

# INTERNATIONAL POLITICAL THEORY



## INTERNATIONAL POLITICAL THEORY AFTER HOBBS

Analysis, Interpretation and Orientation

Edited by **RAIA PROKHOVNIK**  
and **GABRIELLA SLOMP**



# International Political Theory after Hobbes

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# International Political Theory after Hobbes

## Analysis, Interpretation and Orientation

Edited by

**Raia Prokhovnik**

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and

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# 1

## Introduction

*Raia Prokhovnik and Gabriella Slomp*

The theme of ‘international political theory after Hobbes’ is a timely focus, which allows us to set up dialogues about the legacy of Hobbes in international politics and to raise key questions about international politics in general.

This volume brings together theorists of international relations and political philosophy to discuss a key thinker and engage with some important issues in the current international order. The move by political theorists towards consideration of the international realm, the growth in the attention paid by International Relations (IR) scholars to theorising international politics and acknowledging the role played by a canon of theorists in thinking about international relations, and the consequent blurring of the distinction between domestic and international politics over recent years, have been marked. Political theorists and historians of political thought, as well as IR scholars, have a great deal to offer to the resulting reconceptualisation of international politics. An analysis of the developing links between political theory and international theory, refracted through the lens of Hobbes – a key theorist for both areas of politics – can promote a fruitful dialogue between the two areas.

In the light of these recent developments, a focus on ‘international political theory after Hobbes’ provides a useful vehicle for examining such central problems of international relations as war and intervention, how the tradition of Realism has been and can be interpreted, how Hobbes’s international theory can be understood, and how international politics can be conceptualised. This book develops a dialectical strategy, showing that interpretations of Hobbes, the

history of international political theory, and international theory today are all subject to revision in light of a more focused and refined understanding of Hobbes. Indeed, the book challenges the very notion of a gap between political theory and international theory, and highlights the debate about connections between them by focusing on a theorist taken as pivotal in both traditions.

By re-evaluating Hobbes's international theory – by returning to the texts of his theory, by re-assessing how he was understood by later theorists, by reflecting upon his role in the dominant Realist theory of International Relations, and by discussing the sources in his writings of our ways of conceiving of international politics – we find a rich interpretive field of research on Hobbes. Although the dominant IR reading<sup>1</sup> of Hobbes has been increasingly challenged,<sup>2</sup> to our knowledge no previous work has attempted to pursue the triple aim of this volume: to subject the dominant IR reading of Hobbes to close scrutiny; to propose new ways of interpreting and evaluating Hobbes's contribution to the understanding of international politics; and to offer an exploration of the questions and issues that international political theory ought to address, taking inspiration from Hobbes and at the same time facing the challenges of a post-Westphalian world.

Given these reference points, the book argues that international political theory both has and has not 'gone beyond Hobbes'. The volume makes an important and distinctive contribution to the argument that international political theory is moving beyond the reading of Hobbes maintained by the orthodox International Relations discourse. That discourse has limited Hobbes's contribution to that of a founding theorist of the modern state in a modern inter-state system. Hobbes need not be seen in such a one-dimensional way, and re-reading Hobbes provides a distinctive lens through which to interpret international political theory today. At the same time this book demonstrates that international political theory has not gone beyond Hobbes, in the sense that his writings are still important resources for imagining and re-imagining international politics.

Specifically we bring together a set of scholars with expertise on Hobbes's views on international relations in the context of the history of political thought, on Hobbesian Realism, and on the place of Hobbes in contemporary international political theory. The chapters deliberately avoid a unilinear approach, and contribute in a range of

ways to opening up a dialogue about the different ways international political theory has and has not 'gone beyond Hobbes'.

We are keen to interpret the title of the book broadly, in order to capture the wide and fertile scope of the project. The book works at several levels: it highlights the overlapping and different methodological issues at stake for political theorists, historians of political thought, and international theorists; it addresses the politics of multiple and competing interpretations; it considers the question of readings, misreadings and re-readings of Hobbes; and it reflects on the reconceptualisation of international politics. The underlying premise is that reading political and international theory requires a flexible set of interpretive tools. The range of approaches taken in the chapters adds to the liveliness of the collection and underscores relevance of the material discussed.

The structure of the book reflects its central aims, which are to analyse, interpret, and consider contemporary orientations. The book is thus divided, after the introduction into three parts of three chapters each. Themes that drive all of the parts and chapters are a concern to address in different ways the questions of the misrepresentation or misappropriation of Hobbes; international theory beyond Hobbes; and new ways of using Hobbes in IR theory.

Each chapter offers an *analysis* of Hobbes, advances an *interpretation* of his understanding of the 'international' and contributes to an *orientation* in conceptualising international political theory. All three of the parts are open in interpreting and destabilising the line between domestic and international politics. Hobbes's is a rich and dense international theory, which can be interpreted in multiple ways.

The balance of the three ingredients – analysis, interpretation and orientation – varies among the three parts of the book. Part I emphasises textual analysis, and proposes new ways of interpreting and evaluating Hobbes's contribution to the understanding of the 'international'. This part sets out the crucial textual basis, in the corpus of Hobbes's work, for debate and interpretation. Directly or indirectly, the three chapters challenge the dominant IR interpretation of Hobbes. The concepts of international political theory highlighted in Part I include self-preservation, anarchy, public safety, the 'common good', cooperation between states, the state of nature, the domestic analogy, and pre-emptive aggression. Slomp shows

that, if we look beyond the fragmentation of his thinking that is a feature of scholarship on Hobbes, we find that his work contains an international theory as well as a domestic one and that neither is one-dimensional. Hobbes's work lends itself to a questioning of the rigid divide between political theory and international theory. Slomp and Sorell demonstrate in different ways that Hobbes has an international theory in its own right, and one that is much richer than the extension of domestic politics that is often attributed to him. Sorell indicates the narrowness of the Realist reading of Hobbes's international theory, and highlights the importance of economic considerations in the duties of sovereigns in an international context. Newey develops a qualified classical Realist interpretation of Hobbes's international theory, renouncing any full analogy between the state of nature and international politics, and rejecting the argument for a universal sanction for pre-emptive aggression by states. Newey's defence of a modified classical Realist reading of Hobbes is strengthened by its engagement with critics of Realism, and thus it recognises the openness of Hobbes's international theory.

Part II engages with significant past, and recent mainstream and post-modern, interpretations and develops insights into uses of Hobbes across the canon of later political theorists. The chapters in this part demonstrate the ways in which later scholars' understanding of Hobbes is open to debate. Concepts central to international theory examined in this part include natural law and the law of nations, the personification of the state, the Westphalian order, international intervention, and the state of nature as the epitome of the political. Boisen and Boucher explore the readings of Hobbes's international theory by seventeenth- and eighteenth-century international jurists, and demonstrate that their preoccupations were very different from those taken as essential to Realism. Like Boisen and Boucher, Howard Williams shows how rigid readings of Hobbes can effectively be destabilised. He indicates Kant's indebtedness to Hobbes, showing how Kant identified features of Hobbes's theory to build his critique of the Westphalian system. Williams's argument shows that it is a mistake to imprison Hobbes in a one-dimensional view, and to see Kant's interpretation as insular and fixed. He demonstrates that our understanding of Kant's international theory gains from a reassessment of Hobbes. Sergei Prozorov traces Agamben's engagement with Schmitt's understanding of Hobbes, so as to endorse a post-sovereign

politics centred on a conception of the state of nature stripped of its transcendence.

Part III addresses central concerns within the reconceptualisation of the 'international' by enlarging the horizons of the Hobbesian imaginary. Two leading IR theorists and a political theorist converge to demonstrate that just as Hobbes and his relation to later scholars in international theory disclose a rich interpretive field, so contemporary international theory is also subject to debate. The concepts of international political theory central to the chapters in this part include war, political modernity, the politics of liberal states, a temporal and historical rather than a spatialised account of international politics, and sovereignty. While acknowledging that the readings of Hobbes by Strauss and Schmitt have important implications for international theory, Michael Williams suggests a reading of Hobbes, via an alternative Oakeshottian lineage, that discloses his wider legacy for international politics. This Hobbesian perspective on international politics recognises state power but also a socially reflexive conception of social action. Rob Walker reflects upon what is at stake if contemporary international political theory makes explicit the character of the modern political order – 'constructed with its own externality' – which has been used to underpin the Realist understanding of international relations, and which Hobbes is understood to have helped to create. Finally, Raia Prokhovnik finds support in Hobbes for an argument for the inter-constitution of the concepts of sovereignty and politics. Prokhovnik makes the case that this insight into Hobbes's theory helps advance the idea of the domestic and international realms as both primarily spheres of politics.

The nine chapters of this work address a number of debates that have attracted the attention of political theorists and international theorists. The book challenges the idea of a one-dimensional and single exemplary explanation of Hobbes's international theory, and instead presents a set of alternative readings of how Hobbes contributes to new ways of understanding international politics. The debates discussed in the nine chapters can be summed up as addressing a number of key questions:

1. How has Hobbes been misinterpreted in mainstream IR? What have international theorists traditionally neglected of Hobbes's



argument that is important to understanding his views on the relationship between national and international politics?

2. In the light of the critique of the narrow stereotype of Hobbes's international theory, and of later phases of the Realist tradition, how does a more accurate reading of Hobbes enrich rather than undermine our understanding of Realism?
3. How has Hobbes been used by later theorists such as Pufendorf, Kant, Schmitt, and Agamben, to conceptualise international politics?
4. What are we to make of international political theory if we supersede Hobbes by moving beyond the sovereign state? What role is there for Hobbes in international theory today? Is Hobbes irrelevant to contemporary international politics?
5. If we have 'gone beyond Hobbes', what is the way forward for international theory? How can international politics best be conceived of under current conditions and current ideas?

## Part I: Analysis

In Chapter 2, 'The Politics of Motion and the Motion of Politics', Gabriella Slomp argues that the dominant IR reading of Hobbes must be seen in the context of the 'fragmentation' of Hobbes studies that took place in the twentieth century, namely the tendency to engage with smaller and smaller parts of Hobbes's philosophy and to disregard the rest of his grand theory. According to Slomp, international theorists contributed to the fragmentation of Hobbes by excavating from his theory a selection of his statements and remarks, and disregarding the rest. Slomp claims that if one resists the process of fragmentation, one can recover a notion of the 'international' in Hobbes that is complex and thought provoking. If, for instance, we interpret Hobbes's notion of self-preservation and anarchy in relation to his theory of motion (as developed in the *Elements of Philosophy*), it is possible to trace an argument that challenges the textbook association of Hobbes with Realism. Rather than being a champion of the state, Slomp sees in Hobbes a defender of the individual; rather than pessimism and tragedy, she finds Enlightenment assurance; rather than eternal human nature, she finds belief in the ability of man to develop his future and modify the content of his desires; rather than discrete notions of internal and external, domestic and international,

she finds in Hobbes's argument sophisticated interconnectedness; and rather than an obsession with security, she finds an expansive concern for commodious living.

In Chapter 3, 'Hobbes, Public Safety and Political Economy', Tom Sorell reviews the concept of public safety that is central to Hobbes's civil science and demonstrates that it has a significant economic content, as do Hobbes's theories of war and peace. Sorell maintains that such an insight into Hobbes's theory is only possible when Hobbes's texts are given 'a reading that de-emphasises local and international aggression as well as the ruthless pursuit of short-term self-interest'. By concentrating on three corresponding chapters in *The Elements of Law*, *De cive*, and *Leviathan*, where Hobbes discusses the duties of sovereigns, Sorell shows that, for Hobbes, public safety is not to be construed narrowly as mere survival. According to Sorell, the chapters where Hobbes discusses trade, work, consumption, and tax reveal an important economic component to complement a concern with survival and public safety. Sorell argues that, for Hobbes, part of what it is to rule well is to guarantee wealth-creation, and part of being a good citizen is being willing to undertake productive work and not over-consume. Wealth-creation and reasonable consumption, Sorell adds, are not matters of domestic politics alone: they have an irreducibly international aspect. Sorell argues that 'Hobbes's politics is much more essentially political economy, than is usually supposed' and brings to light in Hobbes's discourse the concept of international interdependence and limits within co-operation between states. Sorell's textual analysis demonstrates that Hobbes's politics is not simply a normative politico-economic theory; it is also a kind of *transnational*, normative politico-economic theory – one that emphasises the importance of peaceful trade between nations.

In Chapter 4, '"Leviathan" and Liberal Moralism in International Theory', Glen Newey examines the difficulties facing a Realist reading of Hobbes's views on international relations. The first part, while emphasising that certain difficulties attend the wholesale transposition of the state of nature as *bellum omnium contra omnes* to the international sphere, demurs to follow the recent trend among readers of Hobbes such as Noel Malcolm and others and distances his position from classical Realism in international theory. Newey argues that the revisionist readings overstate the constraints imposed on rational actors in the international sphere by the law of nature as Hobbes understands it.

The 'soft power' limits on their freedom of action are not to be explained by their heeding real normative constraints as embodied in natural law. This does not preclude unprovoked aggression, particularly of a pre-emptive kind. Newey denies that for Hobbes natural law would preclude such aggression or impose more generally moral constraints on international actors' freedom of action. At the same time, according to Newey, some of the structural postulates which Hobbes imposes on the state of nature seem clearly violated by 'international anarchy', in particular that of equality or near-equality. For Newey, the equality postulate must be qualified in order to provide a credible account of sovereign states' behaviour as international actors. At the same time, pragmatic curbs on external belligerence level out these inequalities so that aggression is no longer warranted by the 'pre-emption' argument of *Leviathan* chapter 13. Newey supports this reading by contextual analysis and a comparative reading of such Hobbes texts as *De cive* and the *Dialogue of the Common Laws*. The chapter concludes by doubting whether the version of Realism ascribed here to Hobbes supports recent western foreign policy adventures such as the 2003 Iraq invasion, and liberal internationalism more generally.

Newey's chapter provides a bridge to the second part of the volume, which explores different trends in the interpretation of Hobbes over the centuries.

## Part II: Interpretation

In Chapter 5, 'Hobbes and the Subjection of International Relations to Law and Morality', Camilla Boisen and David Boucher identify the source of the Realist 'predominant caricature of Hobbes's international theory' and provide an insight into Hobbes's theory of natural law, the law of nations, and international law by setting him in the historical context of seventeenth- and eighteenth-century international jurists. Specifically they argue that 'the modern predilection to ally Hobbes closely with Grotius is ill-conceived', and that the international jurists of the seventeenth and eighteenth centuries 'reject those very features that modern interpreters highlight as quintessentially Realist', such as the state of nature and the natural condition of man. Boisen and Boucher aim at refocusing the dominant reading of Hobbes, and propose a different and less anachronistic way of evaluating his thought, which they argue takes on a different complexion 'when viewed

through the prism of the classic international relations jurists' of this period. Their argument proceeds in steps. To begin with, they evaluate affinities and differences between Grotius, Hobbes, and Pufendorf on questions of natural law and natural rights. For instance they note that Pufendorf's natural law theory had 'dual foundations, the Hobbesian idea of man's self-preservation, and the Grotian idea of man's social nature'. They then look in more detail at features of Hobbes's work which contemporaries 'deemed highly original' and which 'caught the imagination of jurists' – features such as the relation between natural law and the law of nations, and the personification of the Leviathan. Later scholars drew upon the clarity of Hobbes's distinction between natural law and the law of nations in the face of the conflation of the two concepts, while Pufendorf and later theorists took up Hobbes's application of the 'idea of the juristic moral person to the state'.

In Chapter 6, 'Kantian Perspectives on Intervention: Transcending Rather than Rejecting Hobbes', Howard Williams shows that those aspects of Hobbes's theory that one associates with Realism were in fact of great interest to Immanuel Kant, and that Kant is 'heavily indebted' and 'plays close attention to Hobbes's work'. Williams suggests that the association of Hobbes's political philosophy with the Westphalian political order was assumed by Kant. Although Kant was very critical of the Westphalian system, his aim was not to destroy the Hobbesian model of politics but rather to transform and transcend it. According to Williams, Kant 'worked with the model of the Hobbesian state that had shaped the Westphalian international political order of his time', and 'greatly appreciated the contribution of the idea of a fully sovereign national state that held sway over religious dissent to political and legal philosophy'. For Williams, although Kant ended up adopting a cosmopolitan perspective, his cosmopolitanism does not imply the abolition of the civil commonwealth of Hobbes's political philosophy but 'is rather subtly grafted on to it'. In order to develop this argument, Williams focuses his attention on 'the responsibility to protect', a concept introduced by the 2001 International Commission on Intervention and State Sovereignty, and examines in some detail three recent accounts of intervention (by Roger Scruton, Fernando Teson and Juergen Habermas) which claim to draw on Kant for their inspiration in justifying an activist approach from 'confrontational', 'hyper-interventionist', and 'moderate interventionist' positions. Williams questions the Kantian

credentials of such arguments and makes the case that, on the crucial question of interventionism, there is important continuity between Hobbesian statism and Kantian cosmopolitanism.

In Chapter 7, 'The State of Nature as a Site of Happy Life: On Giorgio Agamben's Reading of Hobbes', Sergei Prozorov addresses Giorgio Agamben's affirmation of post-sovereign politics by analysing his critical engagement with the Hobbesian problematic of the state of nature. Radicalising Carl Schmitt's criticism of Hobbes, Agamben deconstructs the distinction between the state of nature and the civil order of the Commonwealth by demonstrating the 'inclusive exclusion' of the former within the latter in the manner of a state of exception, which functions as a negative foundation of any positive order. The state of nature 'becomes the epitome of the political as such' rather than being 'treated as a pre-political condition'. Since the state of nature is no longer cast as spatially external and temporally antecedent to the Commonwealth, but is rather the product of sovereign power, it cannot be escaped by the perfection of the legal order, nor can it be posited itself in an essentialist manner as a pre-political site uncontaminated by sovereign violence. Through this argument Agamben develops and then counters Schmitt's insight into the depoliticising aim of Hobbes's theory. While denying any way out of the state of exception, Agamben nonetheless argues for the possibility of its appropriation, as an *ethos* or dwelling place of a 'post-sovereign community that has severed all ties with state power', in a way that dissociates anomie from the locus of sovereignty and reclaims it as an attribute of free social praxis. This 'post-sovereign' politics offers access to a 'happy life', which is equated with neither the revolutionary seizing of sovereign power nor the anarchist abolition of it, but instead comes about when the state of nature is 'shorn of its transcendence' – going beyond Schmitt's unwillingness 'to conceive of political praxis dissociated from the constituted order'. Prozorov's scrutiny of the concept of sovereignty provides a bridge to the third part of the volume which is concerned with the contemporary possibility of sovereign and post-sovereign international politics.

### **Part III: Orientation**

In Chapter 8, 'Recasting the Hobbesian Legacy in International Political Theory', Michael Williams focuses on the key category

of war in International Relations and argues that while the idea of a 'Hobbesian tradition' continues 'to be one of the structuring intellectual devices in the field of International Relations', an alternative Hobbesian lineage in political theory plays an important and yet generally under-appreciated role in international political theory, both past and present. He argues that 'both Hobbes and the Hobbesian legacy provide more complex and substantial challenges for thinking about world politics than the usual appeals to the "Hobbesian analogy" in IR can embrace', for instance in relation to the meaning of political modernity, and the politics of liberal societies. Williams first turns to debates over the significance of Hobbes's political philosophy for IR in Schmitt and Strauss. These debates have revealing implications for IR since, as is becoming increasingly clear, both had important influences on debates over world politics – Schmitt's thinking on exceptionality, enmity and conflict continues to be an important influence on the development of Realism, while Strauss has been a crucial touchstone of what has become American neoconservatism. The often virulent disagreements between these two visions of IR and foreign policy have important roots in the different readings of Hobbes put forward by Schmitt and Strauss, and a re-engagement with them helps clarify key theoretical and political issues at stake in Hobbes's wider legacy for international political theory. While Schmitt and Strauss have become prominent figures in contemporary international political theory, Williams also introduces the alternative lineage of an Oakeshottian perspective on Hobbes, which has by contrast had 'an at best marginal presence'. Williams argues that there are good reasons for rectifying this situation. Oakeshott, by teasing out the elements of social virtue and a socially reflexive conception of social action in Hobbes, provides a reading of Hobbes with important implications for reassessing categories of international political theory such as the fragility of liberal politics and a re-examination of the key assumptions of modernity.

In Chapter 9, 'Hobbes, Origins, Limits', Rob Walker addresses the broader perspective of what is at stake for international political theory in making explicit the character of the modern political order, 'constructed with its own externality', which has been used to underpin the Realist understanding of international relations. Walker contends that a political theory that is disengaged from the international conditionalities of modern politics has little to offer. He argues

that, in order to ‘go beyond Hobbes’, international political theory needs to reflect upon the origins and limits of the modern political order, so as to overcome the continuing grip on the modern political imagination of a mistaken reading of Hobbes. Hobbes participated in the making of the modern political subject as free and equal within the finite world demarcated by sovereign states. Hobbes also set out a specifically modern account of a (finite) spatio-temporal field within which it is then possible to imagine an international order of some kind. Although there is little sense of an international system of states in Hobbes, his reconceptualisation of the modern political subject within a modern spatial and temporal field has been used misleadingly to construct the international dimension of the modern political order. However, contemporary political theory can also draw upon resources within Hobbes in order to consider a way forward. Hobbes confronted dramatic conflicts over competing interpretations of the world, and his solution involved the instantiation of an abstract legal authority, not a totalising power of the state. What is most valuable in Hobbes is his general framing of a politics of internalities and subjectivities that nevertheless requires some kind of externality as its necessary condition of possibility. This focus also enables us to see why modern theories of international relations seem to have required a figure like Hobbes to anchor assumptions about a dominant tradition of political realism. While International Relations theory has been organised so as to minimise the apparent relevance of questions about subjectivity to the big affairs of states and the international system, Hobbes would have no trouble in seeing subjectivity as in fact the primary object of concern.

In Chapter 10, ‘Hobbes, Sovereignty, and Politics: Rethinking International Political Space’, Raia Prokhovnik finds support in Hobbes for an argument in favour of the inter-constitution of the concepts of sovereignty and politics. She presents evidence that Hobbes has a broader and more complex understanding of politics than is usually acknowledged – an understanding embracing a politics of cooperation, the role for natural law in the international realm, and the recognition of the play of power as political – in the sense of contestation in which to negotiate epistemic indeterminacy and incommensurable difference. Prokhovnik then outlines a theory of the under-acknowledged political dimension of the concept of sovereignty, in terms of how we ask sovereignty to organise politics

and the political (for instance in helping to shape the conduct and limits of politics within a specific polity) while being above the fray of politics, and how at the same time sovereignty is deeply political and conditional. Thus sovereignty allows for discursive claims to be made about the symbolic unity of the polity, and about the conditional settlement of 'normal politics' concerning the parameters, conditions, contents and limits of politics, the political/unpolitical boundary, and about the criteria and values, institutions, practices and processes through which politics is conducted. At the same time, any such settlement is open to challenge in part, or even in wholesale fashion. By recognising this two-way 'relational interface' between sovereignty and politics, we can embrace sovereignty in a non-universalistic manner, and see that the political property of sovereignty is a precondition for politics to operate effectively. On this basis, Prokhovnik develops the case that insight into Hobbes's theory helps advance the idea that the domestic and international realms are both primarily spheres of politics rather than of morality and law. Hobbes had a broader understanding than he is often credited with, of the kinds of politics that are appropriate. And while he sought to eliminate the effects of political contestation, his theorisation of a political rather than normative solution to the problem provides important support for rethinking international political space.

## Notes

1. By 'dominant IR reading' of Hobbes we mean both or either of the following views: (a) the claim (see for example Onuf 1998) that there is an important connection between Hobbes's *Leviathan* (published in 1651) and the inter-state system that followed the Peace of Westphalia (1649); according to this view, Hobbes is the spokesperson of the Westphalian system; (b) the claim advanced by Bull ([1977]1995), Wendt (1999), and Donnelly (2000), among many others, that there is an important connection between some basic tenets of Realism and Hobbes's concept of the state of nature. According to this view, Hobbes was a precursor or founding father of Realism.
2. The connection between Hobbes's political theory and the Peace of Westphalia has been challenged by historians who have claimed that there is no clear evidence that Hobbes was aware of the terms and details of the Peace of Westphalia (see, for example, Armitage 2006). In addition, the connection between Hobbes and Realism has been questioned by political theorists (for instance, Malcolm 2002) who have argued that a Realist reading of Hobbes fails to reap what Hobbes attempted to sow.



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# **Part I**

## **Analysis**

# 2

## The Politics of Motion and the Motion of Politics

*Gabriella Slomp*

### The fragmentation of Hobbes

To my knowledge, there is no comparative study of Thomas Hobbes and Humpty Dumpty. Yet such a study would be illuminating. On the one hand, Humpty and Hobbes met a similar end; as the body of the former broke into many pieces, so the grand theory of the latter was disassembled into smaller and smaller parts in the twentieth century. On the other hand, the causes of the tragedy were very different. Humpty's fall was an accident that was waiting to happen: he climbed a wall although balance is not an egg's forte; to their credit, all the King's horses and all the King's men tried to put Humpty together again. By contrast, Hobbes's accident could not have been predicted: it happened at the hands of all the King's horses and all the King's men. Indeed, in the last century, legions of game-theorists, analytical philosophers, historians and international theorists dismantled his grand theory, each of them dissecting an aspect, a chapter, a passage, a paragraph, a metaphor, 'a bit' of Hobbes.

In the 1980s, the 'fragmentation' of Hobbes's grand theory was reported to the International Hobbes Association with dismay; a search for culprits was urged but no public enquiry ever followed. We still do not know the ultimate causes of the fragmentation (Slomp 2008). Some blamed analytical philosophers (Kraynak 1988) and game-theorists (Sacksteder 1987), for disengaging Hobbes's political ideas from his general philosophy and for concentrating on increasingly narrow sections of his works; others blamed Quentin Skinner and the contextualists for focusing on specific debates among Hobbes's

contemporaries and concentrating only on aspects of Hobbes's work which appeared to relate to these debates (Orr 1989); some highlighted the tendency, popular from the beginning of the century up to the 1960s, to link Hobbes to this or that tradition of thought (Tuck 1989), and maintained that the abstract history-of-ideas approach oversimplified Hobbes's ideas by trying to fit them into a specific tradition, be it Political Realism or something else.

Of course, external factors were also blamed for the fragmentation of Hobbes studies: for example, we have seen the specialisation of fields, the separation of disciplines, and the creation of new boundaries and departments within universities, each with a clearly circumscribed and limited interest in Hobbes's thought. It was also observed that the pressure on academics to produce monographs quickly, as well as the 20-page format of journal articles, has contributed to the tendency in the twentieth century to study fragments of Hobbes's theory.

This fragmentation of Hobbes studies had some positive effects: fresh and detailed attention was given to aspects of Hobbes's discourse that had been overlooked, neglected or under studied by previous scholarship. Novel and fruitful research analysed Hobbes's use of rhetoric and metaphors, his tacit engagement with his contemporaries' debates, and his complex views on morality, religion, justice, liberty and so forth.

The process of fragmentation has, however, also led to the emergence of a multiplicity of 'Hobbeses' who have been pieced and patched together from different sets of arguments and ideas that one can find in Hobbes's grand theory, with disregard for anything that would not fit comfortably in the picture. At one extreme, we come across a Hobbes who is the standard-bearer of the Westphalian state system, the champion of security, the voice of power politics, the theorist of anarchy, the uncompromising defender of state sovereignty. At the other end of the spectrum, we find a completely different Hobbes: the creator of a deontology, a contributor to the natural law tradition, a true Christian, a founder of liberal constitutionalism and a forerunner of state welfarism. And between these extremes, we find a proliferation of other characters who all claim – like in Kubrick's *Spartacus* – that *they* are the true Hobbes, and use different sets of quotations to support their respective cases.

The international theorists' approach to Hobbes has to be seen in the context of the fragmentation that took place in the twentieth

century: by taking an abstract history-of-ideas approach, a number of international theorists contributed to the fragmentation of Hobbes by excavating from his work anything that could somehow be squeezed into the straightjacket of a tradition called Realism, a tradition that encompasses thinkers as diverse as Thucydides, Augustine and Machiavelli. Noel Malcolm voiced the indignation of many political theorists when he pointed out that the Hobbes portrayed by international theorists

appears to be based, for the most part, on a handful of passages in one or two of his works (ignoring many comments on international affairs elsewhere in his writings); and even those few passages have been misunderstood.

(Malcolm 2004, 435)

Should one worry about the fragmentation of Hobbes's theory and about the miraculous multiplication of Hobbeses who share nothing with one another save that they all claim to offer the only true representation of this seventeenth-century philosopher? Or is this a problem only for the Hobbesian purist? Would a holistic approach to Hobbes contribute valuable ideas to contemporary debates in international relations?

Important as these questions are, it is beyond the scope of this chapter to answer them. My more modest aim is to reconnect two concepts of Hobbes's original grand theory that are fundamentally linked and yet have been disconnected by international theorists: Motion and Sovereignty. I will argue that the Hobbesian concept of motion sheds new light on his understanding of international politics.

## **Motion, power and rest**

Hobbes had a plan: to offer a philosophical system that explained everything from cosmology and natural science to morality and politics:

I took up philosophy for intellectual enjoyment, and in every branch of it I was assembling the first Elements. I arranged them in three sections, and was gradually writing them up, so that the

first Section would discuss body and its general properties; the second, Man and his particular faculties and passions; the third, the Commonwealth and the duties of citizens.

(Hobbes 1998, 13)

‘A philosopher in good earnest’, explains Hobbes in *Elements of Philosophy*, must ‘imitate the creation’ and his method ‘must resemble that of creation’:

The order of creation was, light, distinction of day and night, the firmament, the luminaries, sensible creatures, man; and after the creation, the commandment. Therefore the order of contemplation will be, reason, definition, space, the stars, sensible quality, man; and after man is grown up, subjection to command.

(Hobbes 1839, xiii)

Hobbes’s contemporaries did not challenge his claim that his natural philosophy and his theory of politics were components of a single philosophical system (Mintz 1962); the bearing of Hobbes’s natural philosophy on his political theory remained largely unquestioned until the end of the nineteenth century, when G. C. Robertson argued that Hobbes’s political views were greatly influenced by ‘his personal circumstances and the events of his time’ (Robertson 1886, vi) rather than by his natural science. In the twentieth century, the unity of Hobbes’s philosophical system became a matter of debate (Slomp 2008).

