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The Understanding of the Rights of War and Peace in the Thought of Thomas Hobbes

<https://www.e-ir.info/2009/09/26/the-understanding-of-the-rights-of-war-and-peace-in-the-thought-of-thomas-hobbes/>

DAVID ANDERSON, SEP 26 2009

Introduction

This argument will place the theories of Thomas Hobbes in considering how relevant they are today in understanding conflict. Analysis of the '*Leviathan*' will focus on introducing the importance of the state of nature as an image of life without government. By using contemporary examples, the aim is to illustrate how states behave in the international paradigm in terms of ensuring self-preservation. Realism has subsequently taken heavily from Hobbes's theory. The second section will provide an analysis of the laws of nature, and whether or not they are present in different accounts of war and peace. With reference to Liberal institutionalism, the paper will conclude by indicating that the state of nature is still useful in understanding the behaviour of states at the international level.

Part One: The State of Nature

Confirming the State of Nature as a State of War

This aspect of the argument assesses the importance of Hobbes's conception of the state of nature and the state of war. Logically speaking, from Hobbes's point of view, the state of nature had to be shown to be as nasty as possible, thus acting as an aversion to anarchy. The opposition to anarchy, in comparison, does relate to realism in that there does not exist in the international system, like the state of nature, an all powerful sovereign. Realism is more illustrative on the environment states exist in. Hobbes's response to anarchy is to endorse the need for a strong central sovereign authority to control disorder and ensure peace. The state of nature then needs to be seen as a state of constant war. His analogy in the nature of war relating to the weather is thus pivotal. War, 'consistent not in actual fighting, but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is peace'[1]. If the cloud of war is ever present, then this harms the functioning of a society and the relationships within it.

To aid this analysis, the concept of the state of nature is defined in terms of groups or sovereigns in relation to one another, which creates the state of war. Thus developing from the individual concept, where no individual has any common relationship with no other individual. In relation to groups, the assumption is that there is a common power binding them together, such as the notion of sovereignty by acquisition[2]. Why, then, could anyone not consider a common power as having the ability to take an individual out of the state of nature? Kavka would respond to this evoking the weather analogy, in that the constant threat of war maintains the constant state of war[3]. The Hobbesian definition of war would assume that every individual is fearful that another will kill him, in the same way that groups or sovereigns assume the 'will' of an enemy to fight. The state of war is shown relative to the inability of a group to provide enough security for an individual to maintain a life of security where they do not feel 'compelled to violate the rights of others to protect their own interest'[4]. So in this paradigm, the imminent threat to life makes the state of nature a state of war, leaving 'the life of man, solitary, poor, brutish and short'[5].

Is this an accurate way of describing the behaviour of states regarding conflict? I would argue against this in relation to the Hobbesian account of the state of war, but not because I reject its importance. The state of nature is essentially

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constructed, a thought experiment by Hobbes with the intention to create an image of life in the state of nature to be completely intolerable, as a response possibly to the horrors of the English civil war. The state of nature, is however useful in application to international relations today, especially with regard to realism.

The main realist premise is that states make rational decisions to maximise their self-interest in an anarchic state structure[6] where the reason of the state is paramount. Thus objective interests are set out which political agents set out to complete. The institutions and the apparatus of the state should be used to maintain power and further the security of the state. This Machiavellian image of the state is conveyed in the self-interested, rational egotist individual[7] in the state of nature. Competitions for resources and fear of other states form the justification in the state of war for pre-emptive action. State behaviour elicits this today, which for the realist is measurable in terms of power. So, quite possibly, a pacifist rejection of the morality of war supports the realist interpretation. This approach would deem war morally impermissible, as morality is usually sacrificed for political and military expediency[8]. If we apply the Hobbesian account of the state of nature to the U.S 'Bush Doctrine'[9] and the war on terror, there are some interesting comparisons. Interest, as defined in terms of competition and self-preservation would interpret intervention in Iraq as a strategy to achieve stability in the Middle East and control over crude oil production. Morgenthau would define this as a rational theory of the (objective) laws of politics[10].

