

## Surveying Hobbes' State of Nature

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### Abstract

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Often written-off as either a hypothetical state of lawlessness, or as some pre-civilizational set of conditions Hobbes' state of nature is rarely examined as if it is more. However, in "Foucault and Hobbes on Politics, Security, and War," Jörg Spieker offers a new thesis, he claims that, '...the state of nature is ontological and hence incapable of being transcended.' Following contemporary work on Hobbes, this article seeks to provide a possible explanation as to how the state of nature can be the ontological condition of human kind and investigates the implications of that claim for the social contract.

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### Introduction

On the surface, Thomas Hobbes' *Leviathan* presents a simple story of how civil society is created by free and equal consenting parties who band together to escape the brutish condition of mere nature. The unlimited freedom and practical equality of individuals when combined with certain human passions, namely competitiveness, diffidence, and vanity, in the state of nature leads to the fear, paranoia, and isolation of an unceasing war of all against all in which no one's life is secure. Since the human animal is rational and self-interested, individuals quickly realize that peace is in their long term best interests and so come together, surrendering a portion of their unlimited liberty to a sovereign who is empowered to make and enforce laws so that they may enjoy what freedom they retain.

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According to this story, the state of nature exists either as one, a prehistoric state of existence prior to the formation of civil society, or, two, a *hypothetical* condition of lawlessness in which human beings are governed solely by their passions and enjoy a right to any and all things.<sup>2</sup> However, in 'Foucault and Hobbes on Politics, Security, and War,' Jörg Spieker offers a new thesis, he claims that, '...the state of nature is ontological and hence incapable of being transcended' (Spieker, 2011: 193). He goes on to say that, 'This idea runs directly counter to one of the main assumptions misleadingly conveyed by the model of contract—that sovereignty is an achieved condition or the relatively stable outcome of a transition from one state of existence to another' (Spieker, 2011: 193). In other words, Spieker believes that the state of nature, not only does exist, but must always exist, even after the creation of a social contract. To understand how it is possible for the state of nature to have such a pervasive reality we must first explore the state of nature as articulated by Thomas Hobbes in *Leviathan*.

## 1. Equality Despite Difference

Hobbes famously asserts in Chapter XIII of the *Leviathan* that,

Nature hath made men so equal in the faculties of body and mind as that, though there be found one man sometimes manifestly stronger in body or of quicker mind than another, yet when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to strength of body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself (Hobbes, 1952: 84)

Hobbes does not deny that actual differences in abilities or attributes between individuals exist.

There are some who have superior attributes, some who are '...manifestly stronger in body or of quicker mind than another...'

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<sup>2</sup>Unfortunately the term "nature" is so loaded due to the conflation of the concept of nature with the outdoors or wild, over-abundant growth, and pre-city landscapes opposed to the angular geometry of the New York City skyline, that it seems to automatically conjure up images of misty forests, deserted isles and bearskin-clad troglodytes. The term "state of nature" then is read with a bias that predisposes one to think of it as a distant and cheesy Hollywood-cavemen-fighting-dinosaurs brand of prehistoric rather than a certain condition of equality and freedom which might obtain anywhere at any time.

That some are physically stronger, that some are more intelligent than others is manifest, it is clear and distinct, it is so obvious that it is undeniable. Yet, whether this *manifest superiority* translates into *practical superiority*, which is to say *actual power*—that is, whether superior strength or intellect contributes to one's ability to secure, in Hobbes' words, some future apparent good or not, is decided by context.

What is important here, is that despite these differences in abilities and attributes we are *so equal* in the sense that we are all *potentially* as vulnerable and *potentially* as lethal as anyone else. What is a strength in one instance, or a particular context, can be a weakness in another. As Hobbes puts it above, '...the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself.' In any given conflict (or context) there will be one who emerges as a victor and that person may rightly be called superior (in one sense), but that superiority cannot be established prior to the outcome of that particular conflict — removed from any context, for '...in the condition of nature, the inequality of power is not discerned but by the event of battle' (Hobbes, 1952: 90). The differences between individuals are meaningless in the abstract, however those differences lead to power differentials when grounded in particular contexts.

Hobbes defines power in *Leviathan* as one's '...present means to obtain some future apparent good...' (1952: 71). Hobbes distinguishes between what he calls *original*, or *natural*, powers and *instrumental* powers. Natural powers, according to Hobbes, consist in '...the eminence of the faculty of body or mind; as extraordinary strength...' natural powers are those that derive directly from personal attributes such as extraordinary strength, or quick wittedness, being agile, having keen eye sight or hearing, etc.. Instrumental power is that which is acquired and the means for acquiring more power (1952: 71). Such as being a persuasive speaker, or having vast sums of money at one's disposal. Natural and instrumental power, when recognized by others, whether that is because they feel the effects first hand, or hear of one's prowess, cause self-interested individuals to transfer their power to one. These individuals aim to benefit from one's protection, or one's ability to hunt, or one's ability to climb which allows one to reach the juiciest fruit on the higher branches, or one's money which allows one to buy food, etc..

According to Hobbes, 'The greatest human power is that which is compounded of the powers of most men united by consent, in one person, natural or civil [i.e. the sovereign], that has the use of all their power depending on his will...' (1952: 73, brackets added). Therefore, to have many loyal and/or indebted friends and servants is power for the fact that one can command and direct the energies of labor of those individuals, increasing one's ability to secure some future apparent good. Reputation of power is power, because '...it is the means to have the assistance and service of many' (Hobbes, 1952: 73). In fact, as C.B. Macpherson explains, it is a reputation of power that is the basis of all power in the state of nature. Macpherson points out that, for Hobbes, natural power is not simply a faculty of body and mind,

It is the eminence of his ability over that of others that enables him to acquire instrumental powers...A man's power is not an absolute but a comparative quantity...it consists of the excess of his personal capacities over those of other men, plus what he can acquire by that excess (Macpherson, 1962: 35-36).

