

REBELS WITH A CAUSE: SELF-PRESERVATION AND ABSOLUTE SOVEREIGNTY IN HOBBS'S *LEVIATHAN*

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Jean Hampton has argued that there is an inconsistency between Hobbes's insistence that peace can only be secured by an absolute sovereign and his claim that subjects in the Commonwealth retain a self-preservation right that justifies rebelling against the sovereign when it is in their interest to do so (Hobbes 1991, 121–129, 145–154). Because subjects can legitimately rebel whenever this action is in their interest, claims Hampton, the power in the Commonwealth is effectively in their hands, rather than the hands of the sovereign (Hampton 1986, 1999). I will argue that the problem motivating Hampton is resolvable within a readily defensible interpretation of Hobbes's own political theory. While a substantial degree of rebellion on the part of the subjects is sufficient to depose the sovereign, as Hampton claims, this does not place ultimate authority in the Commonwealth in the hands of the subjects. That the sovereign is no longer in power is an apparent fact about the world, rather than a matter about which anyone decides. Since no one has authority over whether the sovereign should continue to rule, the subject's self-preservation right does not undermine the sovereign's absolute authority. To begin, however, I should explain exactly which features of Hobbes's view give rise to the apparent inconsistency between the subjects' right of self-preservation and the absolute authority of the sovereign.

On Hobbes's view, social instability is the result of conflict between parties who are roughly equal in power, such that neither can gain any sort of sustained advantage over the other, under conditions of scarcity. Because there is not enough of what people need to survive and because no one has an advantage over anyone else in acquiring the goods that are necessary for survival, people find themselves in a perpetual state of conflict. In order to resolve this conflict, an absolute sovereign is

required because any other arrangement leaves open the possibility of conflict between equally powerful entities, thereby causing further social instability (Hobbes 1991, 221–31). Only an absolute sovereign can secure peace because only an entity with unchallengeable power to make decisions can eliminate conflict in the Commonwealth.

Under the competitive conditions of this initial “state of nature,” individuals act according to a right of self-preservation, which Hobbes describes as “the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own life; and consequently, of doing any thing, which in his own Judgment, and Reason, hee shall conceive to be the aptest means thereunto” (Hobbes 1991, 91). Since human beings have a basic right to preserve themselves, it is rational for them to do whatever is most readily conducive to that end, by their own lights. This right of self-preservation, says Hobbes, cannot be contracted away in the formation of the Commonwealth because the subject’s self-preservation is the end for which the Commonwealth is established. “The finall Cause, End, or Designe of men in the introduction of that restraint upon themselves (in which wee see them live in Commonwealths) is the foresight of their own preservation, and of a more contented life thereby” (Hobbes 1991, 117). Thus, “every Subject has Liberty in all those things, the right whereof cannot by Covenant be transferred. I have shewn before in the 14. Chapter, that Covenants, not to defend a man’s own body, are voyd” (Hobbes 1991, 150–51). The submission of one’s will to the authority of the sovereign does not include foregoing one’s right of self-preservation because this would be anathema to the purpose of the Commonwealth.

As a consequence of the subjects’ retention of this self-preservation right, subjects can, under certain conditions, legitimately disobey the sovereign’s commands. Hobbes notes that subjects can refuse to obey sovereign commands to kill themselves, or their fellow subjects, as well as commands to serve as soldiers during warfare, so long as they provide a substitute (Hobbes 1991, 151–52). Further, and problematically for Hobbes’s defense of the necessity of absolute sovereignty, Hobbes notes that, if a great number of people have already resisted the sovereign, they can justifiably continue their rebellion, on the basis of their right of self-preservation. Once a group of subjects has disobeyed the sovereign, it is legitimate for them to continue to rebel (Hobbes 1991, 152).

Hobbes noted the potential problem associated with granting a robust right of self-preservation to subjects in the Commonwealth, and his attempted resolution of this issue arguably makes the problem more intractable. Hobbes states that

we are not to understand, that by such Liberty, the Sovereign Power of life, and death, is either abolished, or limited. For it has been already shewn, that nothing the Sovereign Representative can doe to a Subject, on what pretence soever, can properly be called Injustice, or Injury; because every Subject is Author of every act the Sovereign doth; so that he never wanteth Right to any thing, otherwise, than as he himself is the Subject of God, and bound thereby to observe the laws of Nature. And therefore it may, and doth often happen in Common-wealths, that a Subject may be put to death, by the command of the Sovereign Power; and yet neither doe the other wrong (Hobbes 1991, 148).

Hobbes clearly states here that the sovereign is an absolute authority, in spite of the subject's right of self-preservation and that neither the sovereign nor the subject has acted unjustly when the sovereign punishes the subject's disobedience. But Hobbes's reasoning in support of these conclusions is decidedly bizarre. He earlier described the institution of the sovereign as the subjects' collectively agreeing to confer

all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himself to be Author of whatsoever he that so beareth their person, shall act (Hobbes 1991, 120).