One camp argued that, regardless of Hobbes’s statements to the contrary, ‘the real basis of Hobbes’s political philosophy [was] not modern science’ (Strauss [1936] 1963, ix); it was claimed that Hobbes’s ethical theory was a strict deontology ‘disengaged’ from his natural philosophy ‘with which it had no logically necessary connection’ (Taylor 1938, 408); it was suggested that Hobbes’s theory of political obligation is independent from his natural philosophy (Warrender [1957] 1970, 6). Another camp supported the more traditional view that the content of ‘some of ... [Hobbes’s] political ideas are implied by some of his philosophical ideas’ (Watkins [1965] 1973, 8); and that ‘there is a considerable interaction between Hobbes’s natural philosophy and political philosophy and that the results of this interaction are significant for the final content of Hobbes’s political theory’ (Spragens 1973, 36). Following Thomas



Spragens, in this chapter I shall consider a concept that is at the core of Hobbes's natural science but also recurs in Hobbes's political writings: 'motion'.

The concept of motion captured the imaginations of the finest minds in Hobbes's day. It loomed large in the theories of Galileo Galilei and William Harvey, both of whom Hobbes very much admired (Aubrey 1982). In his autobiography, Hobbes repeats the word 'motion' with remarkable frequency; he explains that

whether on Horse, in Coach, or Ship ... one only thing in the World seem'd true to me. ... One only True Thing, the Basis of all Those Things whereby we any Thing do call [...] the internal parts only Motion contain [...]. To various Matter various Motion brings me, and the different Species of Things. Man's inward Motions and his Thoughts to know, the good of Government, and Justice too, these were my Studies then, and in these three consists the whole Course of Philosophy: man, Body, Citizen, for these I do heap up matter up, designing three Books too.

(Hobbes 1994b)

From much of Hobbes's correspondence, it is clear that he regarded motion as the key to understanding the world – 'the variety of things is but variety of local motion' (Hobbes 1994a, I:33) – and that he was acknowledged by many of his contemporaries, including Gottfried Leibniz, to be the philosopher who had established the foundations of its study (Hobbes 1994a, II: 718).

In the *Elements of Philosophy*, Hobbes suggests that motion cannot be defined or understood without resorting to the concept of power: 'motion' is 'actual power', and 'power' is 'future motion' (Hobbes 1839, 131). The relationship between power and motion, Hobbes explains, is one of cause and effect: motion produces power and power produces new motion. As cause and effect happen in time, so motion cannot be grasped outside the dimension of time; and time itself, Hobbes says, is motion. The negation or opposite of motion is 'rest'; by looking at the physical world we see that a falling body keeps falling by natural necessity until it is opposed by an equal or greater opposite force. The simple principle of motion, Hobbes contends, explains everything from the movements of the planets and the stars to the working of the eye, from the circulation of the blood to the behaviour of men.

To sum up: for Hobbes, motion can help the philosopher decipher God's creation. Motion cannot be defined or understood without resorting to the concepts of power and rest and without the notions of time, cause and effect.

## **Motion and man: Identity, self-preservation and equality**

In the opening chapters of *Leviathan*, Hobbes defines man as motion. We may well wonder if Hobbes's remark is a throwaway mention of his theory of physics or lays the cornerstone of his theory of politics. The classical works by Leo Strauss and Howard Warrender suggest that the identification of man with motion in Hobbes's political writings is largely irrelevant for a correct understanding of his political philosophy, but following John Watkins and Thomas Spragens, a number of interpreters have maintained that we ought not dismiss so hastily the concept of motion when approaching Hobbes's political thought.

Indeed, it can be argued that for Hobbes the identification of man with motion is of crucial importance (Slomp 2000); he emphasises this in *Thomas White's De Mundo Examined* and in *Elements of Philosophy*. In these works he addresses the question of whether young and old Socrates are the same man or different men. This, Hobbes stresses, is no idle question. If Socrates today is not the same man that he was yesterday, then he cannot be punished now for what he did then. The consequence of this would be the 'confusion of all human rights' and the 'breaking down of all laws':

[If] He that sins, and he that is punished, should not be the same man ... which were to confound all human rights.

(Hobbes 1839, 136)

[one] could say that, when someone has committed murder or theft, it is not the same man in number, but someone resembling him, who is punished – which is to violate all human laws and observances.

(Hobbes 1976, 143)

The persistence of identity, Hobbes reminds us, is the precondition for political obligation, accountability and punishment; without it, the political collapses. Hence, unless political theorists wish to find

themselves in an absurd position, they must be able to identify the same individual across different times.

In the philosophical arsenal at his disposal, Hobbes had three possible answers to the question 'what is man?': he could have said that man is 'matter or body', or that man is an 'aggregate of accidents' or that man is 'form'. In the *Elements of Philosophy*, he examines each definition in turn, seeing which one best fits the four-dimensional contours of the Hobbesian man.

First, then, Hobbes investigates the consequences of identifying man with matter or body: if we were to identify Socrates with body, he says, we would be bound to say that old and young Socrates are not the same man 'for his body, when he is old, cannot be the same it was when he was an infant, by reason of the difference of magnitude' (Hobbes 1839, 137). So, this definition does not meet the requirements of a political theorist.

Hobbes goes on to argue that if we try to identify Socrates with his actions or thoughts, we would be bound to say that Socrates 'standing [is] not the same he was sitting' (Hobbes 1839, 137). Hence we find that, for political purposes, the identification of man with an aggregate of accidents is as inadequate as the identification of man with body.

By a process of elimination, then, for Hobbes the only politically useful answer to the question 'what is man?' is that man is form: this definition alone can capture the persistence of man's identity over time. Man is form and, moreover, form is motion: motion describes the way in which the body and the mind of man function and captures the self-sameness of the citizen:

that man will be always the same whose actions and thought proceed all from the same beginning of motion, namely, that which was in his generation.

(Hobbes 1839, 137)

For Hobbes, all motions necessarily aim to remain motile and to resist being in a position of rest. Man is no exception. So, the Hobbesian man must – as a matter of natural necessity, no less – search for 'power after power'. His behaviour is not motivated by the desire to subdue all other motions, but by the physics of his condition: he must endeavour to prolong his own motion (existence) and to avoid

rest (death). As preservation of motion is the aim of all motions, so self-preservation is the goal of the Hobbesian man. Hobbes makes it clear that self-preservation is not man's '*summum bonum*' in a moral sense but, rather, describes what is good for man by natural necessity: being alive is the precondition of any other good that man may want. As Carl Schmitt argued, Hobbes suggests that a man's attempt to defend his life at the cost of killing another cannot be justified on moral grounds: there is nothing moral in keeping ourselves alive and leaving our enemies dead (Slomp 2009b). The killing of the enemy for self-preservation is just a natural, existential trait of man: man, like all other motions, cannot but oppose rest.

Moreover, just as the concept of motion sheds light on the identity of the Hobbesian man and on his quest for power, so it illuminates Hobbes's understanding of equality. The received wisdom from the Greeks and the Romans was that there exist great inequalities of wisdom and virtue among men, while Christianity emphasised the equal worth of the children of God. In *On the Citizen*, where Hobbes's theory of political obligation is presented in its purest form, undiluted by rhetorical compromises and pleasantries, Hobbes makes the following statement on equality:

Whatever confidence you have in your own strength, you simply cannot believe that you have been made superior to others by nature. Those who have equal power against each other, are equal; and those who have the greatest power, the power to kill, in fact have equal power. Therefore all men are equal to each other by nature. Our actual inequality has been introduced by civil law.

(Hobbes 1998, 26)

For Hobbes, as we have just seen, man is motion. In the simple dichotomy between motion and rest, man's ability to put his fellow man to rest – in other words, his ability to kill – is the only form of equality that matters. Men may differ in virtue and wisdom, and they may be equally children of God; these points may be of interest to Aristotelians or preachers but they are largely irrelevant to a political theorist who defines the identity of man as motion. Thus, the equality of Hobbesian men is natural and amoral: it lies in their equal dangerousness and vulnerability. No exception is made for accidents of birth or gender: as Hobbes points out, even the weakest woman

can endanger the strongest man, although admittedly she would be wise to wait for him to fall asleep (Slomp 1994).

To sum up, then, for a political theorist who wants to account for political obligation, the identification of man with his body or with his thoughts and actions is inadequate since, over time, a man's body changes along with his thoughts and his actions. From a political point of view, the principle of motion that is at the core of Galileo and Newton's physics is all-important to Hobbes as it captures the self-sameness of man over time. Man is motion and motion is a generating power which, in turn, is the origin of new motion. Man's search for power after power is the search for prolonging his period in motion and for opposing his own annihilation. Men *qua* motions are, therefore, equal: they all have the power to kill, to end the motion of another, and they are equally vulnerable to being killed, to having their own motions curtailed. This equality grounds the political equality of Hobbesian citizens. The other differences that Hobbesian men have – differences in skills, abilities and virtues – acquire importance only after the creation of the state where they become the ground for social and civil differences.

## God, fear and knowledge

In Hobbes's works, we come across two Gods: the one who created man and the one who is created by man. The first God escapes human understanding, says Hobbes, and is therefore referred to with words whose meaning we cannot fully grasp, words such as 'Immortal', 'Eternal', 'Omnipotent', 'Omniscient' and 'Infinite'. God is the First Mover, the Cause of all Motion, He is the God who created man and gave him the commandments. The aims and intentions of this God are beyond human comprehension: all a natural philosopher can do is 'contemplate' His creation and try to discover its workings (Hobbes 1839, xiii).

The second God is an artefact of man; He is the political state, invented by man. Hobbes often stresses the God-like characteristics of the Leviathan: it alone can decide what is good and evil within its borders; it alone can command and punish within its territory; it alone can maintain peace and declare war. The task of the political philosopher 'in good earnest' is to shed light on the reasons why

such an invention was made. Hobbes devotes his political writings to this explanation.

The conclusion of Hobbes's natural philosophy is the premise of his political argument: man is vital and voluntary motion. Although the 'vital motion' is all-important to man, Hobbes regards its study as the prerogative of the natural scientist. The business of the political philosopher, Hobbes tells us, is to study man's 'voluntary motion', namely his imagination, desires, aversions, deliberation, reason, and so on. In Hobbes's words:

Moral philosophy [studies] the motions of the mind, namely, appetite, aversion what causes they have, and of what they be causes.

(Hobbes 1839, 72)

The principles of politics consist in the knowledge of the motion of the mind.

(*Ibid*, 74)

Aiming to elucidate man's motives for creating the political state, Hobbes undertakes a careful examination of man's voluntary motion and its effects on man's behaviour. At first, the task of describing and studying man's voluntary motion seems overwhelmingly complex. Indeed, Hobbes notes that the forty passions listed in *Leviathan* fail to enumerate the full list of man's emotions. Hobbes, however, makes the task of the political philosopher – that is, the task of explaining the reason why people live in political states – more manageable by restricting his focus to the characteristics of man's voluntary motion that are of interest. Which passions are not intrinsic to Hobbes's project? For a start, compassion and pity can be excluded: men may be capable of compassion and pity, but these qualities surely do not explain the presence of violence and wars and all the other factors which prevent men from living together peacefully like bees and ants, without the presence of the mighty Leviathan.

Hobbes singles out three human passions that are politically relevant for their effect on war and peace: fear, glory and greed. Hobbes's attention to these particular attributes reminds us of Thucydides, a man whom Hobbes greatly admired. Indeed, many interpreters have pointed out that Chapter XIII of *Leviathan* is reminiscent of the

Athenians' speech to the Corinthians in Thucydides' *History* (Klosko and Rice 1985; Brown 1987; Slomp 1990).

Moreover, Hobbes's argument concerning man's behaviour is also resonant of the book of Genesis and of the claim that Adam's pride was the cause of his ruin (Sorell 1986); Hobbes never grows weary of emphasising that man desires glory, dominion and superiority, he never refrains from an opportunity to stress that man strives to be the judge of good and evil.

Although one can draw certain parallels, in Hobbes's argument one can find explanations of the Peloponnesian war and of Original Sin that are not recounted in Thucydides' *History* and in the Bible. From a Hobbesian perspective, Adam disobeyed God not simply because he was proud, but also because he had no fear. Indeed, Genesis suggests that Adam experienced fear for the first time only *after* having committed his crime. This implies that not even God can obtain obedience from man if the latter has no fear.

It seems, however, that fear alone cannot save man. To the Hobbesian mind, the Athenians engaged in a long war and undertook the expedition to Sicily not just as a result of the disorder of their passions (as reported by Thucydides) but also because they failed to *understand* fully the consequences of their actions. For Hobbes, at least, fear is useless unless it is accompanied by the enlightenment of reason.

Hobbes takes the political state to be the masterpiece of man's understanding of his own strengths and weaknesses. By creating an artificial God in the image of the biblical God, by investing in him the sole authority to tell good from evil and right from wrong, and by exploiting human fear, man can surpass the achievement of the biblical God. Man himself can obtain obedience rather than disobedience, and create an artificial Garden of Eden.

So although Hobbes's reading of man's passions and behaviour is not dissimilar to Thucydides', there is no sense of tragedy in Hobbes' theory. For Hobbes, history need not repeat itself. A poor, violent, short, brutish life is not the inevitable outcome of the condition of man. Pride is not uncontrollable, disorder is not unavoidable; anarchy can be turned into order, war can be transformed into peace. We can easily detect in Hobbes the exuberant confidence – typical of the Enlightenment – that man can control his destiny. This control can be achieved only with the help of understanding, knowledge, and education.

## The state and the motion of protection and obedience

We have seen above that, according to Hobbes, the identification of man with body or with an aggregate of accidents would 'confuse all human rights' and that only the identification of man with motion captures the persistence of man's identity over time and can serve political purposes. Likewise, Hobbes argues that if we were to identify a state with an aggregate of accidents (such as its actions or laws) or with a body or matter (namely its territory or the particular people occupying it at a given time), we would be bound to say that a state today is not the same it was yesterday, as one of its citizens may have died or a new law may have been passed. According to Hobbes, the identity of a state must lie in its form and, as we may recall, Hobbes believes that form is reducible to 'motion'. This motion of the state is, for Hobbes, captured by the way in which the government and its people interact:

When any citizen dies, the material of the state is not the same ... yet the uninterrupted *ordo* and motion of government that signalise a state ensure, while as they remain as one, that the state is the same in number.

(Hobbes 1976, 141)

For Hobbes, the 'motion' that defines the state is the protection/obedience principle: the citizens offer the state obedience and, in return, the state offers its citizens protection. The protection/obedience motion captures the life and the dynamic of the Leviathan: if protection fails, or if obedience is withdrawn, the state collapses.

Whereas the motion that captures the identity of man is natural, the motion that captures the identity of the state (the protection/obedience motion) is artificial. The state's usefulness and even indispensability notwithstanding, the state is a man-made creation, concocted in order to improve man's way of life. So, unlike the creations of the biblical God whose purposes we cannot discover, the state has a fathomable purpose and function. As Aristotle maintained that the 'purpose' or 'essence' of a flute is to accomplish the function for which it was crafted, likewise Hobbes maintained that the 'purpose' of the state lies in accomplishing the function for which it was created: the protection of each and every man's life.



With this in mind, we can see that there is no tension in Hobbes's theory between man's right of self-preservation and state sovereignty. The sole purpose of the latter is to serve the former. The alleged dichotomy – which crops up in many current debates – between human rights on the one hand and state sovereignty on the other, is completely alien to Hobbes's way of thinking.

Hobbes was aware that whereas a clock can usually be relied upon to work for the purpose for which it was created, the *machina machinarum* which is the state is in the hands of individuals who may be tempted to usurp its power for their own personal benefit. Hobbes offers three arguments to deter leaders and governments from abusing their positions.

Firstly, Hobbes explains how it is in the long-term self-interest of leaders and governments to protect the security, peace, wealth, well-being and 'commodious living' of their people. In other words, considerations of utility may deter governments from damaging the population. Secondly, Hobbes resorts to an argument popular in his day (and also employed by Jean Bodin) according to which leaders are accountable to God for their actions and can endanger their salvation if they fail to protect the well-being of the people. In other words, religion can reinforce the recommendation that a leader ought to exercise self-restraint. Thirdly, Hobbes explains that, although the power of a sovereign state is the same whether its government is democratic, oligarchic or monarchic, the fact remains that some forms of government are more prone than others to the abuse of political power. Hence Hobbes stresses to his contemporaries the importance of being wary of democracies; he contends that, because of their sheer number, democratic leaders are more likely to be blinded by ambition and short-term self-interest than hereditary monarchs.

To conclude this section, then, we may recall that the identity of the Hobbesian state is captured by the symbiosis between state and citizens: the former offering protection and the latter obedience. Hobbes regarded state sovereignty as a means to protect the man's right to self-preservation and so he did not perceive a tension but rather a constructive relationship between state sovereignty and rights. The Hobbesian state is not an entity with aims and desires of its own: it is a *machina machinarum* created by man for the purpose of man (Schmitt [1938] 1996): sovereign power only becomes arbitrary when it is not used for the end for which it was created.

## Political theology and the supreme law

Like Bodin, Hobbes transformed all the theological attributes of the Christian God – omnipotence, eternity, infinity, unity and trinity – into the characteristics of state sovereignty: absolute, irrevocable, unlimited, indivisible and yet with distinguishable legislative, executive and judiciary prerogatives. Because of this characterisation of state sovereignty, many scholars of international relations have regarded Hobbes as the standard-bearer of the Westphalian notion of absolute state sovereignty. This claim, however, has been indirectly challenged by generations of Hobbesian interpreters.

If Hobbes's only concern had been to defend state sovereignty, why did he not resort to the dominant theory of his time, namely the theory of the divine right of kings? Indeed, what stronger argument is there to support absolute state power than to claim that it comes directly from God for purposes decided by God? But Hobbes eschewed this approach in favour of the natural law tradition that had been consistently used by writers who aimed to *limit* the power of the state.

It has been claimed that Hobbes used natural law in a perverse manner insofar as he claimed that natural law recommends man to obey positive law absolutely (Bobbio 1993); admittedly, Hobbes had no time for individuals like Sophocles' Antigone, who appealed to natural law to justify her disobedience to the king. This point, however, should not detract from the fact that Hobbes found in the natural law tradition what he could not find in the theory of the divine right of kings: the former but not the latter allowed Hobbes to make man's right to self-preservation the foundation of his political argument and enabled him to regard the political state as a means to protect that right.

At the beginning of the twentieth century, many interpreters (such as C. E. Vaughan, F. Toennies and E. Barker) noted this point and deduced that Hobbes heralded a new era in political thought since he had changed the emphasis of natural law theory from a theory of duties to a theory of rights.

As J. G. Fichte famously pointed out, any theory that assumes that the 'right' pre-exists the state is bound to regard the right as absolute and the state's power (however formidable) as bounded in that it cannot encroach upon this absolute right.

From Leo Strauss ([1936] 1963) and Carl Schmitt ([1938] 1996) to Sheldon Wolin ([1960] 2004), many scholars during the twentieth century have highlighted Hobbes's commitment to the individual: the individual is the *terminus a quo* and *terminus ad quem* of his theory of the state.

Indeed, it can be argued that the Hobbesian state enjoys absolute sovereignty insofar as it is *ab legibus solutus* and is the source of all positive law, but the Leviathan is not *ab jure solutus* as it is bound to protect the lives of its every citizen (Slomp 2009b Chapter III). Hobbes's commitment to the individual did not escape the attention of a jurist like Carl Schmitt who in 1938 claimed that Hobbes's theory contained the seeds of Liberal Constitutionalism (Schmitt [1938] 1996).

To conclude, Hobbes's political theology of the state rests on one assumption, aims at one goal, serves one purpose: the individual and his right to live safely.

Hobbes writes:

All the duties of sovereigns are implicit in this one phrase: *the safety of the people is the supreme law*. For although those who hold sovereign power among men cannot be subject to laws properly so called, i.e. to the will of men, because sovereignty and subjection to others are contradictory, it is nevertheless their *duty* to obey right reason in all things so far as they can; right reason is the natural, moral and divine law. And since governments were formed for the sake of peace, and peace is sought for safety, if the incumbent in power used it otherwise than for the people's safety, he would be against the principles of peace, that is, against natural law.

(Hobbes 1998, 143, italics in the original)

## The motion of politics

We have seen above that there is no dichotomy between state sovereignty and individual rights in Hobbes's theory insofar as Hobbes clearly saw 'the protection/obedience motion' as the principle that captures the mutual relationship between state and citizens: citizens obey in order to be protected and the state protects in order to be

obeyed. Civic obedience and state's protection are the simultaneous precondition and outcome of one another.

Moreover, the concept of 'motion' allows us to see that many dichotomies attributed to Hobbes (such as the dualisms between internal and external, domestic and foreign, political and natural) are less stark than often suggested<sup>1</sup>: throughout his writings, Hobbes never renounced the idea that everything is 'in motion' and that 'motion' connects the terms of any opposition.

The Leviathan is created for the protection of its citizens and so it follows that it must concern itself not simply with what happens within its borders but also with what happens outside. In *Behemoth*, Hobbes shows how international politics affected the course of the English Civil War, how the 'outside' had an impact on what happened 'inside'. Hobbes also had experience of how international affairs can affect the lives of ordinary people: not without irony, in *The Verse Life* Hobbes claimed to have been born prematurely because his mother was terrified by the approach of the Spanish Armada:

And hereupon it was my Mother Dear  
Did bring forth Twins at once, both Me, and Fear.

(Hobbes 1994b, 254)

We also learn from Hobbes's correspondence that wars sometimes curtailed and delayed his travels in Europe. Moreover, we know that Hobbes was interested in international trade and invested in international commercial enterprises such as the Virginia Company.

Hobbes identifies the political with the state, and since there is no overarching state in international relations to which all entities are bound by political obligation, it is unsurprising that he described international relations as a state of nature. Hobbes also pointed out, however, that there is an important difference between the state of nature among individuals and the state of nature among states. Hobbes explains:

But because they [states] uphold thereby the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.

(Hobbes 1991, 90)

Hobbes sees inter-state relations as a world where wars take place but where the phenomena such as coalitions, negotiations, contracts and agreements are likely to occur far more frequently than they do in inter-individual relations. We can explain this asymmetry in Hobbes's argument by noting that, unlike the natural individual, the state is not destitute, as it can rely on the wealth, commerce and industry of its citizens; moreover, it follows that the state has more to lose from violence and war than natural man.

In a previous section, it was noted that people in government may be tempted to abuse their position of power even if this goes against their long-term utility and against the commandments of God. Hobbes is aware of this and does not rule out the possibility that governments may be tempted to pursue grandeur on the international stage. Insofar as the state is an instrument of men, however, it ought only to engage in activities that genuinely protect and promote the self-preservation of citizens.

In Hobbes's argument, the concept of self-preservation may be characterised as an umbrella of varying size. At its smallest, the umbrella only captures the bare bones of the concept: self-preservation means survival. As it grows in diameter, the umbrella of self-preservation starts to include other factors: first it captures bodily integrity, then shelter, then fresh water, clean air, and commodious living.<sup>2</sup> In Hobbes's description of the state of nature, individuals – who are weighed down by the onerous demands of their lives as natural men – carry only the lightest, smallest umbrellas to protect them from the slings and arrows of fortune. One of the reasons why men enter the social contract, Hobbes tells us, is the hope of 'commodious living' (Hobbes 1991, 90) – the desire to carry a wide-brimmed umbrella that shields them not only from death, but also from torture, disease, and crime, so that they may walk all the more calmly as they go about their affairs. The Leviathan's mandate to protect its citizens has to be interpreted as a mandate to make sure that all citizens have a fully functional umbrella at their disposal, so they may be protected from threats whose provenance lies inside or outside the state's borders.

From Hobbes's perspective, then, the domestic and the international are not self-enclosed worlds; rather, there is a continuous motion which links them. As states rely on the industry of their citizens for their wealth, they have fewer reasons than independent

individuals living in natural conditions to attack one another for their survival. In fact, on the contrary, states have good reasons to be averse to war and receptive to negotiations, coalitions, alliances, and commercial treaties so as to improve further their citizens' quality of life: international politics plays a crucial role in regulating the size of its citizens' umbrellas. So, rather than suggesting a complete divorce between internal and external spheres, it seems that Hobbes's thought allows for a complex and intricate interplay between the two.

To conclude, Hobbes's commitment to the concept of motion asks us to question or at least qualify the understanding of his theory as a model characterized by such stark oppositions and dichotomies as domestic versus international and inside versus outside. Regarding the international sphere, Hobbes's theory describes the state (and the political) as a planet that, like the Earth, rotates around an axis – the state's axis is the protection/obedience principle. The 'planet' of the state is in constant motion in a belt which contains similar planets – other states – which are committed to the avoidance of rest and to the prolongation of their motion, and which are aware that they are more likely to achieve their desired result by negotiating their trajectory with other planets than by engaging in a direct impact.

## **Concluding remarks**

Hobbes's belief in the heuristic value of motion gives us an insight into his fascination with the discoveries made by his contemporaries in the fields of physics and science. We can observe the confidence that Hobbes shared with his fellow scientists about the future of man. For Galileo, nature is an open book that man can decipher; for Hobbes, politics is a book that man can write. Man is the author of his destiny. Even though the passions of man (fear, glory, greed and so on) are eternal characteristics decided by God for reasons we cannot understand, man can nevertheless influence and modify the content of his passions, the specific object of man's desires and aversions. Above all, man can create artificial instruments such as the state with the aim of directing man's actions in a way that is beneficial to him and others. For Hobbes, the key to gaining such control lies in understanding, knowledge and education.

The concept of motion enables us to frame a useful distinction between the purpose of man and the purpose of the state. Man is an

instance of natural motion, created by God in accordance with God's purposes and intentions. As God is inscrutable, the ultimate purpose of human existence is unknown, and unknowable, to us mortals. All a philosopher can do is contemplate man *qua* natural motion, investigate how man operates, note man's search for power, recognise man's commitment to self-preservation and to self-defence. The state, by contrast, is an artificial motion created by man. Man is not inscrutable; as a result, the political philosopher is not limited to merely contemplating the state – the philosopher can explain why man created such a device. The purpose of the state, Hobbes tells us, is to provide protection; this purpose can only be realised if the Leviathan is unrestricted in its ability to protect. This entails that state sovereignty must be absolute, unlimited and undivided. We ought not lose sight of the fact, however, that such great artificial power has only one function, one aim and one justification: to serve man. The state has no independent end of its own, as it is not a natural motion. This in turn entails that there is no *raison d'état* in Hobbes's theory (see also Meinecke [1924] 1957) and no tension between state sovereignty and man's right to self-preservation. So it is unsurprising that Immanuel Kant in *Theory and Practice* (Kant 1991) wholeheartedly adopted Hobbes's concept of sovereignty (Tuck 1999) when laying the foundations for a fully fledged theory of rights.

The concept of motion highlights the interconnectedness, in Hobbes's theory, between concepts that *prima facie* seem to describe opposite, self-enclosed worlds. It illuminates the process that binds the natural world to the political; it shows us that the natural man and the citizen are different faces of the same identity; it throws light on the influence of the domestic on the international and vice versa. We have seen that motion is at the core of the Hobbesian state and captures the dynamics of the protection/obedience principle that unites governments and people and that needs the constant commitment of all parties.

Brief as the above points are, they nonetheless hint at an interpretation of Hobbes that is at odds with the exposition of his theory one finds in texts of international theory. From the vantage point of the concept of 'motion', we have seen in Hobbes political ideas that remind us of the Radical Enlightenment. Rather than the champion of the state, we have found in Hobbes a champion of the individual; rather than pessimism and tragedy, we have found confidence in

rationality and education; rather than the acceptance of eternal human nature, we have found the belief in the ability of man to control his future and modify the content of his desires; rather than self-contained notions of internal and external, domestic and international, we have found a sophisticated interconnectedness; rather than an obsession with 'survival', we have found concern for 'commodious living'.

In the introduction, I claimed that in the twentieth century, from analytical philosophers to game theorists, from contextualists to adherents of the history-of-ideas approach, from political theorists to international theorists, we have all contributed to the fragmentation of Hobbes's grand theory. I suggested that such fragmentation had not only negative implications but also some positive effects. The question is therefore, what are consequences arising from the fragmentation of Hobbes's grand theory operated by international theorists?

On the one hand, international theory scholars have drawn attention to aspects of Hobbes's thought that were largely ignored by previous scholarship, namely his views on international politics. On the other hand, it can be argued that their tendency to focus almost exclusively on a few scattered remarks in *Leviathan* and to ignore the rest of Hobbes's grand theory has fostered a fundamentally distorted account of Hobbes's understanding of the international. The present attempt to reconnect two important aspects of Hobbes's grand theory – his concepts of motion and sovereignty – hopefully lends support to the camp led by Noel Malcolm (2004) and Tom Sorell (2006) according to which Hobbes's view on international politics do not comfortably fit in the straightjacket of international realism.

## Notes

1. For example, Carl Schmitt imputed to Hobbes's theory the clear-cut distinctions of the Westphalian period, such as those between internal and external, domestic and foreign, soldier and civilian, war and peace. Similarly, Norberto Bobbio (1993) claims that Hobbes's argument features the postulation of theses (state of nature; anarchy; war; liberty) and antitheses (political state; order; peace; obedience) linked together by a *deus ex machina* through the concept of the 'social contract'. Bobbio compares and contrasts Hobbes's model with Hegel's and points out that in the work of the former there is no synthesis, no dialectic, no dynamic and no development.



2. He writes: 'Just as it was for each man's preservation that he should relinquish certain of his rights, so it is no less necessary to his preservation that he retain certain rights, namely the Right of protecting his person, the right of enjoying the open air, water, and all other things necessary for life' (Hobbes 1998, p. 50).