In other words, one's eminence in ability must be recognized in order for it to translate into real power. Remember, power must be evidenced by 'battle' before it can be identified as such. That recognition of power becomes a reputation of power, of eminence, and henceforth actual power.

A person's power—that is, one's ability to secure some future apparent good, then, is dependent on that person having more power (or, at least, the reputation of having more power) than others—the excess or eminence of one's power, the means of attaining some future good compared to the means of others. Macpherson explains that this new condition is based on the assumption that '...the means of every man to obtain his future good is opposed to the means of every other man' (1962: 40). Thus, '...the capacity of every man to get what he wants is opposed by the capacity of every other man' (Macpherson, 1962: 36). That is to say, that power is relative. Any time one person's power increases every other person's power decreases. Not only do those who transfer some of their power (i.e. put themselves in service) to a certain eminent individual experience a loss of power, others who do not relinquish any of their power suffer a loss of power because the individual who received the powers of others, power has increased relative to every other person's power. When someone has an increased chance of securing some future good, I have less of a chance of securing that same good.

If we are after different goods then the person with more aid (from friends, servants, and subjects) has a better chance of accomplishing her goals than I do mine, this does not bring the two of us into direct opposition, unless, of course, I need aid as well and have no followers of my own. In this case, I will have to try to capture some of her followers, and so her power opposes mine. Therefore, every person's power is opposed to every other person's power. And it is because every person's power opposes every other person's power that even those who would be satisfied with a modest amount of power must continually seek more. For any time one has less power than another in the state of nature they are less secure in their person, possessions and continued prosperity.

Since each individual possesses different skills, levels of energy, ambitions, and finds themselves in ever shifting circumstances, their endeavors will be met with varying degrees of success, and since successes contribute to one's reputation of power, there will be an unequal distribution of power. If certain abilities or attributes which, in one context, gave their possessor a competitive edge, gave their possessor a competitive edge in every context, regardless of circumstance, then that person's innate superiority could not be denied. Since gaining power depends on a reputation of having power the means to secure some future good would be consolidated in the hands of the few or the one who proved to be superior in every context. This is hardly a model for equality. However, the abilities and attributes—anything that gives one a competitive edge gives one a competitive edge because circumstances are such that those abilities and attributes were somehow useful, they helped one secure some future good. In the world, circumstances change every day, every minute, circumstances may always shift such that disempowered individuals, who possesses certain abilities and attributes which previously had not given them any edge at all, all of a sudden find that these same abilities and attributes are very useful. Again, we are all, according to Hobbes, potentially as vulnerable, and potentially as lethal, read here as potentially as ineffective and potentially as effective at securing some future apparent good. No one is entitled to claim a benefit to which another may not pretend as well, because no one can claim to be generally, permanently, or innately superior to another. In other words, we all have lives that are, in the abstract, equally valuable, and practical superiority depends on a confluence of circumstance and abilities. That is to say, strength (*actual* power) is contextual. The circumstances under which one is superior, under which one is better able to achieve their goals, under which one's power is eminent, are not fixed.

Armed bank robbers who wear bullet proof vests may have a competitive edge over police officers, for example, only until those same police officers start firing armor piercing rounds. The powerful are not made so solely by their natural abilities alone, but also by certain circumstances that obtain, under which their natural abilities and attributes become advantageous. And though some may be manifestly stronger in body or of quicker mind than another, whether or not being physically strong or intelligent is actually advantageous depends entirely on context. The classic contest of brain versus brawn cannot be decided without being grounded in a particular context. One may always compare the intelligence of two or more people, or their relative raw physical strength, but one cannot, without a specific context, decide that the more intelligent person is superior to the more muscular or *vice versa*. What abilities and attributes are advantageous, and therefore empowering, and which are disadvantageous, and therefore disempowering, is entirely contextual. To describe this dynamic in the extreme: the physically weakest can kill the physically strongest (under the right circumstances).<sup>3</sup>When we compare individuals to other individuals in the abstract there is only plurality, and although they may possess different abilities in varying degrees, none has a life that is intrinsically more valuable than another, that is to say, our lives are of equal worth.<sup>4</sup>Macpherson observes that Hobbes derives a moral equality from the equality of potential ableness. The fact that the physically weakest can kill the physically strongest ‘...implies a moral equality’(Macpherson, 1962: 74).Hobbes will use this moral equality to derive an equal right to life and the unlimited freedom to pursue all of the objects of our desires by any and all means. But to understand how unlimited freedom is connected to the right to life we must first examine what human beings desire and why we desire those things.

## 2. Freedom and Our Pursuits

Hobbes contends that individuals are fundamentally matter in motion. Following Newton and Galileo, Hobbes states in *Leviathan* that ‘When a body is in motion, it moveth (unless something else hinder it) eternally...’(1952: 50). As animals, human beings possess two specific kinds of motion; *vital motion*

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<sup>3</sup> Commenting on the freedom of the state of nature Quentin Skinner writes. ‘...the state of nature can only be described as a condition of freedom in the most paradoxical sense. It can equally well be described as a condition in which we all enjoy an equal liberty to master and enslave our neighbors...’ (Quinten Skinner. “Thomas Hobbes on the Proper Signification of Liberty: The Prothero Lecture” *Transactions of the Royal Historical Society* 40 (1990) 133.

<sup>4</sup>According to Hobbes, ‘The value or worth of a man is, as of all other things, his price; that is to say, so much as would be given for the use of his power, and therefore is not absolute, but a thing dependent upon the judgment of another’ (*Leviathan*, 73). Again here, we see that power is dependent upon one’s reputation. Ultimately, everyone has a life of equal worth because the usefulness of their abilities and attributes in the abstract is an unknown quantity.

and *voluntary motion*. Vital motion begins with life and never ceases during life, those motions ‘...begun in generation, and continued without interruption their whole life; such as are the course of the blood, the pulse, the breathing, the concoction, nutrition, excretion, etc...’(Hobbes, 1952: 61). Voluntary motion, on the other hand, is ‘...to go, to speak, to move any of our limbs, in such a manner as is first fancied in our minds’(Hobbes, 1952: 61). Voluntary motion, therefore, depends on our will, which depends on thought, specifically, in human beings, imagination. According to Hobbes, human beings have the greatest imagination of any animal. Imagination in human beings allows us to imagine all the possible ends or effects that the object of our desire produces ‘...we imagine what we can do with it once we have it.’(Hobbes, 1952: 53). For Hobbes then, the sum of the ‘...discourse of the mind when it is governed by design [means-end thinking] is nothing but seeking [...] a hunting out of the causes of some effect, present or past cause’(1952: 53 brackets added). This means-end thinking in human beings is augmented by imagination and results in a perpetual calculation of future means and future ends, making man, as Leo Strauss notes, the most voracious animal.(1952: 9).

