3

Necessities, Natural Rights and Sovereignty in *Leviathan*

3.1 Hobbes's Necessity, Theology and Natural Laws

'Necessity is lack of power.'[1] This is the most straightforward definition that Hobbes gives about what he means by 'necessity', and one that may be taken as his most fundamental thinking on the question. This definition points to one of the deepest currents of thought on power flowing from Hobbes's theological and secular projects. Furthermore, it makes sense of his efforts to secure and seal the power of the sovereign, after all, merely a human or a group of human beings who have a 'modicum of physical power'.[2]

In many of his works, Hobbes plays with different meanings of necessity: psychological, theological, metaphysical, material and, to a lesser extent, logical in nature. These varied dimensions of necessity give a sense of unity to his political and natural philosophy and functions well together on the grounds of its theological and metaphysical underpinnings. The reasoning is about 'something', maybe a 'nature', whose necessity is (or must be) remedied by another. Hobbes's doctrine of necessity is expressed in the fact that the word 'necessity' or 'necessary' does not usually add meaning to a sentence: it can usually be avoided. But it adds a determinist philosophical aspect. Chapter 15 of *Leviathan* is paradigmatic in this regard:

> For seeing every man, not only by Right, but also by necessity of Nature, is supposed to endeavour all he can, to obtain that which is necessary for his conservation.[3]

[1] 'necessitas enim impotentia est'. Hobbes was criticizing in this passage Thomas White's use of the idea of necessity in reference to God ('*necesse esse ut Deus Seipsum diligat*'). Hobbes, *Critique du De mundo de Thomas White*, p. 372. See also in Locke, *An Essay Concerning Human Understanding*, II. 21. §13., p. 240.

[2] Counterintuitively, but in my view correctly, Warrender noted many years ago the feebleness of *Leviathan*, Howard Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Clarendon Press, 1957), p. 317.

[3] Hobbes, *Leviathan*, Noel Malcolm (ed.), p. 232.

Hobbes could have written only 'by Nature' but he chooses to write 'by necessity of Nature'.[4]

3.1.1 *Within the Tradition of Power*

The doctrine of necessity also provided the basis for Hobbes's naturalism and political theory, in which he combined a description of the need for things with an exhortation to satisfy that need when it did not happen automatically.[5] Hobbes viewed God as the one who 'is everything', the 'highest best and incomprehensible' – God did not necessitate anything.[6] It is not my intention here to deliver an extended exposition of Hobbes's views on religion and God. A good idea may be obtained by combining the extremes depicted by Howard Warrender and Lodi Nauta – i.e. Warrender regarded Hobbes as holding a reasoned belief in God while Nauta attributes to him a stance of religious scepticism – with the more balanced studies on the topic by Aloysius Martinich, Richard Tuck, Jeffrey Collins and Alan Cromartie.[7] Hobbes was often quite explicit about his belief in God, utterances that, as Martinich has written, would be awkward to interpret ironically, especially in an individual as direct as Hobbes.[8] Moreover, when he wrote in *Leviathan* that there are 'subjects' and 'enemies' of God, there is little doubt that he was making the important point that authentic Christianity was about subjective belief or, in other words, about personal faith.[9] One of the most explicit statements as to God's existence in *Leviathan*, which shows that Hobbes was inspired by

[4] See also previous chapter, note 2.

[5] Perhaps similar to what Arash Abizadeh has called a hybrid interpretation of Hobbes's naturalism, Arash Abizadeh, *Hobbes and the Two Faces of Ethics* (Cambridge: Cambridge University Press, 2018), pp. 27–61.

[6] 'Ne igitur quaremus qui sit: cum sit omnia, et super omnia, et praeter omnia. Hoc ipso cognoscimus: quod a se solo perfecte cognosci potest.' Hobbes's papers, quoted in Noel Robert Malcolm, *Thomas Hobbes and Voluntarist Theology* (PhD Dissertation, Gonville and Caius College, University of Cambridge, 1982), p. 73; 'est enim Deus optimus maximus incomprehensibilis'. Hobbes, *Critique du De mundo de Thomas White*, p. 312.

[7] Warrender, *The Political Philosophy of Hobbes*; A. P. Martinich, *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics* (Cambridge: Cambridge University Press, 1992); Richard Tuck, 'Introduction' to *Leviathan;* Lodi Nauta, 'Hobbes on Religion and the Church between the Elements of Law and Leviathan: A Dramatic Change of Direction?' 63 *Journal of the History of Ideas*; Alan Cromartie, 'The God of Thomas Hobbes'; Collins, *In the Shadow of Leviathan*, p. 93.

[8] Martinich, *The Two Gods of Leviathan.*

[9] Hobbes, *Leviathan*, ch. 31, p. 554. See for this also Richard Tuck's comment on faith in Hobbes's *Critique du* De Mundo, Tuck, 'The Civil Religion of Thomas Hobbes', p. 125.

Aquinas's so-called 'five ways', can be found in the way in which he indicated his view that proof of the existence of God derived from nature and of being the cause without cause:[10]

> Curiosity, or love of the knowledge of causes, draws a man from consideration of the effect, to seek the cause of that cause; till of necessity he must come to this thought at last, that there is some cause, whereof there is no former cause, but is eternall; which is what men call God. So that it is impossible to make any profound enquiry into natural causes, without being enclined thereby to believe there is one God Eternall; though they cannot have any Idea of him in their mind, answerable to his nature.[11]

However, it was clear to everyone that this issue of religion in Hobbes's work was not as unproblematic as that. Even by today's secular standards, some of his ideas on religion come across as disrespectful and as outright heresies, and his writings contain plenty of them. Most readers, Noel Malcolm writes, found 'at least some of his theological arguments either disconcerting, or objectionable, or entirely unacceptable'.[12] Chapters 37 to 42 of *Leviathan* deliver ideas that seem to be designed to offend believers at several levels. Hobbes's satirical tone was not only employed against the classics.[13] One may even say that not only wittiness and satire but also the grotesque is one of the features that marks Hobbes's literary style. Dogmas seem to be the object of his most acerbic attacks. Certainly, he had a problem with the conflicts over dogmas, and his solution was to eliminate all of them, except one, as we will see in the next epigraph.[14] Notwithstanding all that, Hobbes's published and unpublished work contain even very pious thoughts. The remarkable third section of *De Cive*, evidence of a serious investigation of the biblical texts, is full of them. He described the natural understanding of God, at once esoteric and scriptural, as follows:

[10] *Summa theologiae*, First part, q.2, art. 3: 'The existence of God can be proved in five ways … The second way (to proof the existence of God) is from the nature of the efficient cause.'

[11] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 11, p. 160.

[12] Malcolm, 'Editorial Introduction', to Hobbes, *Leviathan*, p. 149.

[13] See on Hobbes's satire against the classics, Quentin Skinner, "'Scientia Civilis" in Classical Rhetoric and in the Early Hobbes', in Nichola Phillipson and Quentin Skinner (eds.), *Political Discourse in Early Modern Britain* (Cambridge: Cambridge University Press, 1993), p. 85.

[14] See Hobbes, *On the Citizen*, ch. 28; see also George Wright analysis of Hobbes's clarification and restatement on several of his positions on dogma and heresy in the Latin Appendix, George Wright, 'The 1668 Appendix and Hobbes's Theological Project' in *The Cambridge Companion to Hobbes's Leviathan*.

> For the reason of nature dictates only one significant name of God – *the existent* (*existens*), or simply *that which is*, and one name of relationship to us, namely God, in which are contained both *King* and *Lord* and *Father*.[15]

His discussion of infinite divisibility in the *Physical Dialogue* of 1661 is another example drawn from his writings on the philosophy of nature that shows how he viewed God's power:

> Truly, you who cannot accept infinite divisibility, tell me what appears to you to be the reason why I should think it more difficult for almighty God to create a fluid body less than any given atom whose parts might actually flow, than to create the ocean.[16]

In that period of the Restoration, misunderstandings between Hobbes and the Church were already starting to turn into open war.[17] But these problems did not interfere in Hobbes's employment of God's omnipotence as a means of defending his scientific hypothesis. His notes summarizing a book by Julius Caesar Scaliger (1484–1558), which he read before 1635, and are quoted in Noel Malcolm's dissertation entitled *Thomas Hobbes and Voluntarist Theology*, are another much earlier example of this. Hobbes's summary stated as follows:

> God's power is double: ordinary and absolute; they are both one in God, for the ordinary power is part of the absolute power. And it is altogether impious to posit anything in God which is not absolute, and which is not God himself. For all power, as it is in God and as it proceeds from him, is absolute: it is described as ordinary only with respect to us.[18]

There was, after all, something that Hobbes thought could be said about God. The idea contained in the quote above that the concept of God's power was a matter of perspective appears originally in probably the most important monograph existing on it, Aquinas's *De Potentia Dei*:

[15] See Hobbes, *On the Citizen*, ch. 15, p. 179.

