

Moral and Political Obligation in “Possessive Individualism”: The Problem of Manners

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Abstract

Usually, the interpreters of Hobbes and Locke have discussed the two systems of political philosophy from the perspective of liberal political doctrine, meaning the opposition between unliberal absolute monarchy, which Hobbes promotes, and liberal parliamentary democracy, asserted by Locke. However, some interpreters have pointed out that, beyond the political matter, the two philosophies are first grounded in the culture of the 17th century and in the structure of English society. From this point of view, even Hobbes would keep in his concept of state of nature certain schemes of social behavior, which will allow him to reinvent society. Therefore, Hobbes's man is the representative of a special type of society that Macpherson calls „possessive market society”. I analyze the implications of this hypothesis on the problem of moral and political obligation in Hobbes, with respect to those conventions which are called social mores. The status of mores is ambiguous in Hobbes, since they depend to a great extent on conventions and they do not have any direct link to natural law; on the other hand, they can be seen as an expression of attitudes and natural interests (civilization being the sum of mechanisms and social rules by means of which people attain their natural purposes). In the absence of sociability, morals cannot be understood in other way.

Keywords: moral obligation, political obligation, state of nature, manners, Hobbes, Locke, law of nature, social mores

Within the paradigm of natural law, the theories of Thomas Hobbes and John Locke are fundamentally different from continental theories. The latter are profoundly grounded in Aristotelian and scholastic philosophy, believing that on the one hand, sociability is written in man's nature and on the

other hand, that human nature can only be defined as rational. The consequences that follow from these assumptions are that society, as a source of humanity, is prior to the individual, and that the individual has the duty of contributing to the perfection of the state by attaining virtue, that the justice of the city and the justice of the individual are inseparable things, and that politics is strictly dependent on the capacity of political man to attain the ideals of wisdom, of moral prudence and of virtue. None of these assumptions are present in the works of Hobbes or Locke, who's moral and political theories are to a great extent empirically oriented, since they are based on the observation of individual behavior and on the inductive assumption that the individual is anterior to society. Consequently, the individual has no *natural* obligation towards society or towards the sovereign, he only has *natural* rights and political obligation, the latter being merely the result of conventions. At the same time, these empirical political theories can be considered from the perspective of their historical and social origins, as the empirical part of the theory of knowledge (particularly in Locke) can serve precisely to legitimate a certain type of moral and a certain type of politics. From this point of view, the epistemological revolution in political theory must be connected to England's political history: in the 17th century, political theories have inspired and legitimated political and social transformations. This isn't valid just for Locke, whose *Two treatises on government* constituted the political ideology of the Glorious Revolution in England, it is also valid for Hobbes, whose systematical thinking expressed in the *Leviathan* cannot be understood outside historical events. Numerous interpreters of the works of Hobbes and Locke have pointed out that their political theories were a response to political and social events. One of the most interesting approaches of this type is that of Crawford Brough Macpherson, who has placed the theories of Hobbes and Locke not in the context of the political struggles and movements of the 17th century (as most interpreters have done), but in the dynamics of a society defined by a generalized market economy. After referring to the general framework of

Macpherson's interpretation, I will point out, especially regarding Hobbes, how political obligation is justified in the light of a concept of state of nature, which was not the result of a logical hypothesis, but that of an inductive generalization of the social individual's behavior.

Macpherson believes that when Hobbes thought of state of nature as a premise of the absolutist state, he previously included in the definition of human nature a series of elements which rather pertain to social behavior. Hobbes's theory about the psychology and physiology of man is not sufficient, according to Macpherson, to explain how natural man passed from the state of nature to the establishment of the state; in order to do this, the postulate of sociability would be needed. Hobbes – who does not admit sociability, will make a series of implicit observations and descriptions which will point in that direction. We are referring to an ambiguous concept of the state of nature. The main significance of that *natural condition of mankind* that Hobbes speaks of is related to the understanding of *human nature* as an essence which is present in each human individual, knowing that man is through birth an animal dominated by affections and instincts, and that he becomes social only through education and calculation. However, the English philosopher also speaks about "the naturall state of men, before they entr'd into Society" (Hobbes 1983, 49), which indicates an historical meaning of the state of nature (such as we will find in Locke and particularly in Rousseau). According to the historical meaning, the social contract should mark a definitive break with primitivism and savagery, as man finds himself alienated from his initial condition; when the social connection is broken, which happens often enough, man would be unable to return to his previous state, because of the changes that social life has brought about in his inner life (as Rousseau said – this point is not particularly present in Hobbes).

