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## Hobbes and Schmitt

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### ABSTRACT

Many commentators are unconvinced by Carl Schmitt's interpretation of Hobbes's political theory which, to their minds, remakes Hobbes in Schmitt's own authoritarian image. The argument advanced in this essay comprises three claims about Hobbes and Schmitt and the ways in which they are construed. The first claim is that certain commentators are bewitched by a picture of authority which biases their own claims about Hobbes, perhaps in ways that they may not fully appreciate. The second claim relates to Hobbes's individualism. On Schmitt's account, it was this individualism that opened the barely visible crack in the theoretical justification of the state through which it was worm-eaten by liberalism. This essay argues that Hobbes's individualism is not what Schmitt or his critics take it to be. The individualism that figures in Hobbes's discussions of covenant and conscience, *pace* Schmitt, is an illusion, albeit one that lies at the very heart of his conception of the state and animates his understanding of the relationship between protection and obedience that sustains it. The essay concludes with some remarks about the wider implications of the argument it advances.

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### Introduction

Once upon a time the German jurist Carl Schmitt apostrophised Thomas Hobbes as 'by far the greatest and perhaps the sole truly systematic political thinker'.<sup>1</sup> Hobbes drew Schmitt's admiration on many counts, but perhaps above all for his formidable assessment of the nature of political life itself and of its consequences. For Hobbes, politics is first of all the struggles which naturally result from the collisions between human purposes which are persistently partial and ultimately in competition with one another.<sup>2</sup> The partiality of human judgement breeds controversy. Controversy, once stripped of its veneer of sophistication, is pure enmity. Enmity is therefore the natural condition of mankind. In this condition each man decides for himself the threat posed to his life and purposes by every other man and acts accordingly, with the result that all human lives and purposes are drastically and radically imperilled. If a given group of human beings is to survive at all, and to pursue any purposes

whatever, there must therefore be one supreme power which establishes common rules which apply authoritatively to all the members of that group and decides for all of them 'what is to be done, or not to be done' in the 'common course of life'.<sup>3</sup> The existence of such a power is not optional. It is the necessary precondition of a civilized common life, which cannot sustain itself otherwise.

Schmitt attributed to Hobbes the view that the same power which established these rules decided also when and whether they applied in concrete situations. This decision was political in Schmitt's special sense of that term, because it was a decision about who was friend and who was enemy – about who posed a threat to the lives and purposes of every member of the group to whom the rules normally applied and whether they could be dealt with within the rules. As this supreme power alone was authorised to make that decision,<sup>4</sup> it had a claim to the unconditional obedience of all who were subject to it, for it took total responsibility for protecting their lives in being responsible for the decision, even as it revealed its essential characteristics in the act of taking the decision. Thus, for Schmitt, the connection between protection and obedience was the fundamental axiom of political order, upon which everything else rested. In his words, '[t]he *protego ergo oblige* is the *cogito ergo sum* of the state. A theory

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<sup>1</sup> Cited from the original version of *The Concept of the Political* (1927), in T. B. Strong, 'Carl Schmitt and Thomas Hobbes: Myth and Politics', the foreword to C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol* (Chicago, 2008), vii–xxviii, at x. For further expressions of admiration and fraternity, compare C. Schmitt, *Ex Captivitate Salus* (Cologne, 1950), 61, 63, 67, 68, 75, 78, 89 and *Glossarium: Aufzeichnungen der Jahre 1947–51*, ed. E. F. von Medem (Berlin, 1991), 81.

<sup>2</sup> On this point, see J. Dunn, *The Cunning of Unreason* (London, 2000), 19–30, 133–4.

<sup>3</sup> T. Hobbes, *De cive*, ed. R. Tuck, trans. M. Silverthorne as *On the citizen* (Cambridge, 1998), v.6, 72 (translation amended).

<sup>4</sup> C. Schmitt, *Political Theology* (Chicago, 2005), 5.

of the state that does not systematically manifest its awareness of this proposition remains an inadequate fragment'. Hobbes had been very well aware of this proposition, having 'designated ... as the true purpose of his *Leviathan*, to instill in man once again "the mutual relation between Protection and Obedience"', and his greatness lay in systematically pursuing its implications in his political theory.<sup>5</sup>

Hobbes [Schmitt continued] had experienced the truth of this proposition 'in the terrible times of civil war', in which 'all legitimate and normative illusions with which men like to deceive themselves regarding political realities in periods of untroubled security vanish.' Experience had taught him that if 'within the state there are organised parties capable of according their members more protection than the state, then the latter becomes at best an annex of such parties, and the individual citizen knows whom he has to obey'.<sup>6</sup> That is to say, once the state became prey or party to the antagonisms of individuals or groups within it, it could not protect anyone or anything. In his own thinking, Schmitt formalised these points in differentiating between a 'qualitative total state', which was independent of society and retained the monopoly on the political, which enabled it to distinguish friend and enemy and so to carry out its function of protection, and a 'quantitative total state', which was indistinguishable from society and unable to distinguish anything.<sup>7</sup> The implications of this view were made explicit in 1938, when Schmitt wrote that '[i]f protection ceases, the state too ceases, and every obligation to obey ceases'.<sup>8</sup> The relation between protection and obedience, 'the cardinal point'<sup>9</sup> of Hobbes's conception of the state as it was of Schmitt's, is one theme of this essay.

Schmitt's admiration for Hobbes was unflinching. But he came to think that the ways in which Hobbes developed his position had effectively condemned it to failure, from which disastrous consequences were alleged to flow. At the root of the problem, as Schmitt saw it, was Hobbes's 'individualism'. This individualism was present in one way in Hobbes's construction of the state as the outcome of a covenant between individual rational calculators<sup>10</sup> and present in another way in his conception of the individual freedom to differ in conscience from the public judgements of the supreme power – and it 'contained the seed of death that destroyed the mighty *Leviathan* from within and brought about the end of the mortal God'.<sup>11</sup> It did so by undermining the totality of the state and introducing the possibility of resisting the demand for unconditional obedience that it imposed.<sup>12</sup> What Schmitt claimed was that Hobbes's position was self-liquidating: it created the conditions of possibility for the disappearance of the state and assisted at the slide which led through the conception of the state as a machine made by men to satisfy their wants to the anarchy which resulted from different groups of men contending for control of the machine as the means of furthering their wants. By admitting into his arguments an ineradicable individualistic component Hobbes was sawing off the branch on which he was sitting, since that individualism cut against the adequacy of the state to the provision of protection.