[16] Thomas Hobbes, 'A Physical Dialogue of the Nature of the Air: A Conjecture taken up from Experiments recently made in London at Gresham College (1661)', Simon Schaffer (trans.). Appendix in Shapin and Schaffer, *Leviathan and the Air-Pump*, p. 354. Another interesting example of 'God' working as a scientific method from Hobbes's *Decameron physiologicum* in Cromartie, 'The God of Thomas Hobbes', p. 870.

[17] Collins, *In the Shadow of Leviathan.*

[18] The date that he read the book and the quote in Malcolm, *Thomas Hobbes and Voluntarist Theology*, p. 71 (translation by Noel Malcolm). The book was *Exotericarum exercitationum liber XV. De subtilitate, ad Hieronymum Cardanum* by J. C. Scaliger; on Scaliger see, Andreas Blank, 'Julius Caesar Scaliger', in Marco Sgarbi (ed.), *Encyclopedia of Renaissance Philosophy* (Springer, 2018).

> The absolute and the conditional (*regulatum*) are ascribed to the divine power solely from our point of view. To this power considered in itself and which we describe as God's absolute power, we ascribe something that we do not ascribe to it when we compare it with his ordered wisdom. *De potentia Dei*, Q.I, art. V.[19]

Hobbes's thinking about the ordinary and absolute power of God was in this sense heir to a tradition not limited merely to William of Ockham.[20] In that same article V, Aquinas analysed the argument that God acts 'from natural necessity'. His conclusion, like Hobbes's, was that God does not do so and that 'God can do otherwise than he has done'.[21]

3.1.2 *The Tradition of Natural Laws Updated*

Unsurprisingly, it is an English author, 'the judicious Hooker', who shone light on the area that was the subject of the specific divergence between Hobbes's philosophical method of necessity and previous theological doctrines. In his acclaimed *Of the Lawes of Ecclesiastical Politie*, Richard Hooker (1554–1600) asked the classical theological question on necessity: what is 'necessary unto salvation' inspired in the choice of Mary over that of Martha in Luke 10:42?[22] As a good, reformed theologian, Hooker felt the urge to clarify that 'traditions', though holy and divine, did not constitute 'supernatural necessary truth' for salvation. In a nutshell, his view was that 'scripture must contain' the description of what was necessary. He also explained that the Old Testament taught salvation through the saying 'Christ that should come' and the New Testament by showing that 'Christ is come'. He confirmed what John the Evangelist had written to be the purpose of his history: 'These things are written, that ye might believe that Jesus is the Christ, the son of God, and that in believing, ye might have life thro his name.'[23] But Hooker added a caution that urged that one should not forget the light of nature. Nature and Scripture 'both

[19] 'Can God Do What He Does Not?' Q. 1, art. V, Reply to the 5th objection. Thomas Aquinas, *Quaestiones Disputatae de Potentia Dei*, translated by the English Dominican Fathers (Westminster, Maryland: The Newman Press, 1952), Html edition by Joseph Kenny, O.P.

[20] This argument also in Malcolm, *Thomas Hobbes and Voluntarist Theology*.

[21] Aquinas, *'Can God Do What He Does Not?' Q. 1, art. V,; see* Hobbes: 'He who would demonstrate that the world was created must show that this was necessary, i.e. that it could not have been otherwise … such view denies God's omnipotence'. Hobbes critique of White quoted in Malcolm, *Thomas Hobbes and Voluntarist Theology*, p. 51. (translation by Malcolm).

[22] Richard Hooker, *Of the Lawes of Ecclesiastical Politie* (London: John Walthoe et al., 1773), p. 28.

[23] The rightly famous equivalent passage in Hobbes's *Leviathan* was thus continuing English political tradition, Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 43, p. 938.

jointly' were necessary for salvation and Hooker warned that 'the benefit of nature's light be not thought excluded as unnecessary, because the necessity of a diviner light is magnified'. The point was that with the light of nature human beings would be able to perform 'the good work' that God required of them, whatever their call in the 'church of God', or to 'whatsoever kind of society' they belonged.[24]

A thorough analysis of *Leviathan*, like the one undertaken in Section 3.2, shows the idea introduced in the beginning: Hobbes's metaphysical question is not 'is this good?' but 'is this necessary?'. In particular, the doctrine of necessity of nature guides the key question of the citizen's voluntary act of transferring his or her right and how much to transfer, and what never to transfer, as we will see below. Nevertheless, the object of that voluntary act is always 'a Good to himselfe' (the individual) (*semper Bonum est aliquod Volenti*).[25] Hobbes never specified whether that was a prudential judgment in the modern sense or an act of practical wisdom in the Aristotelian sense – a practical act illuminated by the light of reason,[26] and instance of truth. He simply asserts that only once the passions have calmed, each may know what constitutes that 'good to one self'. *How* do we know what is a good to ourselves? This is the question that Hobbes never posed.[27] Hobbes is able to avoid this key question only by having recourse to his doctrine of necessity in which he combines Christian voluntarist theology and Avicennean philosophy of existential necessity. The latter is only concerned with metaphysics and therefore eschews entirely the fundamental theme of human freedom.[28]

[24] Hooker, *Of the Lawes of Ecclesiastical Politie*, p. 136. On this question in Hooker, R. S. White writes that 'the desire to do good and shun evil, in his account, emerges not as a mysterious, God given *synderesis*, but as a rational conclusion deduced from the Law of Nature'. R. S. White, *Natural Law in English Renaissance Literature* (Cambridge University Press, 2006), p. 55. However, Hooker is quite explicit in the text above on the 'benefit of nature's light.'

[25] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 202.

[26] 1140b5 Aristotle *Nichomachean Ethics*: phronesis 'is a true and reasoned state of capacity to act with regard to the things that are good or bad for a human being'; '*prudentia est vera recta ratio agibilium*' Aquinas, *Summa theologiae*, IaIIae q.57 a 4co. See Rosalind Hursthouse, and Glen Pettigrove, 'Virtue Ethics', *The Stanford Encyclopedia of Philosophy* (Winter 2018 Edition), Edward N. Zalta (ed.), URL = https://plato.stanford.edu/archives/win2018/entries/ethics-virtue/. Complicating Aristotelian prudence through a study of the metaphysics of contingence, see Pierre Aubenque, *La Prudence chez Aristote*, (Paris: Presses Universitaires de France, 1963).

[27] See also Gauthier: 'Hobbes has no intelligible account of natural reason that would qualify its deliverances to be divine commands.' David Gauthier, 'Hobbes: The Laws of Nature' 82 *Pacific Philosophical Quarterly* (2001), p. 280.

[28] See more about this in chapter 9.2.

As discussed in the next section, although Hobbes was a moral philosopher, as opposed to a moralist or theologian, he did not dwell in a classical sense on epistemological questions of the light of reason or of nature in the style of many of his contemporaries, such as Robert Sanderson. Rules of natural reason are found out by reason, not dictated by reason.[29] Nevertheless, they are dictates of reason. But how are they found out? And how to apply them in the particular circumstances? Through the light of reason? Hobbes did not specify. Instead, buttressing the general argument in his necessitarianism, Hobbes glossed over the relevance of the light of reason to the political philosophy he was undertaking. Although some of Hobbes's statements imply the incapacity of human beings' reason for the supernatural, what he thought about practical wisdom is less obvious. In *Leviathan* he equated the 'Word of God' with the 'Dictates of reason'.[30] He also marvelled 'that a man endued but with a mediocrity of reason' would be able to think things 'supernaturall'. For the purposes of the commonwealth, not everyone had to 'make our own private Reason, or Conscience, but the Publique Reason' (i.e. whatever the sovereign would judge best) is 'all that is necessary for our peace and defence'.[31]

At the outset, it would appear that all that mattered in the public life of the state, 'all that is necessary', was what the sovereign declared to citizens to be best – however means the sovereign has reached that conclusion – but not what God helped the sovereign and citizens alike to choose and deliberate upon through the light of reason.[32] In turn, this raises the question of human beings' moral obligation. The laws of nature are means to achieve peace, and human beings must obey them. They originally are dictates of reason.

> These dictates of reason men use to call by the name of laws, but improperly; for they are but conclusions or theorems concerning what conduceth to

[29] See Abizadeh, *Hobbes and the Two Faces of Ethics*, p. 49. The classic article reviewing the status and evolution of understandings of 'the light of nature' in seventeenth-century England is Greene, 'Synderesis, the Spark of Conscience, in the English Renaissance'.

[30] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 36, p. 656.

[31] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 37, 696.

