

Morality in the Philosophy of Thomas Hobbes

CASES IN THE
LAW OF NATURE

S. A. Lloyd

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Morality in the Philosophy of Thomas Hobbes

Cases in the Law of Nature

In this book, S. A. Lloyd offers a radically new interpretation of Hobbes's Laws of Nature, revealing them to be not egoistic precepts of personal prudence but rather moral instructions for obtaining the common good. This account of Hobbes's moral philosophy stands in contrast to both divine command and rational choice interpretations. Drawing from the core notion of reciprocity, Lloyd explains Hobbes's system of "cases in the law of nature" and situates Hobbes's moral philosophy in the broader context of his political philosophy and views on religion. Offering ingenious new arguments, Lloyd defends a reciprocity interpretation of the Laws of Nature through which humanity's common good is secured.

S. A. Lloyd is professor of philosophy, law, and political science at the University of Southern California. Lloyd is the author of *Ideals as Interests in Hobbes's "Leviathan": The Power of Mind over Matter*.

*For Anastasya Cactus-Butt, Isabella Fairy-Face, and Bobby-Alexander
Lloyd-Damnjanovic, and for the one who made them possible and
actual.*

Preface

[T]hey that have written of justice and policy in general, do all invade each other and themselves with contradictions. To reduce this doctrine to the rules and infallibility of reason, there is no way, but, first, put such principles down for a foundation, as passion, not mistrusting, may not seek to displace; and afterwards to build thereon the truth of *cases in the law of nature* (which hitherto have been built in the air) by degrees, till the whole have been inexpugnable.

(*Elements of Law*, Dedicatory Epistle, emphasis added)

This is a book about Hobbes's moral philosophy. It examines his "Laws of Nature" because Hobbes insisted that "the science of them is the true and onely moral philosophy".¹ Hobbes terms the conclusions of moral philosophizing once Laws of Nature have been brought to bear on specific practical questions "cases in the law of nature", hence the book's title. I used to think that Hobbes did not have any genuine moral philosophy. My reason for thinking so was not the reason offered by many commentators in support of the same conclusion, namely,

¹ *The Collected English Works of Thomas Hobbes*, edited by Sir William Molesworth (11 vols., London 1839–1845), volume III, 146; T 110. References to the Molesworth collected edition will appear as EW, followed by volume number and page number. *Leviathan* appears in EW III. Richard Tuck's revised student edition of *Leviathan* (Cambridge, 1996) helpfully contains a concordance with the Molesworth edition to which I shall be referring and with the popular Macpherson edition (London, 1990). When referring to *Leviathan*, I cite the EW page followed by the Tuck edition (abbreviated T) page.

that Hobbes's egoistic psychology leaves no room for the possibility of genuinely moral motivation for action. That view rests, I believe, on an incorrect characterization of the psychology of Hobbesian men. Rather, I thought that Hobbes saw his political philosophy as needing no moral philosophy to undergird it. According to Hobbes's explicit chart of the sciences in chapter 9 of *Leviathan*, civil philosophy is a distinct science of political rights and duties derived from the concept of commonwealth – which is the concept of an artificial (man-made) entity – and thus not a branch of natural philosophy, while ethics – which Hobbes describes as a branch of science concerning consequences of the passions of men – is a part of natural philosophy.² Because I am not tempted to view political philosophy as merely a specific application of moral philosophy, I saw nothing problematic in Hobbes's treating civil philosophy as an autonomous science. More importantly, I thought the political philosophy I understood him to offer had an impressive coherence and sufficiency despite having no dependence on, nor contribution to make to, moral philosophy proper.

I interpreted Hobbes's political philosophy as intended to argue that recurrent social disorder results from people's resisting their government in pursuit of what I termed “transcendent interests” – interests for the sake of which they are willing to sacrifice their lives, if necessary.³ Many interests may be transcendent in this way: interests in securing the good of our children, in furthering the realization of substantive moral ideals such as liberty or justice or human rights, in defending one's country – even interests in defending our honor or reputation may be transcendent for any given person. Hobbes was primarily concerned with the social disorder that results from men's

² EW III, 72–73. Hobbes calls “natural” those creations that issue from God's art, characterizing nature as “the art whereby God hath made and governs the world”. “Artificial” are those things made by the art of man, for instance, automata such as watches, as well as such things as poems, monetary systems, and universities. “Art”, Hobbes writes in the introduction to *Leviathan*, “goes yet further, imitating that rational and most excellent work of nature, *man*. For by art is created that great LEVIATHAN called a COMMONWEALTH, or STATE, in Latin CIVITAS, which is but an artificial man; though of greater stature and strength than the natural, for whose protection and defence it was intended” (EW III, ix; T 9).