There is ‘...no such thing as perpetual tranquility of the mind, while we live here; because life itself is but motion, and can never be without desire or fear, no more then without sense’(Strauss, 1952: 65). The train of imagination ends in *endeavor* which guides action or will. Endeavor guides us towards or away from certain things. When we are led towards the cause of our endeavoring it is called appetite or desire. When we are led away from the cause it is called aversion or fear. Perception of external objects sparks the imagination which culminates in endeavor, thus all external objects become objects of either fear or desire. The consideration ‘...of our desires, aversions, hopes and fears, continued till the thing be either done, or thought impossible, is what we call *deliberation*’(Hobbes, 1952: 64 italics in original).According to Hobbes, ‘*Will... is the last appetite in deliberating*’(1952: 64 italics in original). The will is the last appetite in the causal chain of deliberation which began with the perception of external objects. The will is our last desire—that which we act on.

The perception of the objects of our fear and desire causes ceaseless striving to avoid or obtain those objects.<sup>5</sup> We live in a state of perpetual desire to obtain certain things and to avoid others. And, although what specifically is feared or desired will vary from person to person and instance to instance, according to Hobbes, anything which we have an appetite for will be that which supports vital motion, and anything which elicits aversion will be that which hinders vital motion (1952: 62). Therefore all voluntary motion is towards that which is conducive to continued motion or self-preservation—speaking more generally we can say that, all voluntary motion is towards that which is perceived to be beneficial to the actor. Thus, we are causally determined to pursue the objects of our desire and avoid the objects of our fear. We are self-interested beings, ceaselessly pursuing what we judge to be in our best interests.

We desire what is conducive to vital motion because we find it pleasurable, and call it *good*, and we fear what is harmful to us and call it *evil*.<sup>6</sup> For, according to Hobbes, there is no utmost aim, some single object which would put an end to our striving, and therefore no greatest good, (the means of attaining the utmost aim). The greatest good requires an utmost aim to validate it as such. The 'good' is whatever helps one achieve the utmost aim. Therefore, absent an utmost aim, the felicity of life consists in a progression of desire from one thing to another. The securing of each being but a means to another, because the real object of a person's desire is not to enjoy a thing only once, but to '...assure forever the way of his future desire' (Hobbes, 1952: 76). And therefore there is a '...perpetual and restless desire of power after power that ceaseth only in death' (Hobbes, 1952: 76).

As Strauss understands it, the greatest good is the continued possibility for happiness and this greatest good depends on the primary good of continued motion, or survival. However, Strauss explains, that there is no supreme good, good '...in the sense of a good in the enjoyment of which the spirit might find repose' (1952: 16). Although there exists no supreme good there does exist a supreme evil—that of death.

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<sup>5</sup> In *Lessons From a Materialist Thinker*, Samantha Frost provides a great deal of insight into how the perception of external objects becomes linked to specific sensations via our memory of previous encounters with those same objects which actually changes the way those objects are perceived, thus every object becomes either an object of desire or aversion

<sup>6</sup>Of course, in actuality, sometimes people find certain harmful activities pleasurable, consider drug abuse.

'For death is not only the negation of the primary good, but is therewith the negation of the of all goods, including the greatest good...death...is the only absolute standard by reference to which man may coherently order his life' (Strauss, 1952: 16). There is no one supreme good which would complete one's life. There is nothing to order one's life by but one's current desire. Once we obtain the object of our current desire we are after something else. And so are lives are never—could never be, 'complete.' Death, however, ends all striving and is therefore the supreme evil. Fear of death is constant and consistent, and is, therefore, an organizing force (according to Strauss' reading of Hobbes, the only organizing force) in human life, all our actions are intended to avoid death.<sup>7</sup>

As Eric Voegelin explains in *The New Science of Politics*,

With the summumbonum, however disappears the source of order from human life, and not only from the life of the individual man but also from life in society...Hobbes, therefore, is faced with the problem of constructing an order of society out of isolated individuals who are not oriented toward a common purpose but only motivated by their individual passions (Voegelin, 1952: 180).

Spieker gives this view a more contemporary articulation when he writes that,

...the Hobbesian state of nature can be understood as a 'field of forces,' the constitute elements of which are different and competing wills to truth/knowledge, which in turn drive different and competing wills to power/authority. It is this multiplicity of wills to knowledge and power and the multiple and mutually exclusive pursuits of security emanating from the immanent condition of mankind that produce the state of war.' (Spieker, 2011: 193). As Spieker puts it,

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<sup>7</sup>It would seem that suicide, contradicts this thesis, however, although it does not support vital motion, clearly when one attempts to commit suicide one feels (tragically) that it is somehow in one's best interests to do so. Clearly the Secret Service agent who must jump into the path of a bullet to protect the president is not motivated by fear of death, nor is the soldier who presses forward in a fire fight, nor the terrorist that flies a plane into a building, nor the drug addict, the examples go on and on. In fact, human beings are constantly motivated by any number of conflicting and contradictory "passions," the fear of death is not the only one, nor is it always the most compelling. According to Voegelin, Hobbes' whole argument in *Leviathan* depends on instilling a fear of death, and Hobbes manages this feat by constructing "...a radical immanence which denied the eschaton." Cf. *The New Science of Politics*, Chapter 6.

