How radically did Hobbes depart from the natural law tradition?

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There has been much debate on how to interpret Hobbes; especially whether he is to be understood as a materialist utilitarian, deducing his theory from an egoistic psychology and explaining obligation through rational calculation of self-interest, or whether, he is in fact, more of a Kantian deontologist adhering to the tradition of natural law. Quentin Skinner has defended the traditional view of Hobbes as a prototype of utilitarianism, whereas writers such as Warrender, Taylor and Hood have perceived the *Leviathan* as coherent to the tradition of natural law (Skinner, 1964: 321). This essay argues against the latter position and takes the view that a close reading of Hobbes' three political works, *The Elements of Law, Natural and Politic*, *De Cive* and the *Leviathan*, provides clear evidence that Hobbesian moral and political philosophy does indeed depart radically from that of previous Christian moral philosophers. In order to show Hobbes' departure from the natural law tradition, he is compared to the traditional natural law writer St. Thomas Aquinas. After briefly discussing the tradition of natural law, the following paragraphs focus on how Hobbes' views differ from the former; concerning (a) man's ultimate goals and that human nature strives to do good, (b) the definition of natural law and the understanding of human rationality and (c) the meaning of divine providence and religion.

The natural law tradition has its roots in Aristotle's doctrine that every substance or nature contains a *telos*, a law of development (Baumgarth, Regan, 1988: xvii). Saint Thomas Aquinas offers a good example of the traditional model of natural law theory. By common consent he is seen as the most influential moral philosopher of the natural law tradition. Thomas Aquinas based the skeleton of his teleological theory on Aristotle's metaphysics concerned with the final causes of things, giving rise to a branch of theology dedicated to the moral supremacy of the Catholic Church (O'Connor, 1967: 5). Aquinas attempted to rationally explain the Christian faith (ibid: 7). Faith and reason are interconnected throughout his philosophical system and his underlying assumptions of his theory of natural law include human being's use of practical rationality through divine providence (Murphy, 2008). The fundamental principle of the natural law tradition is that good is to be done and evil is to be avoided (ibid.). Human nature strives towards doing good, as well as towards a natural end, which is happiness in life with the ultimate goal of the vision of God after death (Baumgarth, Regan, 1988: xix). "…man is ordained to an end of eternal happiness… directed to his end by a law given by God" (Aquinas, 1988: 23).

Unlike Aquinas, Hobbes does not believe that men are ordered to natural ends, nor does he agree that human beings strive for happiness. His outlook is far less optimistic.

"For there is no such *finis ultimus*, utmost aim, nor *summum bonum*, greatest good, as is spoken of in the books of the old moral philosophers. … Felicity is a continual progress of the desire from one object to another … I put for a general inclination of all mankind a perpetual and restless desire of power after power that ceases only in death." (Hobbes, 1958: Ch. 10, 86)

This quote clearly demonstrates that Hobbes disagrees with traditional natural law theorists on this point. Thus, humans are not merely satisfied by the cultivation of virtue as a political end, but rather they continuously strive for more power. In Hobbes' "state of nature", with the absence of a social contract and a sovereign leader, all that men have in common is the "continual fear and danger of violent death" and the condition of "war of every man against

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every man" (Hobbes, 1958: Ch. 13, 107-108). As pre-mature death is less likely in times of peace, men are willing to agree to form a peaceful society, as this is in every man's self-interest (Hampsher-Monk, 1992: 30). "The passions that incline men to peace are fear of death, desire of such things as are necessary to commodious living, and a hope by their industry to obtain them." (Hobbes, 1958: Ch.13, 109) In the view that human beings are only driven by self-interest and the desire for power, there is a clash between Hobbesian philosophy and the underlying principal of the natural law tradition that men should do good and avoid evil and that human nature is ordained to do good.