[32] A long-life student of Hobbes, the controversial Carl Schmitt would be then right when he wrote that personal piety was not accompanied in Hobbes by a devout thought. Schmitt in *Der Leviathan in der Staatslehre des Thomas Hobbes*; see the comment by Heinrich Meier, *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy*, trans. by Marcus Brainard. New Essays translated by Robert Berman (Chicago and London: University of Chicago Press, 2011), p. 117.

> the conservation and defence of themselves, whereas law, properly, is the word of him that by right hath command over others. But yet if we consider the same Theoremes, as delivered in the word of God, that by right commandeth all things; then are they properly called Lawes.[33]

To assert that moral obligation (of the laws of nature) is simply natural, because it is theological, or an 'obligation to obey God in his natural kingdom',[34] approximates it to the obligation the lamb might have to run for its life, or the tiger to hunt for food. They are also acting in order to survive. The different principle that human beings may meet or not their obligations does not fundamentally change their situation in nature – and based on many statements in his texts one might legitimately conclude that Hobbes thought about moral obligations in this naturalistic sense. Thus 'augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him.'[35] This originates 'from the natural and necessary appetite of his own conservation'.[36] Incidentally, it would be absurd to discuss the self-interest of a tiger, and equally ridiculous, as in a naturalistic view, to think of a human being as being in a state of nature occupied with her self-interest. Against the interpretation that Hobbes's political philosophy is one of absolute naturalism, it is contended here that he gradually injected into it a more metaphysical structure of thought, certainly more than he wanted to admit. To put this point in the most unambiguous way possible, 'nature' is not mere nature but 'necessity', and for him also *a metaphysical expression of God's will*. The sovereign only makes determinate that will. This argument may accommodate theories about the common good in Hobbes's moral philosophy such as that suggested by S. A. Lloyd.[37] They would certainly be coloured by modern physicalist overtones to the effect that considerations of self-preservation and preservation of others enjoy preference over other moral considerations. However, the argument would still amount to one in favour of the common good. In fact, this could be the only way to explain Hobbes's strenuous efforts to get individuals out of the state of nature and keep them within the commonwealth. The way in

[33] Hobbes, *Leviathan*, ch. 15. 242.
[34] This is a quote from Warrender who is however not defending an absolute naturalism. The aim here is to benefit from his expression. He adds '(in his natural kingdom) based upon fear of divine power'. Warrender, *The Political Philosophy of Hobbes*, p. 10.
[35] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 13, p. 190.
[36] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 18, p. 274; Hobbes, *On the Citizen*, ch. 1, 7, p. 27.
[37] S. A. Lloyd, *Morality in the Philosophy of Thomas Hobbes: Cases in the Law of Nature* (Cambridge: Cambridge University Press, 2009).

which the meaning of the laws of nature reaches across the concept of God's commands, dictates of reason and commands of the sovereign as in David Gauthier's interpretation receives also a convincing explanation with this view about an emphasis on necessitarian metaphysics expressing the will of God.[38] In all this, as I already mentioned, Hobbes leaves unexplained how we produce the reasoning on the laws of nature.

The work on Hobbes by John W. N. Watkins and Tom Sorell, who stress (metaphysical) physicalism; Annabel Brett, who provides an exposition of Hobbes's naturalism; and Quentin Skinner, who offers a close reading of Hobbes's increasingly physical notion of liberty are illuminating on these questions.[39] My contribution is to pay attention to the theological and philosophical depth and complexity of Hobbes's particular version of physicalism, arguing that it is embedded in the doctrine of necessity described thus far and also in his theological voluntarism. I remain, therefore, a step or two behind Warrender's interpretation of the theological naturalism in Hobbes's political philosophy and Noel Malcolm's early work on theological voluntarism.

3.2 The Doctrine of Necessity in *Leviathan*

The superior and absolute sovereignty that *Leviathan* analyses and proposes is the true and scientific concept of sovereignty in a commonwealth, by reference to the needs of human nature and also in accordance with divine command.[40] In terms of substance, in the first two sections of the book, entitled 'On Man' and 'On Commonwealth', Hobbes based his ideas on politics and natural law on two principles: conservation of the human body *and* of the body of the commonwealth. Furthermore, he stressed the political principle that judgment about what is necessary for that purpose belongs exclusively to the holder of each of those bodies: the individual human being and the sovereign ruler. The sovereign is also 'body', while the commonwealth is an automaton. No complex explanation of metaphysics was required for such a treatment of political philosophy, so

[38] Since my point is about Hobbes's emphasis on metaphysics of necessity, I change here David Gauthier's exposition of the sequence of the constitution of the laws of nature. Instead of Gauthier's primary theorems of reason, I would argue that they could be primary commands of God, the omnipotent creator of nature, and secondarily theorems of reason and of the civil sovereign. See Gauthier, 'Hobbes: The Laws of Nature'.

[39] Watkins, *Hobbes's System of Ideas;* Tom Sorell, 'Hobbes's Moral Philosophy' in *The Cambridge Companion to Hobbes's Leviathan*; Brett, *Liberty, Right and Nature*; Skinner, *Hobbes and Republican Liberty*; Malcolm, *Thomas Hobbes and Voluntarist Theology.*

[40] See also Curley, 'Introduction' to Thomas Hobbes, *Leviathan*, viii–xi.

Hobbes implies. He took the opportunity to criticize Francisco Suárez's rejection of a metaphysics of mechanical necessity and his overly sophisticated philosophical language.[41]

Founded on the pre-eminence of 'body' he had established in the first two sections, the English philosopher deduced his argument of political theology in the last two sections of *Leviathan*, entitled 'Christian Commonwealth' and 'On the Kingdom of Darkness', respectively. He concluded that there is no need for an exclusively spiritual commonwealth.[42] In his words, 'seeing there are no men on earth, whose bodies are Spirituall; there can be no Spirituall Commonwealth amongst men that are yet in the flesh'.[43]

Firstly 'necessities' have a pejorative connotation in Hobbes's text and are understood as 'wants': 'the common people' needed only bread and spectacle – the notorious *panem et circenses*. Understood in this sense needs denote smallness and unimportance; fear and wants, characteristically prompting individuals to employ unjust or dishonest means, and inviting 'craft' or 'crooked wisdom'. 'Needy men', never content, are inclined to continue causes of war. It is due to our need for protection that we seek another's power. Power is in itself 'a thing dependant on the need and judgment of another'.[44] However, basic necessities can also be taken to have a positive sense. Interestingly, the 'article of peace' or '[l]aws of nature' is founded on three passions: fear, desire for things that are 'necessary to commodious living' and the 'hope' that one can obtain them by means of industry. Hobbes consistently distinguished between 'basic needs' and 'conveniencies'. Thus, it is not purely 'needs', but the wish to go beyond mere basic material needs that draws human beings to

[41] 'What is the meaning of these words. *The first cause does not necessarily inflow any thing into the second, by force of the Essentiall subordination of the second causes, by Which it may help it to worke*? They are the Translation of the Title of the sixth chapter of *Suarez* first Booke, *Of the Concourse, Motion, and Help of God*. When men write whole volumes of such stuffe, are they not Mad, or intend to make others so?' Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 8, p. 122.

[42] This idea can be approached from different angles. See Sorell: 'the distinctive purposes' of *Leviathan* are 'to show that several supposed sources of ecclesiastical authority in the commonwealth either derive from the sovereign or are spurious. There are no sources of ecclesiastical authority independent of the sovereign, still less above the sovereign, and there is no scriptural basis for his submission to a church or to a Pope, not even for the sake of Salvation.' Sorell, 'Hobbes's Moral Philosophy' p. 139.

[43] Hobbes, *Leviathan*, Noel Malcolm (ed.), p. 918.

[44] 'To give little gifts, is to Dishonour; because it is but Almes, and signifies and opinion of the need of small helps'; 'Servitude, for need, or feare, is Dishonourable'. Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 12, p. 178; ch. 10, p. 141; 136; ch. 11, p. 152; ch. 8, 110; ch. 10, p. 134.

peaceful living.[45] Needs also constitute a principle of motion for human knowledge, since 'need' is 'the mother of all inventions'.[46]

Hobbes employed his doctrine of necessity in few but crucial moments of his masterpiece. The following five principles are the most relevant arguments about necessity and necessities that appear in *Leviathan*: (a) in the context of natural rights and the individual's capacity for reasoning in the right manner about what is necessary for self-preservation; (b) in respect of the sovereign's similar capacity to ascertain what is necessary for the body of the commonwealth; (c) in explaining how freedom and civil law are compatible; (d) in his assertion as to the *unum necessarium* for salvation; and (e) finally in his critique of the faith that seeks to understand, in Hobbes's view, unnecessarily. In the remainder of this chapter I will analyse these principles in that same order.