³ S. A. Lloyd, *Ideals as Interests in Hobbes's Leviathan: The Power of Mind over Matter* (Cambridge, 1992); hereafter cited as *IAI*, followed by page number.

acting on transcendent religious interests in doing what they believe to be their religious duty, and in seeking to obtain the eternal reward promised to those faithful who fulfill their religious duties, and to avoid divine punishment for failing to fulfill them. Hobbes analyzed the English Civil War as largely the result of transcendent religious interests, in some cases manipulated by those ambitious of worldly power. Because subjects willing to risk death in the service of their religious or other interests cannot usually be compelled to civil obedience by the state's threats to punish them corporally or capitally, the instability generated by transcendent interests poses a particularly difficult problem for Hobbes's project of discovering the principles by which the commonwealth might be made to remain stable indefinitely. The idea of motivation by transcendent interests, which may have seemed to some who read my interpretation of Hobbes's political theory when it was first presented in 1992 a strange and unlikely explanation for socially disruptive behavior, has sadly become, after September 11th, 2001, and the suicide bombings of recent years a widely recognized and increasingly studied phenomenon.⁴ Although historians and dramatists have from ancient times forward documented the power of transcendent interests, I believe that Hobbes was the first philosopher to offer a systematic philosophical analysis

⁴ The notion has entered the realm of public and foreign policy debates. For instance, in his *New York Times* column of September 18, 2002, on U.S. policy toward Iraq's Saddam Hussein, Thomas L. Friedman called attention to the potential social disruption effected by those with what I call transcendent interests: "What worries Americans are not the deterrables like Saddam. What worries them are the 'undeterrables' – the kind of young Arab-Muslim men who hit us on 9/11, and are still lurking. Americans would pay virtually any price to eliminate the threat from the undeterrables – the terrorists *who hate us more than they love their own lives*, and therefore cannot be deterred" (emphasis added). Freidman's "undeterrables" act on a transcendent interest, although how precisely to characterize that interest is open to dispute.

David Braybrooke's notion of "interest-transcending motivations" as motives that lead people to act in disregard of their interests in the service of higher causes is a related but narrower notion than the notion of transcendent interests I attribute to Hobbes as interests for the sake of which one is willing to risk and if need be sacrifice one's natural life. These latter may (and Hobbes thinks typically do) include men's larger self-interests in procuring their own salvation, or honor, or reputation.

of civil disorder generated by transcendent interests. And I argued that Hobbes developed a powerful original political theory capable of addressing the problems to stability within one's society posed by the transcendent interests of one's fellow citizens. Hobbes addressed in particular the transcendent religious interests of his fellow subjects, but the method he pursued in doing so has much broader application, and makes Hobbes studies of perhaps greater importance today than ever before.⁵

I argued that Hobbes thought the disorders internal to civil societies generated by transcendent interests can be reliably avoided only if subjects are persuaded that they have, what they can see in their own terms to be, sufficient reason for political obedience. Hobbes aimed to offer a confluence of reasons – prudential, moral, and religious – for political obedience, in the hope that this confluence would motivate most of the people most of the time to obey, thus ensuring sufficient compliance for the perpetual maintenance of effective domestic social order. Such a solution requires a serious engagement with the beliefs that support and express disruptive transcendent interests, which Hobbes undertakes in the half of *Leviathan* devoted to discussion of Judeo-Christian religion, and the equivalent portions of his earlier works on civil philosophy.

Of course, no interpretation of Hobbes as addressing the recurrent social disorder that ensues from action on transcendent interests will make sense if men cannot be motivated to act in any way they recognize as threatening to their survival. Traditionally, interpretations of Hobbes's philosophy have attributed just such a narrowly prudential psychology to Hobbesian agents: The desire for bodily self-preservation systematically (some claim necessarily) overrides all other motives and desires in any nonpathologically functioning human being. Hence, healthy men are incapable of having or acting on transcendent interests. If true, this must defeat the sort of

⁵ One measure of Hobbes's philosophical importance is how often his work is used to address the most pressing concerns of the time during which his interpreter is writing. For instance, during the Cold War, Gregory Kavka saw in Hobbes's theory useful direction for designing a deterrence strategy that might avoid nuclear annihilation. See the essays collected in Kavka's *Moral Paradoxes of Nuclear Deterrence* (Cambridge, 1987).