If the subjects retain a right of self-preservation that justifies disobeying the sovereign's commands, then the subject's will and the will of the sovereign can clearly diverge. Yet Hobbes claims the opposite here; because the institution of the Commonwealth involved the subjugation of the subject's will to the will of the sovereign, the will of the subject is subsumed under the will of the sovereign, and the subjects' right of self-preservation is no threat to the sovereign's absolute authority as a result. A further puzzling claim made here by Hobbes is that neither the disobedient subject nor the punishment-imposing sovereign act unjustly in this case. If actions that violate the law are unjust, as Hobbes claimed earlier in *Leviathan*, it seems that at least the rebellious subject is guilty of some degree of injustice (Hobbes 1991, 90).

In what follows, I will explore how we might best understand Hobbes's own reply to the apparent inconsistency in his view, and in doing so, seek to account for three claims within Hobbes's *Leviathan* that seem inherently irreconcilable. They are

1. Subjects have a right of self-preservation that justifies disobeying the sovereign's commands under certain conditions.

2. This right of self-preservation does not undermine the absolute authority of the sovereign.
3. The disobeying subject and the sovereign who punishes her both do so without injustice.

The first two claims have received a great deal of attention from critics of Hobbes, which I will turn to momentarily. The third claim has received less attention, with some scholars concluding that Hobbes must have meant something like “a prudent course of action” in describing the subject’s decision to disobey as an action committed “without injustice” (Hampton 1986, 199–200). I argue that, by interpreting Hobbes more literally on this point, we can make some progress toward understanding why the self-preservation right of subjects need not threaten the sovereign’s absolute authority. Further, by considering the conditions under which the Commonwealth is dissolved, we see that Hobbes’s political theory is not the “rebel’s catechism” that it is sometimes taken to be (Hampton 1986, 199).

In subsequent sections, I will present and defend an interpretation of the Hobbesian right of self-preservation that resolves the apparent inconsistency between this right and the absolute authority of the sovereign, without making substantial changes to Hobbes’s political theory or proposing any particular interpretation of his views about human nature. Before doing so, however, I want to briefly discuss several highly influential, but I think ultimately mistaken, attempts at resolving this apparent inconsistency. By reviewing these attempts at resolution, I hope to demonstrate the attractiveness of an account of the self-preservation right of subjects, interpreted expansively as Hampton suggests, which does not threaten the sovereign’s absolute authority irrespective of the psychology of Hobbesian subjects.

Perhaps the most influential discussion of the problem that the subjects’ right of self-preservation creates for the absolute sovereign is offered by Jean Hampton (1986, 1999). Hampton takes the consequences of the self-preservation right of subjects to be devastating, rendering Hobbes’s argument for the absolute sovereign invalid. As I will be responding directly to Hampton’s argument in subsequent sections, I present it here in premise-conclusion form:

1. In order for peace to be secured, an absolute sovereign must be created. This absolute sovereign is the decider of all questions in the Commonwealth, including the question of whether or not he will continue to hold power.
2. Hobbesian people empower a ruler by obeying his punishment commands, and they do so whenever they decide such obedience is conducive to their best interests.

3. From 2, it follows that the ruler created by Hobbesian people does not decide all questions; in particular, he does not decide for his subjects the question whether or not they will obey his commands.
4. From 3, insofar as a ruler holds power only as long as his subjects obey his punishment commands, the subjects determine whether or not the sovereign continues to hold power.
5. From 3 and 4, Hobbesian people cannot create a ruler who meets the definition of a sovereign in 1, which, from 1, means that they cannot secure peace (Hampton 1999, 54–55).

Hampton's argument makes explicit precisely why the apparent inconsistency between absolute sovereignty and the subjects' self-preservation right is problematic for Hobbes's political theory. If the self-preservation right justifies disobedience whenever it is in the subject's interest, then subjects can justifiably opt not to comply with the sovereign's punishment commands, provided they judge disobedience to be more conducive to their self-interest than obedience in a particular case. Because the sovereign's authority is contingent on being able to impose punishment on disobedient subjects, whether the sovereign has any authority ultimately depends on the cooperation of his subjects with these punishment commands. The right of self-preservation is effectively the power to depose the sovereign because, without subjects' cooperation with his punishment commands, the sovereign has no real power.

Richard Tuck (1989) takes a different view of the right of self-preservation in Hobbes's *Leviathan*. Tuck acknowledges that alternative readings of Hobbes are available but maintains that the best interpretation of the right of self-preservation in *Leviathan* is a narrow one (Hobbes 1991, xxviii–xxix). On Tuck's favored reading of Hobbes, the right of self-preservation is narrowly defined so that it encompasses just that: a right to preserve one's own life. Until the sovereign starts to attack them directly, reads Tuck, subjects are obligated to obey their sovereign (1989, 75–76). On this interpretation of Hobbes, the subjects' self-preservation right is no threat to the sovereign's authority because, unless and until the sovereign directly threatens their survival, subjects have no right to disobey him.

Alan Ryan (1996) also understands the Hobbesian right of self-preservation more narrowly than Hampton's argument suggests. Ryan describes the right of self-preservation as a right to defend ourselves in *extremis*, meaning "at the farthest reaches" or "at the point of death," which suggests that the right of self-preservation is not a basis for general disobedience of the sovereign (223). He also understands the

absolute authority of the sovereign in terms of not being bound by his own rules, rather than in terms of being the decider of all questions in the Commonwealth (239). On this understanding of absolute sovereignty, Hampton's claim that the decision about whether the sovereign should continue to rule lies in the hands of the subjects is consistent with Hobbes's requirement that the sovereign has absolute power.