In the absence of definitive standards of truth and morality, the Hobbesian state of nature constantly generates different and competing political movements. There are, at least potentially, as many political bodies as there are individuals since every individual is capable of constructing her own understanding of the world (Spieker, 2011: 193).

Therefore,

Since Hobbes does not recognize sources of order in the soul, inspiration can be exercised only by a passion that is even stronger than the pride to be a paraclete, and that is the fear of death. Death is the greatest evil; and if life cannot be ordered through, orientation of the soul toward a summumbonum, order will have to be motivated by fear of the summummalum. Out of mutual fear is born the willingness to submit to government by contract (Voegelin, 1952:182).

As Strauss puts it,

...men...at the founding of the artificial state delegate the highest power to a man or an assembly from mutual fear, the fear of violent death, and fear, in itself compulsive, is consistent with freedom. In other words, they voluntarily replace compulsive mutual fear by the again compulsive fear of a neutral third power, the government, and thus they substitute for an immeasurable endless and inevitable danger—the danger threatened by an enemy—a measurable, limited, and avoidable danger—the danger which threatens only the law-breaker from the courts of law (Strauss, 1952: 67).

'Self-preservation and the striving after peace for the sake of self-preservation are 'necessary', because man fears death with inescapable necessity. Hobbes' last word is the identification of conscience with the fear of death.' (Strauss, 1952: 25). The fear of death is necessarily felt and is compulsive, therefore individuals are driven by nature—what is intrinsic to them, the fear of violent death, to seek peace. In some cases the fear can be so great and overpowering, that individuals will surrender a tremendous amount of their personal liberty to the government feeding that truly monstrous leviathan: inverted totalitarianism.<sup>8</sup>

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<sup>8</sup>Cf. Sheldon Wolin's book *Democracy INC: Managed Democracy and the Specter of Inverted Totalitarianism*

Freedom or independence, for Hobbes, is not the opposite of causal determination. Determinism is prevalent throughout the *Leviathan*. All of our actions are casually determined by our thoughts, all of our thoughts are causally determined by the perception of external stimuli (which is colored by previous experience). Freedom for Hobbes simply means the absence of constraints, or being free to pursue our appetites as we will.

In other words, freedom is a kind of unhindered determinism. It is the freedom to behave in the way we are causally determined to. We are casually determined to pursue our appetites to no end ('When a body is in motion, it moveth (unless something else hinder it) eternally...'). 'Liberty, or freedom, signifieth properly the absence of opposition (by opposition, I mean external impediments of motion)...'(Hobbes, 1952: 112). *Natural liberty* is the freedom to attempt what one wills,<sup>9</sup>

Lastly, from the use of the words free will no liberty can be inferred of the will, desire or inclination, but the liberty of the man; which consisteth of this, that he finds no stop in doing what he has will, desire or inclination to do (Hobbes, 1952: 113).

And since no one can claim to be innately superior, or to have a life that is intrinsically more valuable than another's, no one can claim to have more of a right to go on living than anyone else. We all of us have an equal right to live. Thus, the right of nature is the '...liberty each man hath to use his own power as he will for the preservation of his own nature; that is to say, his own life...' (Hobbes, 1952: 86). This right of nature, which is to preserve one's own existence, necessitates a corollary right '...of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereunto' (Hobbes, 1952: 86). From the equal right to continue living it follows that we have an equal right to *do whatever think we must to continue living*. If we could not do whatever we judge to be necessary to continue living, then the right to self-preservation is empty. As Strauss explains in *Natural Right and History*, 'If everyone has by nature the right to preserve himself, he necessarily has the right to the means required for his self-preservation' (Strauss, 1950: 185). Reiterating in *The Political Philosophy of Hobbes*, Strauss writes,

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<sup>9</sup>Even if it is out of fear.

The right to defend life and limb, which man has from nature by reason of the inescapable fear of death, becomes a right to all things and all actions, since a right to the end is invalid without a right to the necessary means (Strauss, 1952: 101).

If we have a right to self-preservation we must also have the right to pursue those things which we believe are necessary for our self-preservation. Those things which are necessary for ourself-preservation are, on Hobbes' scheme, the things we have an appetite for, those things which we desire. Therefore, we have an equal right to everything and anything we desire, because what we desire is conducive to vital motion, or continued life, and we have an equal right to continue living. The liberty we have of preserving our lives—of pursuing the things which we desire without restriction, coupled with the potential equality of ability—that is, given the right circumstances, the physically weakest can kill the physically strongest, is the reason why there is the constant threat that the state of nature will turn into a state of war.

Hobbes explains that,

...because the condition of man...is a condition of war of every one against every one, in which case everyone is governed by his own reason, and 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, even to another's body' (Hobbes, 1952: 86).

The condition of potential equality and unlimited freedom ensures that any interaction under any circumstance (whether there exists an overawing power or not) is a power struggle that will result in a superior and inferior— a strong and a weak. And whenever there exists inequality, i.e. a weak and a strong, the weak will forever live at the mercy of the strong. Therefore '...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' (Hobbes, 1952: 86).

The zero-sum environment of the state of nature in and of itself does not force individuals to compete, but a single competitive actor will establish a competitive dynamic which rewards aggressive competition and punishes more altruistic behavior. Even if altruistic actors did exist, they would be forced to compete with competitive actors to secure resources, which may then be distributed charitably.

If one chooses not to compete in any environment where others are competitive one will quite literally, and quite quickly, be out-competed. Therefore, almost inevitably, egoistic competition becomes one of the hallmarks of the Hobbesian state of nature.<sup>10</sup>

In the absence of an overawing authority, our vulnerability and competitiveness quickly instill a mistrust of others. We view others with suspicion and thus diffidence becomes another passion which creates the condition for war, not simply violent confrontation, but the threat of it, as Hobbes clarifies,

...war consisteth not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time is to be considered in the nature of war, as it is in the nature of the weather. For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all time there is no assurance to the contrary'(Hobbes, 1952: 85).