3.2.1 Natural Rights and Necessity

In *Leviathan* natural rights are treated as being simultaneously formidable and hollow.[47] There is no way that in the state of nature – i.e. in the absence of governmental regulation and control – each person's practical reason would limit their individual right to everything in the material world. At least, not for Hobbes. A morality based on virtues, checking and subduing greed and violence, for instance, did not work in his view. Whether he considered this approach unhelpful or unrealistic, we do not know. In an anarchical political state, the only way to secure the provision of human needs was to *reduce* those 'natural rights to everything' to the level of human necessity for survival. The birth of the commonwealth occurred when this limitation of natural rights happened. This may suggest that Hobbes was himself a materialist theorizing a society of incipient capitalism, as C. B. MacPherson argued over half a century ago.[48] However, it may also be the case that Hobbes was making a different point and that his concern lay with the inability of contemporary moral and political theories to set limits on certain people's greed. Therefore, the solution to the avarice of some and the deprivation of many was not utopia, but a political society in which necessity was the bottom line. Needs, indeed, unite human beings.[49]

[45] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 13, p. 196.
[46] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 4, p. 50.
[47] Malcolm, 'Hobbes and Spinoza', p. 537.
[48] MacPherson, *The Political Theory of Possessive Individualism*.
[49] I am paraphrasing from Judith Shklar, who in turn articulates a current expression of modern natural law: 'Not Morality but physical needs and laws, even the most ferocious,

Thus, the first important theoretical function of the concept of necessity in *Leviathan* appears in relation to the rights of nature. Famously 'the Right of Nature' (*Jus Naturale*) is for Hobbes, 'the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life'.[50] Governed only by one's reason in this endeavour, 'every man has a Right to every thing; even to anothers body'.[51] The law of nature forbids every human being to do or to omit anything that may jeopardize the preservation of one's nature.[52] Human beings ought to use reason in accordance with the law of nature as they think appropriate for their own survival. The principle of necessity rules human judgment about the *measure of right* to be used in Hobbes's natural law. In the same paragraph in which Hobbes considers 'what is necessary' for survival as an axiom of natural law he also introduces the notion of the 'necessities of nature' as material physical goods without which the human body cannot live. The separate but complementary meanings of 'necessity' are thus laid down. Therefore, before the institution of the commonwealth each human had 'a right to every thing and to do whatsoever he thought necessary to his own preservation'.[53] But even within it, human beings cannot give away a number of rights:

> As it is necessary for all men that seek peace, to lay down certaine Rights of Nature; that is to say, not to have libertie to do all they list: so it is necessarie for mans life, to retaine some; as right to governe their owne bodies; enjoy aire, water, motion, waies to go from place to place; and all things else, without which a man cannot live or nor live well.[54]

In this approach, God has already determined that no one is entitled to give away one's right to self-preservation. Below God, each individual alone may judge what is necessary in time and space for her or his survival – that is to say, to decide both generally and in a critical instance where a real threat appears, as to survival and living well. Necessities are

keep us together.' Judith N. Shklar, 'Putting Cruelty First' in 4 *Democratiya* (2006), p. 93; see on Hobbes and the self-effacing laws of nature, Lloyd, *Morality in the Philosophy of Thomas Hobbes*.

[50] For self-defence and preservation as the core of Hobbes's natural laws, rather than peace, see Bruno Dix, *Lebensgefährdung und Verpflichtung bei Hobbes* (Würzburg: Königshausen and Neuman, 1994), pp. 1–26.

[51] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 198.

[52] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 198.

[53] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 198; 'quod ad conservationem sui videretur ipsi necessarium, jus erat naturale.', ch. 28, p. 483.

[54] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 15, 234; Hobbes, *On the Citizen*, ch. 3. 14. p. 50.

therefore constant and contingent. In a condition of state of nature or of war, as noted above, 'every man has a Right to every thing; even to one another's body'.[55] In such a dark state, the first and fundamental law of nature is divided into two rules: 'to seek Peace, and follow it' and 'by all means we can, to defend our selves'. The second law of nature follows from the command to seek peace: 'to lay down this right to all things' as long as the others do the same. It is, again, each individual that judges the extent to which one may lay down one's right safely, and how much right each one regards as being conducive to the goals of peace and self-defence. In Hobbes's words, 'as farre-forth, as for Peace, and defence of himself he shall think it necessary'.[56]

In Hobbes's view, therefore, the main political question in a space ordered by the laws of nature is that after God – who has granted the rules to act to human beings – it falls to each individual to decide on the necessity of retaining or giving away (and to what extent doing so) the rights of self-preservation. Hobbes gave further specific examples of rights to activities or things that, according to the law of nature, no human being ought to consent to renounce or give away.[57] For instance, even when living in a commonwealth – despite the command of the sovereign – no one can lay aside the right to resist those that go after their life or intend to wound, enchain or imprison them. The same example was given by the theologian Henry of Ghent as to the limit of public authority, and by John Locke in the context of epistemology, as we will see in Chapter 12.[58]

On the one hand 'by necessity of nature' human beings 'choose that which appeareth best for themselves'.[59] Arguably, this is one of the unarticulated manifestations of the light of reason in Hobbes's natural law. Human beings are supposed, and assumed to be able, to deliberate properly about when a right is necessary for security or for survival – for oneself

[55] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 198.
[56] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 200.
[57] 'All men allow that any act not contrary to right reason is *right*, and therefore we have to hold that any act in conflict with right reason (i.e. in contradiction with some truth reached by correct reasoning from true principles) is *wrong* … The *Natural Law* therefore (to define it) is the Dictate of right reason about what should be done or not done for the longest possible preservation of life and limb.' Hobbes, *On the Citizen*, ch 2, p. 33; p. 40; see a comprehensive list extracted from the text of activities in the abstract that a subject cannot rationally consent to, in Curley, 'Introduction' to Thomas Hobbes, *Leviathan*, p. xxxviii.
[58] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 202.
[59] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 27, p. 456.

and for others – and when it is not. On the other, human beings are often crafty, and in this regard they also ought to be presumed to seek their own benefit. Thus, the seventh law of nature states that in controversies that do not impinge on self-preservation, arbitrators are needed.[60]

3.2.2 The Needs of Others

Hobbes writes in *Leviathan* that the 'fool' is wrong. The fool questions whether injustice may not sometimes stand to reason and be the right choice and also asserts 'in his heart that there is no God'. Hobbes rejects that. The fool commits injustice and violates the natural laws in pursue of his own benefit irrationally – since, no one would sustain damage unless by error. Hence the fool is a 'harming fool' who violates the rational community of human beings. In this manner, Hobbes quietly acknowledged that 'taking away the feare of God' wreaks havoc on political theory as he saw it. Consistently with the general tone of *Leviathan*, the preservation of society also requires that the unjust and godless individual who actively seeks to damage others must be thwarted.[61]

By declaring that it was a recipe for perpetual war, Hobbes brutally unpacked the fallacy of speaking about unlimited 'rights' of human beings in relation to material things that are to be found in nature. What was meaningful, Hobbes reasoned, was to downgrade those 'rights in everything' as to reduce them to the quantity *necessary* for survival and more than that, for 'living well'.[62] Although he did not mention it, that was in accordance with all previous traditional political philosophies. This 'reduction of rights' was only possible through a combination of the law of nature, the law of the commonwealth and correct reasoning on the part of individuals.

It is only logical that quantity mattered for a phyisicalist like Hobbes, who was concerned with 'body' in all its aspects. Individuals, thus both by right and by necessity of nature, must do all in their power to obtain that which is necessary for their conservation. In times of scarcity this might be dangerous. Moreover, only antisocial people, 'by asperity of Nature', would have difficulties in ascertaining the scope of their material needs and

[60] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 15, p. 238.

[61] Hobbes, *Leviathan*, Noel Malcolm (ed.), chapter 15, 222–224; also on this question see Kinch Hoekstra's argument that Hobbes referred to the 'explicit fool', Kinch Hoekstra, 'Hobbes and the Foole' 25 *Political Theory* (1997) 620–654; and the answer by Peter Hayes, 'Hobbes's Silent Fool: A Response to Hoekstra' 27 *Political Theory* (1999).