By pointing out that the ambiguity of the state of nature isn't just present in Rousseau and Locke, but also in Hobbes, Macpherson demolishes the myth of the systematic character of the *Leviathan*. He suggests an original way of remedying the fundamental ambiguity of the state of nature in Hobbes. Namely, he states that the state of nature is seen by Hobbes as

the presence, in the natural individual, of some characteristics that actually belong to civilized man. Although it functions as a logical hypothesis, the concept of the natural condition of humanity in Hobbes must be understood from the perspective of its empirico-inductive genesis: „state of nature is a statement of the behaviour to which men as they now are, men who live in civilized societies and have the desires of civilized men, would be led if all law and contract enforcement were removed.” (Macpherson 1962, 22) Hobbes would therefore keep, in his concept of state of nature, certain schemes of social behavior, which will allow him to *reinvent* society. This wouldn't just be limited to the presence, in the concept of the state of nature, of some elements that pertain to man's presence in society, but more so, Hobbes's man is the representative of a special type of society that Macpherson calls „possessive market society”.¹ The individual's behavior in the state of nature implies an overall evaluation of others, of the purposes that they pursue and of the means that they use and, therefore, it also implies the development of some general principles for action. The conduct imposed through *bellum omnium contra omnes* can be separated from the representation of certain instrumental values such as the power of others, the sizing of the means and the measurement of value.² For example, the enumeration of the most important forms of power which men can acquire, of what is „honorable” as Hobbes put it, is nothing more than an inventory of the elements that define competition in the market economy: the power that each man possesses is nothing more than merchandise offered up, like all things, for evaluation and trade on the competitive market.

In regard to Locke, Macpherson points out that his interpreters did not resist the temptation of understanding him in the light of certain modern postulates of liberal democracy (Macpherson 1962, 194). Just like in Hobbes's case, Macpherson demonstrates that Locke's theory was purified of its social original and historic content, which lead to a fundamental contradiction. All of Locke's interpreters agree that the state, as perceived by Locke, is “in effect a joint-stock company whose shareholders were the men of property.” (Macpherson 1962, 195) But „who were the members of Locke's civil society?” –

Macpherson asks. If they were only the men of property, how could Locke make the civil society oblige everyone? How could the social contract be an adequate basis of political obligation for all men?" (Macpherson 1962, 195) In order to answer this question, we need to define the state of nature as a commercial state; in fact, when defining obligation, Locke follows Hobbes to the end, as he reduces justice to the definition established by the contacting parties on the market. Thus, the concept of state of nature is a "curious mixture of historical imagination and logical abstraction from civil society" (Macpherson 1962, 209): first, come the commercial conventions of the state of nature, then the conventions which lead to the establishment of civil society through the recognition of a common power. Still, there is nothing in the works of Locke that resembles the description of any means of primitive economy; Locke assumed that relations in the state of nature function along the pattern of social relations based on wage-labor (Macpherson 1962, 215-216). The novelty of Locke's theory of the state of nature, when compared to Hobbes's, consists of the relation between rationality and sociability and of the idea that man's labor is entirely his own; the stake for the *Treatise* was to justify, in that age, the capitalist relations of production and the bourgeois values (Macpherson 1962, 48, 219).

