subtopic

Thomas Hobbes

THOMAS HOBBES:
FROM CLASSICAL NATURAL LAW *to* MODERN NATURAL RIGHTS
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For many centuries, natural law was recognized as a type of higher law that spelled out universal truths for the moral ordering of society based on a rational understanding of human nature. As a higher moral law, it gave citizens a standard for determining if the written laws and customs of their nation or any other nation were just or unjust, right or wrong, humane or inhumane. Today, natural law is not discussed very much, at least not explicitly. When mentioned at all, it is usually rejected as dangerous because it undermines existing laws or as intolerant because it is contrary to "multiculturalism," which requires the non-judgmental acceptance of other cultures.

This negative view of natural law can be traced to Thomas Hobbes (1588–1679), whose writings are largely devoted to showing the anarchy and civil wars caused by appeals to natural and divine laws above the will of the sovereign. Hobbes rejected traditional higher law doctrines and encouraged people to accept the established laws and customs of their nations, even if they seemed oppressive, for the sake of civil peace and security. His critique has been a leading cause of the demise of natural law and the acceptance of positive law as the only reliable guide for political authority.

One may be equally surprised to learn, however, that many people today embrace a different (and seemingly contradictory) view of natural law, and this too is traceable to Thomas Hobbes. For example, when conscientious people are confronted with violations of human rights—as in religious theocracies that violate women's rights or in countries that allow sweatshops to trample on worker's rights—they feel compelled to protest the injustice of those practices and to change them for the better. The protesters usually deny that they are following natural law, but they obviously are asserting a belief in universal moral truths that are grounded in human nature—in this case, the natural equality of human beings that underlies human rights. This understanding of higher law originates with Hobbes because he was largely responsible for transforming classical natural law into modern natural rights, thereby beginning the "human rights revolution" in thinking on natural law. How is it possible for Hobbes and his followers to embrace seemingly contradictory views of natural law, rejecting one form as intolerant, self-righteous, and anarchical, while embracing another form as the universal ideal of social justice? Let us turn to Hobbes for an answer to this puzzle, and, in so doing, uncover the sources of our modern conceptions of law, rights, and justice.

The key to solving this puzzle is Hobbes's famous statement about the desire for power in *Leviathan*: "So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire for power after power, that ceaseth only in death." What Hobbes means by this sweeping claim is that human nature consists of ceaseless motion without a natural end that constitutes happiness or felicity; hence, Hobbes says, "there is no *Finis Ultimus* (utmost aim) nor *Summum Bonum* (greatest good) as is spoken of in the books of the old moral philosophers. . . . Felicity is a continual progress of the desire, from one object to another."[1] Hobbes's denial of the greatest good is the crucial point of disagreement with "the old moral philosophers," Aristotle and Thomas Aquinas, who expounded the classical natural law doctrine.

According to the classical view, man is a rational and social animal who has a natural inclination to his proper end, happiness, which can be attained by the virtues or the perfections of mind and character. Classical natural law was therefore "teleological": directed to the natural end of human beings and to

the good life of virtue in a just political community. Hobbes rejects the teleological view of human nature as a false and dangerous illusion. Instead, he sees human nature as the restless striving for power after power that has no end and therefore no happiness or perfection. The rejection of end-directed motion underlies Hobbes's revolution in thinking from classical natural law, and its perfectionist principle of virtue, to modern natural rights, and its minimalist principle of self-preservation.

One argument that Hobbes uses to justify the rejection of natural teleology is metaphysical: the theory that only "bodies in motion" are real and that man is a complex machine moved by mechanical responses to images of external objects. This view is developed in *Leviathan*, Part I, which gives the materialist account of man as a creature of appetites and aversions: seeking pleasure, avoiding pain, and desiring power after power. The materialist account supports the view that no natural end for man really exists, only the ceaseless motion of a complex machine. The materialist account also strengthens the case against the Aristotelian-Thomistic view of man as a rational and social animal naturally suited by language and friendship to live in a political community. Hobbes's model shows that human beings are selfish, competitive, and anti-social, and that they are rational only insofar as reason serves the selfish passions. The logical conclusion is Hobbes's "state of nature" teaching, which describes the anarchical condition of individuals without an artificial social contract and a coercive sovereign to hold them together.