David Gauthier (1999) takes the Hobbesian self-preservation right to give rise to a free-rider problem (63). Assisting the sovereign with imposing punishment exposes subjects to risks, with little short-term reward in return. Since subjects are self-interested by nature, it is rational for them to let others fulfill this obligation to the sovereign whenever possible. Gauthier takes this as an irresolvable problem for Hobbes, provided we assume that each subject will make this decision by considering whether assisting the sovereign is in her immediate self-interest (65). However, claims Gauthier, this is not what Hobbes had in mind. Rather, Hobbesian subjects decide whether it is in their interest to obey the sovereign's punishment commands by considering the ends for which the Commonwealth was instituted. When disobeying a punishment command serves to make the peace for which the Commonwealth was established less secure, it is in the subject's interest to obey such a command, for the sake of her own long-term security that a stable Commonwealth provides. If disobedience does not threaten the security of the Commonwealth, it is in the subject's interest not to comply. Hobbesian subjects, says Gauthier are not as short-sighted about their own interests as Hampton's analysis implies.

As the disparity between these critics suggests, Hobbes's discussion of the subjects' right of self-preservation lends itself to at least two plausible accounts of the scope of this right. Tuck and Ryan adopt the narrow conception of the self-preservation right that Hobbes describes as operative within the Commonwealth, while Gauthier follows Hampton in adopting the expansive interpretation described in the state of nature. Tuck, Ryan, and Gauthier all manage to resolve the apparent inconsistency in *Leviathan*, but at a significant cost in each case. Tuck and Ryan both neglect descriptions of the self-preservation right that clearly support the expansive interpretation, while Gauthier makes modifications to the psychology of Hobbesian subjects that is not supported by Hobbes's discussion of subjects' decision making.¹ Gauthier admits as much, stating the following:

In *The Logic of Leviathan* [1969] I endorsed the view that Hobbesian individuals would be psychologically incapable of a commitment to actions not in their interest at the time of performance. But I now believe that the Hobbesian text gives no real guidance on this matter.

A person's interest must enter at some point into an explanation of each of his voluntary actions: a commitment against interest, to perform an action against interest, would be incompatible with Hobbes's psychology. But this leaves room for a commitment based on interest. Whether Hobbes would have accepted it, we cannot say. (1999, 68).

Hobbes's own description of rational deliberation supports Gauthier's claim that the Hobbesian text is ambiguous regarding the viability of his interpretation. "In Deliberation, the last Appetite, or Aversion, immediately adhaering to the action, or to the omission thereof, is that wee call the WILL" (Hobbes 1991, 44). Hobbes describes deliberation as a succession of appetites and aversions, culminating in an action (or omission) that reflects whatever passion was in the subject's mind when she acted (or failed to act). It's unclear from this description whether Hobbesian subjects are capable of acting contrary to their immediate interests for the sake of long-term interests. If Hobbesian subjects are incapable of acting in this way, Gauthier's suggestion cannot be taken as a component of Hobbes's own view.

Bernard Gert offers a new interpretation of the psychology of Hobbesian subjects which suggests that Gauthier's interpretation might be viable after all. Gert describes Hobbes as a proponent of tautological egoism (Gert 1996, 169; 2010, 35–37). According to tautological egoism, people always act according to their own desires, but "their own desires" is defined in such a way that one's own desires can accommodate both a subject's sense of moral obligation and the desires of other people (Gert 2010, 36–37). Thus, says Gert, a Hobbesian subject can act on the basis of a desire to do the right thing, follow the law, or help a close friend in need, while remaining an egoist of a certain kind. If Hobbesian subjects are tautological egoists, as Gert claims, perhaps they can also act in a way that sets back their immediate interests in order to preserve themselves into the future. Gert's new interpretation of the psychology of Hobbesian subjects, if correct, may, therefore, allow subjects to act on the kind of rational deliberation that Gauthier initially proposed.

Interpreting Hobbesian subjects as tautological egoists, however, does not definitively show that Hobbesian subjects are capable of acting contrary to their immediate interests for the sake of long-term interests. Hobbes's account of the will says that the will is determined by nothing more than the last passion prior to action. It may be that one's aversion to a task at hand is such that the subject, though she desires the long-term good of her continued self-preservation, is unable to overcome her momentary aversion and act for the sake of her long-term goal. For all Hobbes says, we simply do not know whether subjects are capable of doing things that they are averse to at the moment of action. Hobbes

remains sufficiently vague on this issue that we ought to endorse Gauthier's sentiments of uncertainty cited earlier.²