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# 3

## Hobbes, Public Safety and Political Economy

*Tom Sorell*

The concept of public safety is central to Hobbes's civil science. It is closely related to the concept of peace, which Hobbes defines as a time when there is no will to violent contention among individuals living in the same place. Public safety is what peace looks like from the standpoint of someone who manages a commonwealth in accordance with the rules of Hobbes's civil science. It is what results from the sovereign's using executive power to introduce all and only the laws necessary for modestly prosperous collective life in which violence is outlawed. The concept of public safety has significant economic content; and so have Hobbes's theories of war and peace, I am going to suggest. This content is easy to miss, but I will offer a reading of even very familiar texts from Hobbes that will bring it to prominence. If such a reading is correct, then Hobbes's politics is much more essentially political economy than is usually supposed.

According to Hobbes, part of what it is to rule well is to make wealth-creation safe, and part of being a good citizen is being willing to undertake productive work and not over-consume. Wealth-creation and reasonable consumption, what is more, are not matters of domestic politics alone: they have an irreducibly international aspect. So not only is Hobbes's politics a kind of normative politico-economic theory; it is also a kind of *transnational*, normative politico-economic theory – one that emphasises the importance of peaceful trade between nations. Appreciating as much is only possible when Hobbes's texts are given a reading that de-emphasises local and international aggression as well as the ruthless pursuit of short-term

self-interest. The preferred interpretation throws into prominence international interdependence, especially economic interdependence, and the scope within limits for co-operation between nations.

## Relevant texts

The principal texts for my interpretation, taken in chronological order of composition, are Chapter 28 of *The Elements of Law*, Chapter 13 of *De cive*; and Chapter 30 of *Leviathan*. It is clear that these chapters correspond to one another in the three political treatises, and that all three give a Hobbesian construal of the tag *salus populi lex suprema* ('The safety of the people the highest law'). All of these chapters appear late in the works to which they belong, or, in the case of *Leviathan*, late in the part of the book (Part Two) that states the politics proper. All three chapters state duties of sovereigns after many chapters setting out very extensive sovereign rights.

The function of my three chosen chapters – that of stating duties for sovereigns – is itself remarkable, since it seems to contradict Hobbes's idea that there is no gainsaying the judgements of the sovereign, whatever they are, on how he is to carry out his office. How can Hobbes, a subject of a sovereign, presume to lay down, even in general terms, what a sovereign's duties are, especially where sovereign practice might easily fail to conform to his rules? Is this not a violation of the first duty of the subject, which is to abstain from judgements about all matters to do with collective safety and security? Doesn't it assume the availability to some non-sovereign of an intellectual vantage point from which one can distinguish good from bad sovereignty; and shouldn't this vantage point, which also permits one to second-guess the judgements of a sovereign, be *unavailable* to a non-sovereign, according to Hobbes's normative science of politics? This good question – which points to the tensions between Hobbes's doctrine of the authority of science and Hobbes's doctrine of the authority of kings – I have tried to confront elsewhere.<sup>1</sup>

In this chapter I shall concentrate on something else in the texts I have selected, namely, the point that public safety is not to be construed narrowly, as mere continuation of life for subjects. Reliable continuation of life is supposed to distinguish the civil state from the state of nature – that is how submission can seem a reasonable

price to pay for ending war – but civility promises more than that. Survival is *part* of public safety, Hobbes says in all three places, but public safety goes beyond that. The chapters diverge in what they say public safety adds to survival. *De cive* and *Leviathan* tend to add less and to specify it in more general terms than *The Elements of Law*. But, and now to broach my main theme, all three add what may broadly be called economic content. They talk about work, trade, consumption and tax.

Let us start with *De cive*:

By *safety* one should understand not mere survival in any condition but a happy life so far as that is possible. For men willingly entered into commonwealths *which they had formed by design* in order to live as pleasantly as the human condition allows. Those who have taken it upon themselves to exercise power in this kind of commonwealth, would be acting contrary to the law of nature (because in contravention of the trust of those who put the power in their hands) if they did not do whatever can be done by laws to ensure that citizens are abundantly provided with all the good things necessary not just for life but the enjoyment of life.

(Hobbes 1998, xiii.2)

He is saying that all sovereigns – I have left out material on conquering sovereigns – have reason to make their subjects happy. He has said elsewhere in *De cive* that human life permits only a limited kind of happiness. And the passage just quoted says that to the extent that the sovereign is obliged to provide this happiness-within-limits, he is obliged to do it *by laws* – by precepts that apply in the same way to everyone. This proviso limits the distribution of limited happiness to whatever distributions reach all subjects equally. This means that good things that are indivisible or that don't divide equally would probably not be eligible as good things to be put toward public happiness.

That the happy life might be an austere life is confirmed a couple of paragraphs after Hobbes defines safety in *De cive*:

Regarding this life only, the good things that citizens may enjoy may be put into four categories: (1) defence against external enemies; (2) preservation of internal peace; (3) acquisition of wealth,

so far as this is consistent with public security; (4) full enjoyment of innocent liberty. Sovereigns can do no more for the citizens' happiness than to let them enjoy the possessions their industry has won them, safe from foreign and civil war.

(Hobbes 1998, xiii.6)

A sovereign does all he can reasonably be expected to do for the happiness of a good life when he provides security from internal or external war, and allows people to keep some of what they gain by working for a living in conditions of peace. The sovereign's duty to see to the public safety is thus not very exacting, even when it is a duty to provide for more than survival. A sovereign would do his duty if he maintained a tax regime sufficient for maintaining an effective military force at a country's border; if he maintained an effective domestic penal regime for crimes against the person; and if in his legal regime goods gained by one's own industry were normally treated by law as one's own property.

Consider what the sovereign is not required to do for public safety. There is no obligation to redistribute a publicly owned surplus of assets to those who did not work for them; there is no obligation to respect wills which pass wealth to someone who is idle. There is no obligation to legislate that lawful gains from a person's work *always* belong to him, since that would exclude their confiscation for public defence at times when war is imminent. Again, there is no obligation to *fine-tune* border protection or domestic penal law so that it is the *least* needed for external and internal defence: the sovereign's duty is to provide defence, not exactly as much defence as necessary. So much for *De cive*. *The Elements of Law* has a more inclusive conception of the ingredients of the public safety or public good.

For the temporal good of people, it consisteth in four points.

1. Multitude. 2. Commodity of living. 3 Peace amongst ourselves.
4. Defence against foreign power.

(Hobbes 1994, xxviii.3)

The provision for 'Multitude' is what principally distinguishes the account of public safety in the *Elements of Law* from that of *De cive*. 'Multitude' is Hobbes's heading for a discussion of the rules for people multiplying their number in a commonwealth, and under it he

tries to identify and justify a range of unwanted kinds of human copulation and reproduction. He then comes to the ingredients of happiness in the individual life:

The commodity of living consisteth in liberty and wealth. By liberty I mean, that there be no prohibition without necessity of any thing to any man, which was lawful to him in the law of nature; that is to say, that there be no restraint of natural liberty, but that which is necessary for the good of the commonwealth; and that well-meaning men might not fall into the danger of laws, as into snares before they be aware. It appertaineth also to this liberty, that a man may have commodious passage from place to place, and not be imprisoned or confined with the difficulty of ways, and want of means for transportation of things necessary. And for the wealth of people, it consisteth of three things: the well-ordering of trade, procuring of labour, and forbidding the superfluous consuming of food and apparel.

(Hobbes 1994, xxiii.4)

Now this passage on wealth and liberty seems to be consistent with, if more explicit than, the corresponding passage in the later *De cive*. It equates innocent liberty with liberty that does not interfere with the good of the commonwealth and so liberty which does not need to be restricted by law. It equates wealth with the existence of legal institutions for regulating trade, employment, and luxury or unnecessary consumption of food and clothing.

*Leviathan* is closer to *De cive* than to *The Elements of Law*:

The *office* of the Sovereign (be it a Monarch or an Assembly,) consisteth in the end, for which he was trusted with the Sovereign Power, namely the Procuration of the *safety of the people*, to which he is obliged by the Law of Nature. ... But by Safety here, is not meant a bare Presevation, but also all other Contentments of Life which every man by lawfull Industry, without danger, or hurt to the Commonwealth, shall acquire to himselfe.

(Hobbes 1991, Chapter 30, 231)

According to this passage, procuring the public safety is not a matter of the sovereign's using law to give people 'contentments', but of the



sovereign's creating conditions for people to make *themselves* happy by lawful productive work. As in *De cive*, the concept of *industry* indicates a preferred source of whatever happiness human beings are capable of. 'Industry' means effort or work.

## The value of hard work and modest consumption

'There are only three things', Hobbes says in *De cive*, 'which enable the citizens to increase their prosperity – *products of earth and water, hard work and thrift* – they are the only objects of a sovereign's duty' (Hobbes 1998, xiii. 14). A legal regime that encourages work and that discourages consumption is part of what Hobbes has in mind here. But there are also trading arrangements, including, as we shall see, international trading arrangements. The strongly economic slant of Hobbes's analysis of the sovereign duty of procuring the public safety should already be emerging. Although public safety is not only to do with thrift, work and raw materials; although it is also to do with the protection of life and delivery from the war of all against all, it is partly to do with thrift, work, and raw materials. Still, isn't the economic side of public safety *jarringly* prominent in Hobbes's chapters on public safety? Aren't economic concepts virtually absent from the texts about the war of all against all that seem to give the institution of sovereign its main rationale? It turns out that some of the concepts that we are noticing in the explication of public safety are also present in much more familiar texts.

Consider an apparently parenthetical remark in Chapter 13 of *Leviathan*. It comes at the end of a famous passage about the reality of the war of all against all in human history:

But though there had never been any time, wherein particular men were in a condition of warre one against another; yet in all times, Kings, and Persons of Sovereigne authority, because of their Independency, are in continual jealousies, and in the state and posture of Gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continual Spyes upon their neighbours, which is a posture of War. But because they uphold thereby, the Industry of their Subjects, there does

not follow from it, that misery, which accompanies the Liberty of particular men.

(Hobbes 1991, 90)

International war, he is saying at the end of this passage, is not necessarily miserable. Or, what amounts to the same thing, the liberty of sovereigns, unlike the liberty of particular men, does not bring with it a life that is nasty, brutish and short. The reason is that international cold war permits industry in domestic jurisdictions, which civil war and life in the state of nature do not.

Hobbes had already – three paragraphs earlier – emphasised the point that the war of all against all – war at the level of individuals – leads to the loss of all of the commodities of life. Is the reason why all of the commodities are lost that war makes violence and death prevalent so that individuals come to be paralysed by fear and incapacitated by injury? No: according to Hobbes, the reason war leads to the loss of all commodities is that it rules out work, by raising the probability that work or effort will be fruitless or unproductive, so that there is no incentive to engage in it:

In such condition [war among individuals], there is no place for Industry, because the fruit thereof is uncertain: *and consequently* no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious building; no Arts; no Letters; no Society; and which is worst of all, continual feare and danger of violent death.

(Hobbes 1991, 89, my emphasis)

It is not the horror of general slaughter itself but its taking away incentives for production that makes war lead to the loss of all good things. In both the explanation of the intolerable evils of all-out civil war and the tolerable insecurities of international cold war, Hobbes uses the same, essentially economic, concept – of work or industry – that he uses to explicate the good in public safety. To put it another way, a part of the theory of the causes of war derives its content from political economy. It is no surprise, then, that the device that counteracts the causes of war, effective sovereignty, should be guided by political economic norms, including the norm of giving people incentives and freedom to work.

The use of the concept of industry is not the only anticipation in the well-known parts of the political writings of the concepts used in the account of public safety. Corresponding to the mention of thrift and the avoidance of superfluity as an element of public safety is the law of nature calling for complaisance:

For seeing every man, not only by Right, but by necessity of Nature, is supposed to endeavour, all he can to obtain that which is necessary for his conservation; he that shall oppose himself against it, for things superfluous is guilty of the warre that there-upon is to follow.

(Hobbes 1991, 106)

In the same vein there is his listing 'riot and vain expense' among the causes of the undoing of commonwealths (Hobbes 1991, Chapter 29, 230). Again, one of the reasons why Hobbes prefers a tax on consumption to a tax on saving is that it acts against waste:

But when the Impositions are layd upon those things which men consume, every man payeth equally for what he useth; nor is the Common-wealth defrauded, by the luxurious waste of private men.

(Hobbes 1991, Chapter 30, 238–9)

Economic concepts are needed to explicate the sovereign's duty because prosperity is a condition of peace. Citizens who are impoverished lack resources that can be turned into public funds for public protection. Consequently, a sovereign who lives with the impoverishment of his subjects lives at the same time with the prospect of not being able to maintain an army. By the same token, his ability to see to internal defence against civil war is compromised. Rebels have less to fear from the sovereign, and law-abiding subjects have less prospect of getting protection. If impoverishment goes so far as to reduce subjects to starvation, then the contract itself dissolves and the commonwealth disappears. The many are excused from their obligations to submit because those obligations are undertaken in exchange for relief from threats to life *including* starvation.

## Domestic peace and foreign imports

It is by means of economic concepts that Hobbes links international hot war to the war of all against all. The place to look for the link in *Leviathan* is Chapter 24, 'On the Nutrition and Procreation of the Commonwealth'. This chapter says that the lives of people in commonwealths depend on the natural plenty of land and sea. Some of the plenty is consumable just as it is found; some of it is material for manufacture; and both manufactured goods and raw materials sometimes have to be transported to where they can be used, in certain cases from abroad.

That there is international interdependence in relation to commodities is reflected in the distinction between commodities as foreign and native:

This Matter, commonly called Commodities, is partly *Native*, and partly *Forraign*: *Native*, that which is to be had within the Territory of the Common-wealth: *Forraign*, that which is imported from without. And because there is no Territory under the Dominion of one Commonwealth, (Except it be of very vast extent,) that produceth all things needful for the maintenance, and motion of the whole Body; and few that produce not something more than necessary; the superfluous commodities to be had within, become no more superfluous, but supply these wants at home, by importation of that which may be had abroad, either by Exchange, or by just Warre, or by Labour.

(Hobbes 1991, 170–1)

Because commonwealths, according to this account, are standardly dependent on foreign commodities, the sovereign's duty to see to public safety in the form of the prosperity of the commonwealth is not only to do with domestic law and military arrangements. It is also a matter of the conduct of foreign relations. Although just war is acknowledged in the passage just quoted to be a possible means of importing commodities, Hobbes is against wars of conquest.

[T]he insatiable appetite, or *Bulimia*, of enlarging Dominion, with the incurable *Wounds* thereby many times received from the

enemy; and the *Wens* of united conquests, which are many times a burthen, and with less danger lost, than kept.

(Hobbes 1991, 230)

Not only is conquest normally against the purpose of sovereignty; the management of stable international trade is a positive duty of the sovereign, on account of the fact that it is extraordinary for a single country to produce all the commodities it needs or to have a use for all the commodities it has. This means that, to the extent conditions for international trade can be created and sustained by governments, it is for governments to create and sustain them. Hobbes thinks that the ubiquity of cold war between states may make trade channels inherently fragile, but that does not preclude their existence. Still, the need for these channels is an argument for keeping wars as cold as possible with countries that provide needed commodities. Or, in other words, there is an argument from the purpose of sovereignty for as much co-operation with trading partners as is compatible with national defence. This is an argument quite distinct from the argument against conquest, but, like that argument, it supports co-operation and non-aggression.

Co-operation with trading partners may mean moderating one's dependence on them. Burgeoning demand in one country for a commodity that only other countries can supply is a possible cause of a war with other countries to take over supplies of that commodity. If the commodity in question is necessary for human survival, such as water, that is one thing, but if it is a requirement of a wholly extravagant life-style, then, according to Hobbes, what is needed is not more of the commodity but less of the lifestyle. Vain expense is a distinctive cause of the dissolution of commonwealths, comparable to Consumption in human beings (Hobbes 1991, Chapter 29, 230). The concentration of wealth in a few monopolists is similarly disabling (Hobbes 1991, Chapter 29, 229). The wealth that proceeds from individual industry is what the commonwealth is supposed to protect (*De cive*, Hobbes 1998, Chapter 13, §6), not a luxurious existence. So it is reasonable to interpret Hobbes to hold that imports are best arranged for peacefully, either by voluntary exchanges of raw materials or by value-adding processes, such as manufacture. Decisions about which things to import are not to be determined by demand only, for some things in demand privately are either potentially damaging to the commonwealth or to individuals (Hobbes 1991, 173).

The picture that emerges from Chapter 24 of *Leviathan* is of nutrition of the commonwealth primarily by authorised, peaceful international trade in safe commodities, the sovereign determining what is safe. When Hobbes's views about commodious life and just tax arrangements within the commonwealth are added, we find nutrition regulated also by self-restraint and external restraint on both wealth and consumption.

### **International trade and an impersonal standard of necessary consumption<sup>2</sup>**

Hard-working, thrifty people are, economically speaking, the best citizens. A commonwealth full of them would not necessarily live austere, but Hobbes is against the high life, and therefore against the foreign trade and the war of control of commodities that the high life might require. It is clear also that, given the components of the commodious life, the onus is on sovereigns not to start foreign wars *except* where to do so is to protect subjects. A war of conquest on a country that supplied the raw material of 'luxurious waste' would not be justifiable, even if the sovereign's subjects had become so used to the luxurious waste that its ceasing to be catered for would be regarded by them as hardship.

It draws together many of the points that we have been reviewing to say that Hobbes's commonwealth introduces an impersonal measure – the sovereign's – of what counts as enough in the sphere of economic goods. This measure of what is enough is as essential to peace-keeping as an impersonal measure of who owns what or an ultimate judge of punishments for injury. Subjects are judges of what is immediately life-threatening, and they are authoritative about whether they are starving. But above the level of desperate need, the standard is set by the sovereign. Citizens are normally entitled to what results from their productive work, minus what they are taxed for consumption and what they are taxed for the peace-keeping apparatus of the state. What is left over is enough, according to Hobbes's stripped down conception of the commodious life, so long as it is at minimum enough to survive. It is enough even if it co-exists with strong unsatisfied desires. Up to a point it is the same for the sovereign. In his case, too, having enough is not the same as having no unsatisfied personal desires. The desires that matter are those that correspond to the safety and prosperity of

the many that he personifies. It is possible for these 'desires' to be satisfied and for there to be resources left over, which the sovereign is free to satisfy as the natural person he is rather than the head of the commonwealth; but even so, it remains the case that the measure of enough is never one human being's appetites.

This is a world away from the state of nature at the level of individuals, where there is no possible measure of enough *except* the judgement of an individual. This judgement is likely to be heavily influenced by the passions, which, for Hobbes are highly unreliable guides to what is worth pursuing. In fact, things are not much better for a person trying to prosper in the state of nature with a working faculty of reason. The insecurity of the state of nature being what it is, even reason unhelped by passion points to the conclusion that there is no such thing as enough. Whatever is not used now that is useful at all, is reasonably kept in store as power in Hobbes's sense for the future. This is not because everyone in the state of nature is greedy by nature; it is because even people who are not greedy can have the things they hold taken away, or can be incapacitated, and therefore need power in reserve to make up for their vulnerability. They need this power even if they only want enough to survive. So both reason and desire drive them to ceaseless acquisition if there is no prospect of a collective will to make peace. The reason for ceaseless acquisition disappears when there is security, for there is no need to build up as big a bank as possible of personal power. One can trust instead to the incomparably great power of someone who can call upon the goods of the many, namely a sovereign.

But there are sovereigns and sovereigns, and differently organised, including defectively organised, commonwealths. For example, in a commonwealth free from civil war, in which there is wealth out of proportion to labour and no thrift, the impersonal measure of sufficiency – the measure determined by a sovereign who puts the public safety first – is likely to be contested. The sovereign's measure vies with the personal measures of each wealthy and powerful citizen's possibly ungoverned desires for great personal wealth and status. For them the sovereign's view of sufficiency may conflict with a life that satisfies theirs. The solution to this problem has already been hinted at in *De cive's* list of the components of commodious living. The acquisition of wealth full stop is not mentioned as one of the components; it is the acquisition of wealth 'so far as this is consistent with public security'.

This way of putting it allows for significant redistribution, and Hobbes's overall theory probably implies that the redistribution should result in levels of wealth that finance only limited consumption.

Not only does life in the state make possible an impersonal measure of sufficiency; it makes possible a condition of sustainable interdependence both locally and internationally. The state of nature robs people of incentives to work; it therefore puts out of reach the conditions of a division of labour that underlie efficient building, architecture, or agriculture. People have only themselves to depend upon, or perhaps only themselves and their kin. Their small circle has to be able to see to all their needs: shelter, protection, food, medicine. This is hard enough when people have no reason to regard their fellow human beings as competitors who will stop at nothing to prosper. But in the state of nature, distrust makes people refrain from taking or receiving help. Individuals and small groups of individuals cannot count on having all the skills required to satisfy their needs. Given the way they all need a share of natural plenty, they are naturally dependent, and yet probably unable to secure much more than what they can consume immediately.

Leaving the hand-to-mouth existence of the state of nature does not free people from dependence, but it changes radically the *kind* of dependence. Once a sovereign power is established there are conditions not only for domestic industry, but for authorised buying and selling of foreign goods. Hobbes's personal knowledge of companies formed to conduct trade between England and its North American colonies is reflected in Chapter 22 of *Leviathan*, where he reflects on the dangers of monopoly buying and selling rights exercised by some companies of merchant adventurers. With the power to keep cost-prices for foreign-bought commodities low and selling prices for the same goods in England high, companies of merchant adventurers were in a position to disadvantage people abroad as well as their fellow citizens (Hobbes 1991, 160–1). These disadvantages are, so to speak, the other side of the coin of the new channels of supply these monopolists open up, thanks to the existence of stable government. It is private wealth, freely invested, that brings in the imports, and this can only be accumulated well outside the state of nature.

But the establishment of government, though necessary, is not sufficient, for prosperity. According to Hobbes, a flourishing economy demands contacts between one country and others in the form of



private enterprise, not government intervention solely. This fact is obscured in a picture of international relations which confines dealings to sovereigns; but such a picture is not Hobbes's. The dependence of post state-of-nature people on natural plenty from abroad is mediated by trading companies and retailers much more directly than it is mediated by governments, and trade is a large part of international relations.

Although private enterprise is important for domestic prosperity, trade channels can let in harmful as well as beneficial goods. The sovereign's hand is far from invisible even in the dealings of merchant adventurers, if the lessons of Hobbes's theory are properly taken in by rulers. As already said, Hobbes thinks it is for the sovereign to judge what imports are safe, and to beware the wealth of monopolists.

The concept of safe import (cf. Hobbes 1991, Chapter 24, 173) probably excludes unregulated trade in weapons in its most central application, but it is suggestive and probably can be taken much further. At one extreme it could tell against revolutionary literature or pamphlets, and, at another, against the import of commodities for which the domestic appetite might become excessive, like oil or drugs. Recent international experience of war seems to make not only the concept of safe import fresh and relevant, but also the question of what counts as enough, when some countries seem dedicated to luxurious waste. It is to Hobbes's credit that he always connected the limits of plenty to the conditions for international peace.

## Notes

1. In a volume of papers in French on Hobbes on authority edited by Martine Pecharman (forthcoming, P.U.F.).
2. This section draws on material in Sorell (2006).

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# 4

## *Leviathan* and Liberal Moralism in International Theory

Glen Newey

### Introduction

Traditionally, Hobbes has been seen as a leading prophet of the Realist school. Thinkers such as Morgenthau and Hoffman acknowledge his influence on them (Morgenthau 1978; Hoffman 1965). Many would still share Smith's judgement that Hobbes's 'analysis of the state of nature remains the defining feature of realist thought' (Smith 1986: 13). Even neo-Realists like Waltz treat Hobbes as a folk avatar of positions that would only gain scientific formulation by Waltz himself (Waltz 1979: Chapter 6). Waltz's structural determinism has in turn met a neo-Hobbesian riposte by Malnes, who argues that '[t]he Hobbesian theory may be mistaken on many scores, but it should serve to put realist thinking and theoretical debate on the right track' after Waltz's wrong turning (Malnes 1993). On the other side, Hobbes's standing has been confirmed by opponents of Realism like Walzer and Beitz (Walzer 2000; Beitz 1979).

Latterly, however, the opposition to Realism has brought forth new readings of Hobbes among international theorists. Bull's highly influential *The Anarchical Society* introduced an 'English School' or 'Rationalist' Hobbes (Bull 1977; cf. Bull 1981). This interpretation sought to soften the more blankly feral aspects of Hobbes's legacy for international theory. Similarly, Vincent has argued that '[u]nless one thinks of Hobbes as a Rationalist as well as a Realist, it is hard to explain his complacency about international politics' (Vincent 1981: 85); the point is that subjects could take little solace from domestic

protection by a pole-cat sovereign if he, and they, were prey to lions abroad.

Nor has this marked the final spin of the exegetical whirligig. Latterly Malcolm has devised a Liberal Hobbes, while Covell has questioned the Realist reading of Hobbes, aligning him with Grotius, Pufendorf, Wolff and Vattel (Malcolm 2002a; Covell 2004). Michael Williams has questioned both Morgenthau's Realist view of Hobbes and the Rationalist reading favoured by Bull et al. (Williams 2005), as has Jahn, who depicts Hobbes as a proto-Constructivist (Jahn 2006). Williams contends that

Hobbes's ideas lend support not to contemporary analyses ... that focus upon the interrelationship between domestic political structures and global processes. Hobbes's most famous legacy to international relations, the 'state of nature', is grounded not in an assumption of natural human aggressiveness nor in a 'security dilemma' brought about by a 'logic of anarchy'. Rather it lies in much deeper questions of knowledge, legitimacy, and the social construction of action.

(Williams 1996: 215)

On this reading, Hobbes becomes the harbinger not of Realism or Rationalism but of Constructivism (Wendt 1992, 1999). Dizzily, Hobbes is also appropriated by Neo-Conservative apologists for recent US foreign policy, including the invasion of Iraq.<sup>1</sup>

Unlike some other contributors to the present volume, I shall suggest that the Realist elements in Hobbes's theory are prominent and that evidence of a Liberal, Rationalist or Constructivist Hobbes is lacking. Nonetheless, some exegetical work is required, as with other aspects of Hobbes's thought, to yield a cohesive statement of his position. This chapter comprises four parts. First, I highlight respects in which Hobbes could be seen as a Realist, and present the major analytical components of Hobbes's view of international politics. Second, I highlight problems facing attempts to apply Hobbes's state of nature to international politics. I suggest, third, that, with a key modification, the theory can avoid some of its implausible implications. Finally, I briefly discuss Hobbes's status as a supporter either of liberal internationalism, and of neo-Conservatism, citing the 2003 Iraq invasion as an example.

## Hobbes as a Realist

Hobbes's influence on Realism derives mainly from his description of the state of nature in *Leviathan* and elsewhere. Four principal features are relevant: self-interest, rationality, amorality and anarchy.

Hobbes is commonly seen as holding a 'self-interested' theory of human motivation (Brown 1996; Kavka 1986; cf. van Mill 2001). This chimes with a key Realist assumption: that states' actions on the international stage result from self-interested calculation. Moreover, *Leviathan's* account of the *content* of these motivations overlaps quite closely with the Realist analysis of them. On a classical Realist reading of Hobbes, resources (including security itself) are scarce and trigger conflict between states, while terrorist threats and 'weapons of mass destruction' may help to even out inequalities of power between big powers and small ones. It may prompt the former to launch pre-emptive action against the latter, an example of Hobbes's motive of diffidence; however, this motive cannot be plausibly thought to prevail generally. Finally, the desire for reputation, which underlies the pursuit of glory, is a familiar motivation behind imperialist and expansionist projects down the ages to our own.

Hobbes is often credited with foreshadowing the rational-choice approach to international relations, which tries to understand action by using the devices of Game Theory. Often this is taken to justify, or at least explain, the pursuit of self-interest rather than cooperation in international politics. Hobbes seems to hold that practical rationality means effective means-end calculation. His claim that the laws of nature oblige *in foro interno* but not necessarily *in foro externo* (Hobbes 1996: 110), for instance, suggests that the rational person calculates what best promotes his preservation. Although it is better for each person if everyone seeks peace, it does not follow that it is always better for each person to do so: it may be irrational to seek peace if others are belligerent. Humans' overriding end is self-preservation; the laws of nature, which tell individuals how to promote this end, are mere 'theorems' (Hobbes 1996: 111). No ends are inherently more 'rational' than others. Similarly, Hobbes's remarks about the 'Foole' earlier in Chapter 15 (Hobbes 1996: 101–3) seem designed to show that individuals have a *self-interested* reason, distinct from the fact that morality tells them that it is right, to honour agreements.<sup>2</sup>

The means-end understanding of rationality contrasts with the view held by some Marxists and virtually all Liberals that morality provides statesmen with reasons which may override other, non-moral, considerations. In *Leviathan* the laws of nature motivate people because they promote self-preservation. The motivation does not derive from morality, seen as independent of the natural drive to self-preservation. In Hobbes's own time, of course, many people thought these reasons gained their normative force from God. Some commentators claim that Hobbes's own theory relies on a divinely sanctioned natural law (Taylor 1999; Warrender 1957; Martinich 1992). However, it remains questionable how far Hobbes thought that the content of positive law, commanded by the sovereign, could be trumped by natural law, the command of God.

Liberals see international politics as being partly regulated by legal instruments, and institutions like the UN. Though there is no world government, international politics is not simply chaos. Liberals hope that the principles underlying norms of international cooperation, including legal norms, suffice to make states comply with them. Realists assume, by contrast, that structures of cooperation rely on self-interest. This is self-interested give-and-take, not submission to norms whose moral force itself secures compliance.

## Hobbes, Realism and schools of interpretation

Commentators' views about Realism colour their readings of Hobbes, whether to claim an ally or denounce a foe. In this section I shall schematise the different schools of interpretation on Hobbes's international theory. The initial element, on which most commentators agree, is that Hobbes thought that international politics exemplified the *state of nature*, as Hobbes described in *Leviathan* Chapter 13 and elsewhere.