There is competition to secure power and resources, which can lead to open conflict. There is diffidence of one another which can lead to conflict as the extremely insecure preemptively attack those they view as threats to their wellbeing. And there are those who desire glory, and so conquer others to increase their status and therefore their power. Thus, 'In the nature of man we find three principle causes of quarrel. First competition; secondly, diffidence; thirdly, glory. The first maketh men invade for gain; the second, for safety; and the third, for reputation'(Hobbes, 1952: 85).

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<sup>10</sup> Alexander Wendt describes just this dynamic in "Anarchy is what States Make of it: The Social Construction of Power Politics" in terms sovereign nation-states, "Since states failing to conform to the logic of self-help will be driven from the system, only simple learning or behavioral adaptation is possible; the complex learning involved in redefinition of identity and interest is not." Wendt is right, however, to point out that anarchy alone does not have an inherent order, by definition it cannot. Egoistic competitive behavior, or, as Wendt calls it, "self-help" is not an inherent feature, nor is it the logic of anarchy. It is simply one mode of behavior among many, but this mode or pattern of behavior sets up a dynamic that rewards individuals who compete and punishes those who do not. In other words, there are powerful incentives for individuals to behave competitively. As Wendt also notes, although transformative change is unlikely to occur, since there is no inherent logic to anarchy, ultimately we remain free to change our behavior, anarchy is what states, or, in this case, individuals make of it.

Since certain expressions of human freedom can turn social interaction into a paranoid war of all against all, no one is ever really secure in their person or possessions. That is, when human beings are free to govern themselves everyone lives at the mercy of everyone else.

Therefore, ‘..it is a precept, or general rule of reason: *that every man ought to endeavor peace, as far as he has hope of obtaining it*’<sup>11</sup> (Hobbes, 1952: 86 italics in original). This is the first and primary law of nature, and from this,

...fundamental law of nature, by which men are commanded to endeavor peace, is derived this second law: *that a man be willing, when others are so too, as far forth as for peace and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men as he would allow other men against himself.*’(Hobbes, 1952: 87 italics in original).

The first law of nature expressed in its most basic form is that a person ‘...is forbidden to do that which is destructive to his life, or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved’(Hobbes, 1952: 86). It is this expression which obliges rational individuals to seek peace and follow it as far as they have hope of attaining it. To seek peace beyond any hope of attaining it is self-destructive. Peace is conducive to self-preservation, but to seek peace when there is no hope of attaining it is not. To seek peace when peace is not possible is to leave yourself vulnerable to invasion and therefore is a violation of the first law of nature. And so when one cannot obtain peace they not only can, but are obliged by the first law of nature to ‘...*seek and use all helps and advantages of war,*’ this is the ‘...the sum of the right of nature, which is: *by all means we can to defend ourselves.*’(Hobbes, 1952: 86-87 italics in original). This is the right to utilize our natural liberty to its fullest extent for the defense of life and limb.

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<sup>11</sup> If peace is a general precept of reason, then those more warlike individuals are irrational, they are part of a different “regime of truth.” The Hobbesian social contract will be formed by *rational* individuals who all share the same goals (specifically a longer life). Only those who already feel that peace is worthwhile consent to the Hobbesian social contract. After that point other more belligerent individuals become enemies of the state that must be sought out and imprisoned. The Hobbesian social contract almost formalizes the division between different and competing wills to power. Spieker notes that ‘With the constitution of political order, the war of all against all is thus converted into a permanent struggle for security. As this antagonism is superimposed on the state of war, the alter is converted into the perennial struggle of reason against passion or madness, which is inscribed into, and sustains the commonwealth’ (Spieker, 2011, 193-194). Multiplicity can only be called “madness” or “irrational” from the vantage point of some particular paradigm of rationality. To call someone, or an action, irrational is to rationalize it.

And so, since the state of nature quickly devolves into a state of war, free and equal (and also rational) individuals, who come to understand that peace is in their best interest, come together and transfer a portion of their unlimited freedom, the right to any and all things, specifically: the right to use war—to express or realize our lethality, to a single person or assembly of people in order to enjoy what freedom they retain in the shadow of the new sovereign. As Quinten Skinner puts it,

By Covenanting to become subjects of a Commonwealth, we agree to regulate our behavior according to its laws...there remains a sense in which liberty is forfeited when we covenant to become the subjects of a Commonwealth. To live as a subject is, by definition, to live in subjection to law (Skinner, 1990: 133-134).

### 3. Freedom and the Social Contract

However, even after the formation of the social contract and the creation of a sovereign authority, individuals have the right to self-defense. In Chapter XIV of *Leviathan* Hobbes explains that,

Whensoever a man transferreth his right, or renounceth it, it is either in consideration of some right reciprocally transferred to himself, or for some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some good to himself. And therefore there be some rights which no man can be understood by any words, or other signs, to have abandoned or transferred. As first a man cannot lay down the right of resisting them that assault him by force to take away his life, because he cannot be understood to aim thereby at any good to himself (Hobbes, 1952: 87).

Because Hobbes refuses to recognize that one may have a good which is harmful to one's life, the goal of all voluntary action (which is always aimed at achieving some perceived good, which, for Hobbes, is always conducive to continued motion or vital motion, i.e. self-preservation) is continued motion or survival.<sup>12</sup>

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<sup>12</sup>Strauss observes that, 'In the state of nature every action is in principle permitted which the conscience of the individual recognizes as necessary for self-preservation, and every action is in principle forbidden which according to the judgment of the individual conscience does not serve the purpose of self-preservation. Now, in the state of nature every action can be judged to be necessary for self-preservation. If, then, in the state of nature, any and every *actionis* permitted, even in the state of nature not every *intention* is permitted, but only the intention of self-

Since human beings only give up something because they expect to gain something in return (and again, for Hobbes this will be something that is conducive to a longer life), one can never be understood to transfer or renounce by any action their '...right of resisting them that assault him by force to take away his life...' And so, one retains the right to preserve one's life. Skinner, referencing *Leviathan*, explains that.

