own self-preservation, and that truly reasonable people realize it. Their reason has successfully completed its search for the real good. They know how much they desire to survive, and they consistently pursue the best means for this end. For them, self-preservation is both a real and apparent good.

According to Hobbes, it is unreasonable for a person to perform an action or acquire a disposition provided it is unreasonable for him *to believe* that doing so would

²⁰⁷ Gert, "Hobbes on Reason," p. 251.

be in his best interest. This is true, even if the action or disposition would, in fact, lead to the greatest possible rewards:

When a man doth a thing, which notwithstanding anything can be foreseen and reckoned on tendeth to his own destruction, howsoever some accident, which he could not expect, arriving may turn it to his benefit; yet such events do not make it reasonably or wisely done (L: 15.5).

So, too, the reverse should also be the case. For Hobbes, a person should be entirely reasonable, if he reasonably believes certain actions and dispositions were in his best interest and he acts accordingly. Now, in light of the discussions above, it is clear that a person is not entirely reasonable if he chooses to commit suicide, or deliberately endeavors to break a valid covenant. So, too, it must never be reasonable for a person *to believe* that these actions were in his best interest.

It begins to look as if, for Hobbes, a person can only reasonably believe that something is in his best interest if it actually is. But how does this square with Hobbes' "mathematical" view of reason? According to him:

When a man *reasoneth*, he does nothing else but conceive a sum total from *addition* of parcels, or conceive a remainder, from *subtraction* of one sum from another; which (if it be done by words) is conceiving of the consequence of the names of all the parts to the name of the whole, or from the names of the whole and one part, to the name of the other part (L: 5.1).

This passage seems to parallel Hobbes' considerations regarding the differences between "real" and "apparent" goods, quoted above. If a person correctly recognizes how good or bad each part of a chain of consequences is, and adds and subtracts correctly, then he can arrive at an appreciation of what is really good for him. But, as Hobbes suggests in *De Homine*, if a person doesn't arrive at correct conclusions, and doesn't conclude that he has real goods like self-preservation and the virtue of justice, then his reason hasn't done its job.

It doesn't seem to matter whether a person was wrong because he misjudged or was unaware of part of the chain, or whether his actual computations were wrong. In order to be completely reasonable – and to do “good math” - a person's *conclusions* must actually be right! When it comes to moral considerations, it appears that, for Hobbes, to be reasonable is to be right. This adds very special meaning to his phrase “right reason”!

Section 9.2: Justice, The Real Good

But, for a person either to be reasonable or act reasonably, it isn't sufficient that he recognize what is really good for him, and what he really desires. In order to be reasonable, a person must also *actively* pursue his real goods, as well. This is why Hobbes wants, at least at first, to suggest that anyone who commits suicide must be completely mad!²⁰⁸ It is simply so obvious that such a person fails to actively pursue what is really good for him, namely, his own self-preservation.

When we consider Hobbes' discussion of justice, it should become even clearer, that a person can behave reasonably only if he pursues what is really good for him. As I have argued in previous chapters, according to Hobbes, each and every person has a strong desire to possess the virtue of justice as a real good for himself. And it should be clear, from the discussion in **Section 9.2**, above, that a person must consciously and correctly recognize that he desires the virtue of justice, in order for reason to have done its job. Now I will argue that, for Hobbes, if a person is to behave reasonably, he must

²⁰⁸ Hobbes writes: “I conceive not how any man can bear *animum felleum*, or so much malice towards himself, as to hurt himself voluntarily, much less to kill himself. For naturally and necessarily the intention of every man aimeth at somewhat which is good to himself, and tendeth to his preservation. And therefore, methinks, if he kill himself, it is to be presumed that he is not *compos mentis*, but by some inward torment or apprehension of somewhat worse than death, distracted.” Thomas Hobbes, “A Dialogue Between A Philosopher & A Student Of the Common Laws of England,” in *The English Works of Thomas Hobbes of Malmesbury*, Vol. VI., ed. Sir William Molesworth, Bart. (London: J. Bohn, 1840), 88.

act justly as well. He must actively try to acquire or retain the virtue of justice, which he consciously recognizes he desires. This is the only way he can act reasonably or become a reasonable person.

This should become even more evident in light of two further considerations. First, as argued in **Chapter 4**, a person can only become just – and acquire or keep the virtue of justice - by habitually endeavoring to follow the laws of nature and, in general, live justly. So, even the most foolish, despicable person has good reason to endeavor to live justly; this is the only means anyone has to acquire the virtue of justice which he, and every other man and woman, so richly desires.

Second, and more generally, we can recognize just how strongly Hobbes ties the notion of reason to the notion of justice. These notions are strongly linked, both in theory and as a matter of definition alone. Both just persons and just actions must be reasonable, and if people or actions are reasonable, they must also be just.

Hobbes is the most explicit about the connection, when he discusses actions. When he discusses what the words “just” and “unjust” signify, he writes that: “When they are attributed to action they signify the conformity or inconformity to reason . . . of particular actions” (L: 15.10). Remembering that Hobbes takes signification as definition,²⁰⁹ it turns out that, even as a matter of definition, a person cannot act reasonably if he acts unjustly.

Hobbes makes a similar point when discussing just people. Discussing the names “just” and “unjust,” Hobbes writes that: “When they are attributed to men, they signify conformity or inconformity of manners to reason” (L: 15.10). As I have already implied,

²⁰⁹ Hobbes claims that the signification of words are the words’ definitions: “and therefore in geometry . . . men begin at settling the significations of words, which setting of significations they call definitions, and place them in the beginning of their reckoning” (L: 4.12).

I take Hobbes, here, to suggest that a person is not entirely reasonable unless his manners are in conformity with reason. It seems obvious that, comparing two people who are otherwise identical, the one whose manners are conformable to reason is the more reasonable. In light of this, I take Hobbes to define the just person as the reasonable person. This interpretation makes particularly good sense, seeing that a just person's actions also will, by his nature, tend to be reasonable, insofar as he will necessarily "taketh all the care he can that his actions may all be just" (L: 15.10). Overall, it should be clear that only just people can be entirely reasonable, and that those who deliberately act unjustly are neither reasonable nor just.

This isn't merely a matter of definition. Hobbes' theory, elsewhere, draws strong links between justice and reason. And all of these passages seem to fit my proposal, that a person can only be reasonable if he actively pursues justice, which is a real good for each and every person. For example, Hobbes explicitly suggests that a person must have the capacity for reason if he is to be just. According to Hobbes, anyone who lacks the capacity for reason is neither good nor bad, and is neither just nor unjust. Hobbes is most clear about this when he writes about children:

Unless you give children all they ask for, they are peevish and cry, aye, and strike their parents sometimes; and all this they have from nature. Yet they are free from guilt, neither may we properly all them wicked; first, because they cannot hurt; next, because wanting the free use of reason they are exempted from all duty (DC: preface, p. 100).

Still, Hobbes goes even further than this. He extends the same argument to all – including madmen – who lack reason, and the capacity to understand the consequences of their covenants. Children are not "wicked" because they lack reason. Similarly, no one,

regardless of age, has “the title of just or unjust” unless he has reason, and the understanding that goes with it:

We may understand that the command of the commonwealth is law only to those that have means to take notice of it. Over natural fools, children, or madmen there is no law, no more than over brute beasts; nor are they capable of the title of just or unjust, because they had never power to make any covenant or to understand the consequences thereof, and consequently never took upon them to authorize the actions of any sovereign, as they must do that make to themselves a commonwealth (L: 26.12).

Of course, all we can ascertain from these passages is that, for Hobbes, the capacity for reason and understanding is – at the very least – a prerequisite for being a just or unjust person. But it doesn’t follow from them, alone, that if a person isn’t genuinely just, he isn’t genuinely reasonable.

This broader idea becomes increasingly clear in light of what Hobbes has to say about what actually makes a person wicked. Hobbes suggests that a person can only become unjust and wicked if he has the capacity for reason, but continues to act as foolishly as a child does:

Insomuch as a wicked man is almost the same thing with a child grown strong and sturdy, or a man of childish disposition; and malice the same with a defect of reason in that age when nature ought to be better governed through good education and experience (DC: preface, 100).

On a similar note, Hobbes also writes that:

The unwritten law of nature . . . [is] easy to such as without partiality and passion make use of their natural reason and therefore leaves the violators therefore without excuse (L: 26.21).

Implicit in these two passages, especially when seen in relation to the discussions above, is the suggestion that, if a person has the capacity for reason but deliberately chooses to act maliciously or otherwise violate the laws of nature, then he is not only

without excuse, he is also less than entirely reasonable. He is exhibiting a “defect of reason.”

Imagine any sane adult who is capable of creating covenants, who chooses to violate the third law of nature, and break a valid covenant. In other words, imagine anyone who chooses to commit an act of injustice. For Hobbes, such a person isn't entirely reasonable. He should know better than that! Reason should have prevailed, and the man is without excuse. Not only is the capacity for reason necessary to be just, but also, if one has this capacity and deliberately acts unjustly, then the person is clearly unreasonable. A person or action is reasonable if and only if he (or it) is just.

Section 9.3: The Magnanimous Man

I maintain that this is true because, for a person to be reasonable, he must not only recognize what is a real good for him (like virtue), he must also actively and consistently pursue what is really good as well. But there is much more to be said about exactly why Hobbes believes this to be the case.