**IR:** international politics is a state of nature (in Hobbes's understanding of the term).

I take Hobbes's state of nature to have the following features:

- (i) agents act to promote their own interests (Hobbes 1996: 93);<sup>3</sup>
- (ii) the overriding interest of those referred to in (i) is for self-preservation (Hobbes 1996: 110);<sup>4</sup>

- (iii) each agent knows that every other agent is roughly his equal in killing power, and knows that all agents know this (Hobbes 1996: 87);<sup>5</sup>
- (iv) engaging in pre-emptive aggression makes self-preservation more likely, since it disrupts the rough equality in killing power in favour of the aggressor (Hobbes 1996: 87);<sup>6</sup> *with the consequence that*
- (v) self-preservation gives each agent reason to engage in pre-emptive aggression (Hobbes 1996: 88).<sup>7</sup>

Some interpreters claim, on the basis of all or some of (i) to (v), that

**SN:** the state of nature (as Hobbes describes it), is nasty, characterized by selfish individualism, treachery, etc.

And it readily follows from SN and IR that

**RL:** international politics (as Hobbes describes it) is nasty, characterized by selfish individualism, treachery, etc.,

one of the characteristic claims of Realism. Realists like Morgenthau and Neo-Realists like Waltz are happy both to endorse IR and SN, and to attribute these propositions to Hobbes; they are therefore also happy to infer RL, which informally sets out a central tenet of Realism, and to attribute that to Hobbes too.

Liberals like Beitz, who reject Realism (Beitz 1979), concur in ascribing the inference  $IR + SN \rightarrow RL$  to Hobbes. But, since they reject RL, they reject IR as well. Beitz accepts that the inference is Hobbes's, and that it is valid; therefore, since he denies the conclusion, he has to reject one of the premises. Since he accepts SN, he denies IR. Fuller and Murphy (Fuller 1990; Murphy 1995), who aim to jettison the positivist reading of Hobbes's legal philosophy for a natural law interpretation, highlight the status of natural law in Hobbes's theory. They emphasise passages where Hobbes apparently treats the laws of nature as quasi-moral rather than merely prudential constraints.

Still further interpreters like Malcolm (Malcolm 2002a) contend that, since Hobbes himself did not endorse SN, he is not committed to RL: Hobbes dissents from one of the central contentions of Realism. Instead Malcolm thinks Hobbes endorses a version of the

more benign Liberal view of international relations, closer to Williams's Constructivist reading. Malcolm, whose concern is less with characterizing international politics than with the correct interpretation of Hobbes's views, affirms something like:

**SN\*:** the state of nature, as Hobbes describes it, is characterized partly by conflicts but also convergences of interest, and actors within it are subject to natural (that is, the moral) law.

Therefore, in conjunction with IR, we arrive at

**RL\*:** international politics, as Hobbes describes it, is characterized partly by conflicts but also convergences of interest, and actors within it are subject to natural (that is, the moral) law.

Those who reject SN also tend to reject RL, on the grounds that Hobbes did not think that only reasons drawn from self-interest could be normative for human beings (Malcolm 2002a; Williams 2005: 19–20). This is clearly important for Liberals, understood as those who believe that there are real natural-law constraints on international political actors. Malcolm, for instance, denies that Hobbes took an egoistic and instrumentalist view of natural law (the only law, at least in Hobbes's day, which might be thought to regulate the international sphere), and seeks to reinstate it as an independent moral constraint on agents. I shall pursue this question further later in the chapter.<sup>8</sup>

## Elements of Hobbesian international theory

Below I set out what I take to be the main features of *Leviathan's* implicit account of international relations. With this in place, we will be in a better position to judge the principal causes of quarrel among international relations interpreters of *Leviathan*, and thus determine the book's significance for our understanding of today's world, and Hobbes's.

Recall that

**IR:** international politics is a state of nature (in Hobbes's understanding of the term).

Hobbes argues that the international sphere exemplifies the state of nature. That is, the situation in international politics, where there is no dominant global authority, mirrors that of individual human beings in the state of nature. As we have seen, some commentators reject this reading. I shall suggest that the analogy can be rehabilitated if a key element of the individual state of nature is modified. In Chapter 13 of *Leviathan* (Newey 2008: Chapters 4 and 10), Hobbes uses the example of sovereign states<sup>9</sup> to show that the state of nature is real rather than fictional:

[i]t may peradventure be thought, there was never such a time, nor condition, of war as this, and I believe it was never generally so, over all the world. But there are many places where they live so now. For the savage people in many places of America, except the government of small families, the concord whereof depends on natural lust, have no government at all, and live to this day in that brutish manner, as I said before. Howsoever, it may be perceived what manner of life there would be where there were no common power to fear, by the manner of life which men that have formerly lived under a peaceful government use to degenerate into a civil war. But though there had never been any time wherein particular men were in a condition of war against one another, yet in all times kings and persons of sovereign authority, because of their independence, are in continual jealousies, and in the state and posture of gladiators, having their weapons pointing and their eyes fixed on one another – that is, their forts, garrisons and guns upon the frontiers of their kingdoms, and continual spies on their neighbours, which is a posture of war. But because they uphold thereby the industry of their subjects, there does not follow from it that misery which accompanies the liberty of particular men.

(Hobbes 1996: 89–90)

According to Hobbes, national leaders are in a state of war against one another ‘because of their independence’: there is no world government which wields supreme power over them. The Latin *Leviathan* keeps this passage substantially unchanged. When people combine to form a state, it is as if they form one giant person with supreme power. International power politics, accordingly, is a battle of the giants, and when giants do battle, the smaller fry get trampled



underfoot. But analogy is not identity. How should one understand the analogy between sovereigns and individuals?

Hobbes notoriously says that the state of nature is a state of *war*, 'of every man against every man' (Hobbes 1996: 88; cf. Hobbes, 1998: I xii, 29; Hobbes 1994: XIV 11, 80).

**Postulate:** The state of nature is *bellum omnium contra omnes*.

Of course, for Hobbes 'war' encompasses not only active hostilities, but the absence of any reasonable expectation that one will not suffer sudden assault (Hobbes 1996: 88). Here it is useful to bring out into the open an underlying assumption about the relation between the individual and international states of nature:

**Analogical Assumption:** Since Hobbes's state of nature is his intended model for international politics, it must be possible to transpose any feature of the former from it to the latter.

Interpretative schools in international theory can then be divided into those who accept the analogy, whether to accept or reject its implications; and those who reject it, either because they wish to accept the implications of Hobbes's model on one side of the individual/international line, or to reject it on the other.

Michael Williams forcefully criticises reading Hobbes as a rational-choice Realist. He questions the very idea of an analogy between the individual and the international versions of the state of nature. The analogy

is subject to a number of difficulties. If this is the logic of anarchy faced by Hobbesian states-as-individuals, then how (logically) could those Hobbesian states ever themselves have come into existence? From this perspective, in other words, the logic of suspicion and calculation between individuals would seem to preclude the possibility of the (state-creating) Hobbesian contract in the first place. ... And if this is the case, then relying on the Hobbesian contract as the initial condition that creates the international anarchy is fallacious. ... To put the point slightly differently: if states are identical to Hobbesian individuals – that is, if the purported anarchy of international relations relies upon

a direct analogy to Hobbesian political theory – why does not the move to an international Leviathan also follow directly? Conversely, if it is argued that states-as-Hobbesian-individuals would not contract globally because none could trust the others, then the initial construction of the Hobbesian contract must also be cast into doubt.

(Williams 1996: 225)

The conventional reading sees sovereign states as calculating, like individuals in the state of nature, whether to 'seek peace'. Williams aims a fork at this reading: either it is rationally impossible to escape the state of nature, and the existence of the sovereign state becomes mysterious; or one can rationally escape, but then it is mysterious why sovereign states remain in an international state of nature (Hampton 1986). Williams concludes that the analogy cannot hold if the state of nature is interpreted along rational-choice lines (Williams 1996: 227).

Hobbes certainly says that the state of nature obtains at the international level. He does also say that it is rational to covenant *if* the other party has already performed its part of the bargain, in the famous 'Foole' passage in *Leviathan* Chapter 15. But this only scotches the snake since, as Hobbes states, the initial performance by the other party can only be rational if coercion already exists to deter would-be renegs: 'covenants, without the sword, are but words' (Hobbes 1996: 117). So the rational pathway out of the individual state of nature again appears to be blocked.

However, Hobbes need not regard the state of nature as a predicament from which people have to escape. It is rather a proleptic vision of how life could be if we fail to act rationally *now*, while enjoying the benefits of government (Skinner 2002a: Chapter 10). Hobbes did not intend to show the insurrectionaries who had deposed Charles I how to leave the state of nature. Rather he wants to reconcile waverers to an extant commonwealth, however politically uncongenial.<sup>10</sup> Maybe the individual state of nature is rationally inescapable. But that may be precisely Hobbes's point. The badness of the state of nature, coupled with the fact that one cannot rationally escape it, gives good reason for submitting to government.

The state of nature is inescapable in another sense: it survives alongside civil government. The sovereign and the subjects remain

in a state of nature with each other (Hobbes 1996: 122; cf. 184, 224). The subjects do not covenant with the sovereign, whom they may resist, if in fear of their lives (Hobbes 1996: 151–2). Subjects retain their right of *judgement* in deciding when to resist (Hobbes 1996: 485). The state's executive reach is finite, as are the sovereign's rights to be obeyed, and subjects' obligations to obey. 'Sovereignty ... has in it, from the very institution, many seeds of a natural mortality' (Hobbes 1996: 153).

Someone may say that even assuming that Hobbes wants to show why subjects should not rebel against political authority, it remains puzzling how that authority could have emerged. Moreover it is mysterious how individuals rationally escape the state of nature only if one assumes that people then were motivationally similar to people now. Compare Rousseau's view in the second *Discourse* that Hobbes imagines not natural people, but those already conditioned by society, transplanted back into a state of nature (Rousseau 1997: 151). The fact that humans have intrinsically socialised motivations now (e.g. the desire for 'glory') does not show that they must always have been so motivated. If so, it might be that though individuals could rationally escape the state of nature in the past, this is not possible for sovereign states in the present.

Nonetheless, Williams is right to say that there is a significant disanalogy between the international and individual states of nature. While sovereign states exist, there is no world government wielding the power which Hobbes regards as prerequisite for the exercise of sovereignty. So the analogy has limited explanatory power.<sup>11</sup>

The major difficulty is that the *bellum omnium* postulate assumes equality, and the international state of nature does not exhibit even rough equality. As already noted, the rough equality which Hobbes envisages as holding between agents will precipitate conflict when the absence of a common power provides no reason for self-interested rational agents to attack pre-emptively. Rough equality means that no person has sufficient reason not to fear any other's offensive capacity. Anyone is strong enough to kill, and weak enough to be killed by, anybody else; as Hobbes says, 'the weakest has strength enough to kill the strongest' (Hobbes 1996: 87).

The scarcity of safety triggers conflict. Scarcity also underlies Hobbes's other two 'causes of quarrel', namely 'competition' and 'glory' (Hobbes 1996: 88). Hobbes claims that scarcity will make

'enemies' of persons, each of whom wants resources which not all of them can have. Material scarcity is the effect and cause of conflict in the state of nature. Glory is such that not everyone can have it, so it is necessarily scarce. 'Diffidence' results from the shortage of security in the state of nature. In these conditions, one person's security is bought at the cost of another's insecurity. All three causes of quarrel arise from the shortage of goods. But each precipitates conflict because the rough equality of offensive power gives each contender a reasonable chance of prevailing over his rivals.<sup>12</sup>

In the international arena, however, the basis for the motive of diffidence is lacking. When one compares sovereign states on a pairwise basis, they are often not even roughly equal (Bull 1977: 49; Beitz, 1979: 40ff). For instance, the United States and Lesotho, or China and Vanuatu, or even Italy and Malta, are not roughly equal in the levels of power which they can project. Hobbes may be right to think that stealth, guile and sharp knives may level out natural differences in strength between individuals. But it is difficult to think of many similar equalizers operating regularly in the international forum. The US and Lesotho are not in a state of 'war' merely because there is no international sovereign. More plausibly, the puniness of Lesotho beside the US enables each to live at peace, since both know that Lesotho could not rationally trigger a conflict with the US. So then there is a rational explanation of why no active hostilities exist, but then no analogy exists with Hobbes's individual state of nature.

The obvious response is to reaffirm that 'war' in Hobbes's sense is about rational expectations, rather than armed hostilities. But this does not solve the problem. The international sphere is not one in which there is no rational expectation of immunity from attack. The US does have a rational expectation of immunity from attack by Lesotho, not least because the latter cannot project sufficient power even to launch an attack against the territorial integrity of the US. If so, international politics cannot be *bellum omnium contra omnes* even in Hobbes's extended sense.<sup>13</sup>

One might argue that rough equality is reinstated by the logistical and other difficulties in projecting power globally or even regionally. That is, the admitted power differential between sovereign states is eroded by practical constraints on projecting power. But even if it is harder for a state to project power, the further it operates from home, this would still not show that sovereign states have the same

rational grounds for pre-emptive attack as in the domestic state of nature. Resource constraints make it harder for anyone to attack pre-emptively. This may nudge the power balance towards greater equality, but still fails to make international politics a state of war.

There is a further problem. The individual state of nature is devoid of means for 'commodious living', such as industry. But sovereign states do cooperate for mutual advantage in a wide variety of projects, and already did in Hobbes's day, as he acknowledges (Hobbes 1996: 90). Furthermore, it seems that individuals are the only entities which exist in *Leviathan's* depiction of the state of nature, whereas in the international sphere, there are and always have been non-state actors of various kinds, such as the Roman Catholic Church. Cultural ties such as those of language and religion, for instance, often straddle national boundaries.

We have to abandon the rough equality assumption for the international sphere. This means the 'three principal causes of quarrel' will no longer make war inevitable, as offence will no longer necessarily be the best form of defence. If A and B both know that B is markedly inferior in offensive power to A, B will not have a motive for pre-empting A. To do so invites overwhelming retaliation. In these circumstances, though B knows that A can crush him at will, B may rationally bank on the possibility that, since B poses no threat, A has no self-interested reason to do so. The removal of the equality assumption means that the state of nature is no longer be a war of all against all. This may appear to be like destroying the village in order to save it. One could call the interpretation I am offering 'Shmobbesian'<sup>14</sup> in order to forewarn the reader that the interpretation does not mirror the views which might be imputed to Hobbes himself. But since Hobbes does not state directly that the international sphere is (or is not) one of rough equality, any reconstruction in this area is to some degree speculative.

We now can now explain why international politics is not a war of all against all, even in the enlarged sense. The personnel and *matériel* costs of belligerence will often deter a possible aggressor from pre-emptive warfare. This raises the relative price of aggression, so on cost/benefit grounds, inaction may be preferable to belligerence. Now Hobbes's theory can deliver more plausible predictions about international power play. Since rough equality does not obtain, but aggression is also relatively costly, there is no universal motive for

pre-emptive aggression. So pre-emption will not be the dominant strategy, that is, one which is better whatever others do. Each state also knows that, because other states know this, the latter will not have the same motive for pre-emptive attacks on it. This is far from saying, of course, that nobody will ever have good self-interested reasons to pre-empt. But a two-agent game will not have belligerence as a Nash equilibrium.

This modified theory makes better sense of some phenomena of international politics. More powerful states sometimes commit acts of aggression against less powerful ones, but the reverse seldom happens, though terrorism forms a partial exception.<sup>15</sup> Coalitions of small states may act against a larger state. States often have convergent rather than conflicting interests, and act jointly on this basis. However, cooperation between states is likely to persist only if their interests converge sufficiently (Hobbes 1998: 23–4). Even where their interests do converge, it often proves hard to concert joint action if each side fears that the others will not renege. Self-interest marks both the individual state of nature and the ‘international anarchy’; but in the latter case, self-interest often tells against rather than for pre-emptive aggression.<sup>16</sup> Thus the sporadic cooperation evident in international politics becomes intelligible. Cooperation admits of self-interested explanation.

Here Williams’s fork looms again. Arguably, if states are not roughly equal then it should be easier, rather than harder, for them to escape the state of nature. Admittedly the lack of a universal rationale for pre-emption removes one obstacle to forming a government. However, the very fact that belligerence is not dominant dissolves the main rationale for international government, namely the need to deter pre-emption. Additionally, the international system fails to mirror the no-holds-barred state of nature because, in their internal make-up, sovereign states are *not* anarchic (Hobbes 1996: 88). Civil peace allows cooperation within civil societies and between them. Hobbes acknowledges, for instance, that the ‘amity’ between sovereigns may support exemption for expatriates from local laws (Hobbes 1996: 154), as with diplomatic immunity. He thus allows for at least a rudimentary form of international civil society.

The price of abandoning rough equality is to jettison any full parallel between the individual and international states of nature. But that has, of course, already been forfeited by abandoning rough equality as

an initial postulate. Since equality only underwrites the motive of diffidence, rather than the other causes of quarrel in the state of nature, removing the equality postulate leaves these other causes intact in the international sphere. The relative scarcity which underpins the motives of competition and glory remain as potential sources of conflict. Clearly competition for relatively scarce resources often triggers international disputes, including war. And the motive of glory often prompts wars of aggression by leaders who seek self-aggrandisement through military conquest or diplomatic brinkmanship. Nonetheless, Hobbes stresses that the sovereign's duties primarily concern defence rather than offence (Hobbes 1996: 230).<sup>17</sup>

### Morality and international politics

I have suggested that Hobbes's state of nature stands up reasonably well if we abandon the rough equality postulate. A further important issue for liberal readings of Hobbes is the question of moral constraints on international politics. For a defining tenet of Realism is that morality provides no rational constraint on political actors: their actions are rationally intelligible purely as the outcome of self-interest. Liberalism may be understood for present purposes as the rejection of this tenet (e.g. Rawls 1999).

Some remarks in *Leviathan* suggest that Hobbes endorsed Liberalism. In Chapter 30 he says that since 'equity' (equality before the law) is 'a precept of the law of nature, a sovereign is as much subject [to it] as any of the meanest of his people' (Hobbes 1996: 237; cf. Malcolm 2002a: 434–5), and that 'the true doctrine of the laws of nature is the true moral philosophy' (Hobbes 1996: 111). So, since the laws of nature apply in the state of nature, and the law of nature is a moral law, the latter applies to international relations if it is a state of nature. Noel Malcolm takes pains to repudiate the idea that for Hobbes justice and morality have no content outside the sovereign will, so that international politics is morally null (Malcolm 2002a: 447; cf. Fuller 1990; Murphy 1995). Hobbes addresses this question at the end of Chapter 30:

[c]oncerning the offices of one sovereign to another, which are comprehended in that law which is commonly called 'the law of nations', I need not say anything in this place; because the law of

nations and the law of nature is the same thing. ... And the same law that dictates to men that have no civil government what they ought to do, and what to avoid in regard of one another, dictates the same to commonwealths, that is, to the consciences of sovereign princes and sovereign assemblies; there being no court of natural justice but in the conscience only, where not man, but God reigns.

(Hobbes 1996: 244; cf. Hobbes 1998: XIII 17, 152;  
Hobbes 1994: XXVIII 1, 172)

Hobbes's views in *Leviathan* certainly cannot be reduced to slogans such as 'might is right'. The theory aims to tell people how they *ought* to behave, and its prescriptions assume a substantive claim: human well-being requires peace. Hobbes distinguishes private judgements of good and ill, expressing individuals' appetites (Hobbes 1996: 39, 46, 110), and justice, which means keeping one's word (Hobbes 1996: 239); and between private judgements, and the objective content of the laws of nature, as counsels of peace (Hobbes 1996: 111). While Hobbes does say that no law can be unjust (Hobbes 1996: 239), he thinks this not because he simply believes that might makes right, but because the subjects are thought of as having agreed to whatever laws (within the law of nature) the sovereign sees fit to enact, and what has been agreed to cannot be unjust: *volenti non fit iniuria* (Hobbes 1998: III 7; cf. Hobbes 1996: 239).

It does not follow, however, that the law of nature imposes stringent checks on self-interest as a motive. Natural law is meant only to 'direct and keep [people] in such a motion, as not to hurt themselves by their own impetuous desires, rashness or indiscretion' (Hobbes 1996: 239–40). Hobbes does think that there are objective rules of conduct, enshrined in the laws of nature. '[A]ll men agree on this, that peace is good'; he is prepared to describe these laws as 'moral' in the sense that the study of them is 'the true moral philosophy' (Hobbes 1996: 111). But none of this means that Hobbes rejected the classical Realist view of conduct as self-interested. For example, he famously remarks in Chapter 11 that 'I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceases only in death'; he adds that the cause of this 'is not always that a man hopes for a more intensive delight ... but because he cannot assure the power and means to live well, which he has [at]



present, without the acquisition of more' (Hobbes 1996: 70). Curbs on my behaviour stem not from morality as an external standard, conceived of as distinct from my self-interest, but from my considering the best means I have to 'live well'. Hobbes stresses, towards the end of Chapter 15, that we are not obliged to follow the laws of nature when they 'procure [one's] own certain ruin'. This is 'contrary to the ground of all laws of nature, which tend to nature's preservation' (Hobbes 1996: 110).

Malcolm sees Hobbes as making the sovereign curator of the subjects' interests. Hobbes repeatedly stresses that sovereign and subjects are one (Hobbes 1996: 122). Hence what redounds to the good of the former cannot but also benefit the latter, insofar as the sovereign acts as a public person (rather than as the private individual who may bear the person of the sovereign). By the same token, the laws of nature, seen as rational guidelines for self-preservation, apply equally to the sovereign and the subjects. Even where Hobbes is clear that the sovereign is subject to the rules of equity (Hobbes 1996: 237), he underlines that the ultimate responsibility for determining the application of equity in practice is the judiciary which, in *Leviathan* and later works like the *Dialogue of the Common Law*, must do the sovereign's bidding.

But it also follows from this that sovereigns act as tribunes of their subjects' interests in the international sphere. A decisive statement of Hobbes's repudiation of Liberalism comes in *Leviathan* Chapter 22, where he argues that international agreements are only valid for as long as they suit the parties to them.

For a league being a connection of men by covenants, if there be no power given to any one man, or assembly (as in the condition of mere nature) to compel them to performance, is so long only valid, as there arises no just cause of distrust: and therefore leagues between commonwealths, over whom there is no human power established, to keep them all in awe, are not only lawful, but also profitable for the time they last.

(Hobbes 1996: 163)

This is the position we should expect Hobbes to adopt. International politics is not asocial: it is marked by conventions for mutual benefit. But it is mistaken to infer from this that there is a set of moral rules

which act as a further rational constraint on international actors' behaviour, over and above their calculations of self-interest. The covenant is valid for so long, but *only* for so long, as no reason for distrust arises between the parties to it.

Since international politics is a state of nature, each actor is entitled to do whatever seems necessary for self-preservation (Hobbes 1996: 91). As I have explained, the best way to achieve this may well be to seek peace rather than to act aggressively. Nevertheless, self-preservation often requires a state to make war. In such a case, the law of nature will not provide an external reason for peace-making which will show that the state's action is irrational or unreasonable. Nor will its actions be unjust, since until rights have been transferred by covenant, 'no action can be unjust ... the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them' (Hobbes 1994: xv 10, 85; Hobbes 1996: 100–1; cf. Hobbes 1998: II 11, 37).

I conclude that Hobbes's views in *Leviathan* are not so far from classical Realism as some recent commentators have claimed. Hobbes can be taken to accept IR, subject to the inapplicability of the equality postulate. He says that 'commonwealths not dependent on one another ... live in the condition of a perpetual war, and upon the confines of battle, with their frontiers armed, and cannons planted against their neighbours' (Hobbes 1996: 149; cf. Hobbes 1998: XIII 7, 144–5). However, SN needs to be toned down, as it applies to international politics. Hence we should not accept RL in its unvarnished form. It is, however, very important to understand that these caveats are fully consistent with ascribing self-interested motives to state actors. I have endorsed a modified Shmobbesian version of IR, that is,

**ShmIR:** international politics is a state of nature (in roughly Hobbes's understanding of the term), except that the equality postulate does not hold generally.

The modified state of nature also transforms SN.

**ShmSN:** the state of nature, as Hobbes would describe it with the equality postulate qualified, is generally nasty, characterized by selfish individualism, treachery, etc., though self-interest quite often makes peaceful coexistence preferable to war.

This in turn delivers the only slightly modified conclusion,

**ShmRL:** international politics is generally nasty, characterized by selfish individualism, treachery, etc., though self-interest quite often makes peaceful coexistence preferable to war.

The sole 'ground' of the laws of nature is self-preservation. In international politics, this means the self-preservation of sovereign states. This is too thin a normative basis to make Hobbes a liberal internationalist before his time.

## Conclusion

I conclude that the revisionist analysis fails. Hobbes's conception of law imposes no reason of principle for not launching a pre-emptive invasion, as in Iraq in 2003, even if the military action violated the UN Charter. Of course it could be argued that the Charter constituted a 'covenant' in Hobbes's sense of the word; but against that must be set his famous remark that 'covenants without the sword, are but words' (Hobbes 1996: 117) and by themselves have 'no power to oblige, contain, constrain, or protect any man' (Hobbes 1996: 123). To this extent Hobbesian theory vindicates Neo-Con policy in Iraq against that of the 'reality-based community'.<sup>18</sup> However, this is far from stating that the invasion was rationally motivated in Hobbesian terms. In fact, it can be argued that, whether motivated by the desire for regime change, to secure strategic resources, or to extirpate weapons of mass destruction, the invasion exemplifies the 'incommodities' of the state of nature. Not least among these incommodities is the fact that the materials with which to arrive at rational strategic judgements are in short supply. Nowhere is this clearer than in relation to Iraq, where the paucity of solid information on the ground as well as from special forces operatives and informants about Iraqi intentions blighted the ante-bellum preparations – as well as the propaganda offensive mounted by the allies in order to persuade voters of the need for war. The post-bellum history of the occupation up to this point<sup>19</sup> illustrates the rational constraints on pre-emptive aggression in the international sphere, as contrasted with Hobbes's paradigmatic state of nature in *Leviathan* Chapter 13, where individual pre-emption is assumed to be rational.

I take it that liberal internationalism – the counterpart in international theory of liberal moralism in political theory – identifies itself by the claim that international actors are appropriately motivated by moral principle. As such it recalls the nation- and democracy-building liberalism of the nineteenth century, though there is room for doubt whether liberal internationalists of that era such as Mazzini thought that these goals could or should be achieved by main force. The war exemplified a characteristic dilemma of liberal internationalism: between a moralised case for ‘regime change’ based on liberal democratic principles, and the overriding of the international legal constraints that enshrine these principles.

The international sphere, certainly in Hobbes’s day and arguably still in ours, did indeed lack a ‘common power’. It is however important to distinguish between uncertainty and chaos or ‘anarchy’ in the popular sense of the word. It does not follow from the absence of a common power that no mutually beneficial action is possible. But cooperation is liable to prove unstable: there is no reasonable expectation that it will persist. It is this radical uncertainty which marks, in Hobbes’s view, the relation between sovereign states. The pre- and post-history of the invasion, and particularly the allies’ failure to canvass a global consensus on the need to invade Iraq, bears this out.

## Notes

Warmest thanks to Linda Holt for full comments on several drafts of this chapter.

1. Some recent textbooks on international theory reaffirm Hobbes’s standing as a prophet of Realism. See Brown 2001; Burchill 2001; Linklater 2001. For a more direct neo-Conservative attempt to appropriate Hobbes, see Kagan 2003.
2. This is a controversial point. I argue this at greater length in Newey 2008, Chapters 5 and 6.
3. ‘[O]f the voluntary acts of every man, the object is some good to himself’; cf. Hobbes 1994: xiv 6, 78–9; Hobbes 1998: i 13, 30.
4. ‘[T]he ground of all laws of nature ... tend to nature’s preservation’; cf. Hobbes 1994: xiv 6–7, pp. 78–9; and Hobbes 1998: i 7, 27.
5. ‘From this equality of ability, arises equality of hope in the attaining of our ends’; cf. Hobbes 1994: xiv 2, 78; Hobbes 1998: i 3–4, 25–6.
6. ‘[F]rom this diffidence of one another, there is no way for any man to secure himself, so reasonable as anticipation’; cf. Hobbes 1994: xiv 13, 80.

7. '[I]f [those] that otherwise would be glad to be at ease within modest bounds, should not by invasion increase their power, they would not long be able ... to subsist'; cf. Hobbes 1994: XIV 13, 81.
8. The situation described in the text might be tabulated schematically as below. The 'Endorses' columns ask whether the thinker or school themselves endorse each of IR, SN, RL and the inference of the last from the first two. The rightmost column indicates the views they attribute to Hobbes.

Thinker/school	Endorses				Attr. RL to Hobbes?
	IR?	SN?	RL?	⇒RL?	
(Neo)Realists, e.g. Waltz, Morgenthau	y	y	y	y	y (IR, SN, so RL)
Liberals, e.g. Beitz	n	y	n	y	y (IR, SN, so RL)
Legal naturalists, e.g. Fuller, Murphy	y	n	n	n	n (IR, not-SN, so not-RL)
Constructivists, e.g. Williams	n	n	n	y	n (not-IR, not-SN, not-RL, so IR + SN ⇒ RL valid)

9. Here and subsequently I use 'state' in its modern sense to mean, roughly, a *sovereign political authority*, rather than in the technical sense which Hobbes gives the term in *Leviathan*, that is, the imaginary corporate being whose person the sovereign bears.
10. For the affinities between Hobbes and *de facto* theorists such as Anthony Ascham who justified subjection to the new regime, see Skinner 2002a: 302ff.
11. Hobbes himself notes that the analogy is limited: Hobbes 1996: 90.
12. Cf. Hobbes's observation, with regard to natural intelligence, that a sure sign of its being roughly equally distributed among the population is that 'every man is contented with his share'; Hobbes 1996: 87.
13. On this reading 'being at war' would become an asymmetrical relation: A could be at war with B but not conversely, if A has no rational expectation that B will not attack it, but B does have such an expectation in respect of A.
14. On analogy with Robert Nozick's 'shmooctor' example: cf. Nozick 1974: 235.
15. Only partial, since terrorist organisations are not usually states even if, as with the al-Qaeda 9/11 attacks, they enjoy some state protection.
16. For example, the doctrine of 'mutually assured destruction' familiar from the superpower nuclear rivalry between the US and Soviet Union during the Cold War.

17. In *Leviathan* Hobbes stresses the need for defensive rather than offensive policies. Cf. Hobbes 1994: xxviii 9: '[t]he last thing contained in that supreme law, *salus populi*, is ... the avoiding of unnecessary wars'.
18. A phrase given currency by the journalist Ron Suskind, attributing it to an aide to George W. Bush: *New York Times*, 17 October 2004.
19. July 2009.