In a recent essay, Ulrich Steinworth is one more in a long line of commentators to question the validity of Schmitt's interpretation of Hobbes.<sup>13</sup> 'Schmitt', Steinworth asserts, may have been 'right in considering [Hobbes to be] both authoritarian and liberal. He was also right in finding in Hobbes's distinction between inner faith and "outer confession" a mark of his implicit liberalism'. But his own prejudices 'kept him from seeing that Hobbes's liberalism ... lies at the very basis' of his conception of the state, 'and condemns it to an uneasy imbalance. The same principle that is to give the one sovereign person absolute powers gives every one irrevocable human rights'.<sup>14</sup> For Steinworth, Hobbes's position is inherently unstable, pulled in two directions by an internal logic which delivers absolute authority in one direction and individual freedoms and rights in another. Schmitt is accused of valorizing the authoritarian aspects of this position to the neglect of the liberal ones, press-ganging Hobbes into his own project of claiming for the state 'an ultimate discretionary power in matters both political ... and religious' and ignoring the rights and freedoms that the state is brought into existence to protect.<sup>15</sup> And if these are left out of account, asks another recent commentator in the same vein, 'what is left of Hobbes in Schmitt's reading?'<sup>16</sup> The purpose of this essay is to provide an answer to that question.

### The structure of the argument

The argument advanced in the essay comprises three claims. The first claim is that Steinworth's conclusions about Hobbes – and his assumptions about Schmitt for that matter – are filtered through a picture of authority which presumes the tension between authority and freedom that he purports to discover. So his own prejudices bias his claims about Hobbes, perhaps in ways that he may not fully appreciate. The second claim relates to Hobbes's individualism. On Schmitt's account, it was this individualism that opened the 'barely visible crack in the theoretical justification of the sovereign state' through which it was worm-eaten by liberalism. This essay argues that Hobbes's individualism is not what Schmitt and his critics take it to be. The individualism that figures in Hobbes's discussions of covenant and conscience, *pace* Schmitt,<sup>17</sup> is an illusion, albeit one that lies at the very basis of his conception of the state. This disposes to the third claim, which is that Schmitt's intuitions about Hobbes were well-founded, since his position required many of the features of Schmitt's qualitative total state, and that that position presupposed a view of the *protego ergo oblige* that continued the pattern of thinking that ran through his discussions of covenant and

<sup>5</sup> C. Schmitt, *The Concept of the Political* (Chicago, 1996), 52.

<sup>6</sup> Schmitt, *Concept of the Political*, 52.

<sup>7</sup> See C. Schmitt, 'Die Wendung zum totalen Staat' (1931), in: *Positionen und Begriffe im Kampf mit Weimer-Genf-Versailles, 1923–1939* (Berlin, 1988), 146–57. For discussion, see R. Cristi, *Carl Schmitt and Authoritarian Liberalism* (Cardiff, 1998). For the influence of Schmitt's formulations, see W. Bonefeld, 'Democracy and Dictatorship: Means and Ends of the State', *Critique*, 34 (2006), 237–52.

<sup>8</sup> Schmitt, *State Theory*, 72.

<sup>9</sup> Schmitt, *State Theory*, 72.

<sup>10</sup> C. Schmitt, 'The State as Mechanism in Hobbes and Descartes', in *State Theory*, 91–103, at 97.

<sup>11</sup> Schmitt, *State Theory*, 57.

<sup>12</sup> See on this point M. Vatter, 'Strauss and Schmitt as Readers of Hobbes and Spinoza: On the relation between Political Theology and Liberalism', *New Centennial Review*, 4 (2004), 161–214, at 190.

<sup>13</sup> See e.g. H. Rumpf, *Carl Schmitt und Thomas Hobbes, Ideelle Beziehungen und aktuelle Bedeutung, mit einer Abhandlung über: Die Frühschriften Carl Schmitts* (Berlin, 1972); M. Rhonheimer, 'Autoritas non veritas facit legem: Carl Schmitt und die Idee des Verfassungsstaates', *Archiv für Rechts- und Sozialphilosophie*, 86 (2000), 484–98; D. Dyzenhaus, 'Now the machine runs itself: Carl Schmitt on Hobbes and Kelsen', *Cardozo Law Review*, 16 (1994), 1–19; J. P. McCormick, 'Fear, Technology and the State: Carl Schmitt, Leo Strauss and the Revival of Hobbes in Weimar and National Socialist Germany', *Political Theory*, 22 (1994), 619–52; G. Weiler, *From Absolutism to Totalitarianism: Carl Schmitt on Thomas Hobbes* (Durango, Colo., 1994). This line of commentary continues to grow: see now H. Althaus, "Heiden", "Juden", "Christen": *Positionen und Kontroversen von Hobbes bis Carl Schmitt* (Würzburg, 2007), 9–20, 481–501; M. Sirczuk, 'La interpretación schmittiana de Hobbes', *Foro Interno: Anuario de Teoría Política*, 7 (2007), 35–50; C. Altini, "'Potentia" as "Potestas": An Interpretation of Modern Politics between Thomas Hobbes and Carl Schmitt', *Philosophy and Social Criticism*, 36 (2010), 231–52.

<sup>14</sup> U. Steinworth, 'On Carl Schmitt's interpretation of *Leviathan*', in: *Leviathan between the wars: Hobbes's impact on early twentieth-century political philosophy*, ed. L. Foisneau, J. C. Merle, T. Sorell (Frankfurt, 2005), 95–107, at 104–5.

<sup>15</sup> Steinworth, 'On Carl Schmitt', 95.

<sup>16</sup> L. Jaume, 'Hobbes and the Philosophical Sources of Liberalism', in: *The Cambridge Companion to Hobbes's Leviathan*, ed. P. Springborg (Cambridge, 2007), 199–216, at 212.

<sup>17</sup> Schmitt, *Leviathan*, 56.

conscience. The essay concludes with a few remarks about the wider implications of the argument it advances.

This argument is advanced by someone who wishes neither to praise Schmitt nor to bury him but to understand his position about Hobbes.<sup>18</sup> It may be that the claims made here about Schmitt's thought and its implications are already familiar, or else that they adumbrate his thought unduly in the effort to get a clearer view of Hobbes's thought and its implications. But whatever the attendant risks, this effort is worth making nevertheless, not least because Hobbes is one of those thinkers with whom we must engage when trying to understand the political condition of the world in which we live and the confusions of thought that distort our understanding of it.

It is to one of these confusions of thought that the essay turns first, in discussing the picture of authority which lies beneath the surface of Steinvoth's account of Hobbes and Schmitt.

### Confusions: two rival versions of authority

On that picture, modern European thought having in its early days settled for an understanding of political authority in terms of some sort of divine commission came to understand it instead in terms of the consent of its subjects.<sup>19</sup> Amongst much else, this understanding brought with it the view that the authority of government was limited in crucial respects, because the terms on which it was constituted introduced and guaranteed such limits.