The state of nature is useful in creating an image of life without government, or authority, which still applies today. What we can infer from Hobbes then is the presence of double standards at play regarding international relations. The sovereign state' role domestically is to protect the individual, but in the paradigm of international relations, war, violence and killing are deemed permissible ensuring security.

The Laws of Nature

The laws of nature in the *Leviathan* present the governing principles leading individuals from a transition to a state of peace from a state of war. The ends result in the creation of a common sovereign which individuals agree through obligation to abide by their rule. The aim of this section is to aim to apply the laws of nature and testing its applicability to the present international system. Is it feasible to envisage and achieve world peace through a world sovereign? This part of the discussion will discuss the three main laws of nature before offering a number of criticisms. The laws of nature leading to the creation of the sovereign will be considered in relation to liberalism, which offers theoretical perspectives on how conflict can be avoided through regulating state behaviour. This would place emphasis on inter-governmental institutions then such as the United Nations and the European Union for example. The conclusions will offer that self-preservation will dictate the behaviour of nation-states in the present international system, suggesting that the state of war enhances our understanding of war and peace today.

The discussion will begin by enquiring into the morality of Hobbes's political thought in the *Leviathan*. Equality in the state of nature is understood literally as an understanding of the potential of human actions, notably the ability to kill another human being. So equality does not denote connotations in a moral sense such as to life. The varying capabilities of human potential would assume that there cannot be equality, but Hobbes replies that even though one man may be physically stronger than the other, the enemy has considerably more intellect to make use of his environment, 'for as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others'[11]. This account of life in the state of nature is confusingly couched in language with moral connotations. The idea of the natural right is the freedom to 'perform any action necessary to self-preservation'[12]. Stephen Finn correctly highlights that the moral connotations relating to natural rights could be used to present an argument that Hobbes accepted the existence of moral standards[13]. This however needs to be understood in the context of the state of nature. If each individual has the liberty of self-preservation, then it is subjective to each individual's account of what self-preservation entails, for them. It is hard to determine then a set of universal objective moral standards of rights.

But inherent in the state of nature are the laws of nature, which as Hobbes illustrates are different from natural rights. The laws of nature are a general rule which forbid certain actions, the rules of which can be discovered through reason[14]. The difference between right and law is conveyed by binding the individual to the principles of the law of nature. Indeed, natural rights allow my freedom to pursue my self-preservation, in order to live, and this mindset is in

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every other individual who wishes to preserve their own life. This can in no way guarantee my security and thus the fundamental law of nature is: 'that every man, ought to endeavour peace, as far as he has hope of maintaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war'[15]. The laws of nature then, aim to aid man toward his principle end of preservation, concluding the experiences of 'the war against all'[16]. This coherently links the distinction between rights and the laws of nature, as the laws of nature are providing a prescription of how to ensure survival. Essentially, it is in our interests.

The second law of nature, derivative of the first stating that man must lay down the right of nature in agreement with others in order to create the conditions of peace. Laying down one's natural right can be done by either renouncing it or transferring it. The transfer of rights here is important as it is forfeiting of natural rights either an individual or group who will subsequently become the sovereign. As a wish to leave the state of nature, the individual is obliged not to hinder the rights of others, as part of a voluntary mutual agreement. The transfer of rights does not encompass a relationship of 'corresponding duties', but instead the transfer describes how 'the individual impedes his future action with whom the right is given'[17]. The second law then provides rationality behind the forfeiting of natural rights. Individuals limit their own natural right as a requirement for peace, imposed by the laws of nature[18]. Conceptually this can be confusing as ironically, in order to secure your self preservation you have to use your previously unlimited right of nature to subsequently limit your right of nature[19] in order to enter civil society. The third law of nature begins to the process of emerging from the state of nature, through the idea of 'covenant', an agreement to acknowledge the authority of the future sovereign. Hobbes introduces morality here, with regard to distinguishing between justice and injustice, as concepts such as these would be irrelevant in the state of nature.