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# **Part II**

## **Interpretation**



# 5

## Hobbes and the Subjection of International Relations to Law and Morality

*Camilla Boisen and David Boucher*

The emergence of International Relations as a discipline initially tried, as politics had done, to define itself in terms of classic canonical texts; but with the abject failure of liberal internationalism, and the associated discrediting of the Carnegie project of educating the ruling classes by making available the classic texts in international law and the law of nations, the nascent discipline rejected its classic heritage and embarked upon an interminable search for a new identity. The person who most lamented this departure was Martin Wight, the doyen of the English School, and the inspiration for much of the revived attempts to retrieve the classic heritage and add intellectual weight and gravitas to the discipline. To some extent Wight was methodologically naïve in suggesting that, in contrast with political theory, international theory could defer only to minor characters and, in the texts of major figures, only to scattered subsidiary asides. He confused the contemporary conferral of classical status by political theorists upon texts which purportedly addressed their problems, with the historical and intrinsic quality and integrity of texts that had now fallen into neglect for want of an audience.

In modern international theory Hobbes, along with Thucydides and Machiavelli, has become emblematic of Realism. In the emblematic Hobbes gone are the subtleties and nuances of the interpretations offered by the classic jurists, although even Hedley Bull recognised that the Hobbes of the realist tradition was something of a caricature (Bull 1981, 718). Wight's formulation of the three traditions served to set in motion the predominant caricature of Hobbes's international theory equivalent to that of the mechanistic Hobbes in

political theory. Hobbes was a master of overstatement and his bold statements have served to mask the considerable qualifications that the detail of his argument makes (see Boucher 1998, 145–69).

Wight was right about one of three things in his lament about international theory. He maintained that: 'International theory, or what there is of it, is scattered, unsystematic, and mostly inaccessible to the layman' (Wight 1966, 20). The texts that comprised the rich heritage of international relations, such as those of Vitoria, Gentili, Suárez, Grotius, Pufendorf, Wolff and Vattel, were certainly not scattered, but were instead largely unavailable to scholars and laymen alike. Their authors were not minor figures and were long held up as authorities in matters of natural law, the law of nations, and international morality. Pufendorf, for example, was the foremost moral philosopher in Europe prior to Kant's Copernican revolution, far more widely read than Hobbes (Tully, introduction to Pufendorf 1991). Accessibility of the significant texts in international theory is no longer an issue, with a variety of readings available through a number of publishers (see, for example, Liberty Fund and Cambridge University Press), and a new generation of scholars weighing in to promote the case for the abolition of the artificial distinction between domestic and international political theory (Williams 1992; Walker 1993; Boucher 1998; Tuck 1999; Keene 2005 etc).

Texts, of course, are not self-evidently classic and require more than the formality of the printed word to establish their status. They are situated in their own time, reside in a tradition of interpretation in which their fortunes fluctuate, and are interpreted through the lens of the situatedness of the reader's own horizon (Gadamer 1975).

Few thinkers have suffered the vagaries of promoters and detractors more than Thomas Hobbes. Much work has been done on the reception of Hobbes's writings (see for example Bowle 1969; Skinner 2002), but it suffices to say that his classic stature as a great political thinker in the canon of texts is of recent origin (Oakeshott 1975, 132–3), with the grounds for elevation remaining greatly contested between Hobbes as a moral thinker (Strauss 1952; Oakeshott 1975); a mechanistic theorist (Watkins 1965); a natural law thinker (Taylor 1908; Warrender 1957); a rational choice theorist (Gauthier 1969; Kavka 1986); and a *de facto* theorist of political obligation and master rhetorician (Skinner 1996).

At the time when the academic study of politics was beginning to establish itself as a respectable pastime (see Boucher 1985, 73–98),

Hobbes's credentials, while noticed, were not greatly admired. Robert Blakey, in the first history of political thought in English, barely thought him worth mentioning; instead, he gave much more attention to Hobbes's predecessor Grotius, and an equal amount of time to his contemporary Pufendorf. Blakey devoted one and half pages to Hobbes and slightly more to Pufendorf, but an incredible ten pages to Grotius (Blakey 1855, 142–3, 321–30, 330–2). As late as 1925 C. E. Vaughan thought the *Leviathan* an aberration that had no influence on the development of political thought (Vaughan 1925). It took a continental observer to give serious critical historical attention to the philosopher of Malmesbury, and to systematically begin the process of dispelling the widespread view that he was a minor thinker and a second-rate follower of Bacon's empiricist philosophy (Tönnies 1896; Bobbio 1993, 205–6).

Among the professors of natural law and the law of nations, Hobbes was someone of whom to take note, and often with whom to disagree. The key features of Hobbes's work that attracted the attention of jurists were his personification of the state as an artificial man and his argument that the natural law could be divided into two species: that pertaining to the individual and that applicable to commonwealths or states, the injunctions of which were the same, though the latter usually referred to as the law of nations. His characterisation of the state of nature was, nevertheless, dismissed as a gross caricature. Modern International Relations theorists who take Hobbes to be emblematic of Realism, and even those who oppose the Realist reading, emphasise aspects of Hobbes, such as the state of nature, fail to understand why he was important for the great international jurists and what his contribution really was to theorising modern international relations. Hobbes takes on a different complexion when viewed through the prism of the classic international relations jurists. In this respect this chapter contributes to the three aims of the book. It refocuses the dominant IR reading of Hobbes; proposes a different and less anachronistic way of interpreting and evaluating his thought; and, by implication, points to aspects of Hobbes that ought to be explored more fully in the post-Westphalian world.

In this chapter we intend to explore Hobbes's contribution to the development of the law of nations and international law, as international relations jurists themselves perceived it. We first look at the way contemporary scholars of natural law and natural rights relate Grotius,

Hobbes and Pufendorf, and then go on to highlight the respects in which the three thinkers are very different. We then look in more detail at what features of Hobbes's work were modified and developed by those following in his footsteps. For example, Pufendorf's natural law theory had dual foundations, the Hobbesian idea of man's self-preservation and the Grotian idea of man's social nature.

## **Grotius, Hobbes and Pufendorf**

A great deal of contemporary scholarship on natural law and the law of nations is concerned with the relationship between Grotius, Hobbes and Pufendorf. From a position of almost complete neglect in discussions of natural right, Grotius has in more recent times been afforded the accolade of precursor to and influence upon Hobbes (for a brief survey see Zagorin 2000). Such imaginative speculation is facilitated by the fact that Hobbes, unlike Francis Bacon, prided himself on arriving at his conclusions from first-hand observation, independent of past authorities (Slomp 2000, 45). Richard Tuck takes full advantage of filling this imaginative space and goes as far as to describe Hobbes's political philosophy as a 'Grotian Theory', because he shares the same foundational principles of the right to self-protection and the duty to seek peace (Tuck 1983, 59, 61), and Deborah Baumgold, agreeing that Hobbes's theory of natural right owes much to Grotius, refers to Hobbes as a 'Grotian Thinker' (Baumgold 1988, 134). This is despite the fact that Grotius made it very clear that there was no lasting value in portraying 'man as the enemy of his fellow-men' (cited in Blakey 1855, 330).

The affinities between Grotius and Hobbes are largely based upon claims that lack substance, including the contention that Grotius employed the mathematical method, despite the fact that he makes scant reference to such a method, and actually sides with Aristotle in rejecting its applicability to the moral sciences (Zagorin 2000, 26). Grotius contends that proofs of the Natural Law are almost as self-evident as the data we receive through the senses. But, following Aristotle, our moral reasoning cannot, be as certain as mathematical demonstrations, because the situation in which we weigh what is right is frequently clouded by circumstantial issues (Grotius 2005, Bk. II, Chapter xxiii, 1). It is often difficult to ascertain where the right course of action lay between what we ought and ought not

to do. This is not at all Hobbes's position. Hobbes is emphatic that his principles of scientific method are equally applicable to moral and mathematical reasoning, and that we are not constrained to deal with probabilities as Aristotle's followers and theorists of rhetoric assumed (Skinner 1996, 298).

Similarly it is claimed, by Tuck for example, that Grotius and Hobbes have a close affinity because philosophical scepticism was the main target of both (Tuck 1983). This proposition has been widely contested on the grounds that in none of their works do Grotius and Hobbes show any interest in directly refuting scepticism or relativism (Zagorin 2000, 28). Hobbes's interest in Carneades, for example, was not epistemological, but instead in his rhetoric – that is, in his ability convincingly to present the case of justice on one day, and on the next equally convincingly present the case against (Skinner 1996, 9). Richard Popkin, for example, portrays Hobbes as impervious to the rise of Pyrrhonism, the leading doctrine of scepticism, towards the end of the sixteenth century (Popkin 1982, 133–48).

These, however, are not the aspects of Hobbes's thought that we wish to dwell upon. It is the relationship between natural law and the law of nations, and the personification of the state that had more important implications for Hobbes's immediate successors in thinking about international relations.

For the most part, however, they rejected the implications of Hobbes's characterisation of the law of nature and natural right in the state of nature, both for individuals and states, and instead posited a moral condition in which imperfect obligations were not always discharged, and in which tensions and conflicts arose in a condition of unsocial sociability requiring a more certain state of affairs to be instituted. In practical terms the result looks very like that of Hobbes, but the postulates are very different.

Much has been made of Grotius's statement that the laws of nature are the dictates of reason and that they would retain their obligatory force even if God did not exist. He did not entertain for a moment that God did not exist. Indeed, he went as far as to say that even if men failed to arrive at the natural laws through right reason they would nevertheless remain equally as obligatory because they are the commands which God has implanted in men's hearts.

When one considers Grotius's argument closely, it is evident that his statement is partially rhetorical, and that the foundation of our

obligations is God. This is very much how Jean Barbeyrac read Grotius's text: 'the Duty and Obligation ... necessarily supposes a superior Power, a supreme Master of Mankind, who can be no other than the Creator, or supreme Divinity' (Grotius 2005, Preliminary Discourse, fn 1 to §XI). Grotius goes further and contends that there are compelling reasons for ascribing the principles of the natural law to God. He has made them so evident and clear even to those 'less capable of strict Reasoning' that He forbids us to give in to impetuous passions that are contrary to our own and others' interests and which divert us from conforming to the rules of reason (Grotius 2005, Preliminary Discourse, §13). In the *Mare Liberum* (*The Free Sea*), written many years before his most famous tract, Grotius suggested that God directly implants certain precepts into men's minds, which are 'sufficient to induce obligation even if no reason is apparent' (Grotius 2004, 105).

Most modern writers on international theory are right then when they see Hobbes and Grotius representing every different views of international relations. The way that Grotius understood natural law is not how Hobbes understood it. Indeed, Hobbes contrasts natural laws with natural rights: the former imposing constraints on action, and the latter endorsing freedoms and liberties. Hobbes contends that: 'RIGHT consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them; so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent' (Hobbes 1991, 91). This has made it difficult to compare Grotius with Hobbes because the term *jus* means both law and right. Grotius is in fact much less of a natural rights theorist than the 1738 edition of *De Jure Bella ac Pacis* implies in its translation as the *The Rights of War and Peace* (Grotius 2005). Grotius's principal aim is in fact to subject international relations, including war, to the rule of law, and not principally to argue for the natural rights of states, which is a very different aim from that of Hobbes.

In both *De Cive* and *Leviathan* Hobbes agrees with Grotius that the laws of nature are dictates of reason, but they are not for Hobbes obligatory, nor are they strictly speaking laws. They are the conclusions we have arrived at which are consistent with self-preservation, but lack the necessary constituent of law, that is the authoritative command of a superior. Should one believe in God, the commander of all things, however, then these same theorems or conclusions have the force of law (Hobbes 1978, p. 153, Chapter III, §33; and Hobbes

1991, Chapter xv, p. 111). F. C. Hood confuses the part for the whole in relation to this distinction. He characterises Hobbes as believing that the laws of nature are obligatory because they are the commands of God revealed in the Scriptures (Hood 1964, 85–90). Even for believers the obligatory force of the law of nature is considerably diminished ‘if there be no Power erected, or nor great enough for our security’ (Hobbes 1991, Chapter xvii, p. 118). Among nations expediency is the substitute for justice. This, however, is the opposite of Grotius’s intention. Grotius explicitly rejects the view that kings or imperial cities which act expediently are exempt from accusations of injustice (see Simmonds 2002, 212).

It is by turning to the international jurists, such as Pufendorf, that we begin to see what was distinctive about Hobbes’s position. Pufendorf is important in that he recognised that a gulf had opened between traditional scholastic prescriptive notions of natural law and natural rights, and the naturalistic theory exemplified by Hobbes. Pufendorf self-consciously develops his own position by transcending those of Grotius and Hobbes. He agreed with Hobbes that the dictates of reason could not have the force of law without the command of a superior. He tried to unite justice and utility by acknowledging the role of self-interest without abandoning the idea of obligation and duty under the natural law. The natural law for Pufendorf did have an author and sovereign, which made it no less obligatory than civil law (Pufendorf 1717, Bk. II, Chapter III, §19). Arguably, what captures the whole of Pufendorf’s moral philosophy is his constant reflection on the foundations and sanctions of law, on which he bases his moral judgements. First of all, for Pufendorf, natural law qualified as law because it had a sovereign to enforce it. And secondly, no moral action or moral judgement was independent of that law. He argued that ‘the obligation of Natural Law proceeds from God himself, the great creator and supreme governor of mankind, who by virtue of his sovereignty hath bound men to the observation of it’ (Pufendorf 1717, Bk. II, Chapter III, §xx). As to the reason why law needed a sovereign to enforce it, Pufendorf maintained that a divine legislator is needed to explain law’s obligatoriness, namely its character as law.

Neither Grotius nor Pufendorf subscribe to Hobbes’s extreme individualism, nor is Pufendorf’s state of nature characterised by a war of all against all. Indeed, for Grotius man is naturally sociable and originally ignorant of vices (Grotius 2005, Bk. II, Chapter II, §ii). For

Pufendorf the principle of self-preservation does not absolve us of the obligations that the natural law impels us to perform towards other people (Pufendorf 1990, #9). This differs both from Hobbes and Grotius. Sociability is not for Pufendorf a disposition, but instead a natural duty derived from the natural law to promote peace with other humans (Pufendorf 1717, Bk. II, Chapter III, §15). It goes further than Grotius in imposing a positive duty to promote the well-being of others. The state of nature is a social condition giving rise to congenital obligations to preserve and promote sociality. By the term sociable Pufendorf means 'such a disposition of one man towards all others, as shall suppose him united to them by benevolence, by peace, by charity, and so, as it were, by a silent and fierce obligation' (Pufendorf 1717, Bk. II, Chapter III, §15. Also see Salter 2005, 297). In this respect, then, he could not have differed from Hobbes more.

The state of nature is for Hobbes an asocial and amoral condition in which natural rights are equivalent to natural mights, with each person having the right to get anything he or she has the power to appropriate. It takes the institution of a supreme sovereign to impose what is right and wrong. Against Hobbes, Pufendorf argues instead that justice and injustice do not depend upon sovereigns, but are defined by natural law and bind the consciences of men (Pufendorf 1717, Bk. VIII, Chapter I, §5). States could not have been instituted by compact unless some conception of justice and injustice existed in advance. What binding force could a pact have without the knowledge that it is just to keep it and unjust to break it?

In essence both Grotius and Pufendorf gave far greater emphasis to the obligatory character of natural law than Hobbes. For Grotius its obligatoriness rested on the dual foundation of right reason and God, with either able to carry the weight without the other. For Pufendorf reason could not create obligation. The obligatoriness of natural law rested wholly on its character as law, namely being instituted and enforced by a sovereign. Hobbes subscribes to neither of these positions. Natural law does not take on the character of law until it has the sovereign authority of civil law and its correlative obligations.

## **The equation of the law of nations with natural law**

It was on the question of the relation between natural law and the law of nations that Hobbes was deemed highly original. The



relationship was one that perplexed even the most adept of philosophers and Hobbes made the controversial move of completely identifying the two, the only difference between them being their different subjects. In the modern period we may begin with Suárez in order to frame the problem and in order to show Hobbes's radical solution to which Pufendorf ostensibly subscribed. It was acknowledged by modern jurists such as Wolff and Vattel that Hobbes was on to something important in arguing that the law of nations was in fact the law of nature applied to states rather than individuals. They contended that he was wrong, however, in believing that the law of nature did not undergo some transformation in the process. Samuel Rachel (1628–91) was even more radical in proposing to eradicate the confusion and ambiguity by making a complete division between the two types of law. His arguments, however, did not prevail and largely went unacknowledged. The importance of Hobbes, then, for international jurists in this respect was not in providing the solution, but in framing the problem in such a way that others could provide a solution.

Francisco Suárez (1548–1617) does not doubt the existence of *jus gentium* because it 'is assumed by all authorities as an established fact' (Suárez 1944, Bk. II, Chapter XVII, §1, p. 325). He is troubled, however, that the law of nations is insufficiently distinguished from the natural law. For Suárez the law of nations has a close affinity, but should not be confused with natural law. It was, for him, a form of customary law that regulated relations among nations, and was distinguished from civil law which held within nations. Although Suárez was convinced that the law of nations was a form of human law it could nevertheless be placed somewhere between natural law and civil law. The law of nations differs also in that the natural law is immutable and based upon nature and the law of nations is instead customary. It is its customary character that distinguishes it from civil laws (Suárez 1944, Bk. II, Chapter, XIX, §6, p. 345).

There were two senses to the law of nations. It is understood as the law to which all peoples must conform in their relations with other peoples. But it is also understood as that law which citizens obey within states, and which is to be found in most other states, especially those that are civilised (Nussbaum 1953, 85–6). *Jus gentium* for Suárez was distinguished by its customary character, in contrast with civil law which is for the most part written and enforced by a

sovereign (Haakonssen 1996, 19). *Jus gentium* in both senses does not exhaust the code regulating relations among *populos* or *gentes*. They are, in fact, primarily regulated by natural law which is of Divine origin, supplemented by *jus gentium* (Súarez 1944, Bk. II, Chapter XVII, §9, p. 333). The law of nations differs from natural law in that the latter is genuinely universal, binding on all peoples and accepted by everyone. Only by mistake can it fail to be observed. The former, however, may not always be observed by all nations, and what is considered by some to be the law of nations, may not be considered so by others, and therefore 'without fault fail to be observed' (Súarez 1944, Bk. II, Chapter XIX, §2, p. 342).

Hobbes, of course, was writing at a time when there was civil war in England, Wales, Scotland and Ireland (1642–51) coinciding with the Thirty Years War (1618–48) among states in Europe, and he was acutely aware that the consequences of the lack of authority in internal affairs was worse than those in international affairs, although both conditions could be likened to an original state of nature in which a moral vacuum prevailed. It is not surprising that *De cive*, written in 1642 with notes and preface added in 1647 and translated from Latin into English by Hobbes in 1651, and *Leviathan*, written 1649–51, address both war between individuals and among states.

The law of nations, in Hobbes's view, is nothing but the law of nature applied to commonwealths or states. He admits a difference in nomenclature but not in kind. He contends that 'the precepts of both are alike' and that the 'same elements of *natural law and right* ... being transferred to *whole cities and nations* may be taken for the elements of the *laws and right of nations*' (Hobbes 1978, 275, xix, §4).

Pufendorf agreed with Hobbes that the natural law and the law of nations were as one (Pufendorf 1717, Bk. II, Chapter III, §xxiii). Both deny that there is any obligatory voluntary law of nations with the legal force and ordinance of a superior power. As Jean Barbeyrac emphasises in his notes to Pufendorf, nations, like men, are naturally equal and none has the authority to impose a law on another, much less can they collectively impose laws on themselves. Insofar as they consent to certain constraints there is a difference between agreement and law. An agreement among nations 'would not produce a particular Law distinct from the Natural, but it must be referred to that general Law of Nature which obliges us to keep all Covenants (Barbayerac in Pufendorf 1717, p. 150, fn. 2). Pufendorf demurs from

Hobbes in contending that we cannot explain and define natural law with reference to rational nature, or right reason: 'because by this means we should establish Reason for the Rule and Measure of itself; and so this way of demonstrating Nature's Laws would run round in a Circle' (Pufendorf 1717, Bk. II, Chapter III, §xxxiii).

*Pace* Grotius, who believed that there could be law without a sanctioning authority, giving international law, or the voluntary law of nations independent integrity, Pufendorf denied that there could be any genuine international law without an authority to enforce it (Pufendorf 1717, Bk. II, Chapter iii, §23). He rejected the view, however, that Thucydides, Machiavelli and Hobbes shared, that international relations operated in a moral vacuum. In both the domestic and international state of nature the natural law is the foundation of justice and injustice, and the law of nature and the law of nations are one and the same thing because 'whole states and nations ... have coalesced into one moral person' (Pufendorf 1931, DEF XIII, §24, and Pufendorf 1717, Bk. II, Chapter iii, §23). Hobbes and Pufendorf differed over whether natural law had a sovereign capable of enforcing it. For Hobbes it did not, but for Pufendorf it did, making natural law equally as morally obligatory as positive law.

For neither Hobbes nor Pufendorf, in contrast with Grotius, customary international law is not enough to command obligation. Such customs entail observances due to the mere consent of people and do not constitute an obligatory law of nations. Precepts of a so called law of nations only appear to be observed by a certain tacit agreement, especially in warfare, which Pufendorf holds to be the origin of that sort of 'customary law'. The interest and security of nations lie not in customs but in 'the observance of the law of nature' which is 'a much more sacred support' (Pufendorf 1717, Bk. II, Chapter iii, §23). If the laws of nature are intact, mankind, Pufendorf asserts, has no need, whatsoever, of the law of nations. An important aspect here, then, is to emphasise that a custom's origin is important for Pufendorf irrespective of its presumed authority. If any custom is derived from the natural law, it acquires a greater dignity than if it arose merely out of the agreement of nations (Pufendorf 1717, Bk. II, Chapter iii, §23).

It is the relationship between natural law and the law of nations that draws Samuel Rachel to Hobbes, but he stands at the opposite end of the spectrum from Hobbes and Pufendorf, and is also critical

of Grotius for not making a complete break between natural law and the law of nations. He contends that

Not Only has Nature provided its own Law for men, whereby, as if by a world-wide chain, they are bound to one another in virtue of being men, but mankind has itself also laid down various positive laws for its own guidance, not merely those by which in every State the government binds its subjects to itself or by which these bind themselves to one another, but also those which the human race, divided up as it is into independent peoples and different States, employs as a common bond of obligation; and peoples of different forms of government and of different size lie under the control of these rules, which depend for their efficacy upon 'mutual good faith.'

(Rachel 1916, Diss. II, §I)

In considering Hobbes's ideas last Rachel comments that 'filth falls on the hindmost' (Rachel 1916, Diss. I, §CIV). He finds not only Hobbes's natural law precepts faulty, but also his denials of the obligatory force of a separate law of nations. Rachel, then, criticises both Hobbes and Pufendorf on this account. He recognises that states do not necessarily accept obligations from the natural law as definitive, but rely instead on their free consent and agreement (Rachel 1916, Diss. II, §XCIV). In this way, according to Rachel, the law of nations is based either upon agreements or customs and is part of the *jus arbitrium*. Obligations between states can only come into being by agreement in the sense that states are independent from each other. Thus in customs Rachel found an implied agreement. However, implied agreement does not need to be concluded between all nations; all the requirements are met when, especially, the civilised nations recognise a definite rule. This is a direct denial of Pufendorf's view that it is improbable that the consent of all nations ever established an arbitrary law among them. Lacking enforcement, Pufendorf deduces that no general custom or usage of all nations is apparent enough for law to be presumed.

In essence the sort of inveighing arguments that Rachel makes in defence of the existence of the law of nations is to stress the dangers of denying and ignoring the common bond that exists between nations. Rachel presses the case for the force of customs as law on

the basis of their authority and not their enforcement (Rachel 1916, § LXXXV–LXXXVIII).

Rachel does grant Pufendorf's point that the law of nations does not issue in the form of laws of the sort that are decreed by a superior, but as he says 'the Law of Nations does not for that reason fall to the ground' (Rachel 1916, §XCI). Nature has allowed law-givers liberties to settle matters that are not covered by their legislation by a reference to the law of nature; that same liberty is to be found by the free consent of nations, on whose considerations the law of nations is established.<sup>1</sup> Rachel contends that even though one nation is not the superior of another each is nevertheless bound as a consequence of entering into pacts just as if by true law. A nation that breaks the pact by fraudulently reneging on the agreement may be restrained by juridical authority of that particular pact.

Emer de Vattel, the most highly respected of early modern jurists, hardly mentions Hobbes, but he does acknowledge that in his work we discover the 'hand of a master, notwithstanding his paradoxes and detestable maxims' (Vattel 2008, Preface, 9). Vattel recognises Hobbes's importance, in being one of the first philosophers who had a distinct but flawed idea of the law of nations. Both Hobbes and Pufendorf are wrong, Vattel suggests, in thinking that the law of nature undergoes no transformation when it is applied to states (Vattel 2008, Preface, p. 9). He takes his lead from Jean Barbeyrac, the translator of both Grotius and Pufendorf, and Vattel's own mentor Christian Wolff. Barbeyrac could at least see that the application of the law of nature to nations required some modifications. The difference, he contends, consists in the manner of application, which is a consequence of the different ways adopted by communities to settle disputes (Barbeyrac in Grotius 2005, Bk. 1, Chapter 1, §xiv, fn 3). Barbeyrac did not go further and draw out the implications of a separate natural law of nations which was obligatory to states and sovereigns (Vattel 2008, Preface, 10).

The law of nations is therefore on account of its origin *natural*, and because of its obligatory force *necessary*. In that individuals and nations differ, the natural law applicable to the former undergoes a transformation in application to the latter. Wolff exclaims: 'Why may it not therefore be separately treated of, as a law peculiar to nations?' (cited in Vattel 2008, Preface, p. 12). Even though Christian Wolff (1679–1754) is considered to be one of the fathers of modern

international law, there are still respects in which he is firmly tied to his predecessors. Like them, he unhesitatingly contends that the natural law is immutable, but further than this he contends that the necessary law of nations, which is deduced from the law of nature, is equally immutable. He contends that: 'the immutability of the necessary law of nations arises from the very immutability of the Natural Law' (Wolff 1934, *Prolegomena*, §5). The obligations that arise from both are therefore absolutely binding and no nation has the right to abrogate them, nor to release other nations from them (Wolff 1934, *Prolegomena*, §6).

Vattel goes further in establishing the efficacy of the law of nations, on the grounds that the conduct of states is different from that of individuals because it 'is not usually the caprice or blind impetuosity of a single person that forms the resolutions and determines the measures of the public: they are carried on with more deliberation and circumspection' (Vattel 2008, Preface 15).

Vattel makes a threefold distinction within the law of nations: the Necessary, Voluntary and Arbitrary. The first two, he contends, are derived from the law of nature. Necessary Law is that which is internal and binding on one's conscience. It is just and good in itself. There will, however, be exceptions to and modifications of the rigour of the necessary law of which all states have to admit, and this is distinguished from the former by being tolerated through necessity. The first is that sacred law that all states are bound to respect in all their actions, while the latter are followed as rules which are admitted by nations in their transactions with each other as obligatory because they are conducive to the general welfare and safety of mankind. The Arbitrary law of nations is different in kind from the other two in that it comprises those customs that have by tacit consent arisen out of, and bind only those nations who subscribe to, certain maxims through common usage. Customary law has obligatory force only because the natural law lays it down that all states have a duty to fulfil their engagements (Vattel 2008, Preface, 17).

In sum Hobbes is important for international jurists not because of his views on the state or nature, nor because he believed the international context equivalent to it, but because he pointed the way through the manner in which he conflated natural law and the law of nations to the formulation of a clearer distinction between the two.

## The law of nations and the person of the state

The second aspect of Hobbes's thought that caught the imagination of jurists was his personification of the Leviathan. The contention is that the concept of the personified sovereign state happened as part of the development of international legal theory starting with the legal and political philosophies of, especially, Hobbes, but also Spinoza, who saw the state as the ultimate summit of human organisation (Remec 1960). If the law of nature and the law of nations differed only in the subjects they regulated, individuals and states somehow had to be equated. This would entail attributing a character to states similar to that of the moral individual. In order to do this Hobbes portrayed the state as an artificial or feigned person. A person is to be understood in two ways. First in the performance of actions or words that are his own, in which case he is a 'natural' person, or as representing someone else, in which case he is a 'Feigned or Artificial person' (Hobbes 1991, 111 [81]). The state is for Hobbes a fictitious artificial person, the embodiment of which is the person of the sovereign exercising his will on behalf of the people. The sovereign essentially *represents* the people. He is the unity of the people. Hobbes contends that: 'A multitude of men are made *One* man, or one Person, Represented. ... For it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One* (Hobbes 1991, 114 [82] and cf. 284–5 [220]). The apparent absurdity of the idea of a person composed of numerous persons in order to get around this problem, did not hinder the extent to which theorists found the imagery alluring. The problem of thinking of the state as a fictitious or artificial personality, however, implies a higher legal authority to create it, which in Hobbes defeats the purpose of instituting Leviathan.

It was Pufendorf who first applied the idea of the juristic moral person to the state and hence made it subject to the moral law of nature. His successors Wolff and Vattel extended the idea to designate states the moral subjects, not of the law of nature but of nations (Remec 1960). For Pufendorf, Hobbes's depiction of the state as an artificial man was a stroke of genius. He goes further than Hobbes, however, in distancing the private person of the ruler, who exercises its authority, from the state; he also attributes to the state a sense of individuality and moral personality distinct from the people who instituted it. Moral entities

are, for Pufendorf, individual persons or collections of persons united by a moral bond. The former he calls *simple* and the latter *composite* 'moral persons' (Pufendorf 1717, I, i, 12). The state is a composite moral person whose peculiar attribute is sovereignty. Although instituted by human will, it is not its creation, nor is it dependent upon it. Each composite moral person may have rights and duties that none of the individuals comprising them could claim in their own right (Pufendorf 1717, I, i, 13; Pufendorf 1991, II, 6, 10). The subjection and fusing of wills implied in the social contract creates the state which is 'the most powerful of moral societies and persons' (Pufendorf 1717, VII, ii, 5).

