

Summary of the Hobbes and Sovereignty Symposium

9th June 2018

The Old Bell Hotel

Since the *Leviathan* has not been out of print for almost 370 years and has been translated into numerous languages, it is not surprising that Hobbes's works have been subjected to different interpretations. The four speakers who very kindly agreed to speak at our THoMS symposium at The Old Bell hotel on 9th June offered their views on the theme of *Hobbes and Sovereignty*. As Tom Sorell said in his opening remarks, since 'taking back control' is currently on everyone's mind, Hobbes would seem to be the natural place to begin.

Noel Malcolm set the scene by mentioning The Thirty Years War which ravaged northern Europe from 1618 until 1648, coinciding with the English Civil War and Hobbes's writing *Leviathan*. Although, oddly enough, Hobbes never actually wrote about the war he did translate from the Latin a very important propaganda pamphlet, the *Alter secretissima instruction*. This was written in 1626 by someone well-connected in Vienna with the principal purpose of demoralizing the Elector of the Palatine, a Protestant who was in his conflict with the Catholic Habsburgs and to whom James I of England had married his daughter. The issue of the Palatinate was one which absorbed English public opinion throughout the 1620s. It was a subject which engaged Hobbes since the sympathies of his patron, Lord Cavendish, lay with the Palatine cause.

Another major source of influence on Hobbes came from Devonshire's cousin, Viscount Mansfield, who is not known to have been actively interested in the Palatine cause and, contrary to Cavendish, was a zealous supporter of the *royal prerogative* – an issue at the heart of our current constitutional crisis.

Whereas Devonshire was associated with the grand cause of international Protestantism, Mansfield was a royalist and someone who seemingly evinced no religious idealism; on the contrary, he regarded religion pragmatically and valued it as a guarantor of social and political order. By implication Mansfield was in favour of non-intervention in foreign wars on religious grounds and Hobbes too did not regard religion, in itself, as a justification for going to war.

At the same time, because of the importance of religion to peace and stability, Hobbes believed that the theological principles which the public receives should not necessarily be based on their 'truth', but on their contribution to this overriding goal. In other words, religion should be considered to be a tool at the disposal of the ruler and carefully managed and controlled by him. By extension he reasoned that since the common people are foolish and injudicious they are always susceptible to the deceptive oratory of skilful and ambitious demagogues who offer them benefits which they know they cannot deliver. By exercising control over information, including religious ideas the sovereign would be able to inculcate true beliefs about the necessity and nature of political rule. Then, over time, as the population became more enlightened there would be less and less need for the sovereign to conceal the reasons for their actions.

Signy Gutnick-Allen expanded the discussion from domestic sovereignty to consider the question of sovereignty in the international arena, pointing out that because individuals cannot serve two masters, there is a sense in which international law might play the same de-stabilising role as an internal faction: by reducing loyalty to the government of the commonwealth, it undermines the sovereign's ability to protect his subjects.

One way of exploring this idea is through the distinction Hobbes draws between *treason* and *ordinary crime*, and between *enemies and traitors*. The distinction between enemies and traitors forced the state to differentiate between two different types of threat to its security: sedition and war. The penalties faced by a person designated a traitor were far harsher than those meted out to 'official' enemies. The difference in severity was based on the belief that the traitor and the enemy belonged to two separate legal jurisdictions: whereas the rebel or traitor was subject to the harsh provisions of a country's national law (because the person has betrayed a relationship that had offered him protection), an enemy was subject to the punishments of 'the law of nations' (*ius gentium*).

Not surprisingly, therefore, those charged with sedition, argued that they should be treated as enemies rather than as traitors. Wanting to be reclassified was understandable since the punishment for those convicted of high treason was both brutal and symbolic: they were to be 'pulled asunder and destroyed, as they intended to tear and destroy the Majesty of government. Enemies, on the

other hand, while still at risk of death, could hope for better treatment, including through a prisoner exchange or ransom.

Hobbes, from his earliest thinking on the subject, was highly critical of the notion that there could be a system of law able to govern and regulate the relationship between states. Instead he regarded states in the international arena as being in the same position as individuals in the state of nature.

In both instances, the crucial element is the absence of any power capable of imposing its definitions of just and unjust, and enforcing agreements. Hence, just like men when in a state of nature, states are in a 'state of War' unrestrained by any common power. Without the existence of a coercive power all truces and agreements between states grant nothing more than 'an uncertain peace.'