It is necessary to take into account two further considerations. First, as I argued in **Chapter 7**, the just person is nothing more than the magnanimous one. Second, as I argued in **Chapter 8**, only a magnanimous person can achieve the greatest degree of felicity in life. In light of these two considerations, it should be clear that the only way to achieve the greatest degree of felicity in life is to become habituated to justice, and thus become both just and magnanimous. That is, to achieve the greatest felicity, each and every person should remain a just person, or, if he isn't already just, he should start living as if he were!

The same argument can be applied to anything that is a real good for a person. Each real good – like self-preservation and the virtue of justice – is necessary for a person to achieve the greatest possible degree of felicity. I made a case for the relation between self-preservation and felicity in **Chapter 8**.

That said, if anyone actively pursues the best means to what is really good, then he is taking the steps necessary to achieve the greatest possible felicity. Just so, when Hobbes suggests that a person is reasonable only if he acts this way, Hobbes is really claiming that a reasonable person must always seek the best. He must take the steps necessary to achieve an ideal life, with the greatest felicity.

Of course, it is easy to imagine someone, who recognizes that he could achieve the greatest felicity if he became genuinely just, nonetheless deliberately choosing not to behave in ways that best help him to achieve this end. Such a person might believe that it is far too difficult to achieve, and he might believe that, if he were to try and fail, he might end up far worse off than he would otherwise have been. So, performing a cost-benefit analysis, he might choose to live a life in which he is less than fully just, trusting that in this life he will be “happy enough.”²¹⁰

According to Hobbes, such a person would not be entirely reasonable, nor would his actions be consistently reasonable. In a sense, this is a matter of definition, even more than it is one of argument. As suggested in **Section 9.3**, above, the connections between justice and reason have to do with how Hobbes understands the terms “reasonable” and “just.” But, while it might be possible to stop the discussion here, it should further be clear that the relation between these notions is not *merely* a matter of definition.

²¹⁰ I am indebted to Ben Bradley, who, in a private discussion, directed my attention to this possibility.

In earlier chapters, I argued that every person's desire for self-preservation is so very great that, even if he could achieve all of his other present goals by killing himself, it would still not be in his best interest to do so. And, further, each person very strongly desires the greatest degree of felicity for himself. Likewise, I have argued that, for Hobbes, everyone greatly desires the virtue of justice as the most conducive means to these very substantial ends.

So, too, perhaps, no matter what the risks and difficulties are with attaining perfect justice, Hobbes would claim it is nonetheless unreasonable for a person to aim for less. Any *accurate* cost-benefit analysis, for any individual, might show that, despite the risks and potential costs, the best choice is to wholeheartedly seek or keep the virtue of justice.

If so, it would be a matter of the *magnitude* of the potential rewards – how much a person desires the potential gains – in comparison to the risks and potential costs of failure. Now, remember how strongly Hobbes believes each person desires his own self-preservation and felicity, regardless of how he feels about other people. Then, in light of the connection Hobbes draws between the virtue of justice and these other goals, it is easily conceivable that, for Hobbes, the risks and potential costs of trying to acquire the virtue of justice and failing simply cannot compete with the possibility and reward of success.

For Hobbes, there is no such thing as a somewhat-vicious person who is “happy enough.” If any person fails to be completely just, then he lacks something he greatly desires – the virtue of justice, which is greatly and instrumentally valuable for achieving felicity and self-preservation. And so, any somewhat-vicious person falls desperately

short of the great felicity he desires. His viciousness isn't worth it. In light of the magnitude of the rewards anyone could achieve if he were truly just, it is reasonable and beneficial for anyone to seek the virtue of justice, despite potential risks and costs.

Likewise, as suggested in **Section 9.2**, it is unreasonable *not* to seek justice, and it is unreasonable to believe that some viciousness might be in one's best interest. If anyone with the capacity for reason fails to seek justice, he is without excuse.

Here, now, I can finally culminate a discussion started in **Chapter 5**, where I argued that, regardless of how other relevant individuals would act, it would always maximize a person's expected benefit to perform on his valid covenants. In that chapter, I argued that a standard prisoner's dilemma matrix would never apply to valid covenants, and that, when it comes to keeping or renegeing on valid covenants between two people, the relevant matrix would look like this:

		<i>B</i>	
<i>A</i>		Keep	Renege
Keep		1, 1	2, 3
Renege		3, 2	4, 4

Why is this the relevant matrix? I have argued that, according to Hobbes, each and every person very greatly desires the virtue of justice. He desires it so much, that forgoing its pursuit to achieve other ends couldn't possibly be beneficial or reasonable for him. Additionally, I have noted that, to acquire or keep the virtue of justice, one needs to habitually endeavor to keep his valid covenants. So, given the strong connections Hobbes draws between desiring an end and desiring it means, we might now understand why, according to Hobbes, everyone strongly desires to keep his valid covenants. We have some good reason to think that a person could only best maximize his expected

benefit if he kept his covenants; that is, after all, the only way to satisfy this very strong desire!

On a final and peripheral note, it is worthwhile to recognize that, for Hobbes, absolutely anyone who has the capacity for reason could, in fact, become genuinely just. As I argued in **Chapter 3**, all it takes to be genuinely just is to consistently maintain one's obligations *in foro interno* - that is, one must consistently endeavor (though not always in external action) to follow the laws of nature, including the third law which demands that one maintain his valid covenants. Further, as I argued in **Chapter 2**, everyone, even in those in the state of nature, are obligated to follow the laws *in foro interno*. And as I also argued there, a person cannot be obligated to endeavor something, unless it is possible for him to satisfy his obligation. Thus, it is possible for anyone, even those in the state of nature, to maintain their obligations *in foro interno*, and to be genuinely just individuals.

Given Hobbes' definition of the name "just," and, further, given his theories regarding children and madmen, it should be clear that a person is not completely reasonable unless he is genuinely just. Further, given Hobbes' view of human psychology, we have reason to see why this is the case – why it might never be reasonable for anyone to aim for less.

For Hobbes, it is only ever reasonable to aim for the best! And any sane adult who thinks otherwise should really know better. As Hobbes suggests, if you have the capacity for reason, and you endeavor to violate the laws of nature, contrary to what is necessary to become or remain a just person, then you are acting like a wicked fool and

have absolutely no excuse. In contrast, if you actively seek the best, you are a magnanimous, just, and reasonable person.

Section 9.4: Reason and Obligation *In Foro Interno*

Not only is the reasonable person just, he must also consistently maintain his obligations *in foro interno*. I have made the most basic case for this, above. Only truly just people are truly reasonable, and only those who consistently maintain their obligations *in foro interno* are truly just. Therefore, only those who consistently maintain their obligations *in foro interno* are genuinely reasonable.

There is a bit more to say, to fill this story in. First and foremost, as I argued in **Chapter 2**, it is reasonable for any individual, even those in the state of nature, to maintain his obligations to the laws *in foro interno*, and it is unreasonable for him to violate them. On the basis of this conclusion, I further argued that it is reasonable, even for someone in the state of nature, to perform – in action – on all of his valid covenants. It seems altogether clear, then, that a reasonable person would maintain these various obligations, and keep his covenants. And he would do so even in the state of nature. To be reasonable, and to be consistent *in foro interno*, cannot be separated.

Even individuals in the state of nature are obligated *in foro interno* to the laws of nature. They must follow them, not only in endeavor, but also in action, unless they reasonably expect that doing so would put their lives at risk.

This is exactly what a perfectly reasonable person would do as well. As argued, reasonable people recognize how strongly they desire their own self-preservation, and they consistently endeavor to pursue this end. And since, for Hobbes, the law of nature

“is the dictate of right reason, conversant about those things which are to be done or omitted for the constant preservation of life and members” (DC: 2.1), it seems sensible that a reasonable person would perform on the laws of nature, unless he reasonably believed that doing so would put his life at risk, contrary to the intention of the laws of nature.

Finally, the reasonable person must, as suggested, be a just person. And, as argued in **Chapter 3**, the just person has the same kind of intentions/motivations as someone who maintains his obligations *in foro interno*. The just person acts “because the law commands it” (DC: 3.5), and “for the law’s sake” (DC: 4.21). In contrast, the unjust fool’s will: “is not framed by the justice, but by the apparent benefit of what he is to do” (L: 15.10). Hobbes further suggests that the unjust fool – and never the truly just person – is motivated to keep his covenants out of vainglory (DC: 4.21) and fear of punishment (DC: 3.5).

Likewise, as I also argued in **Chapter 3**, the person who satisfies his obligations *in foro interno* requires the same sort of intentions/motivations. He must have a “readiness of mind to observe [the laws]” (DC: 3.27), and he must have a “desire and constant intention to endeavour and be ready to observe them” (EL: 17.10). Further, simply *acting* justly and *acting* in accordance with the laws is not sufficient to satisfy obligations *in foro interno*; a person must have the correct intentions/motivations as well:

And whatsoever laws bind *in foro interno* may be broken, not only by a fact contrary to the law, but also by a fact according to it, in case a man think it contrary. For though his actions in this case be according to the law; yet his purpose was against the law; which, where the obligation is *in foro interno*, is a breach (L: 15.37).