The exception is grounded on the fact that, when I covenant to take upon myself the bonds of a subject, "the motive and end for which this renouncing and transferring of Right 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." It follows that, if "the end of obedience is protection", there must be certain natural rights—and hence liberties of action—that "can by no Covenant be relinquished." Specifically, I cannot consistently agree to relinquish my freedom to act in protection of my life and bodily liberty. For my sole aim in agreeing to the Covenant was to assure better protection for precisely those rights than I could have ever hoped to achieve by my own unaided efforts...(Skinner, 1990: 134).

Hobbes will push it even further.

Hobbes writes,

If the sovereign command a man, though justly condemned, to kill, wound, or maim himself; or not to resist those that assault him; or to abstain from the use of food, air, medicine, or any other thing without which he cannot live; yet hath that man the liberty to disobey (Hobbes, 1952: 115).

Reiterating, Hobbes states that,

...the consent of a subject to sovereign is contained in these words, 'I authorise, or take upon me, all his actions'; in which there is no restriction at all of his own former natural liberty: for by allowing him to *kill me*, I am not bound to kill myself when he commands me (Hobbes, 1952: 115 italics in original).

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preservation' (*The Political Philosophy of Hobbes*, 23-24). The *Hobbesian* state of nature is then not completely devoid of order, i.e. anarchic. Fear of death, for Hobbes was the basis for distinguishing between just and unjust motives, and, by extension, right and wrong actions from out of a kind of utilitarian paradigm. Therefore all voluntary actions of 'rationally' self-interested (death-fearing) individuals aim to achieve self-preservation.

This is not the right of self-defense, which is understood to be nontransferable due to the logic of hedonistic-egoism found in Hobbes account of the goal of all voluntary action, but a different statement entirely. Here Hobbes declares that individuals are free to disobey the sovereign. There is *no restriction at all on his former natural liberty*—the liberty one enjoys in the state of nature. In other words, no person can ever give up their right to go on living, or, at least, attempting to, even when justly condemned to die. And as long as individuals retain this right of nature they must also retain the corollary right of doing anything they believe is necessary to go on living since the former without the latter would be empty, if the end remains so to must the means.

And it is this corollary right that amounts to the right to any and all things, even another's body. And it is this kind of unlimited freedom (i.e. self-governance) which is not only characteristic of the state of nature, but, when coupled with certain human 'passions' turns it into a state of war. As Hobbes puts it, '...as long as every man holdeth this right, of doing anything he liketh; so long are all men in the condition of war.' (Hobbes, 1952: 87). Therefore, logically, a condition of anarchy, or the state of nature persists no matter how many laws we may enact, no matter how powerful the sovereign is. This creates a logical paradox.

Carl Schmitt explores this paradox between the right to resist and the authority of the sovereign in *The Leviathan in the State Theory of Thomas Hobbes*. He writes, 'Resistance as a 'right' is in Hobbes' absolute state in every respect identical to public law and as such is factually and legally nonsensical and absurd' (Schmitt, 2008: 46). If the sovereign's power to make and enforce laws is absolute, then every right, including the right to resist, is granted and guaranteed by the sovereign. But the right to resist '...would constitute a politically recognized right to civil war—that is the right to destroy the state, a paradox' (Schmitt, 2008: 47). The state only exists to prevent the war of all against all, if it guaranteed individuals the right to resist its commands then it would serve no purpose. To grant individuals the right to resist, i.e. the right to civil war, would be thoroughly self-defeating. 'The state, after all, has been formed to end the kind of war that exists in the state of nature' (Schmitt, 2008: 47). According to Schmitt,

Even the juristic construction of a right to resist is here impossible as a precondition of resolution. There are no points of departure for a right to resist, irrespective of whether it be an objective or subjective right.

It has no place whatsoever in the space governed by the irresistible and overpowering huge machine of the state. It has no starting point, location, and viewpoint: It is 'utopian' in the true sense of the word. Against the irresistible, overpowering leviathan 'state' which subjugates all 'law' to its commands, there exists neither a discernable 'stance' nor a 'resistance' (*'Wider-Stand'*). Such a state exists as a state, and in that case it functions as an irresistible instrument of quietude, security, and order and has all objective and subjective rights on its side because, as the sole and highest lawgiver it makes all laws or it does not exist and therefore cannot fulfill its function as a defender of peace, in which case the state has returned to a state of nature...(Schmitt, 2008: 46 parentheses in original).

Resistance cannot exist as a civil *right*, for it amounts to the freedom to wage war, it exists outside the law—outside of rights, in the state of nature. On Schmitt's scheme, There can be the overpowering, irresistible state, *or* the state of nature, to put it another way, we can retain our freedom to disobey the edicts of the sovereign, in which case we remain in a state in which individuals govern themselves, *or* we may extricate ourselves from a state of nature by submitting ourselves to the sovereign's authority completely—without reservation. Logically speaking since, according to Hobbes, we always retain this 'right' to resist, the state of nature is not transcended by the formation of the social contract. As long as we retain our 'right' to resist we are in a state of nature. The right to resist, the liberty to choose not to obey the laws—in a word, *anarchy*—is the hallmark of the state of nature. Whenever one observes individuals with the liberty to disobey the law—in this instance, in the form of the right to resist the authority of the state, one observes individuals in a state of nature, a state in which individuals are governed by their own passions and are free to pursue the objects of their desire.

#### **4. Born to be Wild**

Hobbes sees only one way in which we experience a restriction of our natural liberty, as Quinten Skinner explains, that is if an external impediment intervenes '...in such a way that we are either stopped from acting or forced to act contrary to our will and desires.'(Skinner 1990: 136). There must be some barrier which limits our range of motion so that we are somehow restricted from moving any of our limbs as is first fancied in our minds.

However, . . . neither fear [remember it is out of fear that we obey the law when we would otherwise desire to break it] nor any other passion of the soul can possibly count as such an impediment. Rather, a man who acts out of fear performs his actions because he wills or desires to avoid various consequences which, he fears, will otherwise befall him' (Skinner, 1990: 136 brackets added).