Macpherson's interpretation allows us to see the theories formulated by Hobbes and Locke from a unifying perspective. It puts the two theories in a type of relation which, beyond the divergence of doctrines, can result in common issues. What matters is seeing to what extent the divergences between the two theories can be integrated in a type of reading which allows the highlighting of a common significance, both in terms of politics and in terms of morals. This point brings us back to analyzing the relation between political obligation and moral obligation. From the perspective of Macpherson's interpretation, the two theories are the expression of the liberal *economic* ideology. Usually, the interpreters of Hobbes and Locke discuss the two systems of political philosophy from the perspective of liberal *political* doctrine, meaning the opposition between absolute monarchy, which Hobbes promotes and parliamentary democracy, asserted by Locke. The merits of Macpherson's

interpretation consist of having shown that, beyond the political aspect and the option for monarchy or democracy, the two philosophies are first grounded in the *social structure* of the 17th century English society and most of all, in the structure of the generalized market economy. Indeed, most times, analysts concerned with the works of Hobbes and Locke have lost sight of the fact that the contractualist model of society is based on an *economic model* (Foucault 2003, 13-14). Without a doubt there has always been an agreement between men, in relation to different purposes and circumstances, but the contract between two or more parties is a special kind of agreement, regarding the obligations which warrant the trade of goods or services. The “natural right school” was not named as such because man was perceived as having certain „rights”, but because the privileged object of civil right (jurisprudence) actually consisted in the *obligations* which derive from a contract, and perceiving society as a generalized system of obligations justified the idea that basically, *society is a contract*³.

Macpherson shares the opinion of Leo Strauss, who designates Hobbes as the first liberal thinker, the founder of individualism, yet, if Hobbes were indeed the first liberal thinker, this is mainly justified by the fact that he thought of power (individual power, not civil power) through the perspective of completely market society. This means that Hobbes’s political theory (and that of Locke as well) is first of all a theory concerning the civil obligations which ensue from the social contract. Without a doubt, the issue of rights is a fundamental one, but once such a foundation is established, Hobbes’s moral and political theory raised the issue of whether obligations ensue from a contract, meaning from the *transfer of right*. However, civil obligation (i.e. obeying sovereign power and laws) would not be legitimate and would hold no meaning if man were not accustomed to the idea of obligation or if this idea was not innate in man. As Locke will put it, the law of nature speaks to men in the language of obligation: „the law of nature obliges every one” and „where there is no law, there is no freedom” (Locke 1980, 9, 32).

Although this axiom of liberal thinking is present in Hobbes’s thought, Raymond Polin believes that Hobbes is not

a liberal thinker: he is rather a philosopher of liberty (Polin 1981, 126). According to Polin, Hobbes has never directly established a theory of political obligation. The central idea concerning the absolute character of sovereignty emphasizes the fact that, in Hobbes, the concept of obligation must not be understood in its modern sense. The term of obligation, used today, was created by Kant according to whom, through his sensibility, man belongs to the natural world of phenomena, and through his reason to the intelligible field of things themselves. While the first field pertains to necessity, the second one pertains to freedom. Kant said that the will of man is not naturally good, since it is subject to the pressures of sensibility and of wishes, meaning that it is a heteronomous will. For this reason, moral action is only possible by compelling volition through reason. The morality of man is therefore conditioned by the compelling of volition through a categorical imperative, but this obligation is still free, since the restriction is not exerted from the outside, but from the inside, and this can only be possible by virtue of the will. Therefore, in Kant, moral obligation is opposed to natural necessity, and is seen as an exercise of free will; moral obligation is not an exterior restraint and can only be achieved by each man individually, through his freedom to choose, therefore through his conscience. This theory is the opposite of Hobbes's.

For the author of the *Leviathan*, man is part of the system of the world, and the world functions according to immutable and necessary laws. According to the classical science of nature, a movement is free when it does not meet an obstacle, and the same goes for volition, which is made up of bodily strength, passions etc. Therefore, freedom and necessity are not necessarily opposed. Spinoza asserted, in the same century as Hobbes, that freedom and understanding necessity is the same thing, which meant that natural law is not incompatible with moral freedom. Hobbes defines natural laws as being „moral” and uses the expression „natural and moral law” often enough, since for him, natural and moral laws define the mores of the state of nature, which are rational. Therefore, obligation and

necessity seem to be one and the same thing, which leads to the conclusion that obligation does not pertain to conscience. It refers to the exterior coercion; this is why Hobbes states that any understanding or convention among men is worthless unless it is warranted by a greater power, namely that of the sovereign.