[62] Lloyd, *Morality in the Philosophy of Thomas Hobbes.*

try to retain things that are 'superfluous and to others necessary' (*vicino autem necessariis*).[63] Such an individual would go against nature – keeping more than he or she needs, while someone else really needs it – and would be guilty of the ensuing war, and hence deserve to be cast out of society:

> For seeing every man, not only by Right, but also by necessity of Nature, is supposed to endeavour all he can, to obtain that which is necessary for his conservation; He that shall oppose himselfe against it, for things superfluous is guilty of the warre that thereupon is to follow: and therefore doth that, which is contrary to the fundamental Law of Nature, which commandeth *to seek Peace*.[64]

MacPherson's critique was probably the most important to have been levelled against Hobbes's natural law during the previous century – one in which he characterized Hobbes's thinking as a 'political theory of possessive individualism'.[65] But MacPherson's attack against Hobbes is rendered ineffectual by means of this quote only, which denounces the antisocial behaviour of the greedy accumulator. Hobbes's notorious fear of the power of the spiritual and his defence of philosophical materialism in specific parts of *Leviathan* does not prevent him from denouncing the selfishness of the accumulator.Ostensibly, Hobbes's narrative is as much about the preservation of individuals as of human beings at large. He is clear that human beings may be evil – that many of them may be so. However, Hobbes did regard procuring one's own advantage irrationally and without limits as amounting to moral selfishness. The appetite for self-preservation is, as Hobbes saw it, an instrument of survival; and in rejecting egoism, Hobbes declared that natural law served this goal not only for one individual but for the generality of mankind.[66]

Notwithstanding this comment, it is difficult to ignore the intuition that MacPherson was onto something with his argument concerning possessive individualism. In his social history of the market, Craig Muldrew

[63] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 15, p. 232.
[64] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 15, p. 232.
[65] MacPherson, *The Political Theory of Possessive Individualism*; also contesting MacPherson and suggesting instead a practical science of peace for self-preservation, Otfried Höffe, 'Wissenschaft im Dienste freier Selbsterhaltung? Zum Theorie-Praxis-Verhältnis in Thomas Hobbes' Staatsphilosophie' in Udo Bermbach and Klaus-M. Kodalle (eds.), *Furcht und Freiheit. Leviathan Diskussion 300 Jahre nach Thomas Hobbes* (Opladen: Westdeutscher Verlag, 1982).
[66] As he put it in *De Cive*, 'All these natural precepts are derived from just one dictate of reason, that presses on us our own preservation and security.' Hobbes, *On the Citizen*, ch. 3. 26, p. 53.

argues that MacPherson had grasped a phenomenon that occurred in early modern England. In a period of political, religious and social disruption after the Reformation the rise of the market was felt in England with greater intensity than in other parts of Europe. The error made by MacPherson, Muldrew writes, was to think that Hobbes's political theory aimed at developing a utilitarian market model. Instead, he attributes Hobbes's emphasis on competition to the historical moment in which he was writing. With rampant growth in consumption, and neither a consistent economic policy nor a moral philosophy to guide it, in the face of increasing need for credit and monetary transactions, judicial and social culture placed great emphasis on sociability and interpersonal relations as the only means of securing them – pushing the societal system to its breaking-point. This was the *stressed* sociability that Hobbes had in mind and which gave rise to his doubts that individuals could face alone the demands of trust made by the market, as it were.[67] 'Possessiveness' was therefore taken for granted in *Leviathan* as the starting point for theorizing, in a political culture that contained a vacuum that needed to be filled. Hobbes built a cosmological order of necessity, among other reasons, as a means of replacing the exhausted sociability of trust.

3.2.3 *Naturalism*

The body and its preservation are not per se transcendental values, at least not explicitly, either in *Leviathan* or in the earlier *De Cive*, where the same doctrine is put forward.[68] However, as Tom Sorell rightly notes and I have been argued so far, there is more to Hobbes's laws of nature than 'an unmetaphysical idea of a fair or rational agreement' or 'rational self-interest alone' resonant with twentieth-century moral philosophy.[69] The doctrine of necessity asserts a metaphysical chain of necessary causes that encompasses invaluable knowledge about self-preservation, including the

[67] Craig Muldrew analyses the inability in the period of social mores of neighbourhood to cope with the increasing demands of credit, and the stress that these put into social relations in Muldrew, *The Economy of Obligation*, generally and on MacPherson – Hobbes, pp. 321–325. Studying Locke but with a much more positive account on this historical question of the promotion of interpersonal borrowing and the emphasis on trust, see recently Jon Cooper, 'Credit and the Problem of Trust in the Thought of John Locke, c. 1668–1704' 64 *Historical Journal* (2021).

[68] Hobbes, *On the Citizen*, Richard Tuck and Michael Silverthorne (eds.) ch. 3, 9, 48.

[69] Sorell, 'Hobbes's Moral Philosophy', p. 144. Sorell is responding to David Gauthier, 'Hobbes: The Laws of Nature'.

creation of the commonwealth itself. It is a scientific doctrine that provides the foundation of the new 'civil science'. It is worth noting that while in *De Cive* Hobbes still uses argumentative devices, such as 'it is self-evident' or 'it is a commonplace', in *Leviathan* he presents his ideas as a scientific truth.[70] Within Hobbes's discourse of civil science in *Leviathan* things are not 'good' or 'evil'; they are neither 'opinion' nor 'belief'. Instead, things or actions are 'necessary' or 'not necessary', without further involvement of value judgments.[71] This holds for both extreme cases and the habitual right reason. Moreover, when human beings follow correct reasoning about necessity, they are obeying the will of God.

Hobbes's naturalism makes it a stretch to declare him a mere relativist or sceptic – he saw himself as ascertaining the truth, and not as asserting that there is no objective truth.[72] After all, something that 'all men easily recognize' is that peace is good, and so are all virtues ('modesty, fairness, good faith, kindness and mercy') that rationally lead to that end.[73] The real problem, as Hobbes saw it, concerned the incapacity to make proper judgments about future goods, virtue and peace due to the irrational desire for goods now.[74] This mismatch of reason and passion was usually the case, *except* in the case of self-preservation, where reason and desire coincided. The same idea appears in the *Elements of Law* in a form that is perhaps exaggerated by the subsequent discussion on the inadequacy of transferring one's judgment to another: 'Also every man by right of nature is judge himself of the necessity of the means, and of the greatness of the danger.'[75]

[70] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 5.

[71] To be more precise, as he stated already in *De Cive*, 'What is done of necessity, or in pursuit of peace, or for self-preservation (in the state of nature) is done rightly.' Hobbes, *On the Citizen*, ch. 3.27, p. 54. Also in the same work Hobbes notes that to the right of self-preservation that each one has is attached 'the right to use every means necessary to that end'. Hobbes defines those: 'The necessary means are those that he shall judge to be so himself.' The 'sin against the Natural Laws' may occur when someone falsifies that judgment, and pretends that something belongs to his or her self-preservation, in Latin 'ad sui conservationem pertinere', but it does not. The right and the sin arise therefore from the authentic or false judgment about the necessity of the means. Hobbes, *On the Citizen*, ch. 1. 10, p. 28; Thomas Hobbes, *De Cive*, p. 95.

[72] See Brett, *Liberty, Right and* Nature; Tuck, 'Introduction' to Thomas Hobbes, *On the Citizen*, p. xxvi; Abizadeh, *Hobbes and the Two Faces of Ethics*.

[73] It is remarkable that the very Scripture that Hobbes cited profusely to prove the laws of nature could not persuade him that the habitual state of a practicing Christian is the desire for peace ('let the peace of Christ control your hearts' Coloss. 3.15). Hobbes quoted, e.g. Coloss. 3.11 in *De Cive* to prove the tenth law of nature on fairness, Hobbes, *On the Citizen*, ch. 3.13, p. 63.

[74] Hobbes, *On the Citizen*, ch. 3. 31–32, p. 55.

[75] Hobbes, *The Elements of Law*, I, ch. 14, 8, p. 55.

3.2.4 *The Needs of the Sovereign*

The first two sections of *Leviathan* refrain from tying the doctrine of necessity to a theological foundation. Hobbes suggests that in the context of the new civil science it is a matter of choice as to whether one's beliefs remain secular (nature and the sovereign), thus revealing again dualistic Neoplatonism as a source of inspiration. However, the sovereign must receive all the power:

> For to every End, the Means are determined by Nature, or by God himself supernaturally: but the Power to make men use the Means, is in every nation resigned (by the Law of Nature, which forbiddeth men to violate their Faith given) to the Civill Soveraign.[76]

The very acumen about 'the necessity of retaining or giving up rights' with which nature has endowed human beings constitutes the fundamental building block of the sovereign in the second section of *Leviathan*, 'Of Common-wealth'. In other words, Hobbes also attributed to the sovereign the natural human ability to ascertain what is necessary for self-preservation, and transformed it into a *sine qua non* of the rights of sovereignty – all the rest was sedition, disobedience, rebellion and weakness. The sovereign's ability to ascertain the ultimate necessity is thus the second important theoretical employment of the doctrine of necessity. This particular use of the doctrine is a crucial aspect of the method by which Hobbes made sense of the novel meanings of authority and representation in *Leviathan* since it emphasizes the independent and almost natural life of a commonwealth:

> A *Common-wealth* is said to be *Instituted*, when a *Multitude* of men do Agree, and Covenant, *every one with every one*, that to whatsoever *Man* or *Assembly of Men*, shall be given by the major part, the *Right* to *Present* the Person of them all, (that is to say, to be their *Representative*;) every one, as well he that *Voted for it*, as he that *Voted against it*, shall *Authorise* all the Actions and Judgments, of that Man, or Assembly of men, in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men.[77]

Subjects are represented by the sovereign, who is authorized to act for them, and they own the sovereign's decision.[78] Representation and authority go hand in hand with a number of essential rights that show everyone

[76] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 42, p. 916.
[77] Hobbes, *Leviathan*, Noel Malcolm (ed.), p. 264, and generally ch. 18.
[78] Noel Malcolm, 'Editorial Introduction' in Thomas Hobbes, *Leviathan*, vol. I, p. 16; Quentin Skinner, 'Hobbes on Representation' 13 *European Journal of Philosophy* (2005); Hanna Fenichel Pitkin, *The Concept of Representation*, 14–37.

where the sovereign power 'is placed, and resideth'. In sum, these include all the rights that ensure that no corruption and disintegration of the body of the sovereign occurs, that it can act with a unified voice in the legislative, executive and judicature, and defend the body of the commonwealth (i.e. its own body).[79] As he had done with the individual human being and the citizen, Hobbes also combines the principle of necessity with illustrations of its material needs in relation to the commonwealth.