On the first understanding, authority flows from the God-given or God-like superiority of the ruler to the ruled. On the second understanding, the ruler is not the superior of the ruled, but rather their agent or servant and, as such, to be directed and, if need be, censured by them. This second understanding is associated by many commentators with liberalism. From the viewpoint of the second understanding, the first is a specious imposture. From the viewpoint of the first understanding, the second is a self-deconstructing individualist nightmare. Each viewpoint discloses an understanding of authority whose claims are total and so each necessarily excludes the other. As a result, each finds the other perfectly obnoxious.<sup>20</sup> It seems that Steinvoth is assuming something like this picture of authority, and that almost everything he writes about Hobbes – and Schmitt – is written in the shadow of it.

Turning to Hobbes's thought it is easy enough to understand how Steinvoth could have so readily diagnosed an inherent instability within it. For Hobbes's political thought has features which make it possible to assimilate to either one of the two understandings of authority by which this picture is structured. But those same features make it difficult to appropriate to either one entirely. This will be apparent from a brief account of his thought that emphasises those aspects of it that are not easily absorbed by the one or the other as a whole.

In the first version of his political theory, *The Elements of Law*, Hobbes argued that the subjection of those under government was 'no less absolute, than the subjection of servants'. The supreme magistrate was authorised 'to frame and govern their actions at his pleasure'; while those subject to the magistrate's authority could claim no exemption from subjection and obedience in the name of

right or conscience. Hobbes discussed two ways in which this subjection might come about – the first was for individuals to consent, one to another, to institute a sovereign power above them (what he came to call sovereignty by institution), the second was for individuals to consent, one after another, to obey a conqueror who held their lives in his hands (what he came to call sovereignty by acquisition) – but concluded that the route by which people became subject made no difference to the nature or extent of their subjection.<sup>21</sup>

These two routes to establishing authority presupposed free activity on the part of individuals. Yet the vocabulary Hobbes used to describe magistracy often implied that it answered to a set of imperatives that made individual freedom irrelevant. He spoke of sovereigns as 'vice-gods, or [God's] lieutenants here on earth', able to command in His name on pain of death in all civil and religious matters. In the second recension of his theory, the *De cive*, he raised, only to set to one side, the possibility that the authority of the magistrate came 'not from the People' at all, but was 'instituted by God' at the creation.<sup>22</sup> If sovereignty was as old as creation, so too was subjection, and if people had always lived in subjection, they could never have been free, since, at least on the terms outlined in *Elements of Law*, subjection and freedom were antithetical to one another – the second began where the first ended.<sup>23</sup>

Neither were matters appreciably clearer in *Leviathan*. There Hobbes defined authority as 'the Right of doing any Action', but added that this was something individuals voluntarily gave to another by an act of their own, as by instituting a sovereign whose authority 'ariseth' from their compact with one another.<sup>24</sup> Once authorised, the sovereign could not be constrained by them, for its actions were *their* actions, its judgements *their* judgements; and it bore all their right and power in its person. But there was little sign that Hobbes thought of people making sovereignty in this way in any literal sense. On the contrary, he stated explicitly that not only those who had refused their consent at institution, but also those who were neither involved nor consulted, were obliged to submit or to suffer the consequences. Though the refuseniks might perhaps be reckoned to have consented tacitly, it is not clear that the latter category can: 'For if he entered into the Congregation of them that were assembled [to institute a sovereign], he sufficiently declared thereby his will (and therefore tacitly covenanted) to stand to what the major part should ordayne . . . And whether he be of the Congregation, or not; and whether his consent be asked, or not, he must either submit to their decrees, or be left in the condition of warre he was in before; wherein he might without injustice be destroyed by any man whatsoever'.<sup>25</sup> So the weight of Hobbes's argument seems to fall on subjection rather than authorisation by consent.

On the other hand, Hobbes also insisted that consent was required to generate an obligation of obedience. He maintained that there was 'no Obligation on any man, which ariseth not from some Act of his own', writing elsewhere that civil laws 'are made by every man that is subject to them, because every one of them consenteth to the placing of the Legislative Power' and that 'no involuntary action can be counted a submission to the Law'.<sup>26</sup> This suggested that consent was not merely a psychological prop by which people relieved the 'hard condition' of their subjection, but something constitutive of the very

<sup>18</sup> For praise, see P. Gottfried, *Carl Schmitt* (London, 1990). For burial, see e.g. R. Gross, *Carl Schmitt and the Jews. The 'Jewish Question', the Holocaust and German Legal Theory* (Madison, 2007), W. Hooker, *Carl Schmitt's International Thought: Order and Orientation* (Cambridge, 2009), W. E. Scheuerman, *Carl Schmitt: The End of Law* (New York, 1999).

<sup>19</sup> See M. Oakeshott, *Lectures in the History of Political Thought* (Exeter, 2006), 461.

<sup>20</sup> For the contours and composition of this picture, and its role in shaping interpretations of early modern thought, see T. Stanton, 'Authority and Freedom in the interpretation of Locke's political theory', *Political Theory*, XX (X), 1–25. First published on October 25, 2010 as doi:10.1177/0090591710386571.

<sup>21</sup> T. Hobbes, *The Elements of Law Natural and Politic*, ed. J. C. A. Gaskin (Oxford, 1994), xxiii.9, 132; xx.19, 118; xxiv.2, 137.

<sup>22</sup> Hobbes, *Elements of Law*, xxvi.12, 162; Hobbes, *De cive*, x.3, 117.

<sup>23</sup> See Hobbes, *Elements of Law*, xxiii.9, 133: 'liberty is the state of him that is not subject'.

<sup>24</sup> Hobbes, *Leviathan*, I.xvi.81, II.xxxx.187.

<sup>25</sup> Hobbes, *Leviathan*, II.xviii.90.

<sup>26</sup> Hobbes, *Leviathan*, II.xxi.111; T. Hobbes, *The Questions Concerning Liberty, Necessity, and Chance* (London, 1656), 133; T. Hobbes, *Behemoth*, ed. S. Holmes (Chicago, 1990), 50.



authority to which they were subject.<sup>27</sup> But then, if this were the case, it was hard to understand how that authority could have the characteristics Hobbes attributed to it.

Hobbes, to recollect, had argued that the authority to which people were subject was absolute and arbitrary, because it was the bearer of all right and power, and that people had instituted that authority by acts of their own. However, he argued at the same time that there were some things to which people could never consent and some rights they could never alienate to another: no one could give up the right to preserve himself and his own reputation for example.<sup>28</sup> By the same token, people retained a wide range of rights and freedoms in matters on which the law was silent, such as the rights to enter into relations of exchange, to frame and govern their own bodies and actions in choosing a trade, bringing up their children and so on.<sup>29</sup> In *Leviathan*, though not in the earlier recensions of his theory, Hobbes even contemplated the possibility that people might formulate their religious beliefs and modes of worship as their own consciences and interpretations of Scripture directed them – ‘there ought to be no Power over the consciences of men, but of the Word it self’.<sup>30</sup> The implication now is that by their own artifice people acting in concert create a corporate body in which their rights and freedoms will be protected and preserved to a degree that far exceeds anything that they are able to accomplish by nature, acting singly, and so that, when they judge that their rights are being imperilled, they can legitimately exert them against their sovereign.