On the other hand however, there are a series of affirmations about Hobbes according to which „ there being no obligation on any man which ariseth not from some act of his own” (Hobbes 1946, 203); „ for no man is obliged by a covenant whereof he is not author” (149). These passages can be easily understood if we consider the civil state, because it is the only state in which we can speak of stable conventions. These conventions can be of a moral nature (concerning mores) or of a political nature, and the obligation associated with them will be both a moral and a political obligation. It is for this reason why “freedom means something different in society from what it does in nature.” (van Mill, 1995: 458) However, some conventions exist in the state of nature as well, although they are not thought to be durable, and this means that we may speak of moral obligation in the state of nature as well. Such an obligation would be, for example, gratitude and if we consider the gratitude of the children towards their parents, we may say that it is of a permanent nature. According to Warender, the gratitude, which is by definition different from convention, must be also based on the consent, since consent is projected into the future (Warender 1957, 51-52) and it creates an obligation (see also Schochet 1967, 444)⁴. However, we must say that “the relation between obligation and gratitude is quite difficult to analyze because the term of ‘obligation’ has, in Hobbes, an ambiguous meaning” (Bilba 2011, 178).

But the constraint by means of which an individual forces another, in order to obtain something from him, does not constitute an obligation, just like you are under no obligation to submit yourself to the power of a highway man; this is rather the definition of what is *not* an obligation. From what was just said, it can be understood that obligation and necessity are not the exact same thing; you might say that obligation is an *accepted necessity*. The consent given by the person has the

power and the effect of a moral law; but this consent cannot be understood as the self-determination of will in a Kantian way. For example, if a thief threatens me and makes me hand over all that I have, at gunpoint, I obey, I consent; the obligation in this case does not come from the thief's power, nor from my autonomous will; it comes from the natural principle of self-preservation, to which consent is added. The latter is the recognition of the fact that, indeed, the threat made by the thief constitutes a peril, since I do not possess sufficient strength to defend myself. If, on the contrary, I decide not to obey, but to defend myself, since I feel that I am stronger than the thief and might defeat him, the justification of my deliberate act is found in natural law as well, more precisely, in natural right⁵, which allows me to defend myself. The two possibilities, which are both in accordance with natural law, show that natural law is not the object of a prior choice: either I obey, either I do not, but natural law is at no time dependent on my acceptance or refusal; it is necessary and independent from consent. Therefore, the necessity is grounded in natural law, but the obligation resides in my consent. For Hobbes, this consent is not deliberate, in sense of freedom of the conscience; the freedom of my act is grounded in natural necessity. Obligation pertains to necessity to the extent that freedom itself cannot be separated from the latter.

From the above example we can note that, if the issue of obligation involves consent, this consent can be given either in the case of a civil understanding/convention, either in the case of a natural situation, when the obligation ensues from natural law. In general, Hobbes's interpreters define as „political” man's obligation as a citizen or as a sovereign, and as „moral” the obligation which is derived from a natural situation (state). This distinction was necessary since the term of „moral” in use today corresponds, in the works of Hobbes, to both social mores – those relations among civilized people which make up the object of a convention, which however, is not civil, like the habit of drinking tea at five o'clock – as well as the natural situations in which determining volition is done through natural law. The status of mores is pretty ambiguous, since they depend to a great extent on conventions and they do not have any direct

link to natural law; on the other hand, they can be seen as an expression of attitudes and natural interests; civilization can be synonymous to the sum of mechanisms and of social laws by means of which people attain their natural purposes (like the unlimited growth of power), without having to resort to the means of the state of nature. In the absence of sociability, morals cannot be understood in other way.

If this interpretation is correct, it means that Hobbes does not exclude at all the possibility of non-civil conventions among men, which take place by virtue of nature, but not in the state of nature (because they are not durable). The fact that Hobbes did not insist upon this „secondary” aspect of social life was seen as a shortcoming by Locke, who, as we have seen, had to attribute particular importance to those conventions made in the state of nature, first of all in relation to property. At the same time, it is just as true that the premise for dealing with non-civil conventions is found in the Chapter 11 of the *Leviathan*, where Hobbes speaks of manners.