Hobbes elucidates the notion of accountability in government, in the requirement of consent from the governed. The covenants then are, according so Sommerville, 'the mechanism by which people are able to leave the state of nature and institute governments'[20]. This is interesting considering the historical context of the English Civil War because the notion of consent from the governed would have been agreed upon by the parliamentarians[21]. This is in opposition to the English royalists who believed in the divine right of the King, power ordained by God. The emphasis on consent, does not necessarily posit a definite vindication of a certain type of political system but that the origins in leaving the state of nature begin with consent. In context, civil war was the manifestation of the state of nature, a real life example. So from this, his absolutist conclusions on the power vested in a strong, central sovereign may have been in order to bring peace and avoid war.

Placing the laws of nature into this discussion is paramount in relation to determining how applicable or representative the state of nature is to war and peace in international relations today. The laws of nature are a principled objective prescription of what is right and wrong, and are commanded by God, 'immutable and eternal'[22]. Why then, are these natural laws not present in the state of nature, when you consider that it is the laws of nature which are evoked in leaving the state of nature? The Earl of Clarendon in his critique could not understand why the framework of nature would dictate that you 'cut your neighbours throat'[23], but in the next chapter, Hobbes is using the laws of nature as the foundations to leave the state of war. Jean Hampton replies from the view that Hobbes's psychology would argue that human beings are 'unable to do anything that they do not perceive to be in their best interest'[24]. The problem created conveys is that if individuals can act on natural laws and respond to them, then the state of nature could be envisaged as having the potential for peace. Finn also raises this issue relating to the levels of reason in the state of nature and a state of peace. He presents that in the state of nature it is reasonable to ensure self preservation, but simultaneously, the reason of the laws of nature point to peace[25]. Finn and Hampton point to the moral obligation or the 'hypothetical imperative'[26] which guide us on what we ought to do. There is a problem however, in locating the moral dimension of Hobbes. The command of God suggests the laws of nature could be interpreted as moral commands. Yet the 'prudential'[27] argument would state that the law of nature dictates moral behaviour because it is in one's own interest, which would make sense given the lawlessness of the state of nature.

In conclusion from discussion regarding the laws of nature, the notion of self-preservation runs in conjunction with the individual emerging out of the state of nature into civil life, or the commonwealth. The limits to natural rights and adherence to the laws of nature are done through self-interest, and conceding natural rights in order to form an independent common sovereign authority is in order to protect the life of the individual. So in relation to conflict in the

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international system, by inferring Hobbes one would have to assume that nation-states will be driven by a prudential self-interest in all their conduct in all facets of international relations. Without an international sovereign, the international system under this logic is in a permanent state of nature and war. It is now appropriate to introduce Liberal thought in analysis of regulating state behaviour. This may provide a theoretical opposition to the image of Hobbes's bleak state of nature without the all powerful sovereign.

Part Two

Challenging the Hobbesian State of Nature: Liberal Institutionalism/Internationalism

Kenneth Waltz in his analysis of the causes of conflict said conflict operated on three images, stressing human nature, the nature of societies and importantly placed the cause of war on the international system[28]. In a realist paradigm this follows that because states have interests, they will inevitably clash[29]. With no supra-national organisation which can mediate clashes states may feel that violence may be the only means in which to achieve their interest. Liberal institutionalism offers a different and normative account of how to regulate peace and security, through institutions that provides a medium with which states can deliberate their interests. Institutions, the most developed example being the United Nations, could also be a vehicle for achieving levels of international consensus. The main premise of the liberal institutional argument then is that it fosters co-operation among states, integrating states into an international society of states and increasing inter-dependence[30].