Considered in this light, Hobbes's fate at the hands of his interpreters becomes altogether more intelligible. Here was a proponent of absolute and unlimited sovereignty who claimed that it was the consent of subjects that constituted the authority of the sovereign. His position combined an authority whose commands could not be challenged – the view associated with our first understanding of authority – with individual rights and freedom as the means of establishing and conditioning that authority – the view associated with the second. The combination is striking, not least because, on our picture, it is bizarre if not downright perverse.

Many commentators from Hobbes's day to our own have been struck very forcibly by this combination of elements. To the extent that our picture has been present in their minds, it is easy to understand why they should have responded to it as they have,<sup>31</sup> by resiling to the reassuring simplicity and solidity of whichever understanding of authority has coloured their perception of it, before, from the viewpoint of the one understanding or the other, assaulting Hobbes as a deviant or attempting to mitigate his deviations from their own favoured understanding of authority. From either viewpoint the difficulty to which they are responding appears to be the same, the difficulty being that Hobbes has provided an account of the origins and powers of government in which the account of origins is at odds with and undercuts the account of powers, and *vice versa*.

Now our picture encourages us to see only two possible responses to this difficulty – to give it up by discarding Hobbes's position as internally self-contradictory or to give in to it: that is, to accept the difficulty as a real one and to deny the validity of one or other of the

accounts that give rise to it. It matters less for our purposes that the accumulated scholarly record shows these possibilities being pursued in many different ways by many different persons of many different ideological persuasions than that it shows preponderantly *these* possibilities being pursued. That is to say, when taken as a whole, what it reveals unmistakably is the sustained imaginative pressure that this picture has exerted across time and space.

We find, for instance, Hobbes's early critic John Bramhall complaining, from the viewpoint of the first understanding of authority, that Hobbes's rival understanding had delivered up a ‘*Rebells catechism*’.<sup>32</sup> In postulating an individual's right to do whatever he judged necessary for his self-preservation, Bramhall argued, Hobbes had effectively disaggregated the sovereign's claim to authority into a series of individual claims for the authority of particular decisions and injunctions. The authority of each claim was then made dependent upon its being ratified on every occasion by the individual's judgement that the decision or injunction in question was unthreatening to his preservation. In suggesting that authority depended on consent, therefore, Hobbes had eviscerated it. Schmitt, as it appears, was led to a similar conclusion by a similar route.<sup>33</sup>

On the other side we find commentators like Steinvoth suggesting, from the viewpoint of the second understanding of authority, that Hobbes's theory really contained the germ of modern liberalism, since it made the individual's right and freedom the ultimate ground of government, which in turn placed limits on what that government could legitimately do. This suggestion has been taken up and developed in different ways by many historians of political thought and political theorists, who have found in Hobbes's arguments the rudiments of a liberal theory, if not always the inclination on the part of their author to combine them appropriately.<sup>34</sup> But as with those who have discerned an authoritarian Hobbes, so with those who see in outline a liberal Hobbes, the point is that the same simplified picture of authority is silently shaping their responses. Both parties are reacting to those features in Hobbes's thinking which from their viewpoint stand out as excrescences. From the first viewpoint, freedom obtrudes from and challenges the authority to which it is properly submissive; from the second, authority looms over the freedom by which it is properly limited. We need to free ourselves from this picture if we are even to recognise the possibility of responding in another way to the difficulty that Hobbes's accounts present.

The purpose of the next section of the essay is to indicate one such possibility and one way of pursuing it. Thus attention turns from the first claim made in this essay to the second claim and the third claim.

### Hobbes, equality and authority

The task Hobbes set himself was to reconcile people to the idea that there was no alternative to sovereignty. He wished to show

<sup>27</sup> Hobbes, *Elements of Law* xx.15, 115. For further discussion, see N. Malcolm, *Reason of State, Propaganda and the Thirty Years' War: An Unknown Translation by Thomas Hobbes* (Oxford, 2007), 120–1.

<sup>28</sup> See Q. Skinner, *Hobbes and Republican Liberty* (Cambridge, 2008), 166–8, esp. 167, citing Hobbes, *Leviathan*, II.xxi.112.

<sup>29</sup> Skinner, *Republican Liberty*, 168, citing Hobbes, *Leviathan* II.xxi.109.

<sup>30</sup> Hobbes, *Leviathan*, IV.xlvii.385.

<sup>31</sup> This is not to say that there is no way of understanding these responses besides the way suggested here. See for example C. D. Tarlton, ‘Rehabilitating Hobbes: Absolutism, Obligation, and the Myth of the “Taylor” Thesis’, *History of Political Thought*, 19 (1998), 407–35 and more generally S. Mintz, *The Hunting of Leviathan* (Cambridge, 1962), M. Goldie, ‘The Reception of Hobbes’, in: *The Cambridge History of Political Thought 1450–1700*, ed. J. H. Burns, M. Goldie (Cambridge, 1991), 589–615, J. Parkin, *Taming the Leviathan* (Cambridge, 2007).

<sup>32</sup> J. Bramhall, *Castigations of Mr. Hobbes his last animadversions, in the case concerning liberty, and universal necessity. With an appendix concerning The catching of Leviathan or, The great whale* (London, 1658), 515. For Hobbes and Bramhall, see Parkin, *Taming*, 37–50 and N. Jackson, *Hobbes, Bramhall and the Politics of Liberty and Necessity* (Cambridge, 2007).

<sup>33</sup> Bramhall, *catching of Leviathan*, 513, 515, 519, 573; C. Schmitt, *State Theory*, 56.

<sup>34</sup> A. E. Taylor, *Hobbes* (London, 1908), 91–2 and compare A. Seth, *English Philosophers and Schools of Philosophy* (London, 1925), 73; D. Gauthier, *The Logic of Leviathan* (Oxford, 1969); A. Ryan, ‘Hobbes's Political Philosophy’, in: *The Cambridge Companion to Hobbes*, ed. T. Sorell (Cambridge, 1996), 208–45, 237; D. van Mill, *Liberty, Rationality and Agency in Hobbes's Leviathan* (Albany, 2001); A. P. Martinich, ‘Hobbes's Reply to Republicanism’, in: *Nuove Prospettive Critiche sul Leviatano di Hobbes*, ed. L. Foisneau, G. Wright (Milan, 2004), 227–39, at 228; R. Tuck, ‘Hobbes and Democracy’, in: *Rethinking the Foundations of Modern Political Thought*, ed. A. Brett, J. Tully, with H. Hamilton-Bleakley (Cambridge, 2006), 171–90; L. Jaume, ‘Hobbes and the Philosophical Sources of Liberalism’, in: *Cambridge Companion to Hobbes's Leviathan*, 199–216.

them its necessity – and so also the necessity of the condition that sustained it, to which he gave the name ‘peace’.<sup>35</sup> To this end, given the way he understood them to be, people had to understand both that it was they who made and sustained the order that sustained them, but also that they could not unmake it nor vary it at will, because not any ordering of life produced by the judgements of individual wills would sustain it, or them. In other words, people had to understand themselves at once as free and bound, as both the makers and sustainers of authority and its subjects. If they did this, peace would obtain; if not, it would not. And if not, whether they recognised it or not, they would be at war with one another.