Skinner continues,

Of such a man we may certainly say that he acts as he does because his will has been 'formed' or 'compelled.' But to compel someone's will is only to cause him to have a will or desire for the sake of which he would otherwise have acted. When such a person acts, it will still be because he possesses the will or desire to act in precisely the way in which he acts. It follows that, even if the cause of his will is fear, the actions he performs out of fear will still be free actions (Skinner, 1990: 136).

Thus, even if it is out of fear of the consequences of disobedience, obedience to the law is a choice.

When people choose, for whatever reason, to obey the law, they implicitly choose to uphold the social contract. The social contract is an agreement which requires our constant consent and is continually under review, for, . . . even in those cases where the liberty of the state of nature [that is, the *right* of nature to utilize the full range of motions available to us in any moment, to pursue the objects of our desire by any and all means] is undoubtedly abridged by our obligation [as subjects] to obey civil laws, this does nothing to limit our liberty in the proper signification of the word (Skinner, 1990: 134 brackets added). It may already be obvious, but must be stated here explicitly; freedom in the proper signification of the word, i.e. actual liberty, is not the same as the right to use that freedom as derived from our right to self-preservation.

*Liberty, or freedom*, in the proper signification of the word—that is the liberty or freedom that defines the state of nature—according to Hobbes, as we have seen, is the ability to act as one wills. It is for one to find no stop (literally a physical impediment that restricts motion) in doing what one has a will to do. Furthermore, one always wills to obtain the objects of one's desires and avoid what one fears, that is one will always act in such a way as is perceived to be advantageous (for Hobbes this meant in such a way as to ensure survival).

Thus, we see that Hobbes' conception of freedom is identical to his conception of voluntary motion. And voluntary motion, Hobbes tells us, *is* animal motion, the ability '...as to go; to speak, to move any of our limbs, in such a manner as is first fancied in our minds'(Hobbes, 1952: 61). In fact, the proper signification of freedom, in the guise of voluntary motion, is presented positively in Chapter VI of *Leviathan* long before it appears explicitly and in the negative in Chapters XIV and XXI as the absence of external impediments. And it is presented as an attribute of animate things, i.e. animals, and therefore human beings in Chapter VI before it is derived as a right of nature stemming from our equal right to life in Chapter XIV.

Conceived of as a right freedom creates a paradox: we simultaneously give up our right, which is crucial for forming the social contract, and yet retain it without any restriction at all which creates the condition of possibility for a state of war, i.e. the state of nature, the very situation we wish to avoid, as well as some additional absurdity: the sovereign uses its authority to grant subjects the right to reject the sovereign's authority. The formulation of freedom as a right is also an essential ingredient for the traditional social contract story, for it makes it seem as if the state of nature can be transcended. Consider: If unlimited freedom, self-governance, or anarchy is the hallmark of the state of nature, then if we give up that unlimited freedom we end the state of nature. Ordered civil society with its laws to compel certain behavior comes to replace the anarchic state of nature.

Freedom as animal motion—as that which is characteristic of animals, and, therefore, human beings, cannot be surrendered even if we wanted to surrender it. And again, if that unlimited freedom—that liberty to go, to speak, to move any of our limbs as we fancy, is the defining element of the state of nature, the state of nature cannot be transcended for it is the human condition. That basic freedom, the liberty to move as we will is part of our animal existence. More than competitiveness or a fear of death, that basic freedom is what Hobbes discerns as intrinsic to human beings. It is that freedom coupled with different 'passions' that create the conditions of possibility for war as well as peace.<sup>13</sup>

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<sup>13</sup> Even a superficial reading of *Leviathan* would seem to refute the claim made so often in university classrooms that Hobbes is the exemplar *par excellence* of pessimistic views of human nature. Yes, Hobbes cites three causes of quarrel in the nature of human beings, competition, diffidence, and vanity, but he also cites three passions which lead to peace; namely a fear of death, a desire for a commodious living, and the hope to attain the objects of our desire through labor. Although it seems evident that these six passions are not at all comprehensive the symmetry is suggestive. It seems as if Hobbes

By consenting to the social contract, we may incur some obligation not to use our freedom to its fullest extent, but that obligation is not a physical impediment, and so we still retain our natural or basic freedom in full, even if we choose not to exercise it. If we abide by the social contract out of fear, then there is still no restriction of our former freedom, it is not a physical impediment, but a recognition of the power of the state, which then influences our choices, i.e. we freely choose not to run the risk of punishment.<sup>14</sup>

## 5. Salvaging the Social Contract

In *Lessons from a Materialist Thinker Hobbesian Reflections on Ethics and Politics* Samantha Frost asks ‘...what does it mean to transfer the right to govern one’s actions; it is not to resist being (made into) one of the causes that contributes to the realization of another’s desires. In short it is to obey’(2008: 167 parentheses in original). Again, ‘To live as a subject is, by definition, to live in subjection to the law<sup>15</sup>’ (Skinner, 1990: 133-134). The social contract represents this concession, but it only lasts as long as individuals are willing to live as law-abiding subjects.

Spieker argues that, for Hobbes, ‘...sovereignty is a dynamic rather than a static condition and the state of nature is neither temporally anterior nor spatially exterior to political order.’ (Spieker, 2011: 193). ‘Crucially,’ he writes, ‘the Hobbesian state of nature cannot be transcended it can be superimposed with, and encoded by, a regime of truth and power<sup>16</sup>’ (Spieker, 2011: 193).

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believes we are just as likely to live cooperatively as we are to war. In fact, on the surface, the whole point of *Leviathan*, is to show how we overcome our petty differences and form a social contract.

<sup>14</sup>As evidenced by the existence of crime, many are not influenced by a fear of possible punishment. Disobedience is the perfect expression of our ‘self-governance’ or freedom. As is obedience...