Here I argue that the just person is not only the magnanimous person and the *in foro interno* person, he is also the reasonable person. All of these notions: the justice of persons, magnanimity, obligation *in foro interno*, and reason all come together, and are necessary and inseparable from each other.

Section 9.5: Reasonable Without A Sovereign

Thomas Hobbes rarely concerns himself with what society would be like if everyone were just and reasonable, and consistently satisfied his obligations *in foro interno*. There are simply too few people like this. But Hobbes does, on occasion, seem to suggest that genuinely just, reasonable people would not require a sovereign or a genuine society in order to obtain peace. For example, Hobbes claims that, while many people need the fear of negative repercussions to hold them to their covenants, genuinely just, reasonable people wouldn't:

The force of words being (as I have formerly noted) too weak to hold men to the performance of their covenants, there are in man's nature but two imaginable helps to strengthen it. And those are either a fear of the consequence of breaking their word or a glory or pride in appearing not to need to break it. This latter is a generosity too rarely found to be presumed on, especially in the pursuers of wealth, command, or sensual pleasure, which are the greatest part of mankind (L: 14.31).

According to Hobbes, too few people consistently maintain their covenants without the fear of negative repercussions. He writes that: "except they be restrained through fear of some coercive power, every man will distrust and dread each other" (DC: preface, p. 99). Just so, this is one of the roles that the sovereign must play; he must be a "power set up to constrain those who would otherwise violate their faith" (L: 14.19). In

effect, the sovereign is set up, at least in part, to make sure that men who are motivated by fear will actually hold to their covenants.

But, in the passage cited above, Hobbes is also clear that some people don't require this kind of fear to consistently maintain their covenants. For these people, covenants are strengthened by "a glory or pride," which is a "rare generosity." In **Chapter 7**, I argued that Hobbes was naming two different possibilities, here. On the one hand, some people might not break their covenants because these people are prideful, and want to *appear* to be just. On the other hand, some people maintain their covenants because they have well-grounded glory. The latter are the ones who are reasonable, just, and consistent *in foro interno*.

Just, reasonable people don't *require* fear in order to maintain their covenants. In fact, they always endeavor to keep their covenants, but *never* out of fear! As suggested, both in **Chapter 3** and again above in **Section 9.4**, above, only unjust fools keep their covenants out of fear of consequences. My reading of the "glory" passage, cited above, is substantially strengthened by this point. If the only two things that can back a covenant are fear and glory, and the just person does not keep his covenants out of fear, then the just person must, in fact, rely on glory, instead. And if, as I argue in **Chapter 7**, the just person's glory is well-grounded, then the glory described in the passage above must be, too. Here, then, is even more reason to recognize that, for Hobbes, justice is definitively tied both to "glory" and to "rare generosity."

The just person wouldn't need the fear of a sovereign in order to strengthen his words and keep his covenants. Rather, since he is reasonable and consistently maintains

his obligations to the laws *in foro interno*, he would consistently maintain his valid covenants, even in the state of nature.

Now, in light of this, let's imagine a world populated only by genuinely reasonable people, who recognize each other as such. Why couldn't they find peace and happiness without ever creating a sovereign? Together, they could form the valid covenants that are sufficient for peace, and rest assured that everyone would do as he said. Whenever one person covenants with another, he would have "assurance the other will perform after" (L: 14.18), since he is aware that the other person is reasonable and just, and has that "generosity," which, in actual reality, is "too rarely found to be presumed on" (L: 14.31).

In fact, in light of what it takes to be genuinely reasonable, it is clear that reasonable people not only *could* create the valid covenants necessary and sufficient for peace, they also really *would* create these covenants on their own. This is because, for Hobbes, reason is not far separated from prudence.

As I argue in **Chapter 5**, it is reasonable for a person to follow the laws of nature and find peace insofar as doing so is conducive to his self-preservation, which he desires very highly. And, as I argue in **Chapter 7**, reasonable people, namely those who are magnanimous and just, consistently do what is most conducive to their greatest ends. This, too, squares with the conclusion, argued above, that the just, reasonable person would know what he really wants and would actively pursue it. So, on the basis of all of this, it should be clear that reasonable people would necessarily pursue peace.

On their own, even in the state of nature, they would form the covenants necessary for peace. And they wouldn't need a sovereign to do so. They could and

would maintain their covenants, even without the fear or incentives that a sovereign could provide. If everyone were reasonable and recognized each other as such, they could achieve peace without accruing the costs of a sovereign – and many of the costs of enforcement mechanisms, in general.

It is particularly important to recognize that, to cooperate like this, it would be necessary for enough people to correctly recognize each other as reasonable. Hobbes is clear that, in reality, everyone in the state of nature would have to be cautious of everyone else, not because there are no just, reasonable people there, but because it is simply too difficult to tell who is and who isn't:

For though the wicked were fewer than the righteous, yet because we can not distinguish them, there is a necessity of suspecting, heeding, anticipating, subjugating, self-defending, ever incident to the most honest and fairest conditioned (DC: preface, p. 100).

Certainly, “the dispositions of men are naturally such, that except they be restrained through fear of some coercive power, every man will distrust and dread each other” (DC: preface, p. 99). But this isn't because everyone's disposition is wicked, or because reasonable people would distrust each other if they recognized each other as such. Rather, everyone would need to distrust each other, because it's too easy to fake virtue – maybe not forever, but certainly for a very long time.

Section 9.6: Unreasonable People and The Sovereign

So, recognizing how few people are reasonable, are just, and consistently maintain their obligations *in foro interno*, what kind of system can be put in place to ensure that people still find a state of peace? Hobbes argues that, in reality, people need a sovereign with the power necessary to make sure people will – with substantial enough

consistency – maintain their covenants with each other. In essence, the sovereign is put into power to guarantee that, even if individuals never have the intentions necessary to satisfy their obligations *in foro interno*, they will still satisfy their obligations *in foro externo*, and get along with each other well enough.

This should be clear, from the discussion of fear in **Section 9.5**. As long as a person requires fear in order to consistently maintain his valid covenants, he cannot be a just person or satisfy his obligations *in foro interno*. After all, a just person must maintain his covenants because he is just, and not because he fears punishment or negative consequences. Most people require fear like this, to strengthen their words. Therefore, it is clear that most people aren't genuinely just and don't genuinely satisfy their obligations *in foro interno*. So, a sovereign is put into place to make sure that people maintain their covenants in their actions – maintain their obligations *in foro externo* – even if they only do it out of fear, and thus fail to be genuinely just or consistent *in foro interno*.

But the sovereign doesn't merely play a role with respect to fear. This isn't the only motivation, of the common person, who isn't entirely just or reasonable. Most people are neither entirely just, nor entirely unjust. The generosity of a genuinely just person is rarely found, but the “wicked were fewer than the righteous” (DC: preface, p. 100). Most people are somewhere in between, and their motives and intentions are a mixed bag. Sometimes, they act based solely on justice, and at other times they act from any one of the motivations of a genuinely unjust person. Fear is certainly one of them, but there are also apparent benefit and vainglory as well. And the sovereign is set in

place to guarantee that, regardless of motive, most people will tend to maintain their covenants, enough of the time, for there to exist a state of peace.

This can, perhaps, be most clearly recognized if we consider the role the sovereign must play with respect to vainglory. As I argued in previous chapters, the vainglorious person experiences glory by comparing himself favorably with other people, and by seeing how much they flatter and honor him. Now, Hobbes insists that the sovereign be able to determine how much worth, value, and honor people place in each other.

It is necessary that there be laws of honour and a public rate of worth of such men . . . and that there be force in the hands of some or other to put those laws in execution . . . To the sovereign . . . it belongeth also to give titles of honour and to appoint what order of place and dignity each man shall hold and what signs of respect in public or private meetings they shall give to one another (L: 18.15).

So, even if a person is motivated, for some time, by vainglory rather than by fear, he will still tend to obey the sovereign and his laws, because that is the only (or at least best) way he can achieve the glory he seeks.

In general, the sovereign has the power to reward people with riches and honor if they comply, and punish by removing riches and honor if they don't, suggesting that, regardless of whether a person is motivated by vainglory, fear, or benefit, he will tend to follow the laws:

To the sovereign is committed the power of rewarding with riches or honour and of punishing with corporal punishment or with ignominy [disgrace], every subject according to the law he hath formerly made; or if there be no law made, according as he shall judge most to conduce to the encouraging of men to serve the commonwealth or deterring of them from doing disservice to the same (L: 18.14).

So, regardless of the ways in which most people fail to be truly just and fail to consistently maintain their obligations *in foro interno*, the sovereign is set in place to

guarantee that, regardless, they will tend to follow the laws, and maintain their obligations *in foro externo*.

The three principal causes Hobbes gives for *quarrel* in the state of nature parallel the three kinds of motives/intentions Hobbes attributes to unjust people. People compete with each other, seeking their own *apparent benefit*. People are diffident to each other, because they *fear* each other, and are worried that they won't be able to defend themselves. And people attack each other when they recognize what they take to be contempt, because they are concerned with *vainglory*.

So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory (L: 13.6).

But each of these intentions/motivations, if there is a powerful sovereign, will tend toward the preservation of society, rather than to quarrel. The sovereign is set in place to ensure that people will keep their covenants, even if they are motivated to do so only by those things which would, in the state of nature, lead to quarrel, destruction, and personal ruin. People might not be able to satisfy their obligations *in foro interno*, but with a powerful sovereign, they can still maintain their obligations *in foro externo* often enough.