The mechanical model of man, however, is not sufficient to refute classical natural law. Hobbes develops a second argument based on moral experience, showing that human beings are motivated not only by pleasure and power but also by vanity—a false estimate of one's superiority to others. In historical writings, Hobbes shows how the passion of vanity has undermined traditional political authority where kings have relied on higher law to gain obedience from the people. The defect of this arrangement is that traditional higher law doctrines are easily exploited by vain and ambitious men who claim superiority to the sovereign because of privileged knowledge of divine, natural, and common law. Hobbes's account of the English Civil War (1642–60) in *Behemoth* illustrates the problem: King Charles I was overthrown by Puritan clergymen, democratic Parliamentarians, and lawyers of the common law who sought recognition for their superior knowledge of higher law, yet who could not agree among themselves about whose doctrine was right, producing sectarian wars that reduced English society to the anarchic state of nature.[2] From this frightening analysis, however, Hobbes draws a hopeful lesson: if higher laws are not equated with intangible goods like virtue, wisdom, and salvation, then the ills of civilization can be avoided and mankind can enjoy enduring civil peace.

Herein lies the crucial move in Hobbes's shift from classical natural law to modern natural rights: the idea of the greatest good is a dangerous illusion because it is vain, unreal, and never produces agreement; but the minimal good of avoiding death is the strongest, most real, and most universal passion: "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."[3] In other words, natural law is false and dangerous when it encourages illusory notions of superiority and implies duties to perfect citizens' characters or to save their souls; but natural law is the solution to civilization's ills when it is defined as the natural equality of all human beings and the dictate of right reason to avoid death or to preserve one's life. The implication is that the root of justice is "not a duty but a right . . . the fundamental and inalienable right of self-preservation."[4]

This shift underlies Hobbes's famous re-definition of natural law: "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 which takes away the means of preserving the same. . . . For though they that speak of this subject used to confound *jus* and *lex* (right and law), yet they ought to be distinguished, because Right consists in liberty to do or forbear, whereas Law binds to one of them; so that law and right differ as much as obligation and liberty."[5] From the new definition of natural law as a right or liberty to preserve one's self, Hobbes deduces nineteen commands, such as seek peace; lay down the right to all things and transfer power to a sovereign; obey the social contract; promote the attitudes conducive to civil peace (such as gratitude, forgiveness, avoidance of pride, treating people equally, and acceptance of

arbitration and impartial judges). Hobbes acknowledges that these moral attitudes are social virtues, but they are aimed at the minimal good of civil peace rather than the perfection of mind and character; they also make obedience to positive law the primary duty of natural law, removing any pretext for rebellion in the name of higher law.[6]

The influence of Hobbes's new doctrine has been profound but largely indirect because of the notorious reputation he acquired as an atheist materialist and advocate for absolute monarchy over constitutional government. While Hobbes's name was "justly decried," he convinced many people in the seventeenth and eighteenth centuries to change their views of the proper ends of government—from promoting the higher goods of virtue and salvation to protecting the limited goods of life, personal liberty, and property—inaugurating the natural rights principles of modern liberalism that became the basis of an enlightened middle-class materialism or "bourgeois" view of morality.[7] Hobbes never took the step of later liberal thinkers of advocating constitutional limits on state power as the best means for securing life, liberty, and property because he was convinced that fear of the sovereign's absolute and arbitrary power was the only way to keep people in line. Yet, once the shift to limiting the scope of government to the security of rights was widely accepted, a movement away from the absolute monarchy favored by Hobbes to the constitutionally limited government favored by Locke, Hume, Montesquieu, and the *Federalist* was the logical outcome of the Hobbesian revolution from classical natural law to modern natural rights. [8]

Endnotes

[1] Thomas Hobbes, *Leviathan*, 11.1–2.

[2] Robert P. Kraynak, "*The Behemoth*: Doctrinal Politics and the English Civil War," chap. 3 in *History and Modernity in the Thought of Thomas Hobbes* (Ithaca, N.Y.: Cornell University Press, 1990), 32–68.

[3] Thomas Hobbes, *De Cive*, I.7.

[4] Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 181.

[5] *Leviathan*, 14.3; *De Cive*, I.7

[6] Noberto Bobbio, *Thomas Hobbes and the Natural Law Tradition,* trans. Daniela Gobetti (Chicago: University of Chicago Press, 1993), 167–71.

[7] Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Genesis*, trans., E. M. Sinclair (1936; repr., Chicago: University of Chicago Press, 1952), 118–28. Also, C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (London: Oxford University Press, 1962), 61–68.

[8] George Mace, "Hobbes: The Basis of the American Natural Rights Heritage," chap. 3 in *Locke, Hobbes, and The Federalist Papers: An Essay on the Genesis of the American Political Heritage* (Carbondale, Ill.: Southern Illinois University Press, 1979), 33–45. Also, Frank M. Coleman, *Hobbes and America: Exploring the Constitutional Foundations* (Toronto: University of Toronto Press, 1977).

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