It should now be clear that the subjects' retention of a right of self-preservation in the Commonwealth creates serious problems for Hobbes's argument that only an absolute sovereign can secure peace. If we interpret the right of self-preservation expansively, as Hampton suggests, it appears to justify any self-interest-based disobedience of the sovereign's punishment commands. On Hobbes's view, all subjects have an interest in their own survival, and disobedience of the sovereign's punishment commands would, therefore, be in their interest whenever it would give the subject a better chance of surviving than obedience, in a given case (Hobbes 1991, 98). Thus, the Hobbesian right of self-preservation implies a right to disobey the sovereign for the sake of one's self-interest because all subjects have an interest in their own self-preservation. Further, because it is up to the subjects themselves to determine which courses of action are most conducive to their own survival, nearly any self-interest-based reason can be construed so as to justify disobeying the sovereign. This problem cannot be easily resolved by endowing Hobbesian subjects with either an enlightened form of self-interest or a more sophisticated psychology because Hobbes's account of the will implies that subjects act on whatever desire, or aversion, immediately precedes their action. Even if Hobbesian subjects could acknowledge that obeying a punishment command is in their long-term interests, this does not entail that Hobbesian subjects could act on such forward-looking desires. Because Hobbes's own views on this matter are decidedly vague, I conclude that there is need for an explanation of why an expansive self-preservation right does not threaten the sovereign's absolute authority, whatever the psychology of Hobbesian subjects may be. In what follows, I offer and defend such an explanation.

I will proceed by considering two cases of rebellion: individual acts of rebellion and widespread rebellion sufficient to make the imposition of punishment impossible for the sovereign. After briefly discussing the Hobbesian concepts of rights, liberty, and injustice, I will argue that, in the first case, though the subject has a right to disobey the sovereign for the sake of his own self-interest, this does not undermine the sovereign's absolute authority because the Hobbesian self-preservation right imposes only minimal obligations on the sovereign. While the subject has a right to disobey, the sovereign has a right to use coercion and threats to discourage self-interested disobedience and to punish such disobedience. Then, I will explain how, according to Hobbes, both of these actions can be simultaneously just.

The case of widespread rebellion is more complicated. I will defend the view that widespread rebellion does undermine the sovereign's authority, as Hampton claims, but that this does not amount to the subjects determining whether the sovereign should continue to rule. Whether the sovereign should continue to rule is not something that anyone decides; it is an apparent fact about the world. I will then consider two objections to my analysis and conclude by suggesting two significant implications of my arguments for our understanding of Hobbes's political philosophy.

Hobbes describes the right of self-preservation as the liberty that each individual has to preserve his or her own life. On a contemporary understanding, this right would impose an obligation of some kind, perhaps an obligation of noninterference (Lyons 1970). Although there is occasional debate about whether Hobbesian rights impose obligations on others, there is a general consensus that Hobbesian rights do not have correlative obligations.³ This leaves the content of Hobbesian rights open to interpretation.

Hampton interprets Hobbesian rights in terms of what is prudent or rational (1986, 54–57): “Having a right’ to an object depends on that object being an effective means to an end that one either does or would desire” (55). According to Hampton, when Hobbes asserts that subjects in the Commonwealth have a right of self-preservation, this means that it is rational for subjects to act for the sake of their survival. Hobbesian rights, says Hampton, are norms of rationality that do not impose obligations on anyone, including the state.⁴

Deborah Baumgold endorses Hampton's claim that Hobbesian rights do not impose obligations on the state (1988, 31). However, Baumgold understands Hobbes as attributing a right of self-preservation only in cases where its exercise is politically irrelevant (29). She defends this view by noting Hobbes's treatment of several cases taken from *De Cive*. Hobbes states, for example, that subjects can legitimately disobey commands to kill themselves, or their parents, since in these cases other people could be found to do the job. Subjects can also legitimately disobey commands to kill their own ruler since this is obviously contrary to the ends of the Commonwealth. Hobbes allows for justified disobedience in these cases, says Baumgold, because these particular acts of disobedience have no significant political consequences.

Baumgold reads Hobbes's discussion of justified disobedience in *Leviathan* in much the same way, interpreting Hobbes as defending a consequentialist application of the right of self-preservation: “When the liberty in question is politically inconsequential, the unalienated right of self-defense applies. But when the concept of a universal, unalien-

ated right of self-defense would be politically consequential, Hobbes rather frames liberty in terms of excuses" (33). Interpreted as norms of rationality, rights cannot offer much protection to the subjects who have them, but excuses do offer subjects some measure of protection. If, for example, a person is caught stealing food because he is starving, the fact that he violated the law in order to survive might provide a reason to excuse him from punishment. On Baumgold's interpretation, it is excuses, rather than rights, that protect the self-interest of Hobbesian subjects, because only excuses provide the subjects with a mechanism for avoiding punishment.

Baumgold defends the centrality of excuses for Hobbes's account of the liberty of subjects by appealing to Hobbes's discussion of subjects who refuse military service (Hobbes 1991, 145–54). She notes, for example, that Hobbes excuses people from fighting for the state if they provide a substitute, again because this type of disobedience is politically inconsequential. Further, says Baumgold, Hobbes appears ready to excuse all manner of legal transgressions for the sake of direct self-preservation. For example, Hobbes excuses things like stealing food when one is destitute or stealing a sword in order to defend oneself (Baumgold 1988, 33). In many cases, says Baumgold, Hobbes seems prepared to excuse the violation of the law when this is done for the sake of a subject's self-preservation. This suggests that, while the Hobbesian self-preservation right is exceedingly weak, self-preservation does provide substantial protection to subjects in the form of a robust excusing condition.