If the practical implication of this ambition was captured most succinctly in the claim, made in the Review and Conclusion to *Leviathan*, and picked up by Schmitt, that the book had ‘no other designe, than to set before men’s eyes the mutual relation between Protection and Obedience’, which required the inviolable observation of the conditions that Hobbes had laid out, the ambition was illustrated most memorably in the book’s justly famous frontispiece which shows the dual understanding he required – in it people are represented as equal makers of sovereignty and equally awestruck before it.<sup>36</sup>

This emphasis on equality is not accidental. For Hobbes was clear that people could only be reconciled to the necessities of peace once everyone understood himself to be subject to the same terms: Without equal terms, as he said in *De cive*, there could be no peace.<sup>37</sup> This emphasis may seem glaringly at odds with Hobbes’s account of sovereignty by acquisition, in which a gaping inequality produces sovereignty. But Hobbes notoriously insists, as we have noticed above, that the sovereignty is the same whether it is acquired or instituted. We may wonder how this could be so. A clue to the answer is to be found in the structure of Hobbes’s argument.

Hobbes’s argument is identical in its structure to the argument made some time later by John Locke in which the absolute dependence of human beings on God produces their freedom and equality one to another. Locke argued that because human beings belonged to God and were obliged to follow His directions and had no right to surrender themselves completely to anyone else’s directions, therefore they – and their actions – could not be owned by another human being. In that sense they each owned themselves (for no human being possessed by nature any claim over them) and, in consequence of bearing duties to God which required them to act in relation to Him and in relation to human beings, themselves as well as others, they each had claims – or as Locke sometimes preferred to put it, rights – that other human beings could not gainsay.<sup>38</sup> But whereas Locke applied the idea of dependence to the relation between man and God, which in turn established the rather different terms of the relations between man and man, Hobbes applied it unmediated to the relations between man and man.<sup>39</sup> Hobbes’s account of sovereignty is therefore the worldly application of a theological pattern, and the result of that application is a politics that subsumes theology (and

in which obedience to the sovereign subsumes obedience to God).<sup>40</sup> The equality of all under the one God is transformed in Hobbes’s account into the equality of all under the one sovereign.<sup>41</sup>

With Hobbes, it is people’s continuing dependence on the sovereign for protection that establishes their freedom and equality one to another. Recently Philip Pettit has suggested that Hobbes ignored the possibility that people might be content with enjoying equality with others, and being recognised as equal,<sup>42</sup> but this suggestion rather misses his point. The point was that people could only ever be content if they were all equally subject to the one sovereign, which stood over and apart from them all. By contrast, those who saw themselves as subject to no-one would continually strive to dominate others – for ‘amongst masterless men’, as Hobbes said, ‘there is perpetuall war’.<sup>43</sup>

The problem, as Hobbes saw it, was that people were naturally prone to self-righteousness and self-assertion. They wished to give free rein to their desires, but their desires, unless subordinated to a higher set of requirements, were as limitless as the conflicts over the means of satisfying them that inevitably followed in their train. In one direction this led Hobbes to rule out at one stroke the claims to liberty in which they (self-righteously) cloaked this wish – whether liberty as the absence of subjection or the liberty to follow one’s conscience where it pointed – and to insist that the only genuine liberty available to people was a liberty rooted in subjection.<sup>44</sup> It was ‘in the act of our *Submission*’, as he wrote, that ‘consisteth both our *Obligation*, and our *Liberty*’.<sup>45</sup> In another direction it led him to emphasise the need for authority, and more especially the need for authority to manifest in two distinct ways: both as an overwhelming power to cow human self-righteousness and self-assertion and as a guarantor of fair dealing between subjects equal before its gaze – the mortal God who is king over all the children of pride and the common judge and arbitrator of their disputes.

It is this that gives Hobbes’s argument its dual character. His story is one in which authority must be understood in one way for one reason, and also in another way for quite another reason, with both understandings together functioning as co-operative contraries.<sup>46</sup> To say that authority *must* be understood in these ways draws attention to another characteristic of Hobbes’s story, namely the character of his explanations. For his explanations are predicated on the assumption that the truth or the fact of something depends to a great extent on its being understood as such: to understand something in one way may thus be to bring

<sup>40</sup> See Hobbes, *Leviathan* II.xxvi.149–50. For a discussion of this idea that is illuminating and elusive in equal measure, see J. Mitchell, *Not By Reason Alone* (Chicago, 1993), 46–72.

<sup>41</sup> Compare J. Mitchell, ‘Hobbes and the Equality of All under the One’, *Political Theory* 21 (1993), 78–100.

<sup>42</sup> P. Pettit, *Made with Words: Hobbes on Language, Mind, and Politics* (Princeton, 2008), 96.

<sup>43</sup> Hobbes, *Leviathan* II.xxi.110. The equality people have by nature, which is an equality of vulnerability, produces diffidence which in turn yields to war. Artifice is needed to transform nature and to make people equal on terms that fit them for life in society. See *De cive*, i.2, 25.

<sup>44</sup> Hobbes, *Leviathan*, I.xi.47. For a discussion that emphasises the polemical aspects of Hobbes’s arguments, see Skinner, *Republican Liberty*, 79–81.

<sup>45</sup> Hobbes, *Leviathan*, II.xxi.111. That is to say, submission to the sovereign is the precondition of both – Hobbes is not, of course, claiming that freedom and obligation are identical.

<sup>46</sup> This dual character was noticed very early on, of course, but taken as a sign of Hobbes’s duplicity and bad faith: ‘[Hobbes] setteth down his opinion just as Gipsies tell fortunes, both waies, that if the one misse, the other may be sure to hit, that when they are accused of falsehood by one, they may appeale to another’, Bramhall, *catching of Leviathan*, 565; and compare A. Ross, *Leviathan drawn out with a hook* (London, 1653), 18–20. In the modern period, the tendency has been to detect deliberate misdirection (the view associated with Leo Strauss) or else the masterly deployment of an ironical style of argument (the view associated with Quentin Skinner). A somewhat different view is developed throughout Parkin, *Taming*.

<sup>35</sup> Hobbes, *Leviathan*, I.xiii.62.