By “manners”, Hobbes does not understand fine (good) manners or “decency of behaviour [...] but those qualities of mankind, that concern their living together in peace, and unity” (Hobbes 1946, XI, 1985)⁶. But, in this case, the title of the chapter *Of the Difference of Manners* is not justified. The first thing that we find out about the variety and about the difference of manners is the inclination, manifested by all men, of gaining more and more power, this being a desire that only ceases in death. Variety then refers to „competition for gaining riches” and to all the other desires to earn honors and prestige, which are common in all men. In fact, Hobbes does not speak about the qualities of individuals; he speaks about the *qualities of mankind*. This implies that he is actually speaking of foundations, of the „bases” for the diversity of manners, which could at the same time be „the bases” of all conventions concerning manners. We know for certain that Hobbes was by no means a stranger to the issue of „manners” as behavior exhibited in society.

In response to the criticisms of a renowned geometry professor from Oxford, Hobbes answers in a text called *Of Manners* that: „it is ill manners, in reprehending the truth, to

send a man in a boasting way to your own errors. [...] it is ill manners to diminish the just reputation of worthy men after they be dead” (Hobbes 1740, 354). Or, in this respect, one could answer Hobbes, using the arguments of Chapter 11 of the *Leviathan* that the diversity of *mores* leaves plenty of space for the interpretation of *manners*. Still, one cannot answer in such a way, because in that particular chapter Hobbes speaks rather of what makes men similar in state of nature, and implicitly, of what could or should reunite them in civil society. But what unites people in civil society is not fine manners, it is fear of the sovereign’s power. As a result, fine manners and all the other conventions are presented as ensuing from the social contract; they do not bear the mark of society, they are a rational artifice which tends to dissimulate human nature in order to leave room for diplomacy and for calculations. “In *Elements* 8.5, Hobbes presents the honors that superior and inferior give one another as a strategic account, for the signs of honor ‘the inferior giveth to the superior’ are strategic responses to the signs of honor ‘from the superior to the inferior’.” (Bilba 2011, 186) „Bad manners” then signify, in the light of the philosophy of the *Leviathan*, lack of civil spirit and braking with civil conventions. We realize that this conclusion is a tremendous error; which becomes all the more obvious since in his dispute with the reputed Oxford professor, Hobbes’s only argument is that the professor has what is called ill-breeding. Going back to the theory of the *Leviathan*, ill-breeding should be interpreted as bad family upbringing, meaning a faulty transition from the state of nature to the civil state. Still, the difficulty resides in the fact that this transition should involve a social time and place for the good or bad upbringing to take place in. You might say that the biggest difficulty of the *Leviathan* resides in the fact that Hobbes does not speak of ill-manners or that he does not leave enough room to discuss those conventions which institute good manners.

Hobbes’s interpreters grant this fact little importance; the difference between Hobbes and Locke has marked the understanding of this matter to such an extent that it is no longer noticeable that in the end, the development of Locke’s theory took place by filling in the gaps left by the *Leviathan*. As