This is not to say that people in the state of nature couldn't cooperate at all. Hobbes is clear that even in "a condition of war . . . there is no man can hope by his own strength or wit to himself from destruction without the help of confederates" (L: 15.5). In the state of nature, these same intentions/motivations might sometimes lead to compliance as well. Further, very few people are truly wicked; Hobbes can say that most people will *sometimes* act for the sake of justice, instead of fear, benefit, vainglory, or any of the passions. So, there will be some cooperation in the state of nature – just not

nearly enough for life to be considered anything other than “solitary, poor, nasty, brutish, and short” (L: 13.9).²¹¹

Section 9.7: Out of the State of Nature

In his essay, “Hobbes’ ‘Just Man’,” Joel Kidder asks us to consider what would happen if a genuinely just person, “accustomed to the state of nature, comes to town.”²¹² That is, what if a genuinely just individual leaves the state of nature, and enters a pre-existing society? What would have to happen, for him to start following the laws of the land? Let’s suppose that someone explains the laws to him, so that he can understand what is expected of him. What else would have to happen, if anything, for him to start following the laws of the new society he has just entered?

I have already argued that the genuinely just person would maintain his obligations *in foro interno* to the laws of nature. And, in normal circumstances, this would be enough to guarantee that a person would also follow the civil laws of his land as well. After all, the third law of nature demands that a person maintain his valid covenants, and:

Every subject in a commonwealth hath covenanted to obey the civil law; either one with another, as when they assemble to make a common representative, or with the representative itself . . . and therefore obedience to the civil law is part also of the law of nature (L: 26.8).

Thus, if a person has formed a covenant like this and satisfies his *in foro interno* obligations, he will follow his land’s civil laws as well. Clearly, for Hobbes, the laws of

²¹¹ Here, I am indebted to Anthony Fisher. At a conference presentation, he pushed me to consider why, for Hobbes, there is enough cooperation in the state of nature for individuals to survive, but not enough to guarantee any real degree of contentment. Fisher called this the “Goldilocks Problem;” Hobbes must have a reason why the level of cooperation is “just right” to guarantee some degree of survival, but never any real degree of felicity.

²¹² Joel Kidder, “Hobbes’s ‘Just Man’,” *Reason Papers*, no. 8 (Summer 1982): 1-15.

nature oblige a person to maintain his covenant to follow the sovereign's laws. After all, Hobbes is clear that "the civil law is part of the dictates of nature" (L: 26.8). So, if a person both satisfies his *in foro interno* obligations and has formed a covenant to recognize a sovereign, then that person will also follow his land's civil laws, and satisfy his obligations *in foro externo* as well.

Even if a person didn't explicitly participate in a covenant to recognize a sovereign, the third law of nature would still demand that he follow the civil laws, as long as his parents, grandparents, great-grandparents or etc. participated in the covenant. As Hobbes suggests, children are necessarily obligated to one of their parents, by consent, which is either explicit or implicit, in much the same way that a sovereign's subjects are obligated to him or it (L: 20.4 and 20.15). And, if that parent is obligated to the sovereign, then the children are, too, insofar as they are obliged to live by the parent's laws, which include the sovereign's laws. To this end, discussing Abraham's covenant with God, Hobbes writes:

Abraham's seed had not this revelation, nor were yet in being; yet they are a party to the covenant and bound to obey what Abraham should declare to them for God's law; which they could not be but in virtue of the obedience they owed to their parents, who . . . have sovereign power over their children and servants . . . it is manifest the obedience of his family, who had no revelation, depended on their former obligation to obey their sovereign (L: 26.40).

But let's suppose that this is not the case, with respect to the just person Joel Kidder asks about, who has just left the state of nature and entered a town for the very first time. This individual made no covenant, himself, and nor have his parents or parents' parents, or etc. What about this just person? What would have to happen for him to start following the laws of the society he has entered? Supposing he knows the laws, when would he start following them?

According to Hobbes, even if the just person didn't explicitly covenant to enter into society, he would enter into a tacit covenant as soon as he chose to remain in the society and accept the benefits it had to offer. Hobbes is very clear that explicit consent is not necessary for a person to enter into a social covenant:

For if he voluntarily entered into the congregation of them that were assembled, [then] he sufficiently declared thereby his will and therefore tacitly covenanted to stand to what the major part should ordain; and therefore if he refuse to stand thereto or make protestation against any of their decrees, [then] he does contrary to his covenant and therefore unjustly (L: 18.5).

Along the same lines, Hobbes suggests that a person has an obligation to obey anyone who is necessary for that person's preservation. If you accept the help, then you are bound to obey:

For it ought to obey him by whom it is preserved, because preservation of life being the end for which one man becomes subject to another, every man is supposed to promise obedience to him in whose power it is to save or destroy him (L: 20.5).

So, as soon as the just person chooses to remain, at any length, in the city, he has covenanted to obey any of its laws he understands. And, being just, he will endeavor to keep his covenant.

But let us, for now, forget about tacit consent, or implied covenants. Let's suppose the just person commits only one unjust error and, contrary to the laws of nature, "stoutly resists the doctrine that things like silence or geographical location"²¹³ imply that he has entered into a covenant. Now, what would it take, for this just person to enter into the social covenant, and obey a new sovereign?

Here is, perhaps, the capstone point of this chapter and project as a whole. I have argued that the just person must also be reasonable and magnanimous. And thus, he must

²¹³ Kidder, "Hobbes's 'Just Man'," 8.

recognize the extent to which he desires his self-preservation, his virtues, and his felicity, and he must consistently pursue the best means to these ends (and condemn all the “little helps” (L: 6.26)). Now surrounded by society, the just person would, without doubt, enter the social covenant he has encountered. After all, if he doesn’t enter into the social covenant, then, even if he remains surrounded by a town and society, he nonetheless remains in a state of nature, in which anyone could destroy him without any injustice. And it is in anyone’s best interest to avoid this fate. To his credit, Hobbes makes this point explicitly:

And whether he be of the congregation or not and whether his consent be asked or not, he must either submit to their decrees or be left in the condition of war he was in before, wherein he might without injustice be destroyed by any man whatsoever (L: 18.5).

In light of this, it appears as if the just person is nothing more than the prudent person, as well. It appears as if perfect reason, perfect justice, perfect magnanimity, and perfect adherence (*in foro interno*) to the laws of nature must all come together, or a person can’t have any of them. It is interesting that Hobbes is the clearest about this in one of his earlier works, *The Elements of Law*. There, early on, he seems to tie together reason, prudence, and the laws of nature:

Reason is no less of the nature of man than passion, and is the same in all men, because all men agree in the will to be directed and governed in the way to that which **they desire to attain, namely their own good, which is the work of reason. There can therefore be no other law of nature than reason, nor no other precepts of NATURAL LAW**, than those which declare to us the ways of peace (EL: 15.1, emphasis added.)

And, even more explicitly, Hobbes later makes the same sort of case, in which he even more clearly ties all of the relevant ideas together. I take my interpretation to offer a very complex, compelling reading of this passage:

Every man by natural passion, calleth that good which pleaseth him for the present . . . And therefore he that foreseeeth the whole way to his preservation . . . must also call it good. . . And this is that good and evil, which not every man in passion calleth so, but all men by reason. And therefore the fulfilling of all these laws is good in reason; and the breaking of them evil. And so also the habit, or disposition, or intention to fulfill them good; and the neglect of them evil . . . the habit of doing according to these and other laws of nature that tend to our preservation, is that we call VIRTUE . . . As for example, justice is that habit by which we stand to covenants . . . [and] **prudence, the same with virtue in general** (EL: 17.14, emphasis added).

Ultimately, a just person, even if he had not participated in the original social covenant, and even if none of his ancestors had, would still enter into the pre-existing social covenant, because it is in his best interest to do so. It is reasonable to do so, since it is necessary for him to attain what is his own good, namely his self-preservation.

But note: This cannot and will not be the *reason why* the just person keeps his valid covenant. He might form it because it is in his best interest, but that isn't why he keeps it. He cannot; he is motivated to keep his covenants, not by the apparent benefit it would afford him, but rather because doing so is just. The keeping of covenants is not, as Joel Kidder would suggest, "over-determined,"²¹⁴ by both self-interest/prudence and scorn/justice/glory. Rather, the keeping of covenants must come solely from a desire for justice, itself. I will return to this point in my next, and final, chapter.

Before moving on, I want to return, briefly, to an argument made earlier in this section. There, I suggested that since a just person keeps all of his obligations *in foro interno*, a just person, who has the opportunity to enter or remain in society, must also endeavor keep all of his obligations *in foro externo* as well. There are two reasons for this. First, since every person is obliged *in foro interno* to endeavor to maintain his valid covenants, every person is required is obliged *in foro interno* to maintain his covenant to

²¹⁴ Kidder, "Hobbes's 'Just Man'," 11.

recognize a sovereign. And that, in turn, means following the civil laws, and satisfying his obligations *in foro externo*. Second, every person is obliged *in foro interno* to do what is best for his self-preservation, and so, too, everyone is obliged, when possible, to enter society and follow its civil laws, thus satisfying his obligations *in foro externo*. As a result, the ideal *in foro interno* man, given the opportunity to enter society, must also be the ideal sort of *in foro externo* man as well. With this opportunity, there is no way to *completely* satisfy *in foro interno* obligations without endeavoring to completely satisfy *in foro externo* obligations as well.