Can Liberalism then provide a challenge to the account of the state of nature applied to international relations today? The leviathan would deem institutions like the U.N as failures in keeping international peace. This is illustrated by J. S. McClelland who indicates that the only way to make law is through the sovereign, it cannot be done by agreement[31]. For Hobbes, 'there can be no peace without law and no law without a sovereign whose command law is'[32]. I think Hobbes is heavily important here as the only way he sees international peace as emerging would be through a 'super-sovereign'[33]. This would entail the usurpation of sovereignty of all the sovereigns in the perceived state of nature in order to place the command of law into the super-sovereign who would then administer this to the world accordingly. One could argue this in favour of imperialism, but it is in this view that it is much more useful when applied to questioning the feasibility of such a thing happening. The U.N is not a supra-national organisation like McClelland says, it is inter-governmental as membership does not equate to a usurpation of members political sovereignty.

Developing the argument, are there empirical examples to show how liberal conceptions of internationalism and institutionalism have created a more peaceful international system? In favour of this, the 1st Iraq war may provide an example of international co-operation, driven by international law and consensus in the interest of international peace and security. The Iraqi invasion of Kuwait violated the fundamental rules of international law where this act of aggression compromised the political sovereignty and territorial integrity of Kuwait[34]. International law, based on the U.N charter stipulated that 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations'[35]. From this, frameworks of international law were again evoked to justify and essentially obligate member states of the U.N to intervene, 'necessary to maintain or restore international peace and security'[36].

Can we identify similarities then between the U.N and aspects of the laws of nature? They are certainly a set of moral standards which initiate creating codified norms of behaviour regarding peaceful relations between states. Does this satisfy the first law of nature? If the point of institutions like the U.N is to search for peace then we may be able to accept this. Hobbes of course would reject such a claim as there are no principles of morality in the state of nature. But the levels of deliberation and consensus among nations here do provide an example of the ability of sovereigns to agree and enforce law in Hobbes's state of nature. Rational co-operation seems to be able to be achieved. Hobbes's problem of the fool could feasibly be applied here. The reasoning of the fool would be not to keep ones bargain, ever. Hobbes's reveals that the individual is foolish because by reneging on bargains they leave themselves susceptible to being ostracised from society and back into the state of nature[37]. Applied here, sovereign nation states may be ostracised by the international community by not adhering to standardised norms. One could apply this to nuclear

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weapons proliferation, human rights abuses, and to the war on terror. Human rights however, would be an example where Hobbes's laws of nature fail in application to the international system. There are different conceptions of human rights, and no standardised consensus. In this paradigm, why would sovereign nation states agree to a covenant subjecting them to concepts of morality which they feel is not conducive or sensitive to particular religions or cultures[38]?

Benjamin R. Barber is extremely critical, which offers him to Hobbes's thought. He says that Liberal internationalism, and the enhanced inter-connectedness of communication and trade does not create an international harmony of interests. These forces, which he names 'McWorld', are under no regulation, as there is no 'international state and thus no international guarantor of discovery of an international good'[39]. Barber thus sees the Hobbesian rational egotism of sovereign states as marked by a 'war against all'. After considering the above examples, liberalism in its institutional and international dimensions do offer vehicles to achieving a standardised moral consensus within the relationships between states. This may serve to regulate conflict and create a more conducive environment to peace, but Hobbes's conception of the state of war with regard to sovereign's behaviour as central. The rational, self-interested nation-state is the most fundamental and aggregated unit of analysis in international relations and conflict.

Conclusion

The contemporary examples have aimed to place the sovereign state as the most important unit of analysis when theorising the behaviour of sovereign states in an inherently anarchic system. An axiom of understanding conflict then is to contrast the behaviour of the sovereign state on the domestic level, where it acts as the central sovereign, compared with the state of nature, creating a paradigm allowing war as a permissible means in order to pursue the state interest.

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Written by: David Anderson
Written at: University of Sheffield
Date written: 2008