interpretation I have proposed, depending as it does on motivations men cannot have. Those interpreters who believe Hobbes thought aversion to bodily death is the dominant motivation of human nature have adduced Hobbes's treatment of the Laws of Nature as a main support for their interpretation. They suppose that Hobbes considers the Laws of Nature to be normative precepts justified by their instrumental relation to the temporal self-preservation of the agent who follows them. Why, they ask, would Hobbes treat moral norms as mere strategies for securing self-preservation unless he thought their normativity depended upon their being so treated? And why would he think their normativity depended on their securing bodily self-preservation unless he believed that men will not act otherwise than their concern for temporal bodily self-preservation dictates? For instance, one interpreter writes that "there is only one way that it could be true that these laws of nature are exceptionlessly binding precepts: we must ascribe to Hobbes the standard view that all persons have the dominant desire for self-preservation. . . . Since the laws of nature are formulated with the aim of self-preservation in mind, it must be this end that is desired most powerfully by all Hobbesian agents", and concludes that "Hobbes' account of the moral law is the strongest evidence in Hobbes' texts in favor of the standard interpretation of Hobbes' view on the evil of death".⁶

By insisting on a narrowly prudential interpretation of Hobbes's Laws of Nature, these sorts of traditional interpretation merely beg the question against the transcendent interests interpretation. It is true that if the traditional interpretation of the Laws of Nature is correct, Hobbes was inconsistent to have acknowledged, as he unquestionably did, that men have transcendent interests; and he should not have been aiming to offer an account of civil disorder and its remedy in terms of transcendent interests, as I have argued he did. But it is equally true that if the transcendent interests interpretation is correct, Hobbes could not have held the account of the Laws of Nature traditionally attributed to him. Perhaps it has not occurred to many to question whether the traditional understanding of Hobbes's Laws of Nature as rules for the temporal preservation of the agent who follows

⁶ Mark C. Murphy, "Hobbes on the Evil of Death", *Archiv für Geschichte der Philosophie* 82 (2000): 36–61, 44–46.

them is correct. Having pursued this question I have concluded that the traditional understanding of Hobbes's Laws of Nature is fundamentally flawed, and that this crucial misunderstanding reverberates throughout Hobbes interpretation, causing interpreters to attribute to Hobbes an overly simplistic psychology that cannot accommodate transcendent interests, and a correspondingly impoverished moral theory. So long as the traditional interpretation of Hobbes's Laws of Nature as mere precepts of personal preservation is allowed to stand, condescending interpretations of Hobbes as having offered a political theory threatened with insignificance by its reliance on a false human psychology will muster support from what they allege to be Hobbes's moral philosophy. Unless this understanding of the Laws of Nature is overturned, even those interpreters who are prepared to admit that Hobbes recognized transcendent interests and are persuaded that Hobbes was concerned to address those interests will find themselves in the uncomfortable position of having to attribute to Hobbes a theory that is internally incoherent, or else ambivalent, confused, intentionally deceptive, or inadequately developed. I do not find any of these alternatives attractive. Showing why they are not compelling requires addressing the assumptions from which they spring at their source, in how we understand Hobbes's conception of the Laws of Nature.

Thus the main motivation for the present investigation of Hobbes's moral philosophy is to provide an alternative to the traditional interpretation of Hobbes's Laws of Nature that shows how those laws support, rather than undermine, the *transcendent interests interpretation* of Hobbes's political philosophy. But in the course of arguing the case for that thesis, I learned something that surprised me very much: Hobbes *does* have a distinctive, original, and philosophically attractive moral philosophy, a philosophy not only worth considering on its own merits, but one that helps us to think critically about our own contemporary dispute between reasonability and rationality accounts of morality. Time spent with Hobbes is never wasted, and having continued to study him, I now believe that just as he first articulated significant philosophical ideas for which Locke and Hume received credit, so did he offer an early articulation and defense of the idea Rawls has termed "the reasonable" and Scanlon "reasonableness" ordinarily traced to Kant.

So the present study is offered with two objectives in mind. The primary one is to defend the *transcendent interests interpretation* of Hobbes's political philosophy by showing the internal coherence and philosophical attractiveness of the broader theory comprised of Hobbes's moral and political philosophies. The second is to enable us to see that Hobbes did make an original contribution to moral philosophy, which, once we recognize it, provides a useful resource for thinking about the post-Kantian moral landscape that concerns us today.

Portions of the argument of Chapter 6 appeared in "Hobbes's Self-Effacing Natural Law Theory", *Pacific Philosophical Quarterly* 82, nos. 3 & 4 (September 2001): 285–308. A portion of the argument of Chapter 7 appeared in "Coercion, Ideology, and Education in Hobbes's *Leviathan*", in Andrews Reath, Barbara Herman, and Christine M. Korsgaard, eds., *Reclaiming the History of Ethics: Essays for John Rawls* (Cambridge, 1997), pp. 36–65. And a portion of the argument of Chapter 8 appeared in "Contemporary Uses of Hobbes's Political Philosophy", in Jules L. Coleman and Christopher W. Morris, eds., *Rational Commitment and Social Justice: Essays for Gregory Kavka* (Cambridge, 1998), pp. 122–149.

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