This, for Pufendorf, is not a fictitious legal entity, but a real autonomous moral person with the capacity to will, deliberate and pursue purposes. The state has a personality and is the bearer of rights and duties. The person of the state for Pufendorf has the limited objective of protecting its citizens, without expansionist designs. The moral person of the state is to be constrained by natural law and guided by the general rule: 'Let the safety of the people be the supreme law' (Pufendorf 1717, VII, ix, 3).

In attempts to place Pufendorf in the history of the foundations of modern international law it is especially this distinction which is sometimes confused in the literature. Recently S James Anaya, for instance, contended that, from what he calls 'Hobbes's vision of humanity as a dichotomy of individuals and states', Pufendorf (among others) 'began developing a body of law focused exclusively on states under the rubric "the law of nations"' (Anaya 2004, 20). It should be clear that this is a misconception on a number of counts. The international sphere for Hobbes is equivalent to the state of nature. Without a sovereign there could be no 'law of nations', only prudential agreements or accommodations which do not have the force of law. In relation to Pufendorf it is slightly more complicated, because strictly speaking the natural law does the work of the law of nations. What we see in practice is that he does develop rights that relate only to communities (moral persons). So you have (natural) laws that relate to individuals and to the moral persons of states. In this way Pufendorf was the first to perceive states as moral subjects constrained by the natural law, whereas Wolff and Vattel took a further step, and made them moral subjects of the law of nations. As was apparent with Grotius, Pufendorf still contended that the *jus gentium* personally binds sovereign princes and others participating in international associations.



Christian Wolff and his disciple Emer Vattel occupy a transitional place in modern international law under which the state almost completely replaces the individual as the subject. They both acknowledge Hobbes's important contribution to framing the issue of the relationship between natural law and the law of nations, and his designation of the subject as an artificial man with a deliberative will.

Wolff follows Pufendorf in extending Hobbes's idea of the artificial man into the idea of the state as a moral person. He conceives of this moral person very differently from the natural person of the individual. He contends that states are themselves corporate moral persons with rights and duties different from those of individual persons and as the creation of the individuals who comprise them they exercise on behalf of their citizens the duties that those individuals have to mankind as whole (Wolff 1934, *Prolegomena*, §3). Vattel more than anyone else expressly established the law of nations solely as the law between sovereign states. This strong emphasis upon the sovereign integrity of the state places it, and not individuals, at the centre of international law. In this sense the state became the subject of rights and duties as well as displacing the individual completely from the system of international law. Vattel, following Wolff, defines the nation or state as a body politic which has 'her affairs and her interests; she deliberates and takes resolutions in common; thus becoming a moral person, who possesses an understanding and will peculiar to herself, and is susceptible of obligations and rights' (Vattel 2008, *Preliminaries*, §2). The rights and duties relating to each must be consistent with their natures, which are very different. Nations, he argues, can only be construed as collections of so many individuals living in a state of nature, and therefore all the rights and duties ascribed to individuals must be ascribed to nations. Conceptualising the state as a moral person became a commonplace in philosophy. Thomas Reid, for example, combines elements of Grotius, Pufendorf and Vattel in his theory of international relations, and argues that: 'A Nation incorporated and united into one Political Body becomes by this Union and Incorporation a Moral Person. It has a public Interest and good which it ought to pursue as every private man pursues his own private good. It has an Understanding and Will' (Reid 1990, 254). The characterisation of the state as a moral person persists to this day (Wendt 2004), and is central to international law.

## Conclusion

We have tried to show that the modern predilection to ally Hobbes closely with Grotius is ill-conceived and in fact disguises the extent to which Hobbes was something of an aberration in the natural law tradition. Those aspects of Hobbes's thought that tend to attract us now were not those that predominantly had an allure for the great jurists of the seventeenth and eighteenth centuries. In fact, the international jurists rejected those very features that modern interpreters highlight as quintessentially Realist. His characterisation of the state of nature, and the natural condition of man was largely abhorrent to them. In this respect we offer through the jurists a very different set of considerations in the interpretation of Hobbes as a Realist. Hobbes was principally praised for giving direction to discussions about the true relationship between the law of nature and the law of nations, and how the state could be conceived to have the necessary attributes to become subject to the latter.

The move to the moral personification of the state came from the development of a positivistic view of international law. This body of normative rules presupposes 'reason' because its application is improbable unless rational beings are capable of obeying it. Of course individuals possess such reason and are in this way conceived as clear subjects of the law. In order for states to be envisaged as such they must be endowed with reasoning capacities and a will, which means that they must be personified. As Oppenheim emphasised, once this fiction is in place there is no hindrance as to why international law should not be represented as a body of rules for the conduct of states (Remec 1960, 22–3).

## Note

1. Rachel cites Johann Boecler as his reference on this point.

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# 6

## Kantian Perspectives on Intervention: Transcending Rather than Rejecting Hobbes

*Howard Williams*

### **'A Responsibility to Protect'?**

Here I argue that Kant is not a thoroughgoing Hobbesian in his approach to political philosophy and international relations. However I also suggest that Kant is heavily indebted to Hobbes for his conception of politics and has no wish to demolish wholly the Hobbesian edifice of an authoritative, centralised and well-ordered state. An analysis of those texts where Kant pays close attention to Hobbes's work demonstrates that Kant's approach to Hobbes's thinking about politics is appreciative and subtle. Kant greatly valued the symbolic force of Hobbes's depiction of the Leviathan and was at one with Hobbes's conclusion that subjects should not contemplate resistance to, least of all rebellion against, the sovereign of an existing civil commonwealth. Kant worked with the model of the Hobbesian state that had shaped the Westphalian international political order of his time, and he greatly appreciated the contribution of the idea of a fully sovereign national state that held sway over religious dissent to political and legal philosophy. Kant aimed, however, to go several steps further than Hobbes in attempting to bring the many fully sovereign national states into a gradually expanding peaceful federation that would provide a solid basis both for international law and domestic order. It is true that Kant ended up adopting a cosmopolitan perspective but this is not a cosmopolitan perspective that seeks to nullify the civil commonwealth of Hobbes's political philosophy but is rather subtly grafted on to it.

An intriguing recent development in world politics is the introduction of the idea of 'the responsibility to protect' pressed by some

key members of the United Nations and intended to marshal support for the principle that under certain circumstances it is right for the international community to intervene in the internal affairs of states to prevent the grossest abuse of rights and the endangering of life.<sup>1</sup> The idea was formally introduced by the International Commission on Intervention and State Sovereignty report sponsored by the Canadian government and published in 2001 (Report 2001). The Commission worked on the basis that 'sovereignty implies a dual responsibility: externally – to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state' (Report 2001, 8). Clearly this represents an approach to politics that does not pay full heed to Hobbes's attempt to link closely the protection that subjects receive with the obedience that subjects in turn owe to their rulers. Indeed it represents an approach that is strongly steeped in ideas of popular sovereignty not embraced by Hobbes. Given the strong ethical stand taken by the commission it would appear that anyone starting from a Kantian perspective must share its goals and the means that it recommends for attaining them. Surely, the federation of peaceful states Kant advocates in *Perpetual Peace* would endorse such an attempt to bring justice to world politics? However, the object of this chapter is to show that this is far from being the case. Here I will show how Kant cautions against forcible intervention in the affairs of other states and endorses a pluralist view of world politics that puts the primary emphasis on states putting their own house in order. Kant does not try to subvert the Hobbesian model of state relations, which began to become current at his time, but rather attempts to work with it to develop a more harmonious international order. Kant opposes all attempts to encourage sovereign states to take up arms against each other, even where the objective is to improve international justice.

From a Kantian perspective the commission's interventionist approach rests on the paradox that it presupposes that action should be undertaken by an international body which according to the report itself falls short of the ideal of a world community. 'The responsibility to protect implies above all else a responsibility to react to situations of compelling need for human protection. When preventive measures fail to resolve or contain the situation and when a state is unwilling to redress the situation, then interventionary measures by other members of the broader community of states may

be required' (Report 2001, 29). Awarding a responsibility to protect to an unspecified authority of this kind represents an extraordinary step in the dark. From a Hobbesian perspective such a gesture must prove entirely impossible, since allocating political authority to any body outside the state would undermine the whole logic of the Leviathan. The commonwealth cannot be subordinate to an external body without losing its own identity and integrity. This is a point which is wholly appreciated by Kant and any view of intervention that seeks authority in his writings must take this into account.

I proceed by looking at three recent accounts of intervention which draw on Kant for their inspiration in justifying an activist approach. First I shall look at an outright confrontational approach suggested by Roger Scruton which involves the international community (or the West) taking political authority out of the hands of the leaders of the target state and instituting a new (democratic) political authority on behalf of the subjects of that state. Second, I shall assess another hyper-interventionist approach set out by Fernando Teson that sets minimum standards for the enjoyment of sovereignty by regimes and allows intervention (by force if necessary) to create those standards where they are not met by the regime. Third, we shall look at a moderate interventionist approach advocated as an exceptional measure by Juergen Habermas – as an anticipation of a wholly constitutional world order – that takes its inspiration from Kant's project for lasting peace. In all three examples I indicate how the approaches advocated differ from the mostly likely policies that might be gleaned from Kant's texts, and offer an interpretation that can with greater assurance reflect Kant's position. At the same time Hobbes's statist, realist approach will be kept in view and Kant's differences and agreements with it highlighted.

### **Spreading the democratic peace?**

Kant's thinking has often been invoked in relation to humanitarian intervention.<sup>2</sup> But given the Hobbesian moorings of Kant's political philosophy, Kantians should approach the topic of humanitarian intervention with great caution. Not everything that is embraced under the idea of humanitarian intervention is necessarily compatible with a Kantian perspective. Indeed we shall find that Kant's writings can be deployed only with a minimal authority to justify



interventions of any kind. But this has not put off those who seek to invoke Kant's name in favour of intervention at the behest of a heavily oriented western liberal notion of progress.

Two recent commentators who have suggested that Kant's republican peace theory implies that under certain circumstances it is right to intervene in the internal affairs of another state are Roger Scruton and Fernando Teson. Scruton is a British right-wing commentator and a philosopher of some distinction who is familiar with Kant's works (Scruton 1982). According to Scruton, 'Kant indeed believed that war can be legitimately embarked on only as a defensive measure, and that pre-emptive attack is not defence. However, circumstances have changed, and I can see good Kantian reasons for the view that the civilised world, faced with the dangers that now confront it, should take pre-emptive measures when dealing with rogue states like Saddam's Iraq' (Scruton 2004, 1).<sup>3</sup> Scruton accepts that a reading of *Perpetual Peace* would lead one towards the conclusion that Kant would be opposed to all foreign intervention of a coercive kind. But Scruton distinguishes between the tone of *Perpetual Peace* and the tone of Kant's discussion of the right to war in the *Metaphysics of Morals* (Scruton 2004, 2).<sup>4</sup>

Here Scruton turns Kant's argument against the doctrine of just wars on its head. Whereas for Kant an account of international law which is based on the right to go to war is untenable, Scruton argues that Kant's doctrine of international law implies that the resort to war is from time to time unavoidable. For Kant, as Scruton sees it: 'the recourse to international law, he believed, presupposes that members of the League of Nations are republics. If they are not republics, but regard themselves as in a state of nature vis-à-vis other states, then it may be necessary to confront them with violence, in order to prevent them from imposing their will. Of course, the violence must be proportional to the threat, and its aim must be to bring about a lasting peace. But war conducted for the sake of peace was, for Kant as for his predecessors in the 'just war' tradition, a paradigm of legitimate belligerence' (Scruton 2004, 3). Scruton's rhetoric far outreaches what Kant has to say. Under no circumstances does Kant envisage deploying violence 'to bring about lasting peace'. Kant prefers the power of example to the example of power. The hostile and coercive means can never be justified by the laudable end. Peace is the end and the only justifiable means are peaceful. Kant rules out notions of just war

because no state leaders are in a position, in the international state of nature, to elevate themselves above others in deciding what ultimately is right. Just as with Hobbes, each ruler can appeal to his own conscience in determining what course to follow but there can be no expectation of unanimity. For the federation of states he envisages, Kant confines himself to advocating peaceful measures alone as the means of bringing about world community.

The nub of Scruton's argument is that a state like Saddam Hussein's Iraq is not immune to intervention by a Kantian republican state whose aim is not to annex Iraq and its people but to help them create the conditions of a rightful and ultimately republican state. Scruton's reasoning is seductive but false. Iraq, he suggests, 'is a manifest threat to peace, has invaded neighbouring states without cause, has committed genocide against its own minorities, and seems determined to advance its own interests, whatever the costs to others'. Thus 'a larger power, which is a republic anxious to spread republican government around the world, motivated perhaps by some version of the Ideal of Reason that Kant puts before us in *Perpetual Peace*' may decide to act. Here of course the larger power is the US and the 'despotic state' that merits being overthrown is Iraq. 'Suppose that, by doing this, there is hope of planting the seeds of republican government in an area of the globe where until now only despotism or empire have held sway.' The larger power is entirely cleared by Scruton of the possibility of having any ulterior motives, 'it goes to war with the intention of creating the conditions in which its people can decide for themselves on their form of government. Suppose that its intention in doing so is to create the conditions of lasting peace in a region of the world where peace is constantly being jeopardised by tyrants and fanatics'. Having made all this noble supposition we are finally to 'ask Immanuel Kant the question: would it be right for my hypothetical republic to go to war against my hypothetical despotism? He would be compelled by his own principles to say "yes"' (Scruton 2004, 4–5).

However, Kant abides by Hobbes's supposition of the equality of states. Moreover, Kant avoids dividing the states of the world into those that are virtuous and those that are not – and so perpetuating the whole warlike condition of states. Just as with internal politics, where Kant aims to avoid paternalistic government that makes the state the custodian of individual welfare, so in the international realm he seeks to avoid turning some states into guardians of the well-being

of all states. The major error of Scruton's overenthusiastic approach is that it fails to pay respect to the structures of international law that are already in place in the twenty-first century. That international law suffers from a somewhat limited and imperfect application does not imply that we can ignore or overlook its requirements when we are anxious to bring about good in the world. For Kant the pursuit of the good has always to be subordinate to the need to observe external law. Laws may be in need of amendment or changing altogether, but this provides no justification for disregarding them. Kant shares Hobbes's natural-law view that agreements once made should be kept.

Scruton's optimistic scenario demonstrates at each stage a lack of respect for law and for Hobbes's prudential politics. In the first lines of his story he fails to identify who the 'we' implementing the will of the international community might be. Under current international law this could only be the United Nations, but there is no suggestion from Scruton that he accepts this. He then goes on to assume that a 'larger power' is in a position to embody the will of the international community (usurping the United Nations?) in order to create a republican form of government in a despotic state and that it is legitimate to use military means to bring this about. Scruton advocates no less than a revolution in the international legal order whereby one system of emerging law is to be overthrown and replaced by one more to his enthusiastic pro-Western republican liking. This is a recipe for chaos, similar to the path advocated and followed by the Jacobins in France in executing the king and so deplored by Kant (Kant 1898–present, 6: 322/464). Scruton's casual reflections are in danger of putting violence before right and so repeating the wrongs of which Saddam Hussein was accused. The Kantian expectation is that republican states lead by example and not through force. There is an obligation to work with the existing institutions of international law, however imperfect they might be, rather than against them. It is unlikely also that Hobbes's sovereign would entirely overlook what was already the practice in international law since he regarded sovereigns as bound by their own conscience to natural law.

### **Fernando Teson, Hobbes and hyper-interventionism**

Many of today's cosmopolitan writers may express dismay with Kant's restrictive view of the role of intervention in world politics.

Understandably, in view of the world's acute social and political problems, they would like to see a more activist approach that aims at prevention rather than amelioration or an emergency response. However, concern for the world's poor and oppressed does not of itself make any policy motivated by such concern right or effective. I would argue that a Kantian approach must be more measured and based on a reformist outlook on domestic and international politics shaped by Hobbes's political philosophy. At the centre of Hobbes's view of politics was the powerful domestic sovereign that held its subjects in awe and its external enemies at bay (Hobbes 1991, 126). Kant was a critic of this system and wanted to transform the Hobbesian model of politics into an arrangement that not only kept domestic but also international peace (Williams 2004, Chapter 1). In his political philosophy Kant retains the idea of the social contract, interpreted in a Rousseauian way, and the notion of a powerful sovereign that commands the obedience of its subjects. He also accepts the idea of the equality of each sovereign state and so the idea of the inviolability of the borders of each state in relation to each other. With his idea of a federation of free states that would form the proper basis of a reformed international law, Kant seeks to complement the domestic order brought about by the civil commonwealth of Hobbes's *Leviathan* with a system of cooperation among sovereign peoples. Kant has the far-off goal of a world republic, but this should never simply displace existing sovereign states: it can always only be an outgrowth of their authority. Kant never underrates the value of keeping the Hobbesian world order going, since the focus of Hobbes's order is not the creation of empires but the maintenance of domestic peace. Hobbes places as much emphasis on getting on with other sovereign states (albeit as rivals) as getting the better of them in any potential war. The natural laws that Hobbes sees as operating among the various sovereign states does bring to the fore rules of mutual accommodation which might be seen as precursors to the picture of a reformed international law which Kant advocates in *Perpetual Peace*.

Humanitarian intervention or human rights intervention makes little sense from a Hobbesian perspective. Since the primary objective of sovereign power is to maintain internal peace and so provide liberty for subjects, the responsibility for protecting individuals falls primarily on the domestic state itself (Hobbes 1991, 121). Where that

fails there appears to be no direct obligation upon either neighbouring states or their subjects to help out. As Hobbes's ethics centres on considerations of self-preservation he is not drawn to an idea of a worldwide human rights community. Grounds for intervention might only arise where the peace and order of other states was threatened and so our own self-preservation was called into question. As it is an obligation for sovereigns to look after the safety of their people they are empowered to take the actions they see fit to ensure this and so might well intervene to remove any threat. Yet such an action could not be contemplated with impunity, because sovereigns have always to have an eye to the power of other states and so would have to measure their intervention so as not to cause other unsustainable conflicts.

Kant's ethics generates far greater expectations since it is based on freedom and not merely self-preservation. Like Hobbes, Kant begins from the equality of each human individual but is not prepared to sacrifice autonomy to order. Kant looks for a social and political system that combines both autonomy and order. He presents an ethical outlook that applies to each human individual on the planet. His inclusive outlook, highlighted in his view that we should seek as virtuous human beings to become part of a 'kingdom of ends', seems to imply that he would support the ambitious aims for the world community in implementing human rights (Korsgaard 1996, 33). In one respect this is entirely true. From a Kantian perspective the enforcement of human rights in one part of the world should be greeted with enthusiasm in all parts of the world. It seems an easy step from this enthusiasm for the advance of human rights to an advocacy of an activist approach on the part of democratic states in dealing with abuses wherever they arise. We can see that Fernando Teson adopts this approach. However, this is not necessarily a coherent Kantian approach. Here I suggest that an adequate Kantian approach is far nearer to the Hobbesian perspective than might be expected.

Fernando Teson's develops a strongly interventionist line of argument based on the idea of the defence of human rights (Teson 1998, 2005). He correctly argues that a Kantian standpoint would require acceptance and respect for the idea of rights inhering in each person in virtue of their humanity, but he extends this idea contentiously to the proposition that states collectively have the obligation to deal with the abuse of human rights wherever they may occur. As Teson

understands the Kantian position, the obligation to defend human rights trumps the right of states to have their sovereignty respected. The duty of 'democratic government is to uphold and promote human rights and democracy globally' (Teson 1998, 56).

For Teson 'the Kantian thesis includes a theory of just war; it is the war waged in defence of human rights' (Teson 1998, 57). Teson extends the Kantian argument for an unequivocal respect for the rights of humanity into a virtual crusade. 'In most wars, international or civil, there is a side that is morally right. That side may be waging a war to defend itself from an aggressor, or to overthrow a tyrannical government (at home or abroad), or justly secede from a parent state.' In his moral enthusiasm Teson throws circumspection to one side and suggests that 'insurgency operations by a democratic state designed to assist just revolutionaries are justified, provided that the help is welcome by the revolutionaries themselves'. Anticipating his own later writings, Teson claims that 'for example, a response to a request for assistance by Iraqi revolutionaries aimed at overthrowing Saddam Hussein would be morally justified' (Teson 1998, 56). These remarks fail to reflect Kant's painstaking care to avoid any accusations of illegitimacy in the concern shown by the interested international public in the affairs of other states. The notion that other people's reforms towards a fully civil constitution could be helped along by the intervention of other states is entirely alien to his approach.<sup>5</sup> On the grounds of prudence and morality Teson's hyper-interventionism should not be identified with Kant's position.

But Teson follows a line similar to that of the International Commission on the Responsibility to Protect. He argues that state sovereignty does not represent an absolute boundary to potential intervention. He does not see sovereignty solely in the positivist sense of a government being able to command the obedience of the subjects under it. Teson would not recognise as legitimate a Hobbes style of state authority based primarily on awe of the currently-effective power. A legitimate government has to command the assent of its people, as expressed by representatives and through representative institutions and 'offices to which political power is attached'. 'These offices are occupied by persons who are democratically chosen by the citizens of the state' (Teson 1998, 57). Sovereignty for Teson has both an external and internal dimension of legitimacy. 'Sovereignty is the outward face of legitimacy. A government is legitimate when it

genuinely represents the people and generally respects human rights. Such a government must be respected by foreigners, in particular foreign governments' (Teson 1998, 57). International recognition is the appropriate counterpart to an internal good order so 'the illegitimate government' is not similarly 'morally protected' (Teson 1998, 58). For Teson it is important that illegitimate governments are not accorded the support of international law and the world community at large. He abandons the idea that command of its own territory and the obedience of its inhabitants is one of the main legitimating factors in sovereignty. Kant too is concerned that there should be a strong element of popular legitimacy belonging to sovereignty, but he is not prepared to see this element wholly override the traditional element of political control (Kant 1898–present, 6: 318/461).

Teson's doctrine of legitimate sovereignty produces a *carte blanche* for intervention for states that enjoy legitimacy. Of course this is only a liberty to intervene in states that do not enjoy a similar legitimate rule. The only legitimate 'aim of the intervenor is the protection of human rights'. Just wars are not fought primarily defensively to maintain sovereign integrity, rather 'the overriding aim of a just war is the protection of human rights' (Teson 1998, 59). This leads to a similarly idiosyncratic understanding of humanitarian intervention; 'a government's war to defend the citizens of a target state from human rights violations by their own government is called humanitarian intervention' (Teson 1998, 59). Because they evidently fail to command the loyalty and assent of their own subjects, Teson believes that dictatorships cannot enjoy this right to intervention. They are in a position neither to judge how acceptable the institutions and practices of the 'target state' might be nor to order their own subjects to risk their lives in any military hostilities that occur.

Just as in Hobbes's and in Kant's time, we are still now dealing with a world where political power on the global scale is decentralised, in the hands of a variety of sovereign states – some more powerful than others – and so extraordinarily difficult to coordinate. Arguably, since Kant's time the world political system has, with the emergence of the United Nations, moved a little nearer to a kind of centralised coordination, but the essential feature of an international law made and enforced only by the consent of independent sovereign states remains the same. The fact that the leaders of sovereign states both frame international law and are the sole legitimate enforcers of it

within their own territories, creates considerable difficulties. Kant's response to this difficulty was to retain the feature of sovereign independence while calling on free states voluntarily to enter an alliance with each other to maintain peace and further the voluntary enforcement of international law. This is a better response than Hobbes's invoking the laws of nature and the authority of God which all sovereigns should respect. Teson's suggestion is a good deal more radical than both. He wants international law to be enforced not only by states themselves, within their own territories, but also by a self-chosen group of them and, if necessary, by individual states themselves *on a worldwide basis*. Not surprisingly given his radical interventionism, Teson has even to call into question the good sense of Kant's fifth Preliminary Article in *Perpetual Peace*, which prohibits forcible interference in the constitutional affairs of other states. The constitutions of liberal states should of course not be open to restructuring by others, but they should in certain circumstances be entitled to modify coercively the constitutions of non-liberal states (Teson 1998, 21).<sup>6</sup> Kant's alliance is a mutually supportive one where like-minded peoples agree to maintain the adherence to law that exists among them and are prepared to help one another if one or more of them is attacked. The alliance has no programme for subduing or coercively changing any other states that do not belong to the alliance. The alliance always remains open to new membership, so stands as an example to all other states, but each non-member is free to join at its own pace and would not be physically compelled to do so. With Teson's model one group of states (or even one state) is elevated above other states in the international system and given licence to judge whether or not states on a worldwide basis are complying with a standard of legitimacy set by the group (or itself). This is a doctrine fraught with difficulties, which are apparent in the applications that Teson has sought to give to his principles in developing a model of humanitarian intervention (Teson 1998, 1–21), and one which is a good deal different from anything advanced by Kant in his legal and political writings.

### **Habermas and the dilemma of Kosovo**

Habermas presents himself as a defender of a Kantian project for international peace, and a critic of the Westphalian system, so an



examination of his arguments on Kosovo also helps highlight this difficult problem of intervention. In sharp contrast to Teson, Habermas is an unenthusiastic advocate of interference in the internal affairs of other states to bring about democratic change. Habermas's reluctance fits in well with his own background in the Frankfurt school and his avowal of the Kantian view of world politics. Unlike Teson, Habermas thoroughly distanced himself from the 2003 invasion of Iraq, and condemned the Bush administration both for straying away from the best traditions of US foreign policy, and for riding roughshod over the rights of the Iraqi people. However Habermas departs from his general veto on supporting armed intervention in the internal constitutional affairs of other states by giving qualified support to the NATO bombing campaign against Serbia as a means of resolving the problems brought about by the mass expulsion by Milosevic's regime of the ethnic Albanians from Kosovo. What leads Habermas to this conclusion and how does he seek to make it compatible with the wider Kantian outlook on world politics he holds?

In the article 'Bestiality and Humanity' he neither advocates armed intervention in Kosovo as his own policy, nor does he present a general case for an activist pursuit of human rights in this manner globally. His support for intervention on behalf of the ethnic Albanians goes no further than a qualified endorsement of an aspect of the foreign policy of *legal pacifism* which 'wants to fence in the spectre of war between sovereign states, but also strives to supercede it by means of a thoroughly legalized cosmopolitan order' (Habermas 1999, 263). As Habermas sees it, the Red-Green coalition government sought the Kantian ideal of 'domesticating the existing state of nature between countries by means of human rights'. This is a very ambitious aim since it would involve 'the transformation of international law into a law of global citizens' (Habermas 1999, 263). But in language reminiscent of Teson, Habermas describes this new system of law as one that is 'able to penetrate the sovereignty of states' and takes as a primary example of its effect 'the personal liability of functionaries for crimes committed by them as part of their political and military service' (Habermas 1999, 264). Here Habermas has in mind examples such as the attempted prosecution of Pinochet in British courts for crimes of torture and murder committed while he was the leader of the Chilean military junta in the 1970s and 80s. The loss of immunity under international law for even *de facto* bearers

of sovereign power when committing crimes against humanity is a symptom for Habermas for the gradual embedding of a cosmopolitan justice.

Thus, the NATO Kosovo enterprise gains Habermas's guarded support as part of an attempt to establish a global civil society. He recognises the contingency of the situation and its risky and presumptive dimensions. The member states of NATO were acting in an audacious way: 'When they authorize themselves to act militarily, even nineteen indisputably democratic states remain partisan. They are making use of interpretative and decision-making powers to which only independent institutions would be entitled only if things were properly in order today; to that extent their actions are paternalistic' (Habermas 1999, 270). Habermas accepts that his stance implicates him in the contradictions of power politics and is intensely aware that the perspective of legal pacifism is not shared by all the states who are members of NATO. Whereas 'most of the EU governments see the politics of human rights as a project committed to the systematic legalization of international relations' one which is 'already altering the parameters of power politics' 'the USA conceives the global enforcement of human rights as the national mission of a world power which pursues this goal according to the premises of power politics' (Habermas 1999, 269).

But as an astute commentator on Habermas's thinking has shown, it is difficult to find an endorsement for Habermas's interventionist approach in Kant's writings (Jaberg 2002). In her study of the Kosovo war within the context of Kant's *Perpetual Peace* Sabine Jaberg argues persuasively that, for Kant, peace can only be brought about through observation and respect for law (Jaberg 2002, 34). And even though law in some circumstances only takes on a 'rudimentary' form Jaberg thinks it is part of the Kantian outlook that one even then has to respect and observe it. As Jaberg sees it, this applies at both the internal and external state levels. So if a country is going through a process of upheaval, or is still in the process of creating an effective system of law, where there is evidence of stabilisation towards the rule of law, we are bound to respect the authorities in charge. It is not clear from Kant's writings what might be conclusive evidence of a process of stabilisation towards the rule of law, but it appears from Kant's views on resistance (which is ruled out even where the subjects are badly abused) that the threshold is not set very high. At

an international level Kant never suggests that the problems about the enforceability of law among states provide a justification for not observing it. No matter how primitive the system of international law may appear, Kant wants to work with it and enhance its applicability and acceptability. For Jaberg a close reading of Kant's texts indicates an extremely circumspect approach to the Kosovo crisis. At the international level the case for overlooking the legal requirement to gain United Nations Security Council support was extraordinarily thin, and at the internal Yugoslav level the case of total breakdown and the emergence of anarchy was yet to be fully established. As Habermas acknowledges there was a strong element of presumption and anticipation in the whole NATO enterprise (Smith 2007, 78). Jaberg's stark conclusion appears particularly apt: 'Kant's thinking on freedom on the whole shows itself to be extremely awkward vis-à-vis attempts to legitimise intervention of all kinds. This applies also in relation to the NATO Kosovo War. Under today's stipulations of international law a consistent application of the essay on peace would indeed have called for non-intervention' (Jaberg 2002, 64). This is not a plausible interpretation of Kant's essay on peace but rather reflects an eclectic acquaintance with the work 'contrary to the intention of the author'. Habermas attempts a 'fundamental reformulation' of the Kantian notion of cosmopolitan law, indeed his reformulation is so far from the original that it could be accurately described as a 'new creation' (Jaberg 2002, 64).