Section 9.8: Costly Enforcement Mechanisms

There seems to be a very deep error in the way many people, even modern people, view the bargaining between reasonable individuals. Many people seem to take for granted that the bargaining of genuinely reasonable people – who recognize each other as such – would still arrive at outcomes that require costly enforcement mechanisms to maintain, like a strong government, a police force and an extensive court system. This has certainly been the way many people have falsely interpreted Thomas Hobbes!

As Edward McClennen has pointed out, a system of surveillance and enforcement has costs. Hobbes, too, is well aware of this; he acknowledges that there are incommensurabilities to living under a sovereign with unlimited power, who might have numerous “lusts and irregular passions” (L: 18.20). McClennen is correct to wonder if we could imagine reasonable people bargaining amongst each other and arriving at outcomes that don’t require these costly surveillance mechanisms. Mightn’t these

outcomes be better for each and every participant, seeing as they would no longer need to share the costs of surveillance and enforcement?²¹⁵ Along these lines, McClennen writes:

It would be irrational of persons to accept such expenditures if there were some alternative way to interact with others whose expected return (net of its own costs of reaching agreement) were greater for each participant.²¹⁶

I suspect that Hobbes and McClennen make similar points. I take Hobbes to suggest that purely reasonable people who recognize each other as such could arrive at a way of life that would guarantee the same benefits – the same high level of peace and potential for felicity - but which would require few costly enforcement mechanisms. There would be no need of a sovereign, a serious police force, or etc. No doubt, there might still need to be formal courts, etc., to resolve disputes of fact. But these would be comparatively minimal.

As long as the outcome of a bargain requires costly enforcement mechanisms, it is sensible to wonder, as McClennen does, if that outcome is genuinely Pareto-Optimal. Why couldn't reasonable people arrive at an outcome that is, at the very least, otherwise equal except without the costs of enforcement? Both Hobbes and McClennen argue that reasonable people often could.

But these two theorists nonetheless drastically differ in how they view reasonable people. This difference helps to illuminate the important role that the virtue of justice plays in Hobbes' theory, both with respect to self-interest/prudence and to reason. To recognize this, it will be valuable to consider a bit more of McClennen's argument.

On the basis of his considerations about enforcement mechanisms, among other things, McClennen argues that the bargaining that takes place in accordance with the

²¹⁵ Ned McClennen, "Rational Cooperation" (unpublished manuscript), p. 5.

²¹⁶ Ned McClennen, "Rational Cooperation" (unpublished manuscript), p. 7.

Nash-Harsanyi model of bargaining, according to which bargaining is determined by relative threat and bargaining advantage,²¹⁷ will sometimes fail to have an outcome that is Pareto-Optimal.²¹⁸ His contention is that individuals who participate in this kind of bargaining will too often need to put into place costly surveillance and enforcement mechanisms in order to ensure that participants keep their bargains. After all, McClennen correctly draws a distinction between the outcome of bargaining, and the implementation of that bargain, and he suggests that participants will need enforcement mechanisms because, otherwise, some participants might choose to deviate from the terms of their agreement, when they realize that it is in their best interest to do so.²¹⁹

But here is where Thomas Hobbes' theory drastically differs from Edward McClennen's. I have argued that, for Hobbes, reasonable people will consistently endeavor to keep their agreements – their covenants – in accordance with the third law of nature. As I have suggested, they do *not* determine whether they should keep their covenants or not, on the basis of personal benefit or fear. They would *never* choose to break an agreement, simply because they felt it was in their benefit (or best interest) to do so. I contend that, if Hobbes is correct, reasonable people could, in fact, bargain in accordance with the Nash-Harsanyi model without ever requiring substantial costly surveillance or enforcement mechanisms.

In fact, it is in anyone's best interest to become someone like this. If a person is reasonable as Hobbes describes, then he possesses the virtue of justice, he is magnanimous, and he is consistently pursuing the best means to his greatest ends, including preserving his own life and achieving the highest degree of felicity possible.

²¹⁷ Ned McClennen, "Rational Cooperation" (unpublished manuscript), p. 1.

²¹⁸ Ned McClennen, "Rational Cooperation" (unpublished manuscript), p. 3.

²¹⁹ Ned McClennen, "Rational Cooperation" (unpublished manuscript), p. 4.

Chapter 10. Hobbes on Just People and Egoism

Finally, I have fully shown how Thomas Hobbes proposes and defends the following argument, which appears in my first chapter:

1. At any given time, it is reasonable and beneficial for anyone to do whatever is necessary to become or remain a just person.
2. In order to become or remain a just person, a person must take care to perform all of his valid covenants. He must obtain or have the virtue of justice, a disposition strengthened by habit to perform valid covenants.
3. If (1) and (2) are true, then it is reasonable and beneficial for anyone to perform all of his valid covenants.
4. Therefore: **It is reasonable and beneficial for anyone to perform all of his valid covenants.**

I began by arguing that, according to Hobbes, it is neither reasonable nor beneficial for anyone to ever be an unjust fool, because if he ever were, he would remain a fool for a substantial time, and his peers would eventually discover him and treat him badly as a result.

But this argument, in itself, is not sufficient to defend the argument's premises, above. For Hobbes, most people are neither truly just, nor truly fools. So I needed to see how Hobbes would address the following question: Even if it were neither reasonable nor beneficial to be truly unjust, mightn't it still be perfectly reasonable and beneficial to be like most people are – neither genuinely just nor genuinely foolish? In order to answer this question, I needed to find, in Hobbes' texts, a reason why it is beneficial to be truly just, and not simply a reason why it is disadvantageous to be truly foolish.

I found just such a positive account of justice. I argued that, for Hobbes, the only way anyone can achieve the greatest possible felicity – a goal that everyone constantly seeks – is to obtain and keep the virtue of justice. I pointed out that, for Hobbes, the just person is nothing more than the magnanimous one, and magnanimity is necessary for

great felicity. So, too, a person could never achieve the greatest felicity – something he greatly desires and which is highly beneficial – unless he is entirely just. Further, I pointed out that becoming virtuous means following the laws of nature and best pursuing one's own prudential self-interest.

But this argument, too, was not quite enough for Hobbes to defend the premises, numbered above. It was also necessary to recognize that, for Hobbes, the only way a person can behave reasonably is to pursue whatever is necessary to his greatest felicity – whatever is a genuine, real good for him. Since a person can only achieve great felicity if he has the virtue of justice, the only way a person can behave reasonably is to pursue that virtue. In **Chapter 9**, I argued for this point, and showed how Hobbes tries to secure the premises of the argument numbered above.

As I laid the foundation for Hobbes' arguments, I needed to show how Hobbes ties certain notions together: obligation *in foro interno*, felicity, magnanimity, the virtue of justice, justice of persons, prudence, and self-interest. I argued that, for Hobbes: it is unreasonable for anyone to break his obligations *in foro interno*; it is unreasonable to do anything clearly contrary to felicity; and it unreasonable to do anything that is contrary to prudence and justice. Each course of action is unreasonable only insofar as it simply isn't good for the person who does it. Each is contrary to the person's most basic, real desires – which everyone has, whether he is consciously aware of them nor not.

In so arguing, it might *look*, at times, as if I am condemning Hobbes' reasonable person to the worst sort of selfish egoism. After all, a genuinely reasonable person never acts in a way that is clearly contrary to his own felicity, or clearly contrary to prudence and self-interest. But I do not, in fact, think that Hobbes' reasonable person is an egoist.

Far from it! According to Hobbes, reasonable people can and do have genuinely unselfish motives. For example, reasonable, just people act justly, not *because* doing so will bring them felicity, but only *because* doing so is just!

Recall, from **Chapter 8**, that the desire for felicity is a second-order desire. Certainly, for Hobbes, genuinely reasonable people won't act in a way that is clearly contrary to this selfish, second-order desire. But I also maintain that a reasonable person's first-order desires can nonetheless be completely unselfish. Just because the reasonable person's second-order desires are selfish, it doesn't follow that his first-order desires are. In fact, for Hobbes, in many cases, the first-order desires won't be selfish at all.

Section 10.1: The Reasonable, Just Person is Not An Egoist

According to Hobbes, a reasonable, just person is not selfish at all, at least whenever he performs on a covenant he has made. Rather, the just person has a will that is "framed by justice" (L: 15.10), and he performs on his covenants "because the law commands it" (DC: 3.5) and "for the law's sake" (DC: 4.21). Hobbes could not describe the just person this way, if the *real* reason he performs his covenants, is to selfishly seek pleasure, security, or happiness. No, the reasonable, just person is unselfish. He acts justly *because* doing so is just, and that, alone, is his motive. He does not keep his covenants "because of the apparent benefit of what he is to do" (L: 15.10).