Hobbes believes that in the state of nature: "Nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice." (Hobbes, 1958: Ch.13, 108) To put it differently, any action that preserves one's own life is justified and men are at liberty to do what they perceive as appropriate (Curran, 2002: 64). Natural law only comes into existence when men reach a point of agreement through rational calculation that this is in their own self-interest, as conditions in the state of nature are so bad that "every man has a right to everything, even to one another's body" (ibid: Ch. 14, 110). "But that right of all men to all things, is in effect no better than if no man had right to any thing. For there is little use and benefit of the right a man hath, when another as strong, or stronger than himself, hath right to the same" (Hobbes, 2005: Ch. 14: 8, 61). Thus, Hobbes' first law of nature is "*to seek peace and follow it*" (Hobbes, 1958: Ch. 14, 110). He defines a law of nature as "a precept or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life or takes away the means of preserving the same and to omit that by which he thinks it may best be preserved." (ibid: 109) For Aquinas on the other hand "…the natural law is nothing else than the rational creature's participation of the eternal law" and "a law is a certain dictate of practical reason" (Aquinas, 1988: 20-21). Aquinas' natural law is therefore inherent to human beings both through divine providence and through their own potential for reason. Humans act consciously, because God has given them reason (Baumgarth, Regan, 1988: xvii). The two philosophers thus have rather different concepts of the term "natural law". In Hobbes' state of nature men reason that a social contract is the only way they are likely to be secure and escape violent death; law is not innate (Martinich, 2005: 85). It is also a different definition of reason than that used by Aquinas; one that is based on experience and calculation, rather than being God-given (Oakeshott, 2009: 14). In order to form a civil society, men give up their "right to anything" and thus some of their liberty in return for security under a sovereign leader (Hobbes, 1958: Ch. 14, 111). These principals of obligation in people's self-interest are the foundations of Hobbes' whole political philosophy and the establishment of a commonwealth which he describes in Part Two of the *Leviathan*.

Hobbes' writings can be read as atheist, or as in line with the traditional Christian doctrine of natural law. Indeed, God is frequently mentioned throughout his work, however, it is likely this was simply to please the powers of his day and to lessen any suspicion of heresy. It is noteworthy that Hobbes greatly admired heathen works such as Thucydides' writings (Ahrensdorf, 2000: 579). Hobbes' scientific, almost mathematical style of writing using axioms and logical equations to move from one argument to another certainly differs greatly from Aquinas' method of dialogues and use of biblical quotations. In *Leviathan,* Hobbes claims that it is in the nature of men to be interested in the causes of things, some more, some less so (Hobbes, 1958; Ch. 11, 91-92). When they come to a cause which is inexplicable and so termed eternal, then that is what men call God (ibid.). "So that it is impossible to make any profound inquiry into natural causes without being inclined thereby to believe there is one God eternal, though they cannot have any idea of him in their mind answerable to his nature." (ibid.) Unlike natural law traditionalists, Hobbes seeks to explain rationally the idea of God, in an almost ironical manner, and so is indirectly questioning the concept of God. Also, Hobbes' definition of religion is rather pessimistic: "… this fear of things invisible is the natural seed of that which everyone in himself calls religion, and in them that worship, or fear that power otherwise than they do, superstition."(ibid: 92) Human beings are thus merely "inclined" to worship God because they have no better explanation and because they fear the consequences of not doing so. The above definition also puts all religions on one level; not necessarily seeing Christianity as superior.

Moreover, Hobbes denies the existence of ultimate good or evil. These are values that have a different meaning to every person.