<sup>36</sup> Hobbes, *Leviathan*, A Review, and Conclusion, 395–6. For the wider complexities of Hobbes’s iconography, see Skinner, *Republican Liberty*, 182–98 and H. Bredekamp, ‘Thomas Hobbes’s Visual Strategies’, in: *Cambridge Companion to Hobbes’s Leviathan*, 29–60.

<sup>37</sup> Compare Hobbes, *De cive*, i.2, 25, which refers to ‘the equal conditions without which society is not possible’.

<sup>38</sup> For more detailed discussion, see Stanton, ‘Authority and freedom’, 13–17.

<sup>39</sup> See e.g. Hobbes, *De cive*, viii.5, 104: ‘a citizen has nothing which is properly his own, against the will of the commonwealth, or of the holder of sovereign power; but each citizen does have things that are his own against his fellow citizens’. This structural similarity may be one reason why commentators have so often been tempted to represent the two thinkers as arguing substantively along similar lines, notwithstanding the fact that the Lockean God prohibits voluntary slavery on the Hobbesian model. See J. Locke, *Two Treatises of Government*, ed. P. Laslett (Cambridge, 1988), II.iv.23, 302.

into existence what is understood, just as to forfeit a different understanding may be to prevent that which was so understood from coming to be.<sup>47</sup>

### Interlude: Hobbes and language

It is important to pause for a moment to notice the very particular understanding of words and their use that this assumption embodied. Words, for Hobbes, indicated positions about things but revealed nothing about the 'objective' nature of those things – they denoted without connoting. This was as true of the words which signified groups of simple ideas united by nature, like man, horse, or worm,<sup>48</sup> as it was of words that did not have a referent that existed in nature but only in consequence of human artifice. Hobbes's view was that these words did not suggest any specific ideational content to the understanding at all, but instead produced images of past experience connected with these words and coloured by the affections and aversions of those who heard or read them.<sup>49</sup> Examples of such words included virtue, vice, and justice, besides (by parity of reason) authority, freedom, protection, obedience and sovereign.

The centrality of these terms to Hobbes's discussions requires no emphasis. The clear inference from his view of language was that to use words was less to discuss ideas in the abstract than to raise images which touched the likes and dislikes of the listener or reader. To do this was not a purely speculative activity because the effect would not be cognitive, but practical: not simply to develop ideas, but to alter conduct. To understand something would be to be moved by words to adopt a particular position about it and to behave in the appropriate way towards it. Human behaviour, on this view, is reaction to pictures in the head. It takes place in relation to a representation, which is not quite the same for any two individuals, of what they suppose to be – though not what is – the reality of things. Words impose an order on these ideas and images, like subtitles on a reel of film, with the aim of imprinting a lasting organisation on people's conduct.

It need hardly be added that this view of words and their effects on the understanding gave speakers and writers an unusually powerful role. It was up to them to connect words like 'authority' or 'freedom' with arrangements of *their* choosing, for these words did not imply only one set of conceptual contents (indeed, they implied none at all in themselves).<sup>50</sup> At the same time, it placed great responsibility in their hands, for they had the power to direct people to the proper ends – or to redirect them to other ends again. This direction would be in some measure didactic, since it would involve expounding definitions and explanations designed to call certain images to mind. But not just any whatever definitions would do – definitions could not be arbitrarily stipulated and then organised into a self-consistent series, because they would need to speak to previous experience (including previous linguistic experience) if they were to cue listeners and readers to politically and morally desirable goals through the evocation of the pleasurable or painful images necessary to push them towards those goals or away from what

threatened them.<sup>51</sup> Hobbes's explanations were designed to alter conduct in precisely this way.<sup>52</sup> His explanations of the covenant which generates sovereignty and of the freedom of private conscience must be understood in this light, so also his remarks about protection and obedience.<sup>53</sup> We should begin with the covenant.

### The illusion of Hobbesian individualism

According to Schmitt, Hobbes's conception of the state involved a covenant, and he construed this covenant in an entirely individualistic manner, as emerging from the self-interested rational calculations of individuals impelled by fear into a consensus about the demands of their common security.<sup>54</sup> But, as we saw above, Hobbes cannot be suggesting that people literally make a state by covenanting one with another or one after another. So what is he suggesting? The claim advanced in this essay is that Hobbes's suggestion is something like the following: it is in thinking of their own situation *as if* it were one in which they *had* bound themselves in these terms that a multitude of individuals is changed into a real unity. In other words, it is in and by understanding themselves as being represented by one sovereign that many individuals become a single people, and a multitude becomes a civil society.<sup>55</sup> The state is nothing other than the totality of conditions which fulfils the needs of these individuals in protecting them against a common enemy and one another.<sup>56</sup> It exists only insofar as those conditions exist and, when they do exist, it is in part because individuals understand themselves as 'a people' that depends upon the protections it receives from the state for its continuing existence and has no will of its own except and only insofar as it is represented by the sovereign.<sup>57</sup> So, as paradoxical as it may seem, the state is generated not by individuals contracting together and thereby bringing something

<sup>51</sup> See *Leviathan*, III.xxxii.195: 'I have derived the Rights of Sovereigne Power, and the duty of Subjects hitherto, from the Principles of Nature onely; such as Experience has found true, or Consent (concerning the use of words) has made so', and compare *Elements of Law*, vi.3, 41.

<sup>52</sup> It seems that, for Hobbes, the exercise of linguistic authority is always to some extent an exercise in persuasion, whether it is conducted in a scientific mode or in a rhetorical mode, for it is always an attempt to raise in the minds of others the images sufficient to produce the conduct desired. Sometimes this will be achieved best by explaining the connections of complex words to those whose understandings are equipped to grasp those connections (perhaps because they have some familiarity with the specified conceptual content of those words and of their connections already), at other times by the use of imagery with which pleasure or pain and danger are associated, at others again by the use of both together. Much would depend on the experiences of those whom one wished to persuade, a point which Hobbes acknowledged in his own practice when varying his mode of address in his political writings according to his intended audience. This should not be read as implying the primacy of rhetoric over philosophy: the gist of Hobbes's 'Answer' to William Davenant's 'Preface' to *Gondibert* is that philosophy ought to control rhetoric not *vice versa* – that rhetoric may ornament but cannot displace truth. See W. Davenant *Gondibert*, ed. D. F. Gladish (Oxford, 1971), 3–55. But the distinction between modes is rather blurrier than might be expected.

<sup>53</sup> See also the account of the state of nature, which invokes images of pain, privation and peril in order to elicit the practical conclusions that a proper understanding of sovereignty requires.

<sup>54</sup> Schmitt, 'State as Mechanism', 97.

<sup>55</sup> To avoid confusion, it is imperative to understand that the covenant is not 'hypothetical' in the sense in which that term is used in modern scholarship. The problem is not what idealised individuals *would* covenant to in a hypothetical condition of equality (the state of nature), but rather one of showing that the only way sovereignty can be sustained is if real individuals all think of themselves as *having* covenanted on these terms.