<sup>15</sup> Skinner differentiates natural liberty from the liberty of the state of nature claiming that ‘...there remains a sense in which liberty is forfeited when we covenant to become subjects of a Commonwealth’ Explaining in a footnote that although we are unable to ever relinquish our natural liberty we relinquish the freedom to disobey human laws, which Skinner claims is the freedom characteristic of the state of nature (Skinner, 1990, 133). However, the only reason why we have no obligation to obey human laws is for the fact that we have the natural (and therefore fundamental) liberty or freedom to move as we will, to decide for ourselves what to do. We are ultimately self-governed, and therefore, ultimately, free from any obligation whatsoever. Thus, what Skinner discerns as the freedom characteristic of the state of nature and natural liberty are one and the same.

<sup>16</sup>One could argue, as I have intimated, that the *Hobbesian* state of nature is already encoded by particular ‘regime of truth,’ namely utilitarian value. The only just intention is avoidance of death. The rational are those that seek peace for peace is conducive to self-preservation. Any who seek war and/or death are unable to grasp the precept of (utilitarian) reason that is natural law, making them for all

If the state of nature, i.e. unlimited freedom, is the ontological condition of human kind then it is incapable of being transcended and the social contract does not remove us from the state of nature, rather it represents a particular regime of truth/power, a way of behaving *within the state of nature*. The social contract consists of a choice to move in a certain restricted way, certain movements are prohibited, primarily actions that can harm another person. Initially, a healthy Hobbesian fear of death compels a set of individuals to create a social contract and erect a sovereign power. Once that overawing power is established its reputation of power reinforces its authority, and helps to instill a fear of disobedience which curbs our more reckless yearnings. Most times, though not always, this fear is a substantial enough disincentive to curb otherwise violent behavior, when, or if, the will to harm exists. This fear stems from a recognition of the sovereign's power. Frost also picks up on this effect of the sovereign's status and takes it a step further, she writes,

...if we take seriously Hobbes' argument that individuals' acknowledgement of the power of the sovereign in the course of their interactions produces and reproduces the reputation of power<sup>17</sup> that is itself power, then we must conceive of the covenanting process as composed of just this dynamic—a continuous, daily, ongoing process (Frost, 2008: 166).

On this account the social contract is, ultimately, an agreement not to pursue all of the objects of our desire by any and all means. An agreement to obey certain rules, or specific rulers, relinquishing (at least in a tacit, formal, momentary way) personal sovereignty for greater security, or some other perceived advantage.

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intents and purposes irrational. This is Hobbes' bias. Marlow's take on the famous last words of Mr. Kurtz in Conrad's *Heart of Darkness* springs to mind. Marlow says of Kurtz's final utterance that, 'It was an affirmation, a moral victory paid for by innumerable defeats, by abominable terrors, by abominable satisfactions. But it was a victory! That is why I have remained loyal to Kurtz to the last, and even beyond, when a long time after I heard once more, not his own voice, but the echo of his magnificent eloquence thrown to me from a soul as translucently pure as a cliff of crystal.' In order for Kurtz to make his pronouncement he must have adopted a particular moral paradigm. Similarly, Hobbes must adopt a particular moral standpoint, or 'regime of truth,' to declare that seeking peace is a precept of reason. The state then faces a security dilemma, society is constantly threatened by the 'irrational,' or those who operate under a different 'regime of truth,' and, as Spieker notes, the state uses this dilemma to maintain its power and authority. Cf. Spieker 2011, & Leonine Ansems De Vries, Jörg Spieker. "Hobbes War Movement" *Global Society* 23, (2009)

<sup>17</sup>Cf. Leonine Ansems De Vries, Jörg Spieker. "Hobbes War Movement" *Global Society* 23, (2009)

Upholding the social contract may also represent an expression of a particular attitude—that of the rational, self-interested being *H. economicus*. It is an agreement not to utilize the fullest extent of our freedom. For those who do not share this attitude there is always the fear of punishment to dissuade them from behaving violently. However, the fear of penalty is not always the most compelling factor, when present, in determining a person's actions as evidenced by the existence of crime in the world. Similarly, individuals may not be compelled by an overwhelming fear of death, or a person's perspective may change from one moment to the next, in certain instances honoring the social contract and in others abrogating it, depending on what that person perceives to be in her best interest and what actions are considered most likely to help her realize it. Sometimes fear is not present at all. If fear is not enough then the 'irrational,' or 'mad,' any who threaten the current regime of truth/power must be locked away—physically restrained, to the extent that they lose their natural liberty.

Frost writes that '...the covenant is not really a distant and distinctive event. Rather it resembles and replicates the complex social choreography by which power and reputation are negotiated and produced in the generalized pursuit of power by individuals.' (2008: 168). Quoting Hobbes in *Leviathan*, Frost observes that,

If war is a "tract of time" in which there is no assurance among individuals that they do not intend to engage in violent conflict, and if peace is "all other time," then we can describe peace as the "tract of time" during which individuals manage to convey and to assure one another that they do not intend to fight one another (Frost, 2008: 117).

When we abide by the law we signal to others that they need not fear us and take defensive postures, that they too can abide by the law without experiencing any disadvantage—we signal to others that our actions will fall into a certain permissible range of motion. It is an assurance. The danger is that all of us are free in the sense that our range of *available* motions will always be wider than the range of *permissible* motions. It is equally easy to strike others as it is to embrace them, and even though we may see signs that others are upholding the social contract their disposition may shift, or perhaps it is a clever ruse designed to lull us into a false sense of security. To some extent we must always be on guard, and, as Hobbes observed, travelled armed and lock our houses and chests at night, for that freedom which *is* the state of nature, and a state of war, always exists.

The Hobbesian social contract is not a shield, it is not inviolable, it is simply an expression of a willingness to live with restriction in order to live longer lives, individuals will always be free to move as they will.

Hobbes' natural liberty is not itself a right, but an attribute of animate matter. As animate beings we may always attempt to use our full range of motion, whether to preserve our lives or for some other purpose. At any moment we are compelled by any number of various considerations, passions, and external influences and in every moment we have a wide range of motions available to us, even if we do not have the right to express the full scope of that range. Whether we move to strike another or embrace another depends on our present will, not the designs of the sovereign.

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