In two of his papers,²²⁰ theorist Martin Harvey cites many of the same passages I have appealed to in previous chapters concerning the just person, and he, too, arrives at the conclusion that, for Hobbes, just people: "conceive of justice as not simply a *means*

²²⁰ See: Martin Harvey, "Moral Justification in Hobbes," *Hobbes Studies* 12 (1999): 33-51; and Martin Harvey, "A Defense of Hobbes's 'Just Man,'" *Hobbes Studies* XV (2002): 68-86.

to self-preservation, but furthermore, as a worthwhile *end* in its own right.”²²¹ Harvey and I agree that Hobbes was *not*, in any strict sense, either a psychological or an ethical egoist. As I have noted before, Harvey writes that:

The Just Man does as he ought primarily because the law commands it – he requires not extra-moral incentive, i.e., fear of punishment, to so behave . . . the *Law itself* bears *intrinsic* value for the Just Man. As such, he is motivated to be just for the sake of justice itself . . . as opposed to such *selfish* reasons as “vainglory” and “fear of punishment.”²²²

Ultimately, Harvey draws his conclusions, pretty straightforwardly, from much of the same textual evidence I have discussed in previous chapters. Harvey acknowledges, for instance, that the will of the unjust person “is not framed by the justice, but by the apparent benefit of what he is to do” (L: 15.10). Further, the unjust person thinks that righteous dealing: “is to be measured not according to my contract, but some present benefit” (DC: 3.5). In his texts, Hobbes also claims that only the unjust person, and never the just one, keeps his covenants because of vainglory (DC: 4.21) or fear of punishment (DC: 3.5). Overall, we can take it that the just person doesn’t have these motives; he only ever pursues justice because he sees it as valuable, in itself, not merely as an instrumental means to his personal benefit, glory, or security. It seems obvious that the just person’s motives are not selfish.

Providing additional evidence for this conclusion, Harvey also cites a passage in which Hobbes discusses the difference between the notions of obligation and tied-being-obliged:

To be obliged, and to be tied being obliged seem to some men to be one and the same thing . . . More clearly therefore, I say thus: that a man is obliged by his contracts, that is, that he ought to perform for his promise’s sake; but that the law

²²¹ Martin Harvey, “A Defense of Hobbes’s Just Man,” 68.

²²² Martin Harvey, “A Defense of Hobbes’s Just Man,” 71.

ties him being obliged, that is to say, it compels him to make good his promise for fear of punishment appointed by the law (DC: 14.2, footnote).

This passage, like those that explicitly discuss just people, seems to suggest that a person can act “for his promise’s sake,” rather than because he feels compelled by fear. Taken together with previous passages, this passage lets us understand Hobbes to suggest that a just person both can and does perform his valid covenants, without needing any consideration of his security (fear), his glory, or any benefit it can bring him.

There is another point, made in **Chapter 5**, which also seems to speak to the same sort of conclusion. Martin Harvey doesn’t draw on this, but David Boonin-Vail does; he points out that, according to Hobbes, certain things can be desired for themselves, and not only insofar as they are instrumental means to other ends. Accordingly, Hobbes writes that:

Furthermore, the thing that, when desired, is called good, is, if desired for its own sake, called pleasing; and if for some other thing, it is called useful (DH: 1.5).

Further, Boonin-Vail acknowledges that, according to Hobbes, people come to find things pleasing when they are habituated to them:

Even if first experiences of something be sometimes displeasing, especially when new or rare, by habit they are rendered not displeasing, and afterwards pleasing; that much can habit change the nature of single men (DH: 11.3).

So, as Boonin-Vail realizes,²²³ if a person were habituated to justice, he would come to find it pleasing and would desire it for its own sake. Thus, as I have argued in previous chapters, since anyone who is a just person has the virtue of justice, and since one cannot obtain the virtue of justice without being habituated to it, it follows that just people find justice pleasing and desire it for its own sake.

²²³ Boonin-Vail, *Thomas Hobbes*, 165.

We could interpret Hobbes to allow that someone could conceive of an action as simultaneously both useful and pleasing.²²⁴ So, too, Hobbes might allow that just people conceive of just actions this way. But Hobbes is clear that just people do *not* perform just actions because of fear, vainglory, or those actions' apparent benefit. And it seems unlikely that anyone could pursue justice as a means to felicity or self-preservation, without acting with these motives. Regardless, Hobbes is very clear that the *reason* just people act justly is that the law commands it – *because* just actions are valued for their own sake. The reason is not that those just actions are conducive to any greater, selfish ends. Justice is valuable enough to motivate, in itself.

Section 10.2: Thomas Hobbes and Other-Regarding Desires

Setting truly just, reasonable people aside for a moment, Hobbes is clear that people in general can and do have genuinely other-regarding desires. That is, even those of us who aren't perfectly reasonable sometimes genuinely do things, not for our own sake, but instead for the sake of friends, relatives, and even strangers.

In his essay, "Hobbes and Psychological Egoism," Bernard Gert offers, as evidence of other-regarding desires, a number of passages from *Leviathan's* sixth chapter, in which Hobbes defines the passions. Here, I will consider three:

[Benevolence] *Desire* of good to another, BENEVOLENCE, GOOD WILL, CHARITY. If to man generally, GOOD NATURE" (L: 6.22).

[Pity] *Grief* for the calamity of another is PITY, and ariseth from the imagination that the like calamity may befall himself. And therefore is called also compassion, and in the phrase of this present time a fellow-feeling (L: 6.46).

[Indignation] *Anger* for the great hurt done to another, when we conceive the same to be done by injury, INDIGNATION (L: 6.21).

²²⁴ I owe this point to a conversation with Ben Bradley, of Syracuse University.

The first seems to be the clearest case of a desire that isn't selfish at all. But the second two, when considered more carefully, also seem to involve other-regarding desires as well. For example, for Hobbes, a "grief" is nothing more than an expected displeasure (L: 6.12), which is itself the appearance of evil (L: 6.11), which is nothing more than something we hate (L: 6.7) – and thus *desire* to avoid. Likewise, anger is nothing more than sudden courage (L: 6.18), which is, itself, just a particular kind of hope (6.17), which is nothing other than an appetite or *desire* for something we expect to obtain (L: 6.14). Most of Hobbes' passions involve desire, in some way or other, so if some of the passions are other-regarding, we have good reason to think that desires can be, too.

Bernard Gert, throughout his essay, suggests that passages like these are proof that Hobbes was not condemning man to any sort of vicious egoism.²²⁵ I am inclined to agree. They may not stand as perfect proof on their own, but when combined with the evidence of just people, described above, I find solid proof that Hobbes rejects egoism, and adopts a theory according to which genuine law-regarding and other-regarding desires are possible.

Section 10.3: Felicity, the Reasonable Person, And Why Hobbes is Not a Virtue Theorist

In previous chapters, I have argued that a genuinely reasonable, just person will always act in a way that is conducive to his own felicity. But, at this point, it should also be clear that he doesn't always act *because* he desires felicity. That needn't always be his

²²⁵ Bernard Gert, "Hobbes and Psychological Egoism," *Journal of the History of Ideas* 28 (1967): 509-510.

motive, and he can sometimes act from genuinely unselfish other-regarding desires, or simply because he loves justice.

I contend that Hobbes relies on a distinction between first- and second-order desires. As argued in **Chapter 8**, the desire for felicity is a second-order desire. It is the desire to be successful with respect to all other desires. I also acknowledge that, for Hobbes, everyone constantly strives toward procuring the greatest possible felicity for himself. And now I also maintain that, for Hobbes, just because this second-order desire is selfish, it doesn't follow that every one of a person's first-order desires must be selfish as well.

Here is another way to approach the same point. A person might well selfishly desire felicity; he might selfishly desire to successfully pursue all of his other desires. But this in no way means that all of the other desires must be selfish, or selfishly motivated, in themselves. Rather, as suggested, according to Hobbes, just people – like everyone else – wholeheartedly desire felicity. But, at the same time, they sometimes act with no regard for selfish motivations – without regard for apparent benefit, fear, or vainglory. Instead, they desire to act justly, only because doing so is just.

In effect, we can understand that, for Hobbes, the selfishness of second-order desires in no way causes first-order desires to be selfish as well. Thus we can understand that, according to Hobbes, a person could reasonably say, "I self-interestedly desire to have, and to satisfy, my other-regarding desires." Such a person would have a second-order, self-regarding desire, which is *about* first-order, other-regarding desires. In some significant sense, were this person to possess and achieve his first-order, other-regarding

desires, he would be acting with an eye toward his selfish second-order desire. But this in no way means that his first-order desires were not genuinely other-regarding.

In fact, we can recognize that, according to Hobbes' theory, if a person is to experience the greatest possible felicity, he actually *must* develop and act on desires that are not purely self-interested. As argued in **Chapter 8**, a person can only achieve the greatest felicity - and achieve his own best interest - if he becomes genuinely just.

Further, as I have also argued, Hobbes suggests that just people often act on the basis of desires that are not self-interested, but rather law-regarding instead. So, for a person to achieve the greatest felicity and his own best interest, a person must develop and act on desires that are not purely self-interested.

Given that it is in one's best interest to develop and act on desires that are not purely self-interested, whenever one acts on those desires, he is doing what is in his own best self-interest. Whether he is aware of it or not, whenever he acts either for the law's sake, or for someone else's benefit, he is still doing what is best for himself. This does not make him an egoist, in any real sense of the word.