<sup>56</sup> Hobbes, *Leviathan*, II.xvii.86: 'And be there never so great a Multitude; yet if their actions be directed according to their particular judgements, and particular appetites, they can expect . . . no defence, nor protection, neither against a Common enemy, nor against the injuries of one another'.

<sup>57</sup> This is why, unlike in Locke, in Hobbes the dissolution of the state involves the dissolution of civil society.

<sup>47</sup> See on this point K. Hoekstra, 'Disarming the Prophets: Thomas Hobbes and Predictive Power', in *Nuove Prospettive*, 97–153, 150.

<sup>48</sup> Hobbes, *Leviathan*, II.xxxi.191: 'naturall Reason . . . is . . . so farre from teaching us anything of Gods nature, as [it] cannot teach us our own nature, nor the nature of the smallest creature living'.

<sup>49</sup> See T. Hobbes, *Elements concerning Body*, i.2.3–14, in: *The English Works of Thomas Hobbes*, ed. W. Molesworth, 11 vols. (London, 1839–45), i, 15–24; *Leviathan*, Liv.17.

<sup>50</sup> In his recent work, Quentin Skinner has annexed this feature of Hobbes's thinking to his repertoire of rhetorical techniques, while Kinch Hoekstra has addressed its implications when considering Hobbes's accounts of tyranny. Compare Skinner, *Republican Liberty*, 209–10 and K. Hoekstra, 'Tyranus Rex vs. Leviathan', *Pacific Philosophical Quarterly*, 82 (2001), 420–46.



new into existence, but by their ceasing to think of themselves as individuals at all, and acting accordingly.

If this account of generation sounds odd to modern ears, it may be necessary to add that, for Hobbes, generation was the process by which something undergoes 'a change which makes us assign to, or remove from [it] the name that answers the question: "What is the thing?"'. In other words, it was not strictly analogous with birth or creation, even if Hobbes sometimes wrote as if to suggest that it were.<sup>58</sup> In any event, this is not 'individualism' on any ordinary understanding, and certainly not individualism as Schmitt or his critics understand it. It is rather an attempt to use the language of individualism to propel people towards the ends which Hobbes considered not only desirable but necessary if they were to live together in security and peace.

A similar finding arises if we turn to the notion of inner freedom. About this notion Schmitt's contention was that by absorbing the right of private freedom of thought into the political system, Hobbes had outwitted himself. He had required only external obedience, leaving it to the private reasoning of every individual to decide whether what was required was true and good. This, though seeming to suggest the necessity of obedience to the public judgements of the supreme power, had turned out to be a guarantee of individuality and so of disobedience.<sup>59</sup>

Hobbes's point, however, was a temporary one – that men retained in the civil condition of his day many of the uncivil characteristics that had recently driven them to kill one another in their tens of thousands. This required him to proceed with caution, and to vary his means. Thus, even while he was suggesting a set of formal requirements designed only to manage those characteristics, his deeper aim was to determine what people thought and thus to affect practical conduct in a profoundly anti-individualistic way. Though it may be said to guarantee a wide range of other rights, the ultimate realization of civilization as Hobbes envisaged it had no place for the freedom to decide for oneself: it demanded the complete submission of private judgement to the common rules by which every man would live – the 'publique Conscience, by which he hath already undertaken to be guided' in becoming a member of the state.<sup>60</sup> For 'the Actions of men proceed from their Opinions; and in the well governing of Opinions, consisteth the well-governing of mens Actions, in order to their Peace, and Concord'; if opinions were governed well-enough, as by the broadest possible diffusion and institutionalisation of his own principles, commonwealths might, 'excepting by external violence [be made] everlasting'.<sup>61</sup> It was private difference, as opposed to the state, that would wither away – and rightly so, since the former was the prelude to the splintering of society; the latter, by contrast, would stand unquestioned.

#### *Protego ergo obligo*

All these conceptions are embodied in Hobbes's explanation of the mutual relation between Protection and Obedience. At first blush, that explanation is a simple one: people are obliged to obey whoever provides them with protection, and the ability to provide protection is what gives an authority the right to expect obedience. A second look suggests that matters are not so simple after all. For

if protection requires obedience, it is also the case that those who are protected must see themselves in that light, as protected persons returning what is owed in exchange for a benefit they continue to receive. Thus it is important for them to imagine the sovereign to be supremely powerful, in order to conceive it as capable of providing protection (and so as a suitable object of obedience). As Hobbes observed, this meant that the reputation of power was itself power, since it 'draweth with it the adhaerence of those that need protection'.<sup>62</sup> The reputation of power in turn encouraged people to attribute the qualities of wisdom and goodness to that same power in an honorific declaration of their willingness to obey it in the hope of benefit. Seeing the sovereign as wise and good as well as powerful made it plausible to think that these attributes would indeed be turned to the benefit of those subject to their possessor, and so that the benefits should be returned with obedience. Obedience would likely be widespread if the sovereign's power was feared, certainly, but also if it showed these other attributes in distributing its benefits equitably – and it would increase its power by doing so, becoming better able to protect people in the process; and so the cycle would begin again. Once his doctrines were properly understood, as Hobbes said, the truth of speculation would be converted into the utility of practice.<sup>63</sup>

Hobbes's theory therefore had about it something of the self-fulfilling prophecy.<sup>64</sup> His purpose was to frame men's minds to certain modes of conduct, to reconcile them to the necessity of the state (and all that was required to sustain it) while revealing to them the dangers of mistaking their own wants and preferences for the ultimate arbiters of human conduct.<sup>65</sup> Ultimately this required every individual to come to see the world in the same way and thereby to transform it collectively.<sup>66</sup> So if by nature all men were 'provided of notable multiplying glasses (that is their Passions and Self-love)' through which those necessities and dangers were made to recede into the distance, it was necessary to replace these glasses with 'prospective glasses (namely, Morall and Civill Science)' through which they might 'see a farre off the Miseries that hang over them' and which could not be avoided without the total submission of all to the one sovereign.<sup>67</sup>

#### Concluding remarks

It was claimed near the beginning of this essay that Hobbes was one of the thinkers with whom we are obliged to engage if we wish to come to grips with the political condition of the world in which we live. The essay has endeavoured to say something about the relationship between Schmitt and Hobbes, and to explain, to its author's satisfaction if to no-one else's, why, for all that it was saturated with his own prejudices and subtended from his own

<sup>58</sup> Hobbes, *Leviathan*, I.x.41–5.

<sup>59</sup> Hobbes, *Leviathan*, II.xxi.194. Compare *Behemoth*, 59: 'if men know not their duty, what is there can force them to obey the laws? An army, you will say. But what shall force the army?'.