The source of the sovereign's rights was partly natural and partly artificial – in the Latin text Hobbes refers to rights *ex rei natura deducta*. 'Soveraign rights' are deduced 'from the nature, need and designes of men, in erecting of Common-wealths, and putting themselves under Monarchs, or Assemblies, entrusted with power enough for their protection'.[80] While the covenant of the commonwealth is artificial, its ends are not: securing the capacity of nourishment of citizens, protection from within and without and, in consequence, peace:

> The only way to erect such a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, and by the fruites of the earth, they may nourish themselves and live contentedly; is, to conferre all their power and strength upon one Man, or upon one Assembly of me, that may reduce all their Wills, by plurality of voices, unto one Will … and therein to submit their Wills, everyone to his Will, and their Judgments, to his Judgment.[81]

The big theme of the economy of the commonwealth pressed almost entirely into the important matter of levying taxes became thus one of the irrenounceable rights of sovereignty. Traders and labourers were kept busy by 'necessity or covetousness'. The commonwealth ought to provide for the poor, 'as far-forth as the necessities of Nature require', but only for those that 'by accident unevitable, become unable to maintain themselves by their labour'.[82] More generally, the commonwealth had 'necessities', and

[79] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 18, p. 278.
[80] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 20, p. 314.
[81] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 17, p. 260.
[82] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 30, p. 532; p. 538. In the Latin version Hobbes notes the canonical and theological principle that in extreme necessity by natural right everything is common, and in order to avoid trouble for the rest of the citizens, he recommends intervention of the sovereign: 'Cum enim in Summa necessitate existentibus, aliena surripere, aut etiam rapere, jure naturae permissum sit, ne Civitati alias molesti sint, à Civitati alendi sunt, neque singularium Civium incertae charitati relinquendi.' Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 30, p. 539. On this principle see, Tierney, *The Idea of Natural Rights*, pp. 69–77.

arising from the 'Office of the Sovereign Representative', the sovereign had the power 'of Judging of the Necessities of the Common-wealth'.[83] To illustrate this idea Hobbes related the passage in the Gospel in which Jesus asked the disciples to go into a village and take a donkey to carry him into Jerusalem (Matthew 21:2, 3). No one, neither the owner of the donkey nor the disciples, questioned whether the title of that 'necessity' was sufficient or doubted whether the Lord ought to be 'judge of that necessity' (*neque utrum Dominus necessitates illius Iudex sit*). In England, this principle was certainly one of the central constitutional questions of the century and one apt to make feelings run high, as the unfortunate Charles I found to his cost. Hobbes's lesson was uncompromising: the content of subjects' 'obedience' in a commonwealth was that 'the Kings word, is sufficient to take anything from any Subject, when there is need; and that the King is Judge of that need'.[84]

Hobbes's method of exposition is original, but hardly any topic was more debated in the years before the Civil War than the sovereign's judgment about the 'important question of necessity'. In *Rex v Hampden* (1637), John Hampden was tried for refusing to pay the Crown ship money (a form of tax hitherto confined to coastal regions), the levying of which had been extended to inland areas. The Crown alleged that the preservation of the kingdom 'is only intrusted to our care'. Apparently, the strongest blow against the royal prerogative was made by Hampden's counsel, Oliver St. John, who argued that the Crown had not been able to prove the existence of imminent danger, in relation to which the tax was apparently being levied, since there had been a delay of seven months in receiving supplies. However, disagreement as to the question of necessity as a matter of fact, of law and of constitutional principle existed among the 12 judges adjudicating on the matter in the special Court of Exchequer Chamber. Over half of them thought the King was sole judge of that necessity; some considered that he was sole judge, but that he had to levy money through parliament. Others considered that the King's judgment about necessity could be checked.[85]

[83] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 30, p. 520.

[84] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 20, p. 318.

[85] Richard L. Noble, 'Lions or Jackals? The Independence of the Judges in Rex v. Hampden, 14 *Stanford Law Review* (1962); *Complete Collection of State Trials, and Proceedings for High Treason, and Other Crimes and Misdemeanours*, v. I, (Dublin: Graisberry and Campbell, 1793), p. 570. See also the detailed reasoning by Henry Parker in *The Case of Shipmony briefly discoursed*. Notoriously, Parker dismissed in the pamphlet the argument of the King's counsellors that dominion of the seas was necessary for the survival of England,

In *Leviathan*, Hobbes held it as madness for the power to levy taxes for the benefit of the commonwealth – 'the Nutritive faculty' – to be taken away from the sovereign and bestowed on a general assembly. It amounted, in Hobbes's view, to one of the dangerous divisions of power within a commonwealth, which will paralyze it, 'most often for want of such Nourishment, as is necessary to Life, and Motion'.[86] More generally, the commonwealth would be endangered if citizens were able to place obstacles in the path of the sovereign's attempts to raise money 'for the necessary uses of the Common-wealth' (*Pecuniarum necessarium ad salutem Civitatis*), on the grounds that they had a 'propriety' on goods and lands that was exempted from the 'Soveraigns Right to the use of the same'. In a similar manner to the situation of the sole judgment of the individual about his or her necessity and security, it was only the head of the commonwealth that 'foreseeth the necessities and dangers' that lay ahead. In order to avoid the contraction of the whole system – as in a human body when a disease prevented the blood from passing from the heart through the veins – the sovereign would be forced to discipline the people, 'or else the Common-wealth must perish'.[87]

3.2.5 *The Necessary Freedom*

The third key employment of the principle of necessity in *Leviathan* works to ease the tension between individual freedom and absolute sovereignty and to introduce Hobbes's idea of the compatibility of freedom with civil laws. 'Feare, and Liberty are consistent', Hobbes noted. For example, in a sinking boat, one would throw one's goods into the sea *willingly* in order to save one's life. '*Liberty*, and *Necessity* are consistent', he continued, since necessity is simultaneously natural and necessary, like water flowing freely through a channel.

> *Liberty*, and *Necessity* are consistent … so likewise in the actions which men voluntarily doe: which, because they proceed from their will, proceed from *liberty*; and yet, because every act of mans will, and every desire, and inclination proceedeth from some cause, and that from another cause, in a continuall chaine, (whose first link is in the hand of God the first of all

Henry Parker, *The Case of Shipmony briefly discoursed, according to the Grounds of Law, Policy, and Conscience. And most humbly presented to the Censure and Correction of the High Court of Parliament, Nov. 3. 1640.* Printed Anno Dom. 1640. Thomason Tracts Catalog information TT1, p. 2.

[86] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 29, p. 512.

[87] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 29, pp. 514–515.