Of course Habermas is only too well aware of the riskiness of the Kosovo enterprise, and that it draws those of a Kantian disposition into the contradictions of power politics. Jaberg's essay draws attention to what precisely is at stake. Any appreciation of Kant's attitude to intervention has to take into account the cornerstones of Kant's international outlook. Habermas shows tolerance towards NATO intervention in Kosovo on the grounds that he is drawn to a notion of cosmopolitan right which seeks to transcend the sovereign state. But as Jaberg points out, Kant does not regard cosmopolitan right as trumping the law among nations. Cosmopolitan law for Kant builds on international law and the Hobbesian state. Kant's project is one of transforming international law while maintaining it. Jaberg justifiably fears that Habermas tends towards the 'upgrading of cosmopolitan law' at the same time 'marginalizing international law'. As a result she believes Habermas neglects the Kantian 'analogy between

the state and a moral person' which should be the bedrock of responsible international relations. As Jaberg sees it the spirit of Kant's essay on peace runs wholly contrary to the idea of an 'interventionism promoted by military means' (Jaberg 2002, 64). Rightly she is not quite sure whether Habermas's line on Kosovo amounts to the 'tolerance' or 'legitimization' of such means, but she does come to the telling conclusion that, if generalised, such a tolerance would disregard the 'idea of the original contract as the final source of legitimate rule' (Jaberg 2002, 64) which is a hallmark of Kant's political philosophy as a whole.

While embracing the Hobbesian basis of political order Kant departs from it in two striking respects. First, the social contract cannot be seen as fully complete at the national level and secondly the social contract must be seen as ultimately authorising just the one kind of republican government. Kant sees international cooperation as moving out from the domestic social contract which contains within it a worldwide dimension. A presumption of the social contract that establishes the republican ideal domestically is that all such legally founded states will seek to participate in a gradually expanding peaceful federation without which the domestic contract is never finally secure. Domestic popular sovereignty of a republican form is a key staging post in the gradual creation of a worldwide civil society brought together through a pacific federation. Where it exists, internal political sovereignty cannot be simply cast aside at the behest of another state or an alliance of other states, however well-meaning. The legitimacy of the pacific federation depends on safeguarding and forwarding republican popular sovereignty within states, so at no point can internal sovereignty be treated lightly. Arguably Habermas is fully aware of this but does not sufficiently guard against being interpreted differently.

Kant shows, for example, little interest in the idea of 'puncturing' state sovereignty in the manner canvassed by Teson and Habermas. Hobbes of course would have no qualms about the one state 'puncturing' the sovereignty of another state so long as it was done to enhance the security of a threatened state. But he has no interest in the global pursuit of human rights. In contrast Kant's approach favours a policy of pooling state sovereignty through federation on an entirely (and always reversible) basis and as Kant is committed to the development of popular sovereignty within states he would

regard external interference as undermining the potential for this. Where there is an opening for intervention in Kant's doctrine – and here this might arguably apply to Kosovo – is where (as noted in Preliminary Article 5) internal sovereignty breaks down under the strain of civil war. Where that condition of anarchy is reached then, as Kant understands it, states are doing no wrong in intervening to bring a return to order. For Habermas the Kosovo emergency represented 'the terrorist misappropriation of state power' which transformed a 'classical civil war into mass murder'. He finds that strict adherence to the classical doctrine of the inviolability of state sovereignty would force 'us to accept the maxim that victims are to be left at the mercy of thugs' (Habermas 1999, 271).

Habermas acknowledges 'the war in Kosovo touches on a fundamental question widely disputed in both political science and philosophy. The constitutional state has realised the enormous civilisational achievement of taming political power by legal means on the basis of recognizing the sovereignty of the subjects of international law'. Thus, Habermas by no means undervalues the contribution of the Westphalian system – delineated by Hobbes and targeted for reform by Kant. However, Habermas is drawn to the arguments which would lead to its immediate supersession by a transnational political order with perhaps the United Nations as its head (Habermas 1999, 270–1).<sup>7</sup> It is a problem that Hobbes simply shelved, but Kant wanted to resolve it upwards onto the international plane from the representative legislative union of different peoples under a social contract. However, in his discussion of the Kosovo crisis, Habermas is by his own admission driven to a top down solution brought about through a coalition of democratic states.

### **A defensible Kantian view: A non-activist, supportive 'interventionism'**

The position that gains the greatest support from Kant's writings is neither hyper-interventionist nor indifferent towards the fate of citizens of other states. Clearly Kant's political philosophy provides support for a doctrine of universal human rights. But it does not provide support for the enforcement of these rights by an unspecified international community. In the absence of a genuine world community with its own state we are better to steer clear of forcible

intervention in the politics of territories outside our own. Hobbes's voluntary observance of natural right by sovereigns in relation to each other is to be preferred to Teson's coercive programme for the realisation of human rights. Of course, we should not knowingly sacrifice the well-being of others to enhance our own – something we might contemplate from the Hobbesian standpoint. This would be to treat others simply as means and not also as ends. But this concern for the fate of others, and our equal right to liberty and moral equality, does not mean that the citizens of one state have a legal liability to redress wrongs that the members of other states might suffer at the hands of their government. We indeed have a moral responsibility to be concerned about how citizens in other states are treated by their governments, but this responsibility should neither disable our freedom nor should it necessarily lead to the active involvement of our government in attempting to redress or punish wrongs in other states. Kant sees the home state as the main vehicle for redressing such wrongs, and if it fails to do so the main responsibility for correcting the situation lies with the government of that state and its subjects. Of course encouragement can be given by other governments and the citizens of other states in helping this process occur, but this should not involve active interference in the constitution of the offending state. So long as there is a sovereign power within that state and some effective constitutional procedures for dealing with violations of human rights improvements should be sought exclusively in that way.

Just as individual citizens within states should be given a sphere of freedom in which to exercise their choices unhindered by others, independent states should be allowed to follow their own choices, make mistakes and correct them in their own way. As Kant puts it in *Perpetual Peace*, a state 'is a society of human beings that no one other than itself can command or dispose of.' Like the trunk of a tree it has 'its own roots' (Kant 1898–present, 8: 344/318) and cannot be manipulated externally as though it were a belonging or piece of property open to anyone's use. What can justify interference even though things might be going badly wrong within a state? 'Perhaps the scandal that one state gives to the subjects of another state?' We might naturally be offended by the radical changes and abuses that are occurring in another state. We might for example find offensive large and apparently unfair redistributions of property within

another state. However, so long as the situation is not critical Kant thinks we should tolerate such change and upheaval. Each state has a legitimate right to undergo such experiences free from interference. If wrongs occur this can 'much rather serve as a warning' to the subjects of other states 'by the example of the great troubles a people has brought upon itself by its lawlessness; and, in general, the bad example that one free person gives another (as *scandalum acceptum*) is no wrong to it' (Kant 1898–present, 8: 346/319). The scandal that occurs through the wrongs perpetrated in other states is passive and it may also be exaggerated through the ignorance and misinterpretation of others. In general we should take the same approach to such errors as we would do towards the bad behaviour of our fellow subjects, so long as it is not harming us we should permit them to experiment freely.

But this tolerance should not be interpreted as indifference. Just as at the individual level we should wish others success in their personal endeavours (or at least wish they do not lose from their experiences) so we should wish that the inhabitants of other states enjoy happiness in whatever path they choose to follow. Equally it is important to bear in mind that Kant rules out active interference in the constitutions of other countries only so long as sovereign power is maintained and constitutional structures remain in place. As he puts it in *Perpetual Peace*: 'It would be a different matter if a state, through internal discord, should be split into two parts, each putting itself forward as a separate state and laying claim to the whole; in that case a foreign power could not be charged with interfering in the constitution of another state if it gave assistance to one of them (for this is anarchy)' (Kant 1898–present, 9: 346/319). Thus where legal order entirely breaks down and there is no longer scope for internal constitutional change, outside powers are permitted to intervene, but never to conquer or acquire that state – only to hasten its return to legal order. In all other circumstances 'interference of foreign powers would be a violation of the right of a people dependent upon no other and only struggling with its internal illness; thus it would itself be a scandal given and would make the autonomy of all states insecure' (Kant 1898–present, 8: 346/320). In contrast to the *passive* scandal caused by the sickness being endured by an independent state in going through a period of social and political turmoil, the coercive interference of other states in the constitution of an independent

state would be an *active* scandal and so much more greatly to be deplored and regretted.

Thus, a Kantian attitude to intervention, and in particular military intervention, has to be an extremely cautious one. Whether states want to risk the lives of their own citizens to help bring a settled order to troubled territories is a matter that the representatives and citizens of other states have to resolve for themselves. The drawback with yielding too readily to the path of humanitarian military intervention is that it opens up the possibility of unrestricted war on the part of self-appointed guardians of the international community against a recalcitrant minority of delinquent or purportedly delinquent states. There is too much missionary zeal about the cosmopolitan interventionist position as represented by Scruton and Teson. Any discussion of military intervention from a Kantian perspective has to acknowledge that war is always wrong, and at the very best it might be necessary to establish the conditions for the emergence of law, but it is never right in itself. Cosmopolitan military intervention, as espoused by Teson, Scruton and to a lesser extent by Habermas, cannot seriously be on the agenda from the perspective of Hobbes or Kant because it is based on the premise that war can directly be an agent for improvement in the world. Minimisation and the eventual eradication of war, and not the regretful endorsement of it are what are needed.

## Notes

1. For an insider's view see Gareth Evans (2008) 'The Responsibility to Protect'. For a critical view see Chandler (2004).
2. See Nardin and Williams (2006) where there are over a dozen entries in the index which compares with one for Hobbes and none for Hegel.
3. For a reply to Scruton see Mac Bride (2005).
4. 'It is therefore regrettable that commentators focus on – *Perpetual Peace: A Philosophical Sketch* (1795), the most lucid of Kant's political writings – to the exclusion of the detailed account of republican government contained in and *The Metaphysics of Morals* (1797) elsewhere' (Scruton 2004), <http://www.opendemocracy.net/articles/ViewPopUpArticle.jsp?id=2&articleId=1749>, 2.
5. Preliminary Article 5 of *Perpetual Peace* maintains that 'no state shall forcibly interfere in the constitution and government of another state' (8: 346/319). References to Kant are to the volume and page number of the *Akademie-Ausgabe* (1898–present) Berlin, and M. Gregor ed. (1996) *Kant's Practical Philosophy*, Cambridge: Cambridge University Press.



6. 'Citizens in a liberal democracy should be free to argue that, in some admittedly rare cases, the only morally acceptable alternative is to intervene to help the victims of serious human rights deprivations' (Teson 1998, 21).
7. Habermas holds that 'UN institutions are on the way to closing the circle between the application of compulsory law and the democratic generation of law', albeit that 'only peaceful and prosperous OECD-type societies can afford to harmonize their national interests more or less with the demands of the United Nations, which represents a halfway approximation of the *niveau* of global citizenship' (Habermas 1999, 270–1).

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# 7

## The State of Nature as a Site of Happy Life: On Giorgio Agamben's Reading of Hobbes

Sergei Prozorov

### Introduction

The philosophy of Giorgio Agamben poses a formidable challenge to the conventional categories of political thought, urging us to recognise the vacuity of some of the most familiar political ideals. At the same time, Agamben's work highlights the possibilities of reinvigorating political praxis that arise out of the very crisis of traditional politics and offers highly original and provocative prolegomena to a 'coming politics' of 'happy life' (Agamben 2000, 4–11; 114–15; 139–42). However, the reception of Agamben's work in the English-speaking academia (see e.g. Norris 2005; Calarco and DeCaroli 2007) has tended to focus on the critical aspect of Agamben's work, frequently obscuring its affirmative intent. Thus, numerous critics of Agamben's work (see e.g. Laclau 2007; Connolly 2007; Deranty 2008) refuse to recognise in it any affirmative aspect beyond a vague invocation of a messianic rupture and thus accuse Agamben of the very same nihilism, which he ventures to overcome.

The difficulties of understanding the affirmative aspect of Agamben's work have to do with his determination to find possibilities of redemption *within* the very same coordinates of the sovereign state of exception, which his critical analysis so harrowingly describes, rather than introduce normative principles transcendent in relation to this domain. Thus, Agamben's affirmation of a post-sovereign politics of happy life has no other content than the reappropriation of the state of exception by the subjects caught in its

operation and a different use of the condition of abandonment, to which they are resigned by the logic of sovereignty.

In order to understand this strategy of reappropriation, it is necessary to engage with Agamben's reading of Hobbes that deconstructs the classical distinction between the state of nature and the civil state of the Commonwealth. As we shall argue below, what is reappropriated in Agamben's post-sovereign politics is nothing other than the state of nature as a space of social praxis with no relation to the law or sovereignty. Yet, for this reappropriation to become possible, the figure of the state of nature must be restored to its proper place within the order of the Commonwealth as its negative foundation. Radicalising Schmitt's criticism of Hobbes, Agamben argues that the state of nature does not precede the institution of sovereign power but is rather the product of the latter and it is only as such a product that it may eventually be reappropriated as an *ethos* (dwelling place) of a post-sovereign community that has severed all ties with state power.

Our argument in this chapter is structured in two parts. First, we shall outline Agamben's development of the Schmittian thesis on the equation of the state of nature and the political, which dismantles the Hobbesian construction of the state of nature as both spatially and temporally distinct from the civil state. Drawing on Foucault's critique of Hobbes, we shall propose that Agamben's theory ventures to restore the state of nature, which Hobbes casts as a mythologeme, to its real existence at the heart of *nomos* as its negative foundation. In the second part, we shall address the consequences Agamben draws from this move. In contrast to Schmitt's attempt to move beyond Hobbes by explicitly founding the political order on the very anomie Hobbes sought to banish from it, Agamben seeks to render inoperative the political order as such, whereby the 'fictitious' state of exception embodied in the sovereign gives way to the 'real' state of exception that severs social praxis from any figure of constituted power. We shall conclude with a discussion of the differences between Schmitt and Agamben with regard to the fate of Hobbes's Leviathan in late-modern politics.

## The state of nature as a state of exception

### The state of nature as reality and fiction

Agamben confronts the Hobbesian figure of the state of nature early on in the first part of *Homo Sacer*, devoted to the reconstitution of the logic of sovereignty in terms of the 'inclusive exclusion' at work in

the decision on exception (1998, 15–29). Proceeding from this logic, which locates the sovereign simultaneously inside and outside the legal order, Agamben problematises the thesis of the temporal antecedence and spatial exteriority of the state of nature to the *nomos* of the Commonwealth. Rather than function as a precondition of the institution of sovereignty that recedes into oblivion once the civil order is established, the state of nature survives within this order precisely in the form of the state of exception, in which sovereign power finds full manifestation: ‘Sovereignty thus presents itself as the incorporation of the state of nature in society, or, if one prefers, as a state of indistinction between nature and culture, between violence and law, and this very indistinction constitutes specifically sovereign violence. The state of nature is therefore not truly external to *nomos* but rather contains its virtuality’ (Agamben 1998, 35). Thus, the state of nature may no longer be treated as a pre-political condition but, *qua* state of exception, becomes the epitome of the political as such, deriving its political status from its very exteriority to the domain of the political proper.

This equation between the state of nature and the state of the political is certainly not Agamben’s invention but is rather a key aspect of Schmitt’s original articulation of the concept of the political. As we have argued elsewhere (Prozorov 2006, 80–1), Schmitt may be read as the diametrical opposite of Hobbes in his valorisation of precisely that which Hobbes feared and sought to relegate into the past, that is the antagonism arising from the friend–enemy distinction. In his classic commentary on Schmitt’s *Concept of the Political*, Leo Strauss argued that the Hobbesian construction of the political realm or *status civilis* is conditioned by its sharp spatio-temporal disjunction from the *status naturalis*, ‘natural living together’ (Strauss 1976, 87). As a polemical concept, the state of nature is intended to affirm the idea of politics as civilisation or culture, in the sense of the *cultivation* of nature, which remains radically heterogeneous to it (Ibid., 88–90). However, the definition of the state of nature in terms of war, understood not in terms of ‘actual fighting’ but rather the ‘disposition thereto’ (Hobbes 1985, 186), brings this concept close to Schmitt’s concept of the political, similarly defined in terms of the ‘real’ existence of the ‘most extreme possibility’ of violent death (Schmitt 1976, 27–8; 33–8; cf. Derrida 1996, 114–36).

The political, which Schmitt brings out as fundamental, is the ‘state of nature’, prior to all culture; Schmitt restores Hobbes’s

conception of the state of nature to a place of honour. The gives us the answer to the question within which genus the specific difference of the political is to be placed: the political is the status of man, indeed *the* human status in the sense of the 'natural', the fundamental and extreme status of man.

(Strauss 1976, 88, emphasis original)

Thus, Schmitt's theory of the political valorises as proof of authentic existence precisely that which Hobbes wishes to relegate to a pre-political time and space, that is, the possibility of life-or-death confrontation (Schmitt 1976, 27–8). For Strauss, this difference between Hobbes and Schmitt is most clearly manifested in the two authors' divergent treatment of the problem of 'readiness to die' in battle (Strauss 1976, 91). While Schmitt's theory makes this 'readiness' the key criterion of belonging to a political grouping (Schmitt 1976, 45–51), in the Hobbesian logic this 'readiness' makes no sense whatsoever as it would literally violate the First Law of Nature (Hobbes 1985, 189–90). When the question of such a readiness is raised in a concrete sense, and not as a matter of abstract speculation, it is evident that the Covenant which offered protection in exchange for obedience has become void, since no one can oblige an individual to risk his life (Hobbes 1985, 257; 375–6). As the sole Right of Nature in Hobbes's scheme consists, in Strauss's words that uncannily anticipate Agamben, in the 'securing of bare life' (or, in Hobbes's words (1985, 189), 'preservation of [one's] own nature'), the demand for sacrifice that, for Schmitt, constitutes a political entity is necessarily vacuous, testifying not to the more authentic existence or 'seriousness' of life (*Ernstfall*) but to the complete ruin of the sovereign.

On the basis of this difference, Strauss questions Schmitt's admiration for Hobbes and proclaims the latter '*the anti-political thinker*' (Strauss 1976, 90, emphasis original). Indeed, insofar as the Covenant marks the *exit* from the state of nature, Hobbes is an anti-political thinker in Schmittian terms, there being no politics in the Commonwealth, but only *police*, the administration of people and things for the purposes of peace and prosperity (cf. Ranciere 1998, 21–42). It is this drive for depoliticisation that ultimately leads Schmitt away from a valorisation of Hobbes in the earlier work to a more critical, if still sympathetic, reading in the *Leviathan in the State Theory of Thomas Hobbes* (1996 [1938]), to which we shall return below.

Yet, the difference between Hobbes and Schmitt is more intricate than a simple dichotomy of pro- and anti-political standpoints. By affirming the state of nature as the state of the political, Schmitt does not merely reiterate Hobbes's point about the ever-present 'most extreme possibility' of violent conflict, in the absence of sovereign authority, but also emphasises its *real manifestations* in concrete political life, characterised by the presence of such authority, for example, the phenomena of dictatorship, the state of emergency, civil war, etc. It is for this reason that Agamben, whose normative points of departure are completely heterogeneous to Schmitt's, is drawn to the latter's theory of sovereignty. In his attempt to move beyond Hobbes's depoliticisation of *status civilis* Schmitt issues the most explicit revelation of the *arcanum* of the political: the locus of the state of nature is *inside* the Commonwealth. With this insight in mind Agamben advances his most famous thesis on the production of bare life as the originary activity of sovereign power (Agamben 1998: 6).

The state of nature is not a real epoch chronologically prior to the foundation of the City, but a principle internal to the City, which appears at the moment the City is considered *tanquam dissoluta*, 'as if it were dissolved' (in this sense, therefore, the state of nature is something like a state of exception). [...] Far from being a prejudicial condition that is indifferent to the law of the city, the Hobbesian state of nature is the exception and the threshold that constitutes and dwells within it. It is not so much a war of all against all, as, more precisely, a condition in which everyone is bare life and a *homo sacer* for everyone else.

(Ibid., 105–6)

The relocation of the state of nature within the Commonwealth is hardly a deformation of Hobbes's own argument, which never maintained an absolute spatio-temporal disjunction between the two conditions (see Ibid., 36). Indeed, aside from the reference to the 'savage people of America', Hobbes's famous examples of life in the state of nature do not concern any ancient or pre-historic condition but are resolutely contemporary: 'let him therefore consider with himselfe, when taking a journey he armes himselfe and seeks to go well-accompanied; when going to sleep, he locks his doores; when even in his house he locks his chests; and this when he

knows there bee Lawes, and publike officers, armed, to revenge all injuries shall bee done him' (Hobbes 1985, 186–7). These examples serve to evoke the dangers of war in the state of nature by focusing on the threats perceived and acted upon by individuals who live in the Commonwealth under the protection of the Sovereign. We may thus concur with Michel Foucault's claim that the war in the state of nature 'goes on even when the State has been constituted, and Hobbes sees it as a threat that wells up in the State's interstices, at its limits and on its frontiers' (Foucault 2003, 90). Yet, these examples of threats that persist in the civil order are nonetheless deployed to gain the readers' adherence to the thesis about the 'nasty, brutish and short' (Hobbes 1985, 186) character of life in a wholly different condition, defined by the *absence* of the sovereign. We therefore encounter a puzzling undecidability in the spatio-temporal status of the state of nature in relation to the Commonwealth. '[What] was presupposed as external (the state of nature) now reappears, as in a Mobius strip or a Leyden jar, in the inside (as state of exception)' (Agamben 1998, 37). If the state of nature is something that is best illustrated by examples from our everyday existence in the civil order, then to what extent can we consider it temporally antecedent and spatially exterior to the latter?

It is here that we encounter the problem of the historical reality of the state of nature. In his reading of Agamben's thesis on the inclusive exclusion of state of nature in the Commonwealth, William Rasch states that 'Agamben dehistoricises this Hobbesian construction' (Rasch 2007, 101). Indeed, as a 'principle internal to the city' the state of nature can no longer designate a concrete historical era that ends with the institution of sovereignty. Yet, Rasch's use of the term 'dehistoricisation' is highly problematic in the Hobbesian context, insofar as Hobbes's *own* deployment of this figure does not present it as a historical condition (cf. Hobbes 1985, 187) but rather as a 'mythologeme' (Agamben 1998, 105) that could be rhetorically mobilised to gain the consent of the governed to the existence of already constituted power. It is impossible for Agamben to dehistoricise the state of nature because it is explicitly presented as an ahistorical principle by Hobbes himself. What separates Hobbes and Agamben is not the question of historicity but the question of the *reality* of the state of nature, which Hobbes effaces by virtue of the very same hyperbole that grants his argument rhetorical efficacy.



As Foucault has demonstrated in detail, the 'war of every man against every man' that characterises the state of nature is manifestly not a real historical condition, but a self-consciously fictitious construct, deployed rhetorically to legitimise the existence of the state:

[What] Hobbes calls the war of every man against every man is in no sense a real historical war, but a play of presentations. Sovereignty is established not by the fact of warlike domination, but, on the contrary, by a calculation that makes it possible to avoid war. For Hobbes, it is a nonwar that founds the State and gives it its form.

(Foucault 2003, 270)

Foucault argues that Hobbes's recourse to the conceptual construct of a 'pseudo-war', a war that exists only as an 'interplay of representations' (Foucault 2003, 93), serves to efface or conceal every reference to the 'real', 'historical' war that, according to Foucault, was marginally present in the political discourse of Hobbes's lifetime. The 'historical war' that Foucault refers to is the Norman Conquest, which instituted the distinction between the conquerors and the vanquished, whose reproduction in contemporary struggles constituted the discourse of permanent civil war, which Hobbes's *Leviathan* targeted (see Foucault 2003, 97–111).

The Hobbesian state of nature is thus not merely non-historical in the facile sense of never having taken place, but is also, in the very design of its construction, radically heterogeneous to *any* instance of historical war whatsoever: '[there] are no battles in Hobbes's primitive war, there is no blood and there are no corpses. There are presentations, manifestations, signs, emphatic expressions, wiles and deceitful expressions. We are in a theater where presentations are exchanged; we are not really involved in a war' (Ibid., 92). The state of nature *qua* state of war is a purposefully non-historical construct that is deployed in order to efface the reality of historical war from the political discourse.

Thus, Hobbes is neither a naturalist nor an essentialist, who posits a pre-political state of nature that subsequent criticism would then reveal to be fictitious. On the contrary, what Hobbes does is consciously produce a *fiction*, whose only resemblance to reality is uncannily provided by the exceptional moments of the dissolution

of the social order or the dangers that persist even in the ordered commonwealth (cf. Williams 2005, 32–6). While the criticism that Hobbes anticipated (1985, 186–8) accuses him of passing the fiction (the concept of state of nature) for reality (an actual pre-political stage), the situation is exactly the opposite. By generalising the experiences of the crisis of the civil order and synthesising them into a distinct temporal condition of human existence, Hobbes turns *reality into fiction*, that is, transforms the reality of the state of exception into a fiction of the state of nature, in which the sovereign violence that characterises the state of exception is cast as a ubiquitous feature of relations between human beings. It is precisely this operation that permits Hobbes to banish from the Commonwealth what is originally born in the Commonwealth itself.

### The constitutive exteriority of the state of nature

Agamben's goal in his critique of Hobbes is to reverse this banishment and restore the state of nature to its status of the product of sovereign power, a contingency that is an *effect* of sovereign decision as opposed to a contingency that *calls* for sovereign decision. Thus, what Agamben does is not dehistoricise Hobbes's state of nature, but rather restore reality to this ahistorical figure by dismantling the spatio-temporal distinction between the state of nature and the Commonwealth and recasting the state of nature as a 'principle internal to the City'. The state of nature is constituted by the sovereign decision that, by treating the civil state as dissolved, suspends the operation of its internal laws and norms that define it as *bios* and thereby reduces the existence of its population to 'bare life', which differs from the natural *zoe* that human beings have irrevocably left behind precisely because it only comes into existence by being stripped of all positive attributes of its *bios* (Cf. Agamben 1998, 181. See also Mills 2005, 219; Ziarek 2008, 90).

In this condition, the Covenant is treated as void and the subject is simultaneously abandoned *by* the sovereign, that is, left without his protection, and abandoned *to* the sovereign's unlimited exercise of violence. *Homo sacer* is thus in a strict sense the remnant not of the state of nature but of the covenant that is no longer in force by the decision of the sovereign. Rather than being 'pre-juridical', the state of nature is then graspable as an instance of the non-juridical within the juridical, a constitutive outside of a juridical order or its

inherent transgression (see Ojakangas 2004, 23–9; Rasch 2000). Let us now address the way in which this anomic backdrop enters and survives in the *nomos* of the Commonwealth.

As Agamben reminds us (1998, 35), ‘in Hobbes the state of nature survives in the person of the sovereign who is the only one to preserve its natural *ius contra omnes*’. Insofar as we establish that the state of nature is not an antecedent epoch, its ‘survival’ in the figure of the sovereign must be treated as a metaphor that assists Hobbes in the legitimation of sovereign violence, which is manifested most explicitly in the right to punish:

[It] is manifest that the Right which the Common-wealth (that is, he or they that represent it) have to Punish, is not grounded on any concession or gift of the Subjects. For the Subjects did not give the Sovereign that right; but onely in laying down their, strengthened him to use his own, as he should think fit, for the preservation of them all: so that it *was not given, but left to him*, and to him onely; and (excepting the limits set him by naturall Law) as entire, as in the condition of meer Nature, and of warre of every one against his neighbour.

(Hobbes 1985, 354, emphasis added)

Hobbes’s treatment of the right to punish as ‘left’ rather than ‘given’ renders impossible the complete self-immanence of the *nomos* of the Commonwealth and its reduction to a positive normative structure. If every right of the sovereign were given to it by the subjects, then every sovereign decision would be logically derivable from these rights, which would form a positive legal system without any exteriority. It is precisely such a self-immanent system that Schmitt famously pronounced impossible in his debate with legal positivism (Schmitt 1985. See also McCormick 1997; Freund 1995; Ojakangas 2004, 33–47). The sovereign decision on the exception must arise from the right that cannot be presupposed to be given by the subjects, since this would lead to the absurd consequence of making the *exception* a matter of *precedent*.

Yet, what does it mean for this right to be ‘left’ to the sovereign if we reject the idea of the temporal antecedence of the state of nature? What we are dealing with here is not a residue from a pre-political era but rather a remainder that is temporally coextensive with the

political order and essential to its functioning: '[t]his space devoid of law seems to be so essential to the juridical order that it must seek in every way to assure itself a relation with it, as if in order to ground itself the juridical order necessarily had to maintain itself in relation with an anomie' (Agamben 2005a, 51).

This inscription of exteriority into the positivity of *nomos* entails that at the heart of any normative system there resides the ineradicable potentiality of its self-suspension, whereby the rights 'given' to the sovereign (as well as rights given by him to the subjects) are suspended by the realisation of the right that was 'left' to the sovereign, a paradoxical right that necessarily must be 'left out' from the distribution of rights in a normative structure. The state of nature is nothing other than the 'being-in-potentiality' of the law (Agamben 1998, 35), its potential *not to be*, that is, 'it is what remains of law if law is wholly suspended' (Agamben 2005a, 80. See also Agamben 1999a, 181–4; 250–9). The state of nature *qua* state of exception is thus the *negative foundation* of every constituted power, negative both because it is necessarily effaced in the positive legal edifice and because it is itself nothing other than the negativity that this system harbours as the condition of its possibility. This topology of political order is in Agamben's argument (2007a, 53–5) the 'transcendental origin' of Occidental politics, characterising all Western political orders from the ancient times onwards. What *does* vary historically is the precise status of the state of exception within the order that it founds. In Agamben's reading, the political history of the West demonstrates the gradual expansion of the state of exception from a circumscribed area within the political order, which manifested itself in concrete occasions of public tumult, the death of the ruler, anomic feasts, etc. (Agamben 2005a, 65–73), to the entire domain of *nomos* itself.

The reason for this generalisation of the state of exception is the global condition of ontopolitical nihilism, which entails the exhaustion of the historical determinations of Being and hence the evacuation of the positive content of every *bios*, leaving the order of the Commonwealth entirely vacuous and its normative structure meaningless, 'in force without significance' (Agamben 1998, 51). In this condition, what remains of *bios* is solely the negativity that founds it, that is the state of nature *qua* state of exception, in which the realisation of all historical tasks is suspended and politics is reduced to the (non-)relation between the sovereign and *homo sacer*. The

indistinction between the exception and the rule is thus not simply a contingent aberration of an otherwise functioning system but rather an effect of the reduction of the system to its foundation due to the expiry of the historical tasks, whose fulfillment would enable the humanity's perpetual transition from *zoe* to *bios*. Thus, in late modernity the political order becomes absolutely indistinct from the state of nature, manifested within it as the state of exception.