far as we know, Locke is Hobbes's first and last interpreter to see and notice that the issue of morals does not have a solid foundation in the *Leviathan* and that it must be transferred to the effective state of nature in order to gain such a foundation. For Locke, this foundation will be represented by the non-civil conventions that people were able to establish among themselves in the state of nature, by virtue of natural law; this is what makes the hypothesis of sociability necessary. In specialized literature, authors insist a lot on the matter of property in Locke, but it isn't always made clear enough that aside from being a mere doctrine, the theory of property is, for Locke, the solution to a problem. Namely, it is the foundation of mores, of those manners to which Hobbes hadn't granted too much importance and which will form, not in the works of Locke, but in those of his followers, the matter of social civil society, seen as separate from the state. In order to illustrate the way in which the issue of mores has been set aside by Hobbes's interpreters, we will refer to a significant passage in the famous review made by Leo Strauss to the writing of Carl Schmitt, *The concept of the political*. Strauss said: "Hobbes understood the *status civilis* in the sense of the specifically modern concept of culture [...] as the opposite of the *status naturalis*; the *status civilis* is the presupposition of every culture in the narrow sense (i.e. every nurture of the arts and sciences) and is itself already based on a particular culture, namely, on a disciplining of the human will. We will here disregard Hobbes's view of the relationship between *status naturalis* and culture (in the broadest sense) as an opposition" (Strauss 2007, 105). There is, in the case of Strauss, a certain ambiguity concerning the matter of culture, but this ambiguity must be attributed to Hobbes himself: the *Leviathan* is the condition of culture in the restricted sense, but even this work is based on a certain culture, in the broad meaning – let us not forget that the *Leviathan* was called by Hobbes „the artificial man”, a man created by man in his own image, in the image of natural man. Thinking of the cultural status of the state, we realize that this condition should be both cultural and natural (in its broad sense), which is hard to imagine, given the opposition between the two. Therefore, Strauss – which dealt

with the text from the perspective of the natural to the political and who wanted to reject Schmitt's thesis, which saw the condition of the political *directly* in nature (without the interposition of culture) – has to *make abstraction* of this opposition which cannot be qualified by the means devised by Hobbes. Apart from its shortcomings, Hobbes's merit consists, Strauss believes, in his "knowing and seeing against what the liberal ideal of civilization has to be persistently fought for: not merely against rotten institutions, against the evil will of a ruling class, but against the natural evil of man. In an unliberal world Hobbes forges ahead to lay the foundation of liberalism against the – *sit venia verbo* – unliberal nature of man, whereas later men [...] trust in the original goodness [...] of human nature. [...] But—in all fairness to later men – ultimately that dreaming and that oblivion are merely the consequence of the negation of the state of nature, merely the consequence of the position of civilization introduced by Hobbes." (Strauss 2007, 107-8) Ambiguity is once more present: it is not clear enough whether, in Hobbes, the *moment* when nature is denied is equivalent to the assertion of civilization. Locke, who is Hobbes's first successor, was therefore right when placing the foundation of civilization – of mores – within state of nature itself, but we have already seen that his interpretation also has ambiguities. This deviation from the problem of obligation shows us just how difficult – or impossible – a theory of obligation actually is, but on the other hand, to what extent we need political theory to be preceded by a „science of manners“. For Hobbes, there was no such a thing as a theory of manners, or as a foundation of such a theory, since he did not dispose of effective means to make these the object of a science. Mores are not universal, and Hobbes is interested only in that which is universal in moral philosophy (which encompasses both moral science and political science), without the universal being conditioned by the concepts of freedom and conscience which we latter find in Kant. In his work, *De cive*, Hobbes announces that the object of moral science is moral law or the law of nature, which for him are one and the same thing and which constitute the condition for natural justice. If the obligation is derived from natural law, it is an obligation towards nature: in the

state of nature, it manifests itself as the will to preserve one's life. „There is no difference in nature between obligation and desire” (Polin 1981, 159 – my translation), satisfying one's needs in order to live is the result of an obligation of the natural law of self-preservation.