> causes,) they proceed from *necessity*. So that to him that could see the connexion of those causes, the *necessity* of all mens voluntary actions, would appeare manifest.[88]

With the paradox of the necessity of 'voluntary actions' Hobbes reaches the pinnacle of his theological philosophy. Every free action of an individual was at once free and necessary, which, as the quote above shows signified for Hobbes that it also proceeded necessarily from a cause. Significantly, Noel Malcolm writes that none of Hobbes's earlier writings appear to have been important in relation to the composition of *Leviathan*, except a number of points set out in *Of Libertie and Necessitie*, the outcome of his debate with Bramhall mentioned previously, and specifically, the example of the behaviour of water given above. The differences in this same passage in the manner in which it appears in *De Cive*, where Hobbes distinguished between 'liberty' and 'servitude', strike me as important in showing the novel metaphysics of intensified necessity at work in the construction of *Leviathan*. The author of *De Cive*, it is true, defined liberty in a mechanical style as the absence of obstacles to motion. But he granted liberty to the son or slave of the family to the extent that he would not be prevented from 'doing all he can and trying every move that is necessary to protect his life and health'. Hence, he relativized the opposition of liberty and slavery: both a free man and a slave *served*, but the scope of that service differed: the former served only a commonwealth and the latter also his or her fellow citizen. Quentin Skinner argues that in his earlier presentation of civil science in *Elements of Law* (1641) and *De Cive* (1642) Hobbes drew on the work of the classical theorists of eloquence, Cicero and Quintilian, and reacted to them. Indeed, it is possible to recognize that attitude in Hobbes, who reacted tactlessly (probably intentionally) to that type of classicism.[89] The very frontispiece of *De Cive* shows 'Sapientia' quoting from the Bible: 'Pro. 8:15. *Per me Reges regnant et legum conditores iusta decernunt*' ('By me kings reign, and rulers decree what is just').[90] However, notwithstanding his stated pursuit of wisdom and his critique of rhetoric, Hobbes's own method remained largely rhetorical in this and other passages.[91] Skinner notes Hobbes's change of heart in *Leviathan*, in which he praises rhetoric. He also suggests that the reason for this change of

[88] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 326.

[89] That lack of tact is termed by Skinner 'satirical deflation'. Skinner, '"Scientia Civilis" in Classical Rhetoric and in the Early Hobbes', p. 85.

[90] The original frontispiece is reproduced in Thomas Hobbes, *De Cive*, *The Latin Version*.

[91] 'True Wisdom is simply the knowledge [scientia] of truth in every subject' Hobbes, 'Epistle Dedicatory', in *On the Citizen*, p. 4.

heart can be inferred from Hobbes's comment in *Behemoth* that the Civil War was a triumph of rhetoric over rationality, the inference being that the former (rhetoric) 'cannot after all be safely ignored'.[92] I wish to add that Hobbes's confidence in the power of his scientific method of necessity in his masterpiece may also have played an important part. In *Leviathan*, Hobbes is no longer interested in a response to humanism, and neither does he need to do so, for affirmation of his own mature philosophical method occupied him. At this point, he confides to his readers his view that all human liberty is in the last instance necessary and determined by an omnipotent God. Human actions always proceeded from an individual's will and thus from liberty; 'and yet' every inclination and appetite in human beings responded to a chain of uninterrupted causes – that is 'they proceed from *necessity*'.[93] Hobbes no longer relied on persuasion, but on his own metaphysics of necessity to convince the reader. Though it may appear slightly paradoxical, I am arguing that as Hobbes thought that he had encountered the true *scientia civilis*, and he felt confident about it, eloquence was no longer a threat, but a useful tool.[94] The story of Hobbes's progressive detachment of his critique to rhetoric is therefore arguably a narrative about his final ability to incorporate the doctrine of necessity into his political philosophy.

In his study on the evolution of Hobbes's notion of liberty, Quentin Skinner has also shown how it changed up to its final articulation in the Latin version of *Leviathan*. This notion of liberty is substantially the same as the English version, but more concise and clearer:

> When someone, due to fear of shipwreck, throws his goods into the sea, he does it willingly, and if he had wished he could have avoided doing it. Therefore he did it *freely*. So too, a man who pays a debt out of fear of imprisonment pays it *freely*.[95]

[92] Skinner, 'Scientia Civilis', p. 93; Hobbes, *Behemoth or the Long Parliament*.

[93] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 326. (emphasis by Hobbes).

[94] Tom Sorell argues that '*Leviathan* does not break the mould of the civil science that is found in *De Cive* and *The Elements of Law*' which I would agree with; but I would add that the scientific method of necessity is better and more intensely applied, Sorell, 'Hobbes and the Morality Beyond Justice', p. 234; on Hobbes's science of politics but without envisaging a concrete evolution of method, see the classic, M. M. Goldsmith, *Hobbes's Science of Politics* (New York: Columbia University Press, 1966). Strikingly, Goldsmith did no see Hobbes operating within a system of metaphysical necessity, which Goldsmith attributed only to Kant ('Hobbes does not anticipate Kant's attempt to formulate a necessary system of categories'), p. 43.

[95] The point Hobbes's conciseness in translation by Skinner; Hobbes quoted by Skinner, and his translation, Skinner, *Hobbes and Republican Liberty*, p. 137.

Skinner also points out the crucial distinction Hobbes added to his previous discussions of liberty following his debate with Bramhall. The impediment to freedom becomes now an 'external impediment', and liberty 'the absence of external impediments' that Hobbes contrasts with the 'intrinsical limitations' of the nature of things.[96] I want to benefit from Skinner's point in my argument about Hobbes's doctrine of necessity. According to Hobbes, there was no scope for freedom in the constitution of the things – that is, internally – since things or human beings were only responding to how they were:

> But when the impediment of motion, is in the constitution of the thing it selfe, we use not to say, it wants the Liberty; but the Power to move; as when a stone lyeth still, or a man is fastened to his bed by sickeness.[97]

Due to its intrinsic limitations, Hobbes finds no relevant difference between the constitution of the thing (the stone) and the constitution of the commonwealth. The issue is not lack of freedom but intrinsic limitation by the given nature. The configuration of the commonwealth determines citizens' actions:

> When therefore our refusal to obey, frustrates the End for which the Sovereignty was ordained; then there is no Liberty to refuse: otherwise there is.[98]

Beyond what he termed the 'internal' way of being of things, Hobbes's progressive mastery of the doctrine of necessity enables him to identify the metaphysical existence of people, things and events weaved together by a series of necessary causes. Obedience to the civil laws that in fact impose external impediments, Hobbes explains, represents an internal limitation to which the citizen has consented freely. To accept the terms of the covenant and submit to them (despite fear) means to act freely, even in the case of the individual who has been conquered.[99] Although citizens find themselves compelled to obey and submit to external, physical limitations, that

[96] Hobbes quoted by Skinner, *Hobbes and Republican Liberty*, p. 130; 'The water is said to descend *freely*, or to have *liberty* to descend by the channel of the river, because there is no impediment in that way, but not across, because the banks are impediments. And though the water cannot ascend, yet men never say it wants the *liberty* to ascend, but the *faculty* or *power*, because the impediment is in the nature of the water, and intrinsical.' Hobbes letter to Newcatle responding to Bramhall, quoted in Skinner, *Hobbes and Republican Liberty*, p. 132.

[97] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 324.

[98] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 338.

[99] Skinner notes Hobbes's assumption 'that the idea of acting willingly and the idea of acting freely are simply two names for the same thing', Skinner, *Hobbes and Republican Liberty*, p. 138.

necessity is the consequence of their free previous acceptance. However, Hobbes added further depth in terms of metaphysical determinism to the reasoning with his idea that 'liberty and necessity are consistent'. An individual that, e.g., submits to a conqueror does so freely. But the chain of necessary causes, involving will, desires and inclinations by which he or she ends up in that position have in fact been necessary. 'So that to him that could see the connexion of those causes, the *necessity* of all mens voluntary actions, would appeare manifest.'[100] And all this reasoning seems to originate in Hobbes's faith that behind that necessity was the very will of God – that is, its providence, understood in the peculiar physicalist way he increasingly conceived it:[101]

> And therefore God, that seeth, and disposeth all things, seeth also that the *liberty* of man in doing what he will, is accompanied with the *necessity* of doing that which God will, & no more, nor lesse.[102]

Hobbes's theology and philosophy of necessity enables him to employ this thick sense of 'liberty as necessity' by which he avoids conflicts between an individual's free will and God's superior will, and thus attempts to dispel the mystery of human freedom. These two wills, he suggests, will always identify, no matter how unaware we human beings are of that fact. Hobbes seems sincerely content with his (re)discovery of the doctrine of necessity, which effectively allowed him to make political obligations a great deal more stringent, and this within a Christian cosmology. But to him only appears to have escaped the deterministic overtones of the theory, incompatible with a commitment to Christian freedom and that that, in fact, appears to be non-Christian in flavour, as attested to by the general appraisal of his theory as materialistic or atheistic.