Even if Baumgold is correct that it is excuses that protect the self-interest of subjects in the Commonwealth, it is unlikely that Hobbes understood self-interested rebellion against the sovereign to be a generally excusable action. First, Hobbes appears to regard only extreme cases of self-preservation as grounding an excuse (Hobbes 1991, 208). Clearly, not all cases of disobedience to the sovereign for the sake of one's self-interest will fall into this category. Hobbes's discussion of the status of the criminal law in the absence of the sovereign is also telling of his views regarding the criminality of active rebellion. Hobbes notes that crime ceases to exist when the sovereign power ceases to exist. However, says Hobbes, this should not be taken to apply to those who "contributed to the taking away of the Power that protected them: for that was a Crime from the beginning" (Hobbes 1991, 202). Hobbes here seems to be suggesting that, if one is responsible for the elimination of the sovereign power, the label of "criminal" is retained even in the absence of a state. This is a problematic claim for Hobbes to make, but it clearly demonstrates that Hobbes regarded contributing to the elimination of the sovereign as a criminal action. Even if excuses are the primary instruments for the protection of subjects' interests in the

Commonwealth, Hobbes does not claim that self-interested disobedience is always an excusable action. For Hobbes, self-preservation excuses violations of the law only in the direst of circumstances.

If the Hobbesian right of self-preservation neither imposes an obligation on the state nor forms the basis of an excuse, we might wonder whether it has any content at all. In fact, the claim that Hobbesian rights impose no obligations is not entirely correct. Hobbesian rights impose very specific and limited obligations of noninterference, which follow from Hobbes's notion of liberty.

Hobbes describes the right of self-preservation in terms of a liberty to preserve oneself. "The Right of Nature, which Writers commonly call *Jus Naturale*, is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own Nature; that is to say, of his own Life" (Hobbes 1991, 91). Liberty, on Hobbes's view, is "the absence of Opposition; (by Opposition, I mean Externall Impediments of motion;). For whatsoever is so typed, or environed, as it cannot move . . . we say it hath not Liberty to go further" (145). Hobbes regards liberty as a frequently misused concept: "When the words Free, and Liberty, are applied to any thing but Bodies, they are abused; for that which is not subject to Motion, is not subject to Impediment" (146). There is, thus, a kind of absurdity in political rumblings calling for greater liberty, "[f]or if wee take Liberty in the proper sense, for corporall Liberty; that is to say, freedome from chains, and prison, it were very absurd for men to clamor as they doe, for the Liberty they so manifestly enjoy" (147). On Hobbes's view, corporeal liberty is the only liberty that exists, and this liberty is rarely infringed upon by the state. Thus, the right of self-preservation, when understood as a liberty to move freely, does impose an obligation of noninterference with the physical movement of subjects. Short of imprisonment or other restriction of physical motion, nothing the state does can infringe on subjects' liberty.

The preceding passages from Hobbes explain why individual cases of rebellion do not undermine the absolute authority of the sovereign. If a subject decides that obeying some command from the sovereign is not in her best interest, the right of self-preservation justifies her disobedience. However, this right of self-preservation imposes no duties on the sovereign, save an obligation not to use imprisonment to prevent disobedience before it occurs. The sovereign can still discourage disobedience through the threat of punishment and impose punishment when subjects disobey. The threat of punishment, as a deterrent against self-interested disobedience, is consistent with the Hobbesian notion of liberty since it imposes internal, rather than external, constraints. The imposition of punishment is justified by appeal to the ends for which the Commonwealth was established. The end of the Commonwealth is the

self-preservation of the subjects, and disobedience by any one subject threatens the peace that the Commonwealth sustains by reintroducing conflict into the social structure. The sovereign has a duty to preserve peace for the sake of all his subjects, even if fulfilling that duty requires interfering with the individual ends of a select number of them. Thus, though individuals retain a right to disobey the sovereign for the sake of their own self-interest, the sovereign has ample means to legitimately squelch any small-scale rebellion.

Hobbes says as much in the text of *Leviathan*, but interpreting Hobbes on this point is complicated by his further claim that neither the sovereign nor the subject acts unjustly in this case. At first glance, it seems that this cannot be right. Hobbes repeatedly claims that violations of the law are clear cases of injustice. In the state of nature, for example, "Where there is no common Power, there is no Law: where no Law, no Injustice," suggesting that the law sets the standard for which actions are just (Hobbes 1991, 90). He further asserts that "the definition of INJUSTICE, is no other than the not Performance of Covenant" (100). In many places, Hobbes seems to be saying that violating the law is unjust because it is a violation of the covenant that brings the Commonwealth into existence. Thus, the disobedient subject, in virtue of violating the law and, therefore, the covenant with his fellow man, would seem to act unjustly. The sovereign, on the other hand, acts justly when he punishes disobedient subjects "because every Subject is by this Institution Author of all the Actions, and Judgments of the Sovereign Instituted; it followes, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice" (124). On Hobbes's view, the sovereign punishes disobedient subjects for the sake of preserving the Commonwealth, and he does so justly in virtue of the covenant by which the Commonwealth is instituted. However, it is not clear how the disobedient subject commits no injustice in this case. If the sovereign can justly punish the disobedient subject, presumably this is because the subject acts unjustly when he disobeys for the sake of his own interest. Yet the most natural reading of this case is explicitly denied by Hobbes.