For this reason, in the state of nature, the war of all men against all men is outside the classifications of „good” and „bad”, much like free competition between individuals – in the civil state – cannot be considered as morally negative. In fact, in the civil state, moral obligation also comes from natural law, by virtue of the fear inspired by the sovereign, who guarantees all other conventions. In this sense, mores have, as formal condition, the initial contract through which the sovereign gains the power to warrant all the other conventions, and, as efficient condition, the natural desire. Therefore, mores pertain, in a negative manner, to a double regimen: not in the sense that they are both civil and natural, but in the sense that they are neither civil, nor natural. At this point, we are faced with the ambiguity of the relation between nature and culture (in the broad sense) of which Leo Strauss spoke. Mores are rational strategies for action determined by natural volition; slyness, diplomacy, calculations, competition, desire (for more power) or purpose are just a few of their conditions, conditions which pertain to one of the three faculties which determine action: passion, reason and volition. Volition is nothing more than the sum of desires and of passions; reason consists of the very calculations which make up passions. In a very broad sense, will is determined by reason, the only problem being that reason does not constitute an autonomous reign in relation to nature. Still, determining will by the calculations of passions can be called moral and, in this respect, it makes sense to speak of moral obligation and of right: ”moral designates a class of ways of life and actions. The term ‘right’ signifies nothing more than the freedom that each of us has to use his natural faculties, according to just reason” (Polin 1981, 159-160 – my translation).⁷ The law of nature is nothing more than the convergence between the game of passions and the calculations of reason: “reason is no less of the nature of man than passion, and is the same in all men” (Hobbes 1840, 87). The laws of

nature are nothing more than reasonings, calculations born of reasoning starting from the premise of self-preservation (meaning the general law of nature); social contract is nothing more than the result of a calculation of our reason, meant to ensure the observance of the laws of nature, which would always be broken were it not for a power higher than any other which binds people to follow them. But this obligation which comes from the outside is in fact the obligation of natural law, since every individual *consents* to submit to the sovereign.

According to Hobbes, all men have the same nature, they possess the same faculties, are therefore equal, and their natural actions are the expression of a need which comes from the natural principle of self-preservation. But although everyone's reason can formulate and understand all the laws of nature which are derived from the principle of self-preservation, these laws remain „abstract”, as Hegel (1995, 167-169) puts it, since the individual acknowledges them in his inner consciousness, yet does not acknowledge, by virtue of these laws, other people's right to freedom. The obligation that ensues from these laws for each individual (to seek and to follow peace, to give up his right and to be content with as much freedom as he would grant others, to follow conventions etc.) are not sufficient in order to achieve morality, since this obligation towards natural law only acts within ourselves. Obligation is constituted through conscience: „the Lawes of Nature had regard chiefly unto Conscience” (Hobbes 1983, 83), but this cannot insure universality, because it is merely an opinion (Hobbes 1946, XXIX, 311), a manner of judging which can prove to be wrong.

Several of Hobbes interpreters have demonstrated that not only moral or natural obligation, but also political obligation should be considered in retrospect to conscience: the Commonwealth must be based on the obligation of conscience (Hood, 1964, 123). If this was the case, it would mean either that human nature is „good”, either that it becomes good in society. Hobbes's favorite example, civil war, shows us that there is no need to interpret the *Leviathan* in Locke's philosophical spirit, and even less so in the spirit of Hegelian philosophy (which deal with universal consciousness). The idea

of conscience in Hobbes is too close to the spirit of mechanisms to understand in such a manner the relation between morality and conscience. Hobbes is not far from Spinoza, for whom being aware of the effects is not the same as being aware of the causes, and man cannot be a primary cause (*causa sui*). In Hobbes, we cannot speak of the freedom of conscience as a free principle of action, even less so of a „political” universal conscience which would lead to the common interpretation of civil laws. According to other interpretations, in Hobbes, conscience is nothing more than an individual arbitrator: „In the state of nature, each individual is the judge concerning the best way to preserve his life, each individual’s judgment and therefore each individual’s conscience involves a natural obligation” (Polin 1981, 162). This affirmation made by R. Polin seems to be pretty close to the spirit of Hobbes, but „natural obligation” needs to be explained. As Michael Oakeshott points out in his famous *Introduction* to the 1946 edition of the *Leviathanului*, “Under the influence of distinctions we are now accustomed to make in discussing questions of moral theory, modern critics of Hobbes have often made the mistake of looking for an order and coherence in his thoughts on these questions which is foreign to the ideas of any seventeenth-century writer. Setting out with false expectations, we have been exasperated by the ambiguity with which Hobbes uses certain important words (such as obligation, power, duty, forbid, command), and have gone on, in an attempt to understand his theory better than he understood it himself, to interpret it by extracting from his writings at least some consistent doctrine.” (Oakeshott 1946, lviii) Talking into account these assignments, we come to the conclusion that the relation between „natural obligation” and conscience is far from resulting in a pertinent formulation of a theory about moral obligation in Hobbes, especially if we take into account the fact that the term „natural” doesn’t just have one meaning. „Natural obligation” can, at the same time, refer to the physical necessity, to the physiological necessity or to the moral one (natural law). That which is added to physical necessity, in order to turn it into a physiological necessity, is the movement of passions, and that which is added to the physiological