"But whatsoever is the object of any man's appetite or desire, that is it which he for his part calls *good*; and the object of his hate and aversion, *evil*; and of his contempt, *vile* and *inconsiderable*. For these words of good, evil, and contemptible are ever used with relation to the person that uses them, …" (Hobbes, 1958: Ch. 6, 53)

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As every person has a different definition of good and evil, men cannot naturally strive towards one good, as there is no such thing. Furthermore, Hobbes also states that there can be no sin in the state of nature: "The desires and other passions of man are in themselves no sin. No more are the actions that proceed from those passions till they know a law that forbids them" (Hobbes, 1958: Ch. 13, 107). This view definitely conflicts with the Catholic Church's concept of original sin. It is explicit from these quotes that in the state of nature there is no supernatural being that defines good and bad or justice and injustice. This throws into question Hobbes' belief in divine providence. Aquinas argues for the human consciousness of good and evil, and uses the following biblical quote in his argument: "Although they have no written law, yet they have the natural law, whereby each one knows, and is conscious of, what is good and what is evil" (a gloss on Rom. 2:14, cited in Aquinas, 1988: 19). The above thus implies that Hobbes does not share the same idea of divine providence, as Aquinas and is therefore not in line with the tradition of natural law.

The question of whether Hobbes was a materialist utilitarian or a Kantian deontologist, still remains to be further examined. Taylor argues that Hobbes' doctrine is "disengaged from an egoistic psychology with which it has no logically necessary connection" and that it "is a very strict deontology, curiously suggestive, though with interesting differences, of some of the characteristic theses of Kant." (1938: 408) He quotes the following passage of *De Cive*: "Just means the same as rightly done" (Hobbes, 1998: III, 5, 46) comparing this to Kant's concept of good will. Hobbes does state that men should do to others as they would be done to (Hobbes, 1958: Ch. 17, 139), similarly to the argument that all actions should be worthy of a universal law in Kant's categorical imperative, however, it is a fallacy to thus perceive Hobbes as disengaged from an egoistic psychology. These passages must be seen in context of Hobbes' whole doctrine, which focuses rather on realist politics than purely on moral imperatives. In fact, acting justly, for Hobbes, is once again in men's self-interest. For when men refrain from some of their liberty, or "the absence of external impediments" (Hobbes, 1958: Ch. 14, 109), in order to form a civil society in which they will be more secure, it is necessary for all men to act lawfully, or else they would again only find themselves without security and back in the state of nature. Thus, understanding Hobbes as a Kantian deontologist would seem rather inconsistent with his whole political work. For Hobbes, the moral worth of an action is better understood through its usefulness in maximizing or minimizing negative utility, or in other words it is defined by whether it is in one's own self-interest; which is in line with the idea of utilitarianism. Skinner argues that to take a deontological view of Hobbes' philosophy is "to remove any meaningful points of contact between Hobbes and his own intellectual milieu" (1966: 317). It is, he claims, a paradox to see Hobbes outside the context of his time of writing. Also, had his contemporaries thoroughly misunderstood his notions of self-interest, he could have corrected them but he did not (ibid: 288).

In conclusion, it can be seen that Hobbes' philosophical doctrine is inconsistent with the natural law tradition on the definition of natural law itself, as well as on the following three fundamental points: (a) that good is to be done and evil is to be avoided, (b) in his account of practical rationality and (c) in the way he treats divine providence. As there is no "ultimate end" for Hobbes, he does not preach that good is to be done and evil to be avoided. Furthermore, he acknowledges that people have different accounts of good and evil. Just and injust are only introduced to man in civil society through the precepts or general rules that are the laws of nature. Men follow these as it is in their own self-interest to do so. Hobbes' laws of nature also differ from traditional conceptions, as he does not believe, unlike Aquinas, that natural law is innate through divine providence and God-given rationality. It is rather that men choose to form an agreement as it is their best chance to escape a miserable life and horrific death. His view is thus utilitarian. Furthermore, as Skinner argues, it is important to understand his writings in the context of his whole political doctrine, as well as his century. Keeping this in mind, deontological interpretations of Hobbes lose their plausibility. Hobbes makes a clear break with the natural tradition of political philosophy and he can justly be called the founder of a new tradition (Oakeshott, 1946: 31). Moreover, his philosophy succeeds in reflecting the changes in European consciousness throughout the fifteenth and sixteenth centuries (ibid.): The *Leviathan* symbolizes an end as well as a beginning; the end of traditional natural law and the beginning of enlightened thought and the scientific method.

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