Hobbes's puzzling account of the just nature of self-interested disobedience can be reconciled by looking more closely at what makes the sovereign's punishment of such disobedience just. The end of the Commonwealth is the self-preservation of the subjects, and this end gives the sovereign the right to whatever means he deems necessary to bring about this end (Hobbes 1991, 124). It is the ends for which the Commonwealth was instituted that render the sovereign's actions just. These same ends, however, render the subject's self-interested disobedience just, even though his disobedient actions are contrary to the ends of the Com-

monwealth. Hobbes states that the “[t]he Obligation, and Liberty of the Subject, is to be derived, either from those Words, (or others equivalent;) or else from the End of the Institution of Sovereignty; namely, the Peace of the Subjects within themselves, and their Defence against a common Enemy” (150, emphasis added). What subjects are obligated to do in the Commonwealth follows from the end for which the Commonwealth was instituted. For the subject, that end is his own self-preservation. Thus, when obeying a sovereign command is not conducive to a subject’s own self-preservation, there is no injustice in his disobedience.

Whether an action is just in the Hobbesian state, therefore, depends on the proper ends of the actor, rather than the mere presence or absence of a law governing the action. For the sovereign, the self-preservation of all his subjects renders the punishment of disobedient individuals just because preventing widespread rebellion is necessary to secure peace, and this is the proper end of the sovereign. For the subject, disobedience is consistent with his own self-preservation, which is the proper end for assessing the justice of individual subjects’ actions. The subject’s disobedience and the sovereign’s subsequent imposition of punishment are both just because the ends that determine the justness of their respective actions are not the same.

It might be objected that this suggestion is inconsistent with Hobbes’s claims that justice is a matter of what the law decrees. This objection states that, even if the disobedient subject acts in accordance with his own end, he still violates the law and, therefore, cannot be said to act justly. This is clearly Hobbes’s view regarding justice in the state of nature, where there is no justice in virtue of the absence of the law. However, what Hobbes says about justice in the state of nature need not pertain to the Commonwealth. Hobbes suggests as much in the following statement:

And in this law of Nature, consisteth the Fountain and Originall of JUSTICE. For where no Covenant hath preceded, there hath no Right been transferred, and every man has right to every thing; and consequently, no action can be Unjust. But when a Covenant is made, then to break it is Unjust. (1991, 100)

Hobbes is here stating that, prior to the making of a covenant, there is no injustice because no rights have yet been transferred. The transfer of rights to the sovereign is what occurs when the Commonwealth is instituted. However, once a covenant has been made, justice becomes a matter of keeping one’s covenants. The sovereign is not subject to the covenant that creates the Commonwealth, so his actions are always just. The subject who disobeys the sovereign on the basis of self-preservation, though he violates the letter of the covenant, stays true to its purpose, his own self-preservation.

Individual cases of rebellion, despite being justified on the basis of the subject's right of self-preservation, are justly punishable by the sovereign. Such actions threaten the ends of the Commonwealth and, therefore, must be subdued by the sovereign for the sake of the security of all subjects. However, because self-interested disobedience is consistent with the ends for which individual subjects covenanted to create the Commonwealth, there is no injustice in a subject's self-interested disobedience. Not only is a consistent reading of Hobbes's account of self-interested disobedience possible, there is little reason to think that such disobedience necessarily threatens the sovereign's absolute authority because the sovereign can legitimately punish such actions. It is only when self-interested disobedience becomes pervasive that the sovereign's authority is effectively undermined. It is to this second case of rebellion that I now turn.

Once the limited nature of Hobbesian rights, as well as the Hobbesian position on injustice in the Commonwealth is made clear, a subject's right of self-preservation can be reconciled with the absolute authority of the sovereign. One might reply, however, that the individual case is not the source of the problem that motivates Hampton's challenge to Hobbes. Even if the sovereign is well-equipped to deal with individual instances of self-interested rebellion, the sovereign remains dependent on the cooperation of his subjects to impose punishments. Should a sufficient number of subjects opt to disobey the sovereign's punishment commands, the sovereign is effectively no longer in power. This suggests that it is not the sovereign but the subjects that have ultimate authority in the Commonwealth.

I think Hampton is correct in claiming that widespread disobedience of the sovereign's punishment commands is sufficient to undermine the sovereign's authority, but mistaken in claiming that this undermines his status as an absolute sovereign. In the Hobbesian system, there is no decision made by anyone about whether the sovereign should continue to rule. Rather, whether the sovereign does continue to rule is an apparent fact about the world. When the sovereign is unable to impose punishments on his subjects, this indicates that the sovereign is no longer in power. But it does not follow that the subjects' decisions about whether to obey the sovereign's punishment commands gives them the authority to decide the sovereign's fate. I will defend this position by the following argument:

1. If a sufficient number of subjects actively disobey the sovereign's command, then the sovereign's authority is effectively undermined.
2. If a sufficient number of individual subjects decide that obeying the sovereign's command is not in their best interest, then

a sufficient number of subjects actively disobey the sovereign's command.

3. A decision to disobey the sovereign's commands is not identical to a decision that the sovereign ought not continue to rule.
4. Therefore, if a sufficient number of individual subjects decide that obeying the sovereign's command is not in their best interest, then the sovereign's authority is effectively undermined.
5. Therefore (if each individual subject decides that obeying the sovereign's command is not in his best interest, then the sovereign's authority is effectively undermined), a decision to disobey the sovereign's commands is not identical to a decision that the sovereign ought not continue to rule.