necessity in order to turn it into moral necessity is the calculation of reason, the result of which is volition. Hobbes only briefly defines conscience, and most of the time he uses the term as synonym for „consent”. This term allows us to understand that if a man consents to submit to an external coercion or to create a convention together with others, he creates an obligation. When speaking of self-preservation, obligation comes from the physical or physiological necessity, and all that reason does is to search for means of action; conscience is indeed an „arbitrary” arbitrator. Still, formulating the laws of nature is an act that the theory of an arbitrary conscience cannot explain: these laws are only universal *for man*, unlike the („more” universal) principle of *self-preservation*, which is valid for any living thing. This implies that man possesses a universal faculty which allows him to know natural laws; this faculty is called reason. But if there is such a faculty which formulates the universal laws of nature, shouldn't there also be a universal principle which should make their fulfillment possible, at least in theory? We believe here is where the ambiguity of Hobbes's theory lies, concerning human nature: he cannot admit a faculty of action which would be universal ever since the state of nature, since this would make man good by nature. Still, he cannot let go of the idea of knowing natural laws by nature, since this would mean that the social contract is no longer possible. This is the same as saying that society is necessary and that it belongs to human nature as its last consequence. In Hobbes, we can speak of man's „sociable unsociability”: once natural laws become known, natural obligation can be called moral obligation, since the laws of nature assign a certain content for human behavior: to seek peace, to concede right, to follow conventions. Moral law can be identified with natural law only through the fact that it could determine a universal natural obligation. The law of self-preservation tends to become the foundation of morality once we may speak of the self-preservation of all. This may become possible by virtue of reason, meaning of the other natural laws which are derived from the principle of self-preservation. Since these laws are eternal, the obligation which they bring about is also eternal, and therefore also valid in the state of nature, the

difference being that in the state of nature the obligation exists in the conscience, but it is not effective. In order for it to become effective, meaning truly universal, a civil convention is needed. In society, the observance of natural laws is ensured by the positive laws which constitute „a sort of public conscience” (Polin 1983, 162).

NOTES

¹ For the difference between simple market society and fully (or possessive) market society, see Macpherson (1962, 51-60).

² „The Value, or Worth of a man, is as of all other things, his price; that is to say, so much as would Worth. be given for the use of his power: and therefore is not absolute; but a thing dependant on the needand judgment of another. [...] And as in other things, so in men, not the seller, but the buyer determines the price. For let a man, as most men do, rate themselves at the highest value they can; yet their true value is no more than it is esteemed by others.” (Hobbes 1946, X, 66).

³As Leo Strauss states, the theory of the social contract is only bound to the issue of *natural rights* starting with Hobbes who was the first to raise the issue of legitimate government instead of perfect government. For this reason, Strauss sees in Hobbes the first liberal thinker, the founder of individualism.

⁴ “Ultimately, the future consent of the child was probably derived from Hobbes’ fourth law of nature, the law of gratitude” (Schochet, 1967: 433).

⁵ „[...] that every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war. The first branch of which rule, containeth the first, and fundamental law of nature; which is, to seek peace, and follow it. The second, the sum of the right of nature; which is, by all means we can, to defend ourselves.” (Hobbes 1946, 117)

⁶ We suggested this by using the term „mores”, not „manners”.

⁷ See also *De cive* I, 7: “It is therefore neither absurd, nor reprehensible; neither against the dictates of true reason for a man to use all his endeavours to preserve and defend his Body, and the Members thereof from death and sorrowes; 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 any thing else signified, then that liberty which every man hath to make use of his naturall faculties according to right reason.” (Hobbes 1983, 47).

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