Still, in light of these considerations – and those earlier – we can better understand that Thomas Hobbes should not be considered a virtue theorist. Certainly, as I have demonstrated, Hobbes' theory places a great deal of emphasis and significance on acquiring and maintaining the virtue of justice, and all of the other virtues as well. But, for Hobbes, an action or virtue is only right and reasonable if it really is, legitimately, in the person's best interest and conducive to felicity. The only reason a person should acquire and retain selfless, moral desires is because doing so is in his best interest. And if a person could ever reasonably believe that an unjust act or vice really were in his best

interest, then it would be reasonable for him to perform or acquire it as well. Hobbes' argument against the Fool is meant, overall, to argue that this could never be reasonably believed.

In a sense, Hobbes' theory parallels Roger Crisp's modern theory of utilitarianism and a life of virtue.²²⁶ According to Crisp, utilitarianism succeeds as a criterion of rightness – “what makes an act or whatever right”²²⁷ – but fails as a decision procedure. Crisp argues that, certainly, the best action is that which maximizes utility. But he nonetheless maintains that we shouldn't determine how to act by determining which actions would, in fact, maximize utility. Instead, he suggests that we should often determine how to act by determining how we could best live virtuously.²²⁸ That is, we should ask ourselves: What is the virtuous way to act? And then we should act accordingly.

Running along similar lines, we can recognize that, for Hobbes, an action (or virtue) is right, reasonable, and best if it maximizes self-interest and felicity. But we can also realize that, for Hobbes, a person shouldn't always be motivated to pursue these ends; a person shouldn't always perform actions and acquire virtues *because* they maximize felicity. Rather, in many circumstances, a person should determine how to act solely by focusing on what is just and virtuous. He shouldn't ask himself: “Will this bring me felicity?” Instead, he should simply ask: “Will this be just?” And that will be enough.

²²⁶ Roger Crisp, “Utilitarianism and the Life of Virtue,” *Philosophical Quarterly* 42, no. 167 (Apr. 1992): 139-160.)

²²⁷ Crisp, “Utilitarianism and the Life of Virtue,” 140.

²²⁸ Crisp, “Utilitarianism and the Life of Virtue,” 154-155.

In light of this parallel, provided we shouldn't call Roger Crisp a virtue theorist, we shouldn't say that Thomas Hobbes is either. But similarly, it would be wrong to say that either theorist is an egoist.

Section 10.4: Addressing An Objection, *The Role of Pleasure in Hobbes' Theory of Action*

Earlier in this chapter, I argued that Hobbes is not condemning his reasonable, just person to egoism. There is a strong objection to this claim, which I will now address. Theorists like F. S. McNeilly have maintained that, given Hobbes theory of the role pleasure plays in all voluntary actions, we have excellent reason to believe Hobbes' theory is egoistic.²²⁹ I would like, now, to argue that McNeilly's interpretation of Hobbes' account of action is largely correct, but that it nonetheless gives us little reason to believe that Hobbes is an egoist.

On the basis of the following passage from *The Elements of Law*, McNeilly argues that, for Hobbes, people are motivated to perform actions because they find them pleasurable:

This motion, in which consisteth pleasure or pain, is also a solicitation or provocation either to draw near to the thing that pleaseth, or to retire from the thing that displeaseth. And this solicitation is the endeavour or internal beginning of animal motion, which when the object delighteth, is called APPETITE; when it displeaseth, it is called AVERSION, in respect of the displeasure present; but in respect of the provocation either to draw near to the thing that pleaseth, or to retire from the displeasure expected, FEAR. So that pleasure, love, and appetite, which is also called desire, are divers names for divers considerations of the same thing (EL: 7.2).

²²⁹ F. S. McNeilly, "Egoism in Hobbes," *The Philosophical Quarterly* 16, no. 64 History of Philosophy Number (Jul. 1966): 198.

In particular, McNeilly focuses on the words “solicitation” and “provocation.”²³⁰ He correctly suggests that, for Hobbes, there must be two separate things – that which solicits – the “expected” pleasure, and that which is provoked – the “present” desire. So, for Hobbes, it should be very clear that a person only ever performs a voluntary action if an expected pleasure provokes a current desire that leads to it.

But this does not, as it might sound, condemn Hobbes to any kind of selfish, egoistic view of people. According to Hobbes’ view, it doesn’t follow that, just because people can’t help but pursue pleasures, they can’t help but act selfishly.

After all, according to Hobbes’ unusual metaphysics, every pleasure is numerically identical to a desire. For Hobbes, pleasure merely *is* the “endeavor or internal beginning of animal motion” (EL: 7.2). And recognizing that, for Hobbes, any endeavor toward a thing is a desire, it follows that pleasures are identical to desires. This is precisely what Hobbes goes on to say: for him, the words “pleasure” and “desire” are “divers names for divers considerations of the same thing” (EL: 7.2).

Now, if every pleasure is a desire, then to say that humans only ever pursue their own pleasures, is to say nothing more than that humans only ever pursue their own desires. But this needn’t suggest that humans are selfish at all. The desires that humans pursue might be entirely unselfish, other-regarding, or law-regarding. Since it isn’t always selfish for a person to pursue his desires, it isn’t always selfish for a person to pursue pleasures, either.

Just because “expected” pleasures provoke “current” desires, it doesn’t follow that these “expected” pleasures are not, themselves, desires. In fact, according to Hobbes’ theory, they must be. And as a result, to say that pleasures always provoke

²³⁰ F. S. McNeilly, “Egoism in Hobbes,” 197.

people is only to say that desires always provoke people. And this claim needn't be considered selfish at all.

Even in later works, such as *Leviathan*, Hobbes draws a strong connection between desires and pleasures. There, Hobbes suggests that simply desiring something – even without satisfying that desire – involves the feeling of pleasure. Hobbes is clear that in regular discourse, the word “desire” typically signifies the absence of the object of desire, while the word “love” typically signifies the presence of the object (L: 6.3). And Hobbes further suggests that: “all appetite, desire, and love is accompanied with some delight more or less” (L: 6.10). So, it should be clear that, for Hobbes, regardless of whether it is satisfied or not, appetite always means pleasure. Likewise, since pleasure is, by definition, “the appearance or sense of good” (L: 6.11), if a person experiences pleasure he necessarily experiences a desire (or appetite). This follows from the strong relation Hobbes draws between “good” and “desire.”²³¹

In light of Hobbes' definitions of “good,” “desire” and “voluntary act,” it really shouldn't be surprising, either, that Hobbes claims that people must always pursue their desires. In previous chapters, I have acknowledged that, for Hobbes, something is only good for a person if that person desires it. Thus, as Bernard Gert has pointed out, to say that: “of all voluntary acts, the object is to every man his own good” (L: 15.16) is just to say that a person only ever voluntarily pursues what he desires.²³² Further, as Gert also points out, for Hobbes, it is impossible to perform any voluntary action without desiring to do so. After all, for Hobbes, a voluntary act necessarily proceeds from the will, and

²³¹ While this really seems to be Hobbes' position, he is probably incorrect on this point. It seems as if there could be many circumstances in which a person could desire something, without experiencing any pleasure. For example, as Ben Bradley has proposed in a private conversation, imagine a person who desires to escape from certain death, but can't. Must we say that this person is experiencing pleasure?

²³² Gert, “Hobbes and Psychological Egoism,” 507.

the will is nothing more than the last desire (appetite) in a chain of deliberation: “A *voluntary act* is that which proceedeth from the *will* and no other . . . *Will*, therefore, is *the last appetite in deliberating*” (L: 6.53). On the basis of these considerations, Gert assigns Hobbes a kind of “tautological egoism”: everyone does, in fact, act to satisfy his own desires. But this is not *really* any kind of selfish egoism at all. After all, these desires might be other-regarding or law-regarding, rather than selfish. And it changes nothing to say that every desire is necessarily a pleasure, and that people thus only ever pursue what is pleasurable.

Section 10.5: Game Changer, *The Utility of Virtues*

In fact, people who are just *act* justly because the law commands it. Their actions have motivations that are not at all selfish. Just people do not act from apparent benefit, fear, or vainglory. They are motivated, instead, by justice itself, which they value for its own sake.

In my work as a whole, I have attributed to Hobbes a theory in which it is right and reasonable to be just, and to develop selfless other-regarding and law-regarding desires. And I have suggested that it is right and reasonable to be just because it is in everyone’s own best interest. According to Hobbes, in order to acquire the greatest degree of felicity possible, one must become just and magnanimous, and only ever act with the *correct* intentions, motivations, and causes.

My work calls for Hobbes to be dramatically re-evaluated. As argued above, I do not consider Hobbes to be a virtue theorist. Far from it. But I do recognize that virtues and motivations play key roles in Hobbes’ theory, as a whole. According to

Hobbes, a person can maximize his self-interest only if he consistently performs only those actions that are properly motivated by a respect for the laws of nature. To selfishly maximize self-interest, a person must often be selflessly committed to his contracts, and to generosity, and to doing to others as you would have them do unto you.

So, then, a person must always act with an eye for the dispositions and virtues that his actions reflect and lead to. As suggested in **Chapter 1**, a person must certainly act in a way to avoid acquiring a truly foolish, evil disposition, because otherwise his peers will eventually discover him and treat him quite poorly. But even more, a person must also acquire a truly just, good disposition if he is to acquire as much felicity as he strongly desires in his life.

I have argued that Hobbes can respond to his Fool by appealing to the positive importance of virtues, and negative value of vices. The Fool needn't fear the short-term consequences of his actions; any particular unjust act might go undetected forever, and gain substantial rewards. But the Fool does need to worry about the virtues or vices his actions reflect or lead to. Because if he has a wicked *disposition*, he will suffer for it so much that the rewards of his unjust actions are insufficient. And further, if he has a wicked disposition, he will never achieve the felicity he so dearly desires.