The first two premises are consistent with Hampton's argument, so I will not defend them here. The fourth premise follows from the first two and states that, when a threshold number of subjects decides that obeying the sovereign's command is not in their best interest, this is sufficient to undermine the sovereign's authority. This is a key component of Hampton's position. She claims that, if enough subjects opt for disobedience of the sovereign, the sovereign has effectively been deposed. The third premise indicates where I part ways with Hampton. Unlike Hampton, I reject the claim that the subjects are the ones who decide that the sovereign should continue to rule. Even if the dissolution of the Commonwealth is a consequence of a sufficient number of individual decisions to disobey the sovereign, this does not impart subjects with the authority to determine whether the sovereign should continue to rule.

There are several reasons to think that the third premise of my argument is true. First, it is entirely possible to decide not to obey one of the sovereign's commands yet take no position on whether the sovereign should continue to rule. I might decide that, in spite of a law against stealing food, I am sufficiently undernourished that it is in my interest to steal some bread. This is clearly not also a decision about whether the sovereign should continue to rule, and nothing about whether the sovereign should continue to rule is implied by such a decision. It is also possible to decide to disobey a sovereign command, while also deciding that the sovereign should continue to rule. I might decide to steal some bread but to immediately turn myself in because I think that the sovereign should stay in power, in spite of my starvation. This premise is further supported by noting the distinction between the anarchist and the civil disobedient.⁵ While the anarchist declines to recognize the authority of the state and actively resists punishment for disobedience, the

civil disobedient acknowledges the state's authority and accepts punishment for his disobedience, in an effort to raise social awareness about the injustice of some of the state's laws. The civil disobedient can clearly make a decision about whether to disobey a law without raising a challenge to the legitimacy of the state's authority in general. The anarchist, however, disobeys because he does not recognize the state's authority as legitimate, and a failure to appreciate the difference between deciding to disobey a punishment command and deciding that the state ought not continue to rule blurs this relevant distinction between anarchist and civil disobedient. Thus, questions about whether one ought to follow a particular law, or sovereign command, are conceptually distinct from questions about whether a ruler should remain in power, and there is no reason to think that a decision about one either is or implies a decision about the other.

It might be objected that the decision not to obey the punishment commands of the sovereign does imply that the sovereign ought not continue to rule. Obedience of punishment commands, unlike other sovereign commands, are constitutive of the sovereign's power. However, there again seems no reason to think that these decisions are identical or that one implies the other. Perhaps the sovereign has commanded that I participate in punishing my close friend. I might decide that, in virtue of the significance that this friendship has for me, it is in my interest to disobey this command. I can make this decision without taking a position on whether the sovereign should continue to rule. Further, I might think that the sovereign is still a legitimate ruler, in spite of how this particular command bears on my interests, and hope that others will obey this punishment command so that the Commonwealth remains secure. I might even encourage others to obey this punishment command, explaining to them that, because of my relationship to the person being punished, it is not in my interest to obey. Deciding that obeying the sovereign's punishment command is not in my interest can be coherently coupled with the decision that the sovereign ought to continue to rule. Since there is no inherent problem with such a position, I conclude that even the decision to disobey the sovereign's punishment commands neither is nor implies a decision about whether the sovereign should continue to rule.

A second objection might be that, even if individual decisions not to obey the sovereign's commands are neither identical to nor imply a decision that the sovereign ought not continue to rule, a sufficient number of such decisions is constitutive of the decision that the sovereign ought not continue to rule. Thus, though the subjects do not literally decide that the sovereign ought not continue to rule, their collective disobedience constitutes the dissolution of the Commonwealth, which places ultimate authority squarely in the subjects' hands. The subjects do not

decide that the sovereign should not continue to rule, but their collective decision determines whether the sovereign retains power.

This interpretation of the Hobbesian state becomes problematic when applied to power relations in the Commonwealth in general. I will demonstrate this by comparing the case of widespread rebellion to two related cases: obedience to the sovereign and disobedience that is insufficient for dissolution of the Commonwealth. Hampton's interpretation of the widespread rebellion case entails that, because the dissolution of the Commonwealth follows from a sufficient number of decisions to disobey the sovereign, the subjects have power over the sovereign in the Commonwealth. But in the case of obedience to the sovereign's commands, we are unlikely to say that the subjects have this power. For example, if I obey the sovereign's command that I pay my taxes because I am afraid of the consequences if I do not, power clearly lies with the sovereign. Alternatively, if I disobey the sovereign's punishment commands, and he imprisons or kills me, again the sovereign has power over me. Hampton's view suggests two ways of understanding these cases, both of which are highly implausible. The first is that, when a subject obeys the sovereign out of fear or disobeys but receives punishment for his actions, the subject nonetheless has power over the sovereign. If having power over someone entails being able to impose your will on them, then this reading of the two cases is simply mistaken. The second possible interpretation of these cases is to concede my analysis and contend that it is only when a sufficient number of subjects opt to disobey that the people come to have power over the sovereign. This is problematic as an account of Hobbes's theory of power relations in the Commonwealth. First, it is not clear in this case who actually has power over the sovereign. There is no collective decision-making body in Hobbesian philosophy, and the only sense in which Hobbesian subjects form a cohesive, unified entity is in the form of the sovereign as an embodiment of the people. Paradoxically, if the people come to have power over the sovereign only once the aggregate of their individual disobedience undermines the sovereign's power, then the people come to have power over the sovereign only when they cease to be recognizable as a unified entity. It cannot be the case that the people come to have power over the sovereign only once they act in a way that undermines his authority since this is the very moment when they cease to be "the people" in any relevant sense. Hampton's interpretation of the power relations between the sovereign and the subjects fails as a general account of such relations, suggesting that her challenge to Hobbes's argument for the absolute sovereign rests on a mistaken view about power dynamics in the Commonwealth.