<sup>60</sup> See Hoekstra, 'Disarming the Prophets', 152, and compare L. Strauss, *Natural Right and History* (Chicago, 1953), 200–1.

<sup>61</sup> See Hobbes, *Leviathan*, II.xxix.169.

<sup>62</sup> This understanding of Hobbes's prepossessions and argumentative purposes helps to explain why *Leviathan* is so full of the imagery of seeing and darkness. Compare e.g. *Leviathan*, III.xxxix.248: 'Temporall and Spirituall Government, are but two words brought into the world, to make men see double, and mistake their Lawfull Sovereign', and IV.xliv.334: 'Whence comes it, that in Christendome there has been, almost from the time of the Apostles, such justling of one another out of their places, both by forraign, and Civill war? such stumbling at every little asperity of their own fortune, and every little eminence of that of other men? And such diversity of ways of running to the same mark, *Felicity*, if it be not Night among us, or at least a Mist? we are in the Dark'. For a small masterpiece of interpretation in this vein, see M. Oakeshott, 'Leviathan: A Myth', in: *Hobbes and Civil Association* (Oxford, 1975), 150–4.

<sup>63</sup> Hobbes, *Leviathan*, II.xviii.94.

<sup>58</sup> See T. Hobbes, *Thomas White's De Mundo Examined*, ed. H. Whitmore Jones (Bradford, 1976), v.3, 58–9. But compare Hobbes, *Leviathan*, II.xxix.167, for procreation as a synonym for generation, and Q. Skinner, 'Hobbes on Persons, Authors and Representatives', in: *Cambridge Companion to Hobbes's Leviathan*, 157–80, at 175.

<sup>59</sup> Schmitt, *State Theory*, 56–57.

<sup>60</sup> Hobbes, *Leviathan*, II.xxix.169. For a fuller account of the way Hobbes executed his aims in this direction, see J. Parkin, 'Hobbes and Self-Censorship', *forthcoming*.

<sup>61</sup> Hobbes, *Leviathan*, II.xviii.91, II.xxx.176. Compare on this point E. Voegelin, *The New Science of Politics* (Chicago, 1952), 160.



purposes, much more of Hobbes remains in Schmitt's reading than commentators have cared to concede. These explanations may be sufficiently far from the received emphasis on Hobbes and Schmitt to provoke further enquiry into matters upon which the essay has been unable to enter. Above all, they point the need for a sustained consideration of their respective conceptions of Christianity, the roles attributed to it in securing cohesion and inspiring practical conduct, and their attitudes to its rivals.<sup>68</sup> But for the present it is necessary to conclude with some brief remarks about what seem to be the broader implications of the argument advanced here.

The first remark is that what Hobbes shows very starkly, and very persuasively, is that, absent the active and commanding presence of a concerned Creator and an external and unimpeachable order of value against which the contingent preferences and purposes of individual human beings or groups of human beings are to be measured, *no* human value, good or right enjoys any greater authority than the individuals or groups that make up a society are inclined to assign to it.<sup>69</sup> The second remark is that human beings very quickly become accustomed to taking what they happen to value for granted, and to thinking of those things as embedded firmly in something concrete and real and lasting. Yet, on the whole, they rarely pause to consider what Hobbes considered very searchingly indeed, namely the means by which those things, which are in themselves as intangible and as fleeting as thought itself, can be made to last. His conclusion was that in some fundamental matters, and perhaps in most matters, civilized collective action is impossible for long without a common framework of thought and the threat of sanction from some effectively external entity occupying the place vacated by the absent and apparently unconcerned God.

The second aspect of this conclusion has received considerably more attention from Hobbes scholars than the first but the first is not less important. It is embodied in Hobbes's notion of a public doctrine, which is a framework of thought generated by authority to guide action, in which direction is external to the agent and comes from authority.<sup>70</sup> This 'publique Instruction, both of Doctrine, and Example',<sup>71</sup> embraced both politics and religion and had many of the features and contents of Christianity, even if it did not speak for it in traditional terms. Its purpose was to institutionalise and diffuse the unitary

framework of thought upon which effective collective action *inter alia* depended, not least by persuading those who lived together with one another to move towards consensus on fundamental matters. This, as much as the looming presence in their minds of the *Leviathan* state, was what sustained the rights they held against one another and the freedoms that they enjoyed to pursue their private satisfactions as they chose. Neither one recommends itself very immediately or warmly to the modern (liberal) mind. Yet each in its way performs a function in respect of civilization that *must* be performed by something, even today, and *is being* performed, more or less effectively, by something, even today. Joseph Conrad once wrote that 'we live, as we dream, alone'; but this is false. We live, as we dream, together; and we look to Hobbes and Schmitt amongst others to help us to understand what sustains the dream, and how we can avoid turning it into the worst of nightmares.

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<sup>68</sup> Compare Vatter, 'Strauss and Schmitt' and Althaus, "Heiden", "Juden", "Christen", for two contrasting attempts to answer this need.

<sup>69</sup> See on this point J. Dunn, 'Rights and Political Conflict', in *Interpreting Political Responsibility: Essays 1981–89* (Cambridge, 1990), 45–60, at 49. The formulation of the point and the recognition of its importance alike are owed to Professor Dunn's essay.

<sup>70</sup> For public doctrine and its role in English thought since the seventeenth-century, see M. Cowling, *Religion and Public Doctrine in England*, 3 vols. (Cambridge, 2001–4) in conjunction with I. Harris, 'The Anglican Mind of Maurice Cowling', in: *Philosophy, Politics and Religion in British Democracy: Maurice Cowling and Conservatism* ed. R. Crowcroft, S. J. D. Green, R. Whiting (London, 2010), 223–69.

<sup>71</sup> Hobbes, *Leviathan*, II.xxx, 175. Compare Hobbes, *De cive*, xiii.9, 146: 'It is therefore the duty of those who administer sovereign power to root out' of men's minds 'evil doctrines' that dispose them to sedition and 'by teaching' to 'gently instil others'. See also *Behemoth*, 58, which outlines the content of the public doctrines 'fit to make men know, that it is their duty to obey all laws whatsoever that shall by the authority of the King be enacted, till by the same authority they are repealed; such as are fit to make men understand, that the civil laws are God's laws, as they that make them are by God appointed to make them; and to make men know, that the people and the Church are one thing, and have but one head, the King; and that no man has a title to govern under him, that is not from him; that the King owes his crown to God only, and to no man, ecclesiastic or other; and that the religion they teach there, be a quiet waiting for the coming again of our blessed Saviour, and in the mean time a resolution to obey the King's laws (which are also God's laws); to injure no man, to be in charity with all men, to cherish the poor and sick, and to live soberly and free from scandal, without mingling our religion with points of natural philosophy, as freedom of will, incorporeal substance, everlasting nows, ubiquities, hypostases, which the people understand not, nor will ever care for'.