As I interpret Hobbes, he has developed a kind of decision/game theory, in which the benefits and disadvantages of dispositions are measured, *in addition* to the benefits and disadvantages of actions. And whenever a person plays a game, he should consider not only what the outcome of that game will be, but also how the game will change the people who play it. What will the dispositions of the players be like, once the game is

done, and how well will the person continue to live, once he acquires or retains that disposition?

Regardless of whether Hobbes' particular approach in response to the Fool is strong and correct, it is suggestive. Even if Hobbes is wrong, it might be possible to develop a better response to the Fool, which likewise appeals to a decision theory, or a utilitarian theory, which focuses substantial attention on what dispositions maximize benefit or utility, in addition to which actions do.

Further, I suggest that Thomas Hobbes has been unfairly pushed into a corner. Seeing how much attention Hobbes places on morality *in foro externo* – a morality that is focused on covenants and external action – theorists like David Gauthier have unfairly taken Hobbes to be a strict contractarian. I explored this kind of approach in **Chapter 4**. But to understand Hobbes' response to the Fool, and his theory in general, it is necessary also to recognize that Hobbes has a second morality, a morality *in foro interno* that is concerned with virtues and internal desires and intentions. No doubt, Hobbes does have a moral theory, which David Gauthier gets right, but Hobbes' theory is much broader than this!

Likewise, his theory is broader than Gregory S. Kavka would suggest as well. As argued in **Chapter 3**, Kavka commits Hobbes to the idea that a person would be moral, as long as he – in his actions – consistently acted morally. This, again, is to emphasize a morality *in foro externo* – a morality of contract and external action. But, as argued in **Chapter 3**, Hobbes is altogether clear that a person could remain unjust – and could suffer negative consequences as a result – *even if* he were consistently just in his actions. To properly understand Hobbes' theory, it is necessary to realize that he doesn't

merely evaluate actions, rules, and covenants in light of personal benefit and reason, he also evaluates dispositions, virtues, and intentions this way as well.

Jean Hampton makes a similar error, as does anyone else who tries to understand Hobbes' state of nature in light of the game theorist's prisoner's dilemma matrix. As argued in **Chapter 5**, it should be clear that, for Hobbes, breaking a valid covenant is never in a person's best interest. But we can recognize that this is the case only when we properly understand the important role that dispositions and intentions play in Hobbes' theory. Considered independent of dispositions, an unjust act might appear to be advantageous. But, in light of what that action means in terms of its performer's dispositions, it can never rightly be considered reasonable.

It is also valuable to note that, in this work, I have by-and-large avoided discussing the role that God plays in Hobbes' theory. I did not – and do not – mean to say that God does not play an important role. I just don't see those considerations as necessarily relevant to my project. Theorists like Howard Warrender and A. P. Martinich have emphasized the role that God's commands play in Hobbes' thought. But we needn't recognize that God commands us to act certain ways in order to realize that acting otherwise would be unreasonable and contrary to our personal benefit. No, Hobbes seems to suggest that we can convincingly respond to a Fool in the state of nature, and explain his error, without first convincing him that God exists! We need only show him that his unjust actions, even if they could go undetected and reap benefits, are nonetheless contrary to his benefit insofar as they impact his *dispositions and virtues*. Fool – your confederates are bound to discover your wicked dispositions eventually, and treat you quite badly as a result. And further, Fool – acting with the intentions you do, you will

never achieve the virtue of justice or experience the greatest felicity. There is no need to appeal to God, here, at all. Instead, by appealing to the benefits and disadvantages of virtues and vices, we can similarly explain why breaking the laws of nature is unreasonable and contrary to benefit and obligation, even in the state of nature. As argued in **Chapter 2**, and again in **Chapter 4**, a person in the state of nature is obligated by his reason alone, which, as argued in **Chapter 9**, must take the real value of virtues into account. If a person in the state of nature acts contrary to virtue – and thus breaks a law of nature – he is acting contrary to the real good of virtue, and is thus acting unreasonably and contrary to his benefit.

Finally, it should be clear that I am not writing anything *completely* reactionary. I agree that Hobbes' does have a moral theory that is *in foro externo*, that does take actions, contracts, rules, and the sovereign's laws as seriously as all of these theorists suggest. Many of their claims are not wrong, *per se*; they are simply too narrow. But, for similar reasons, any theorist who inordinately stresses Hobbes' theory of morality *in foro interno* would also provide too narrow a reading. David Boonin-Vail, for instance, takes Hobbes' theory to be a kind of virtue theory, and he goes out of his way to compare Hobbes to Aristotle. While Boonin-Vail doesn't explicitly reject Hobbes' obligations *in foro externo*, they certainly don't receive strong enough play.

As I argued in **Chapter 9**, we must realize that Hobbes does, in fact, focus on what can be done to guarantee that people satisfy their obligations *in foro externo*. The entire theory is geared toward what can make a society work, in practice, and Hobbes is quite convinced that this success relies on covenants, actions, benefit, and fear – on morality *in foro externo*. And, in large part, this is the case because Hobbes firmly

believes people will continually and profoundly fail with respect to their obligations *in foro interno*, and with respect to their virtues. Thomas Hobbes does, in fact, rely on a contractarian theory of morality; that just doesn't happen to be his only theory. Thomas Hobbes seeks to evaluate virtues, dispositions, and intentions the same way he evaluates actions – on the basis of personal benefit and felicity. But he nonetheless recognizes virtues as very different from actions, and prone to a very different set of obligations and considerations.

Section 10.6: The Magnanimous Man

My project, as a whole, has frequently relied on distinctions between the Fool and the person who is genuinely just. As I have proceeded, I have continued to fill out the descriptions of both classes of individuals. And ultimately, I have argued that not only are only genuinely just people completely reasonable, but they are also the only individuals who can be truly happy and achieve the greatest degree of personal self-interest. Now, finally, in this chapter, I have argued that this individual frequently acts in selfless ways as well.

I have attributed to Hobbes a radical, and very high, standard of reason and happiness. But – right or wrong – it wouldn't be clear just how unusual his standards are until we consider his notion of magnanimity. To understand Hobbes, it is, I have argued, absolutely vital that we understand his theory of magnanimity, and how it relates to his theory of justice. For Hobbes, it should be clear, only a magnanimous person can be genuinely just. And that, too, means that only a genuinely magnanimous person can be genuinely reasonable.

To understand what it means to be reasonable, then, it is of the utmost importance that we also understand what it means to be magnanimous. This is why, in a sense, **Chapter 6** is the most important chapter in this work, overall. Certainly, we must, as I argued in **Chapter 3**, first understand how Hobbes' discussion of just people fits into his theory as a whole. But the picture Hobbes provides, when describing justice, is still too general – it doesn't do "justice" to his conception of the reasonable person, overall.

Rather, to get at the notion of a reasonable person, one must understand Hobbes' much more detailed, and, from a modern perspective, much more peculiar account of magnanimity. To understand this account, we need to understand how Hobbes was situated in the history of philosophy, in relation to other writers he had studied, like Aristotle and Homer.

Only then does Hobbes' conception of the reasonable person become clear. And only in light of this description, can we really understand the reasonable person's opposite – the Fool, whom Hobbes explicitly addresses in Chapter 10 of *Leviathan*. Why is the Fool mistaken? Certainly, he is mistaken because, acting as he does, he must certainly have vices that will lead him to misery. But, even more so, the Fool is mistaken because he is acting contrary to his obligations *in foro interno*, contrary to reason and what is most conducive to his best interest and felicity. He is not, in any way, moving in the direction of magnanimity, which is necessary for him to be as happy as he can be. Rather, he is the pusillanimous, or small-souled man.

I contend that the magnanimous person exists at the juncture, or cusp point, between Hobbes' morality *in foro interno* and his morality *in foro externo*. Being a just person, who ideally satisfies his obligations *in foro interno*, he will also be ideal *in foro*

externo as well. He will act as obliged by the law of nature, and thus he will act as obliged by civil law as well. As discussed in **Chapter 9**, this is implicit in Hobbes' claim that: "The law of nature and the civil law contain each other and are of equal extent" (L: 26.8). No doubt, the genuinely just person is nothing more than a person who satisfies his *in foro interno* obligations. But nonetheless, if such a person is in a society, he will necessarily and consistently endeavor to satisfy his obligations *in foro externo* as well. So, if we want to understand what it would mean to be truly moral – not only on the basis of one of Hobbes' moral theories, but on the basis of both simultaneously – we must look to Hobbes' ideal, magnanimous person.

This makes sense, because Hobbes' theory is principally concerned with what each individual can do to achieve his own best interest. Each individual enters a covenant to back a sovereign only because doing so is his best means to preserve himself and to attain the greatest degree of felicity. In light of this, it is fitting that Hobbes' ideal person is the magnanimous one, the one who consistently pursues the best means ("great helps") to his ends, and who can experience the greatest degree of felicity. And we can only see why the virtue of justice can be so important to Hobbes – why it is *always* reasonable to keep one's covenants and *never* reasonable to be a Fool – if we recognize that the magnanimous person must also be just, and reasonable as well.

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