Scholars wishing to challenge the image of the Hobbesian international sphere as one that is not just legally anarchic, but also permanently dangerous, have argued that the domestic analogy is imperfect: *states and men are different, and commonwealths are potentially more secure in their dealings with each other than individual men are in the state of nature.*

Hobbes consistently insisted that treason, rebellion and hostility can be collapsed into the single category of enmity. Once a Hobbesian individual is declared an enemy by his sovereign, and thus removed from the civil law's jurisdiction, he and the sovereign enter into a state of hostility with respect to each other. Rebels are treated according to the laws of nature for they have broken the original covenant and thus regarded as the enemy of the sovereign. This argument underpinned the idea of that sovereignty is indivisible.

Tom Sorell took as his theme the 'strains of sovereignty'. Rather than address the familiar idea that the rights of sovereigns are absolute and comprehensive, he chose to talk about the less well-known ones namely the rights and duties of the sovereign. These include its burdensomeness and the constraints under which the sovereign rules. He posed the question: Is there any respect in which the sovereignty of the Hobbesian sovereign can be constrained or limited other than by another sovereign? If 'constraint' is restricted to the obligation that the sovereign has to individuals or groups within the state, then the answer would seem to be 'No'. However, it may be argued that there is more to constraint than just obligation.

It is important to realise that the burdens placed on a sovereign to ensure both domestic peace in the realm and internationally are substantial. For

Hobbes, even if the sovereign is not strictly answerable to his subjects or to the law or other sovereigns for his actions, he still does not have the luxury to be ruthless, unlike ordinary individuals living in the state of nature. The more he acts out of narrow self-interest and at the expense of the interests of his subjects, the more he stands to lose power.

The ends that a sovereign has to pursue as representative of the people take precedence over his personal preferences. Therefore he has to forget the individual he is and concentrate on the artificial or feigned person he is, that is, the one that represents the union of the many who together covenant for peace. This leads to the question: why should anyone want the job of sovereign since accepting the office of the sovereign is probably more selfless than selfish.

One reason is that although human beings differ considerably in their desires and behaviour, according to Hobbes they all want power, the more of it the better. And they want to accrue more power because it is the best way of achieving their other goals and fulfilling their desires. In the case of the sovereign, it is the power of sovereignty and the honour shown to sovereignty that is the main reason for accepting the role.

Foremost among the things that tend to weaken a commonwealth is the sovereign's failing to assert all his powers consistently. The other major sources of weakness of the commonwealth derive from seditious popular opinions, which the first speaker addressed.

In terms of the relevance to modern day politics, this view leads to the possible conclusion that for someone who wants power and at the same time reasonable discretion to use it as he likes then he should aim to become a relatively rich, private person, rather than the most powerful public person. Although the gift of sovereignty is a great gift, it can burden its recipient or make him vulnerable to the terrible revenge of those who are disappointed in what they have exchanged for protection.

The approach taken by **Jonathan Reé** to the theme was to examine what if anything unifies Hobbes's corpus of work and he found that the unifying theme throughout his life and over all fields - mathematics, optics, science, philosophy and politics - was an anti-mysterianism, summed up in the idea of 'beating back ghosts'.

This phrase referred to the way in which Hobbes was willing to take on those theologians and philosophers whom he called 'mystery mongers'; that is, philosophers who founded their beliefs on the abstract and mysterious.

Hobbes's decision to write in the vernacular (not Latin) was part of a general trend, whose origins can be traced to Luther and his translation of the Bible into German. Hobbes like Luther wanted to present his arguments to a larger public who did not know Latin, especially women who were not taught the language.

The focus of his talk therefore was not on the development of Hobbes's political philosophy per se, but on his intellectual career, which started as a translator of Thucydides. Subsequent phases were as a proponent of the 'new' philosophy, as an anti-antiquarian, as an anti-infinitesimalist. He ended his career as a translator, thus returning at the end of his life to where he began his career.

Now, on the face of it being a translator might appear to be a servile activity compared with that of a philosopher. Yet, there is an essential connection between the translating tradition and the philosophical tradition. For instance, much of philosophy consists of testing what an expression or particular words mean and then asking whether the words or expressions mean anything when paraphrased or translated.

So, at the root of Hobbes as the 'ghost beater' is Hobbes the critical translator - hence the fact that his translation of Thucydides from Greek into English has never been superseded. And, in paying his respects to the contextual approach pioneered by Quentin Skinner and Noel Malcolm, what he found appealing in Hobbes was the attention that he paid, more than any other major philosopher, to 'contextual scholarship'.