Despite the compelling nature of Hampton's argument, her claim that the people determine whether the sovereign retains power in the

Commonwealth cannot be maintained. An individual decision to disobey the sovereign cannot be regarded as, nor taken to imply, a decision that the sovereign ought not continue to rule since these decisions come apart conceptually. Further, Hampton's interpretation of the right of self-preservation cannot be taken to imply that the people always have power over the sovereign because this is clearly mistaken as a general account of power relations in the Commonwealth. But if we understand Hampton as claiming that the people acquire power over the sovereign only after a sufficient number of decisions to disobey leads to the sovereign's downfall, we are unable to account for where this power resides. It clearly does not lie with any one individual since no single subject is responsible for deposing the sovereign. But it cannot lie with the people either since the only sense in which the people in the Hobbesian Commonwealth are a unified entity is in the embodiment of the sovereign. The power of "the people" cannot be juxtaposed with the power of the sovereign since these amount to the same thing in the Hobbesian state. Thus, there is no interpretation of Hampton's view that vindicates her claim that the people have power over the sovereign.

Hobbes himself suggests a more natural reading of the relationship between the subjects' ability to bring about the downfall of the sovereign, through widespread self-interested disobedience and the requirement that the sovereign be an absolute ruler. Hobbes states that "[t]he Obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them . . . when there is no farther protection of Subjects in their loyalty; then is the Common-wealth dissolved" (1991, 154, 230). Hobbes is here suggesting that it is the inability of the sovereign to protect his subjects, rather than any decision that anyone makes, which dissolves the Commonwealth. The end of the Commonwealth is a kind of apparent fact about the world, rather than a direct consequence of anyone's choices.

If the dissolution of the Commonwealth is understood as an apparent fact rather than something over which someone has decision power, there is no inconsistency in acknowledging that the sovereign's authority is undermined when a sufficient number of individuals decide to disobey the sovereign's commands and maintaining that the sovereign must have absolute power in order to secure peace. The sovereign has authority over everything in the Commonwealth that is a governable matter of the state but not over matters of the state over which no one has authority. If authority over some matter of state lies in no one's hands, it is not something that an absolute sovereign must have authority over in order to be considered absolute. Much like an omnipotent deity need not be able to do things that are impossible in order to be omnipotent,

an absolute sovereign need not have power over things that no one has power over to be absolute.

While my analysis is by no means a vindication of the Hobbesian Commonwealth, it does suggest a number of implications for both how we understand the relationship between the absolute sovereign and the subjects' right of self-preservation and how we interpret the role of rights in the Hobbesian state. First, I have argued that individual acts of rebellion are just because they are consistent with the individualized ends for the sake of which subjects entered into the Commonwealth. There is no inconsistency between this claim and the claim that the sovereign acts without injustice when he punishes acts of self-interested disobedience. While what is just for the subject is the pursuit of his own self-preservation, it is just for the sovereign to punish self-interested disobedience since this introduces conflict into the Commonwealth and threatens its stability. Justice depends on the ends for which the Commonwealth was instituted, and what it is just for one to do in the Commonwealth depends on one's relationship to those ends. And because the sovereign is justified in punishing self-interested disobedience, the threat of rebellion need not undermine the sovereign's absolute authority.

I have additionally argued that, though the right of self-preservation does threaten the sovereign's status as a ruler if a sufficient number of subjects act on it, this does not render the sovereign a less-than-absolute ruler. While the dissolution of the Commonwealth is a consequence of the individual decisions of subjects, it does not follow that they have the power to decide the fate of the sovereign as a result. Whether the sovereign should continue to rule is an apparent fact about the world; the power to decide the sovereign's fate lies in no one's hands and so cannot be a basis for denying the absolute authority of the sovereign.

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NOTES

1. See below for discussion of the expansive nature of the self-preservation right.
2. Gert 2010, 30–67, is an extended rejection of the interpretation of Hobbes as a psychological egoist.
3. It should be noted, however, that the transfer of rights does give rise to obligations on Hobbes's view. However, since the self-preservation right cannot be transferred, it cannot give rise to obligations in this way.

4. I am not here endorsing Hampton's interpretation of Hobbesian rights. In what follows, I reject this interpretation in favor of an account of Hobbesian rights as claim rights that impose minimal obligations on the sovereign. Thanks to a reviewer for *History of Philosophy Quarterly* for pointing out a need for clarification on this point.

5. Thanks to Jeffrey Tlumak for suggesting this explanatory analogy.

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