In other places of *Leviathan,* his understanding of freedom is less deterministic. In a commonwealth, the liberty of each subject consisted in the absence of regulation by the law, which could not regulate all actions. Thus, 'it followeth neessarily, that in all kinds of actions by the laws praetermitted, men have the Liberty of doing what their own reasons shall suggest for the most profitable to themselves'.[103] Crucially, liberty was not to be found

[100] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, 326. (emphasis Hobbes).
[101] Malcolm, 'Editorial Introduction', to Thomas Hobbes, *Leviathan*, p. 180; see on this question also, Agostino Lupoli, 'Hobbes and Religion without Theology' in A. P. Martinich and Kinch Hoekstra (eds.), *The Oxford Handbook of Hobbes* (Oxford University Press, 2016).
[102] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 326.
[103] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 328.

in the total absence of laws or in exemption from the law. This would be 'absurd': laws and the sword were essential to the commonwealth.[104]

As noted in the first section of this chapter, Hobbes's definition of 'the right of nature' as 'the Liberty each man hath to use his power, as he will himselfe, for the preservation of his own Nature' possesses a strong connotation of justice as necessity in keeping with traditional natural law. To preserve oneself is a normative principle of human nature, and human beings are not free to disdain it: self-preservation is, as it were, in the constitution of human nature. To use one's power to preserve oneself is right and just because it is necessary, and vice versa. Hobbes notes that he considered 'Liberty' in this context as an 'absence of externall Impediments', which, he adds, might exist ('which Impediments, may oft take away part of a mans power to do what hee would do') but 'cannot hinder him from using the power left him, according as his judgment and reason, shall dictate him'.[105] Hobbes seems to suggest that the right of nature to require preservation prevails, no matter what external impediments exist. The liberty to act to give effect to the power of self-preservation accordingly takes precedence over any form of obedience to the law. Civil laws that prevent preservation appear to be the only case in which natural liberty prevails in the commonwealth.

3.2.6 *Faith and Necessity*

In the third part of *Leviathan*, 'Of a Christian Common-wealth', Hobbes set out to deduce from Biblical texts 'all rules and precepts necessary to the knowledge of our duty both to God and man', the rights of the sovereign and the duties of the citizen. His interpretation was undertaken on the basis of natural reason alone, 'without Enthusiasm, or supernaturall Inspiration'.[106] This was followed by an agonistic critique of divines, martyrs, saints and clerics from almost all ages, the doctors of the Church included, for coveting the power that, as Hobbes argued in the *Leviathan*, belonged, by the will of God, to the Christian sovereign alone.[107] The

[104] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 21, p. 328. See about this, also Skinner 'Thomas Hobbes's Antiliberal Theory of Liberty'.

[105] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 14, p. 198.

[106] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 12, p. 186; ch. 32, p. 584.

[107] Still, Hobbes's critique to the Fathers of the Church is mild compared to Jean Barbeyrac's acrid comments, mentioned before, Barbeyrac, 'An Historical Account of the Science of Morality'. An interpretation of Hobbes's purge of doctrine as a project to eliminate fears of the afterdeath and traces of the religion of the gentiles in Tuck, 'The Civil Religion of Thomas Hobbes'.

civil law or secular law is thus made divine law, and a commonwealth's sovereign is the representative of God on Earth.

The fourth key usage of the principle of necessity is in this third part of the book the analysis of Luke 10:42, *unum est necessarium*, in particular in the last chapter entitled 'Of What Is *Necessary* for a Mans Reception into the Kingdome of Heaven'.[108] Hobbes walked well-trodden paths in this part, rehearsing historical arguments made by secularist authors against the mendicants in the famous thirteenth century controversy that occurred after the foundation of the Dominican and Franciscan orders.[109] In a word, Hobbes's disparaging comments amounted to the assertion that a believer 'needs no Witnesse', hence martyrdom and other testimonies of faith were meaningless unless one were engaged in the conversion of 'infidels'.[110] The works of William of Saint Amour, the main secular controversialist in the mendicants' affair, were ostensibly obscure and yet apparently well known in the period, as Hugo Grotius's correspondence also proves.[111] Notwithstanding Hobbes's familiarity with the secularist textual tradition, his central argument as to the transformation of the civil commonwealth into a church entailed the reduction of faith to two articles by means of his doctrine of necessity.[112] 'All that is Necessary *to*

[108] 'And she had a sister called Mary, which also sat at Jesus' feet, and heard his word. But Martha was cumbered about much serving, and came to him, and said, Lord, dost thou not care that my sister hath left me to serve alone? Bid her therefore that she help me. And Jesus answered and said unto her, Martha, Martha, thou art careful and troubled about many things: but one thing is necessary: and Mary hath chosen that good part, which shall not be taken away from her.' *The Holy Bible, King James Version*; see also Lupoli, 'Hobbes and Religion Without Theology'

[109] Thomas of York, 'Traktat Eines Franziskans zur Verteidigung der Mendikanten Gegen Wilhelm von St. Amour vom Jahre 1256/1257 "Manus, Qui Contra Omnipotentem Tenditur,"' in *Bettelorden und Weltgeistlichkeit*, Max Bierbaum (ed.) (Münster und Westfalen: Aschendorffschen Buchhandlung, 1920); Georges de Lagarde, *La Naissance de l'esprit Laïque. Au déclin du Moyen Age*, Third edition, vol. I (Louvain, Paris: Nauweelaerts, 1956); Andrew Traver, *The Opuscula of William of Saint-Amour. The Minor Works of 1255–1256*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters. Neue Folge 63 (Münster: Aschendorff Verlag, 2003); William of Saint-Amour 'De Periculis Novissimorum Temporum', with a Translation and Introduction by G. Geltner, Dallas Medieval Texts and Translations (Paris, Leuven, Dudley: Peeters, 2008).

[110] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 42, p. 788.

[111] Hugo Grotius answered to his friend Jean de Cortes in 1633 that he was right to state that the works of William of St Amour belonged to obscure matters and come to light by public custom (Opera Gulielmi de Sancto Amore, et quae ad res illius temporis, ut recte dicis, obscuras pertinent, in lucem protrahi ex usu est publico.) Hugo de Groot, *Briefwisseling van Hugo Grotius*, vol. 5 ed. B.L. Meulenbroeck (The Hague, Martinus Nujhoff), p. 133.

[112] See on this Noel Malcolm.

Salvation, is contained in two Vertues, *Faith in Christ*, and *Obedience to Laws*.' There was no law more divine than the law of nature, which could be narrowed down to obedience to 'our Civill Soveraigns'.[113] Hobbes's famous conclusion was that all the faith required to achieve salvation was encapsulated in the statement that 'Jesus is the Christ'. Nothing more, but nothing less. 'Therefore, this Article alone is faith sufficient to life eternall; and', he added, crucially, 'more than sufficient is not Necessary'.[114]

To conclude this review of the main uses made by Hobbes of the doctrine of necessity in *Leviathan*, I will mention one significant principle from the last section of the book about the politics of knowledge, in which Hobbes problematized the term *hypostasis*. This was his own critique of the Fathers of the Church as they tried to reason about the faith, ironically enough given his own invitation to do the same.[115] It appears only in the Latin version of *Leviathan* in '*De regno tenebrarum*', translated by Noel Malcolm as follows:

> It is indeed true that there is no word in the Greek language corresponding to the word "persona". Yet there was no need (*Necesse tamen non erant*) for them to use the word "hypostasis", since there was no need to explain the mystery (*cum necesse non esset ut mysterium explicaretur*).[116]

Since the theory developed in *Leviathan* with regard to Nature, God, or the Civil Sovereign, was determined in a frame of thought establishing a chain of causes, Hobbes, as noted above, did not assess whether things were good or evil, but whether they were or not necessary.[117] In this sense, necessity was both a value judgment, about 'scientific' truth, and about how things were or ought to be in a commonwealth of human beings.

Chapter 2 has set forth an argument as to the likely inspiration of Hobbes's doctrine of necessity in the work of Avicenna and other Parisian theologians that borrowed from him, and has noted its characteristic of

[113] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 43, pp. 930–932 (emphasis Hobbes).
[114] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 43, p. 938; p. 942.
[115] That after the 1690s a natural history of religion evolved as a Hobbesian genre among heterodox writers, sceptical of doctrines asserted on Church councils and defending heresy as 'free opinion' in Collins, *In the Shadow of Leviathan*, p. 321.
[116] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 46, pp. 1068–1069. He despaired: 'But I am afraid that it is impossible to bring the Universities to such a compliance with the actions of state, as is necessary for the business.' Also a diatribe against the same tendency at the university to exceed the boundaries of what was 'necessary' for one to know and instead start disputations 'against the necessary power of the sovereign' in Hobbes, *Behemoth or the Long Parliament*, p. 55.
[117] Hobbes, *Leviathan*, Noel Malcolm (ed.), ch. 42, p. 916.

placing the body and its needs at the heart of natural, moral and political philosophy. Chapter 3 has described core aspects of the doctrine of necessity in Hobbes's philosophical work and has explored the doctrine as applied in *Leviathan*. Hobbes seems to rely on a metaphysical principle of necessity that shapes existing things and causal processes, such as human beings' free will, and endows them with normativity, such as the liberty to preserve oneself, as an individual or a commonwealth. Moreover, with the complete adoption of the doctrine of necessity in *Leviathan* Hobbes also endorses a deterministic view of human freedom. The chapter has shown that the doctrine of necessity reverberates at all levels of Hobbes's work and culminates in consideration of how it fulfils the decree of God in *Leviathan*.