## Towards a real state of exception

### Beyond the political: Katechon and Antichrist

Agamben's deconstructive reading of Hobbes's concept of the state of nature carries important consequences for the reappraisal of the logic of sovereignty in the contemporary 'generalised' state of exception. If the 'natural' condition of humanity is war, then the formation of a political order, in which the powers of war are restricted to the sovereign, is clearly preferable to the situation, in which these powers are equally shared by the members of the (pre-)political community. However, if we concur with Agamben's identification of the state of nature with the state of exception, then the line of reasoning, espoused by the tradition of political thought that Hobbes inaugurates and Schmitt radicalises, becomes incongruous if not outright obscene. If the state of nature is the product of the political, then the flaws and imperfections of the political, including the periodic or perpetual relapses into the state of exception, can by definition no longer be justified as 'lesser evils' in comparison with the 'return' to the state of nature, since they *are* nothing but this return itself. Agamben's critique of theories of sovereignty from Hobbes to Schmitt may thus be summed up in the claim that the 'lesser evil' of sovereign power is nothing less than Absolute Evil, since it is able to present itself as the Good despite being the origin of the very evil it struggles against.

In order to understand this claim let us consider Agamben's criticism of Schmitt's use of the notion of the *katechon* in his defence of state sovereignty. In Schmitt's political theology, sovereign power is analogous to the figure of the *katechon* in the Catholic tradition, the force that delays the advent of the Antichrist, which in turn would eventually lead to the messianic redemption (Schmitt 2003, 59–60). It is as this delaying force, as opposed to a direct agent of

the Good, that the state must be appreciated. In contrast, Agamben's interpretation of the famous passage in St. Paul's Second Letter to the Thessalonians on the *katechon* asserts that rather than grounding something like a Christian 'doctrine of State power' (Agamben 2005b, 109), this passage harbours no positive valuation of the *katechon* whatsoever. Instead, the *katechon* (every form of constituted power) merely conceals the 'absence of law' that *already* characterises the messianic present and thus does nothing other than 'hold back' the moment of the messianic suspension of the law (see Ibid., 95–107). Instead, in the Pauline messianic logic the semblance of the law, maintained by the *katechon*, must be stripped off and all power revealed as the 'absolute outlaw' (Agamben 2005b, 111).

As Agamben (2005b, 110) claims, 'every theory of the State, including Hobbes's – which thinks of it as a power to block or delay catastrophe – can be taken as a secularization of this [traditional] interpretation of 2 Thessalonians 2'. Indeed, in the Schmittian reading, which characterises most contemporary political theories, including those extremely hostile to Schmitt, the secularised *katechon* is legitimised as the only force that wards off the Antichrist (the anomie of the state of nature) and thus the end of the social order as we know it. On the contrary, Agamben's reading of Paul posits the *katechon* as an *obstacle* to the advent of the messianic kingdom and thus accuses the proponents of the 'Christian doctrine of state power' of a thinly disguised nihilism. '[T]he *katechon* is the force – the Roman Empire as well as every constituted authority – that clashes with and hides *katargesis*, the state of tendential lawlessness that characterizes the messianic, and in this sense delays unveiling the "mystery of lawlessness"' (Agamben 2005b, 111).

Yet, if the *katechon* conceals that all power is 'absolute outlaw' and thereby defers the reappropriation of this anomie by the messianic community, then would it be too much to suggest that the *katechon* is the Antichrist, who perpetuates its reign by concealing the fact of its long having arrived? Absolute Evil would thus attain domination precisely by pretending, as a 'lesser evil', to ward off its own advent. By converting the seekers of redemption into the guardians of its perpetual inaccessibility, the *katechon* ensures the survival of greater evil in the guise of the lesser one. Thus, Agamben argues that '[it] is possible to conceive of *katechon* and *anomos* [Antichrist] not as two separate figures, but as one single power before and after the final

unveiling. Profane power is the semblance that covers up the substantial lawlessness of messianic time' (2005b, 111).

The relation to the *katechon* indicates nothing less than one's stand on the possibility of the transcendence of the political. While the tradition of the political from Hobbes to Schmitt can only conceive of the demise of the *katechon* in terms of the self-destruction of humanity, Agamben's messianic approach welcomes the 'removal' of the *katechon* as the condition of possibility of life beyond sovereignty that remains concealed 'only until the person now holding it back gets out of the way' (2 Thessalonians 2, 7; cited in Agamben 2005b, 110). In Walter Benjamin's terms (1986), this demise of the sovereign takes the form of 'divine violence' that is neither law-preserving nor law-making and transforms the 'fictive' state of exception, inscribed within the legal order in the manner of Hobbes's right to punish, into a 'real state of exception' that has severed all links to the law and the state form. Agamben's work from his earliest writings onwards may be viewed as an engagement with this admittedly arcane and disconcerting idea of divine violence: 'Only if it is possible to think the Being of abandonment beyond every idea of the law (even that of the empty form of law's being in force without significance) will we have moved out of the paradox of sovereignty towards a politics freed from every ban' (Agamben 1998, 59). Let us consider this idea of a politics freed from every ban in relation to the figure of state of nature.

While for Hobbes the state of nature is an ideologem, a fiction deployed to gain adherence to sovereign power, for both Schmitt and Agamben, the state of nature, insofar as it is present within the sovereign order in the mode of the state of exception, is no longer a fiction but a *reality*. Both Schmitt and Agamben affirm precisely that which Hobbes, according to Foucault, attempted to efface – the historical reality of (civil) war as the origin of all constituted authority. Yet, this criticism of Hobbes's fictive exclusion of anomie is where the similarity between the two thinkers ends. While Schmitt affirms this reality in his exaltation of the political and indeed valorises it as *the* instance of reality that ruptures the simulacra of normative systems, Agamben clearly abhors it as nothing but perpetuation of murderous violence in the guise of protection from it. However, his own analysis makes it remarkably difficult to see how it can be escaped.

On the one hand, it is obvious that the state of exception cannot be transcended by perfecting the legal system in order to banish every

trace of exception from it. The legal positivist argument that characterises the liberalism of Schmitt's time as well as many of its contemporary descendants is clearly refuted by Agamben's radicalisation of Schmitt's decisionism, which demonstrates the dependence of the rule on the exception, whereby every positive right is conditioned by the sovereign's 'preservation' of the right to punish. Any search for a more effective, 'exception-proof' legal system is entirely in vain, especially in today's condition of nihilism, in which the vacuity of historical forms of life has brought the sovereign ban to the foreground as the sole substance of politics. We cannot hope to evade the state of nature by a 'denaturalizing' gesture of the closure of the normative system into self-immanence, if only because the state of nature is always already immanent to it (Agamben 2005a, 87).

On the other hand, neither is it a question of returning to a pre-political state of nature, not yet contaminated by the sovereign exception. If the state of nature were temporally antecedent to sovereignty, then it could at least be envisioned, in a naturalist or essentialist gesture, as a site of possible redemption. However, there is no passage *back* from *bios* to *zoe* and any attempt at such passage only throws us back into the state of exception and the production of bare life, which, contrary to numerous misreadings, is not identical to *zoe* but is rather a destroyed or degraded *bios*, from which all positive determinations have been subtracted. Bare life has nothing natural about it; instead it is nothing but a degraded life, a life *reduced* to survival (Agamben 1999b, 132–5). If bare life were identical to *zoe* qua natural life, then Agamben's critical project would be reduced to a banal affirmation of *bios* over *zoe*, political life vs. animal existence, which would simply reproduce the constitutive opposition of the Western ontopolitical tradition rather than transcend it as Agamben certainly attempts to do.

In contrast to such simplifications, Agamben asserts that the human being is constitutively separated from its natural or animal existence by virtue of its subjectification in language. In his early book *Infancy and History* (2007a, 50–70), he argues, following Benveniste, that the entrance of the human being into language necessarily traverses the stage of the 'expropriation' of all its pre-linguistic experience as a living being so that any subjectification in language always correlates with a correlate desubjectification (see also 1999b, 115–23). Similarly, Agamben's inquiry into the event of language in *Language and Death*



(1991), which is structurally homologous to the theory of the state of exception in *Homo Sacer*, treats human speech as conditioned by the 'removal' of natural or animal 'voice' (*phone*) that makes possible the passage to *logos*. In exactly the same manner, the political existence of humanity is from the outset accompanied by the 'removal' or crossing out of *zoe*, whose inclusive exclusion as a negative foundation of the political order makes impossible any 'return to nature', other than in the obscene and degrading manner practiced in the concentration camps and other loci of the state of exception.

Thus, it is impossible to break out of the state of exception through an unequivocal valorisation of either *bios* or *zoe*, which leads Agamben to assert the futility of maintaining this dualism:

Every attempt to rethink the political space of the West must begin with the clear awareness that we no longer know anything of the classical distinction between *zoe* and *bios*, between private life and political existence, between man as a simple living being at home in the house and man's political existence in the city. [...] There is no return from the camps to classical politics. In the camps, city and house became indistinguishable, and the possibility of differentiating between our biological body and our political body was taken from us forever.

(Agamben 1998, 188)

Yet, if this is so, then the state of exception appears almost immutable, as we cannot evade it either by trying to purge the sovereign decision from a self-immanent normative system or by retreating from sovereignty into a pre-sovereign state of nature. It is at this point that Agamben deploys his characteristic move of finding the possibility of redemption in the conditions of utmost hopelessness and despair. In accordance with Hölderlin's famous phrase, Agamben finds 'saving power' where we are accustomed to see only danger. We have no hope of evading the state of exception by opting for the uncontaminated normativity of *bios* or the naturalism of *zoe*. What we can do is appropriate the state of nature *qua* state of exception for a different, profane *use*, whereby anomie stops being the privilege of the sovereign, authorising its recourse to violence, but is rather extended to the entire domain of social praxis. In this domain we witness the emergence of an 'integral' life, in which *zoe* accedes to the status of *bios*

and becomes its own form (Agamben 1998, 60). As we have addressed this strategy of reappropriation in detail elsewhere (Prozorov 2009), in the final section we shall merely outline its basic logic through a comparison of Agamben's and Schmitt's positions on the elimination of the *katechon* and the transcendence of the political.

### The *Leviathan* consumed

At first glance, Agamben's vision of a real state of exception as a reappropriation of anomie is clearly an exercise in utopian thinking that refuses to face the tragic truths, propagated by Hobbes, Schmitt and other philosophers of the political. However, while this position may be criticised as dangerous or nihilistic (Rasch 2007, 108; Laclau 2007, 22), it would be incorrect to dismiss it as impossible.

In fact, the possibility and even the historical *reality* of this solution is firmly established in Schmitt's reading of Hobbes (1996), even though in Schmitt's argument it has nothing to do with 'happy life' but is rather depicted as an utter catastrophe. To recall Schmitt's criticism, Hobbes's distinction between formal obedience to the sovereign and the freedom of conscience that is not under the sovereign's control paves the way for the ethical pluralism in the society that is contrasted with an increasingly neutral and machine-like character of the state. Once the Leviathan loses its mythical powers and becomes a neutral institution, the 'indirect powers' (*potestas indirecta*) in the society, from religious sects to trade unions, are capable of mobilising social action against the state. Stripped of its mythical character by Hobbes's own rationalism, the 'mortal god' dies, leaving us in the very same state of nature, which it conjured to gain obedience to itself. Originally driven by religious movements prior to and during the Reformation, during the nineteenth and the early twentieth century this resurgence of the state of nature took the form of revolutionary politics, whereby 'indirect' class forces fought for the control of the state, which was gradually deprived of its political autonomy by 'party pluralism' that disrupted the functioning of the 'machine' of sovereign statehood by subjecting it to myriad economic, moral or technological forces (Schmitt 1976, 36–45; 1996, 73–4).

In his analysis of contemporary world politics (1993, 63–5, 79–86; 2000, 73–90, 109–20), which goes beyond the critique of sovereignty to address the wider context of global capitalism from a post-Marxist perspective of, for example, Walter Benjamin and Guy Debord

(see Passavant 2007, 149–53), Agamben offers a very similar diagnosis of the dissolution of sovereignty in the global ‘society of the spectacle’. Concurring with Schmitt’s critique of the nihilistic and depoliticising tendencies of global liberalism, Agamben nonetheless finds in this very degradation of politics that ‘all over the planet unhinges and empties traditions and beliefs, ideologies and religions, identities and communities’ (1993, 83) the possibility of a radically new form of political praxis. While the conversion of the disastrous scene of contemporary nihilism into the ethos of integral life is not predetermined within history as its telos and rather requires a radical interruption of the historical process as such, any possible obstacles to such a conversion are presently removed by the process of the dissolution of particularistic communities, the emptying out of traditions and the liquidation of identities. It is for this reason that despite the bleak and even morbid character of the subject matter of Agamben’s writings, he is able to claim that he is far less pessimistic than his critical interlocutors (see Smith 2004).

[The] planetary petty bourgeoisie is probably the form in which humanity is moving towards its own destruction. But this also means that the petty bourgeoisie represents an opportunity unheard of in the history of humanity that it must at all costs not let slip away. Because if instead of continuing to search for a proper identity in the already improper and senseless form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being, thus not an identity and an individual property but a singularity without identity, then they would for the first time enter into a community without presuppositions and without subjects.

(Agamben 1993, 65)

Given Schmitt’s valorisation of the state of nature as an instance of the political, there arises a question of why he perceived the potentiality of this real state of exception as a catastrophe. Recalling our discussion of the *katechon*, we may suggest that the problem with Schmitt’s political theory is not its extreme valorisation of the political but the insufficiently political character of its very concept (cf. Derrida 1996, 112–36). While affirming the authentic character of life in the framework of the friend–enemy distinction, established

by the sovereign decision, Schmitt was unwilling to conceive of political praxis dissociated from the constituted order and in this he remained far more Hobbesian than he was willing to admit. Despite his criticism of anti-political elements in Hobbes's thought, Schmitt's desire to contain the state of exception within the legal sphere points to his own regress from the pure affirmation of the political to the valorisation of the already constituted form of order, within which the friend-enemy distinction is a unique prerogative of the sovereign. Anomie that is essential for the operation of the state, as a potentiality for the suspension of the law in the sovereign ban, becomes fatal for the state, when it fully passes into actuality in the social praxis that neither recognises the constituted power nor exercises a constitutive power of its own but instead engages in the 'decreation' (Agamben 1999a, 270) that renders inoperative every form of order. Thus, Schmitt ultimately follows Hobbes in insisting that the political *qua* state of nature must be contained within the limits of its opposite, the depoliticised order of law or 'police', to restrain the potentiality of *stasis* or disorder that is inherent in its very concept. While both Hobbes and Schmitt maintain the separation of potentiality and actuality, whereby the sovereign *katechon* keeps social anomie at bay, Agamben's post-sovereign politics of a 'happy', integral life consists precisely in overcoming this separation, whereby the anomic potentiality of social life passes into and preserves itself in actuality as no longer restricted to the sovereign and hence available for free and profane use (Agamben 1999a, 183–4; 2007b, 73–92).

The fate of the Leviathan in the post-sovereign state of nature illuminates most clearly the contrast between Schmitt and Agamben. Schmitt's reading focuses on the Leviathan as a symbol, whose application by Hobbes has gone terribly wrong, resulting in the revolt of indirect powers against the Leviathan, which united their forces in order to 'catch', 'kill' and 'disembowel' it (Schmitt 1996, 82–3). While Schmitt chooses to ignore what happens after the disemboweling of the 'great whale', Agamben begins his book *The Open* (2004) with a discussion of the illustrations in a thirteenth century Hebrew Bible, which depict the messianic banquet of the righteous on the last day. 'In the days of the Messiah, the righteous, who for their entire lives have observed the prescriptions of the Torah, will feast on the meat of Leviathan and Behemoth without worrying whether their slaughter has been kosher or not' (Agamben 2004, 1). The

slaughter of the Leviathan, which for Schmitt marked the final stage in the eclipse of the political, is in Agamben's reading followed by a banquet of the righteous, who, interestingly enough, feast on the meat of *both* Leviathan and Behemoth, the symbols of respectively sovereignty and civil war in Schmitt's 'immanent esoteric' reading of Hobbes (Schmitt 1996, 8).

This image is a perfect illustration of Agamben's reappropriation of the state of nature that proceeds from the irreparable indistinction of order and violence in the state of exception and is oriented towards the profane use of this condition, including the objects consecrated within it. In Agamben's argument, 'profanation neutralizes what it profanes. Once profaned, that which was unavailable and separate loses its aura and is returned to use' (Agamben 2007b, 77). As we have seen, sovereign power constitutes itself by separating the generalised anomie of the human condition from itself and containing it within an institution with a claim to the transcendence of nature. Yet, this claim to transcendence is merely virtual, since the state of nature remains a negative foundation of every constituted order. Any post-sovereign politics must therefore traverse the stage of the return of this virtual and symbolic authority to the natural immanence, whose transcendence it vainly attests to.

While our political imagination is today more attuned to the critique of naturalisations of all kinds, which finds the mediated and the constructed beneath every claim to natural immediacy, the audacity of Agamben's politics consists in the diametrically opposite strategy of the naturalisation of the symbolic power of sovereignty, a purposeful reification of the authority that can only exist as virtual and abstract. This return to natural immanence should be rigorously distinguished from the revolutionary strategy of seizing and reclaiming the transcendence of sovereignty and the anarchist strategy of abolishing this transcendence as such. What is at stake here is rather the emptying out of this transcendence back into the immanence whence it originates – a *kenosis* of sovereignty into the state of exception it can no longer contain. In this state of integral actuality, in which the anomic potentiality of social life is no longer restrained by the virtual transcendence of sovereignty, the state stops being an inaccessible sacred object whose very virtuality precludes from the outset all our attempts to possess or destroy it (cf. Bartelson 2001, 184–8). Shorn of its aura of transcendence, the state becomes a

natural object to be *consumed* in the profane acts of free use that no longer distinguish between Leviathan and Behemoth.

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# **Part III**

## **Orientation**



# 8

## Recasting the Hobbesian Legacy in International Political Theory

*Michael C. Williams*

Thomas Hobbes is one of the most familiar figures in international political theory, and the idea a 'Hobbesian tradition' continues to be one of the structuring intellectual devices in the field of International Relations (IR). As an exemplar of theories of conflict based on human nature, or as a thinker whose vision of the state of nature as a state of war provides inspiration for understanding international anarchy, or simply as the symbol of an enduring pessimism about the possibilities for progress in world politics, Hobbes remains one of IR's most enduringly influential thinkers. My purpose in this chapter is not to provide another analysis of Hobbes thinking as a viable model for theories of International Relations (IR), or to provide a critique of prevailing attempts to do so.<sup>1</sup> Instead, I seek to explore an enlarged sense of what the Hobbesian tradition might be in international political theory by bringing it together with important strands in political theory from which it has remained largely severed. The visions of Hobbes found in these explorations are marked by different (and in many ways more intriguing) concerns than have traditionally dominated analogous treatments in studies of world politics. But they also foreground the importance of one of IR's defining concerns – war – and thus show the need for a more extensive and intensive engagement between political theory and a revived appreciation of what a Hobbesian tradition in international political theory might look like.

To sketch this alternative lineage, I turn not to IR theory, but to debates over the significance of Hobbes's political philosophy between three of the twentieth century's best-known and often

controversial political theorists: Carl Schmitt, Leo Strauss, and Michael Oakeshott. In recent years, Schmitt and Strauss have become prominent figures in international political theory, and their thinking has recently become the subject of vibrant debate. In the case of Schmitt, this importance is seen either in the form of his relationship to classical realism,<sup>2</sup> or his prominence as a theorist of political emergencies and exceptionality – of particular relevance in a time dominated by the ‘war on terror’.<sup>3</sup> Similarly, in the wake of 9/11 and the rise of ‘neoconservative’ figures and ideas in American foreign policy, the name of Leo Strauss seemed suddenly to be on everyone’s lips. Without doubt, the quality of these interventions varied widely, as did appraisals of what Strauss thought and what influence his ideas had or did not have on specific individuals in the Bush administration or tendencies in American conservatism.<sup>4</sup> But there can be little doubt that these developments have provided fuel for substantial interest in Strauss’s thinking and its implications for international politics.<sup>5</sup> This prominence calls for a wider enquiry into the ideas of both these thinkers, and to the relationship between them. And doing so leads inescapably to Hobbes.<sup>6</sup>

While Schmitt and Strauss have become prominent figures in contemporary international political theory, Oakeshott has by contrast had an at-best marginal presence. However, I will suggest that there are good reasons for rectifying this situation, in no small part because Oakeshott provides a reading of Hobbes with important implications for international political theory, an intriguing alternative to Schmitt and Strauss, and a mode of thought that takes thinking about the Hobbesian tradition in IR in intriguing and importantly different directions.

The intellectual landscape opened up in tracing these connections is expansive, and the objectives of a chapter such as this must be correspondingly modest. My approach here is suggestive rather than fully rigorous, and exploratory rather than conclusive. My goal is to expose intellectual lineages that need to be taken seriously in genealogies of IR, to sketch a series of important connections between political philosophy and international political theory and, in the process, to suggest that both Hobbes and the Hobbesian legacy provide vastly more complex and substantial challenges for thinking about world politics than the usual appeals to the ‘Hobbesian analogy’ in IR can embrace.

## Hobbes in Weimar

The depth of Hobbes's appreciation of the condition of modern politics was admired by Schmitt and Strauss, however much they departed from it. For all their profound differences, they were united by the conviction that Hobbes was a (perhaps even *the*) key political philosopher of modernity. Both felt that he had initiated a tradition of political theory of profound insight and influence. Yet both also felt that Hobbes ultimately failed in his quest to provide a new science of politics. Examining their views on Hobbes thus provides a useful means for understanding not only their political theories, but also how their thinking connects to contemporary debates in international political theory.

For both thinkers, Hobbes was crucial because of his clear demonstration that the problem of political modernity was inextricable from questions of knowledge and belief, and thus of individual agency and political obligation. Denying himself straightforward recourse to traditional natural law or to other prevailing notions of political order, Hobbes drew a portrait of human beings lacking any natural order or moral agreement, individuals forced to create a political order through artifice and will. His vision of human nature, they stressed, could not be reduced to a crude atavism: it was shorthand for a complex assessment of human understanding and agency – a subtle concept of political theology, not a crude theological politics of fallen humanity. On one side of Hobbes's thinking was a claim about the indeterminacy of empirical and moral knowledge, tied in part to his philosophic nominalism, and his insistence that in the condition of indeterminacy represented by the state of nature human beings lacked any natural way of agreeing about matters of either empirical or moral knowledge. On another lay a vision of human beings as governed by fear – most famously, of course, the fear of death. But this fear was more than simply a desire for life, for the continuing satisfaction of the myriad Appetites that drove individuals. It was also implicated in a more complex and profound vision of human agency, one in which the fear of *violent* death stressed by Hobbes denoted the link between this primal orientation and one of humanity's most destructive characteristics: Vanity. For Hobbes, the fear that made the state of nature a state of war was not simply the fear of death – it was a fear of death at the hands of

others, fear of a *dishonourable* death that marked the superiority of one individual over another. The insecurity of the state of nature arising from the fear for one's life was thus complemented, and even in significant ways outweighed, by the conflict that emerged from individual's Vain-glory – from their willingness to risk their lives in the quest to demonstrate their superiority over others.

The consequences of this vision of the state of nature were two. First, human beings required an ultimately authoritative Sovereign to define moral and immoral, and truth and error, and thus provide a basis for order. Second, the dynamics of Vain-glory had to be addressed. Individuals thus needed to understand the importance of a rational fear of death, and the dangers of their illusions concerning honour and glory, in order to enter into a covenant that would allow them to escape the miseries of the state of nature. Precisely how Hobbes thought this could be accomplished was perhaps the crucial question, and each of the three thinkers considered here provided different interpretations of it, with importantly different implications for Hobbes's legacy and its significance for understanding modern politics.

### **Schmitt: The failure of Leviathan**

Both Schmitt and Strauss were sympathetic to Hobbes's attempt to resolve political conflict arising from clashing beliefs by devising a vision of sovereignty that addressed these questions at the most fundamental level. However, both also viewed Hobbes's resolution as a failure in the final instance – albeit a failure whose lessons were essential to understand, and that could provide inspiration for their own conceptions of the necessities of political life. The affinities between Hobbes and Schmitt are not hard to see. For Schmitt, Hobbes was one of the great political thinkers, perhaps the greatest of all.<sup>7</sup> The core of this status was Hobbes's profound portrayal of the human condition in his state of nature. As Schmitt put it in *The Concept of the Political*, 'For Hobbes, a truly powerful and systematic political thinker, the pessimistic conception of man is the elementary presupposition of a specific system of political thought. He also recognised correctly that the conviction of each side that it possesses the truth, the good, and the just bring about the worst enmities, finally the war of all against all. This fact is not the product of a

frightful and disquieting fantasy nor a philosophy based upon free competition by a bourgeois society in its first state (Tonnie), but is the fundamental presupposition of a specific political philosophy' (Schmitt 1996, p. 61).<sup>8</sup> Similarly, Schmitt's argument that the essence of sovereignty resided in authoritative decision-making provided a key point of engagement between his ideas and those of the author of *Leviathan*.

For Schmitt, however, the fundamental difficulty, the 'barely visible crack' (first perceived by Spinoza), in the Hobbesian edifice emerged when Hobbes made belief an essentially private matter separable from outward obedience to sovereign laws and norms. This attempt to curb violence and retain individual freedom of conscience, by separating faith and reason and dividing individual conscience from public obedience, created a 'rupture' in Hobbes's system which Schmitt sought to expose through a discussion of Hobbes's views on miracles.<sup>9</sup> For those who treat Hobbes as a pure materialist or secularist, he notes, the issue here seems simple: Hobbes sought to marginalise miracles as forms of (essentially unreasonable) belief or superstition, in the same manner and within the same logic that he sought to marginalise Honour and Vanity. 'Yet', Schmitt argues, this is far too easy, for in the areas of miracle too, 'Hobbes, the great decisionist ... accomplished his typically decisive turn: *Auctoritas, non Veritas*. Nothing here is true: everything here is command. A miracle is what the sovereign state authority commands its citizens to believe to be a miracle; but also – and here the irony is especially acute – the reverse: Miracles cease when the state forbids them' (Schmitt 2008, 55).

Schmitt concedes that this was a thoroughly understandable strategy – it seemed to provide an end to religious conflict within and across states. Yet at the same time, if it was not to conflict with Hobbes's deep scepticism about the ability of humans to know the truth in matters of religion, and if it was not simply to spark conflict within states as believers rebelled against state declarations contrary to their faiths, then Hobbes needed to combine this commitment to *public* decision with an equal commitment to the autonomy of *private* belief, thus placing a 'differentiation between inner faith and outer confession into the political system of the *Leviathan*'. As Schmitt continues: 'Hobbes declares the question of wonder and miracle to be a matter of "public" in contrast to "private" reason; but on the

basis of universal freedom of thought ... he leaves to the individual's private reason whether to believe or not to believe and to preserve this own *juridicum* in his heart, *intra pectus suum*. But as soon as it comes to public confessions of faith, private judgment ceases and the sovereign decides about the true and the false' (Schmitt 2008, 56).

For Schmitt, this is far from a narrow question of religious freedom. It goes to the core of Hobbes's thinking, and to the heart of modern liberal polities. For however understandable and ingenious Hobbes's moves in this direction were, they also marked the fundamental rupture that 'contained the seed of death that destroyed the mighty leviathan from within and brought about the end of the mortal god' (Schmitt 2008, 57). By making the individual conscience separable from public obedience to the sovereign's laws, Hobbes rendered political identification potentially purely formal. The result, which Schmitt saw in the evolution of liberal philosophy and the liberal state,<sup>10</sup> was that 'Public power and force may be ever so completely and emphatically recognized and ever so loyally respected, but only as a public and external power, it is hollow and already dead from within' (Schmitt 2008, 61). The individual's conscience continues to determine whether he or she really believes in the sovereign's decisions – whether she truly believes in its declarations of truth and falsity, and has a true sense of identification and obligation towards them, or whether she pays merely public obedience. Most importantly for Schmitt, in Hobbes's schema individuals not only retain the right to defend their lives, but their freedom of conscience makes it more likely that they will question the sovereign's decisions on what is necessary to defend the life of the state – to determine friends and enemies, and to demand that citizens be willing to sacrifice their lives in war if the sovereign determines it is necessary. The more the leviathan succeeded in its goals, the more liberal and 'enlightened' individuals came to see themselves, the less they believed they needed a leviathan to keep them in awe, to obey its dictates, and – crucially – to defend it as a value above all others. At the very origins of Hobbes's project to create 'enlightened' individuals, Schmitt argues, 'the dawn of a day when the great leviathan would be slaughtered was already visible' (Schmitt 2008, 35).

In Schmitt's view, this crack eventually widened to the point where the state and its interests were seen as external to those of individual citizens, leading at best to an entropic liberal pluralism in which the

state becomes nothing more than a neutral instrument for the pursuit of private interests, or at worst (and what often amounts to the same thing) to a hollowing out of political commitment that leaves the state an empty shell, easy prey for internal or external enemies who really do believe in the unity of truth and politics, religion and politics, and politics and myth. The result was that 'the organizations of individual freedom were used like knives by anti-individualistic forces to cut up the leviathan and divide his flesh among themselves. Thus did the mortal god die a second time' (Schmitt 2008, 74).

In sum, for Schmitt the Hobbesian sovereign does not *really* determine true and false (or friend and enemy). Citizens only agree to allow it to do so as long as it advances their individual interests, or so long as it maintains an overwhelming force to keep them in awe (or fear) despite its essential underlying weakness. Lacking true belief, the state must either become a pale symbol, increasingly distant from the citizens, or a truly fearful 'total state' that maintains authority only through direct fear, surveillance and intrusion. The former situation leads to the weakness of liberal pluralism: a state and political system unable to defend itself from either internal or external challenges, particularly when – as in war – the sovereign demands that citizens place their lives (over which they retain ultimate judgement) in mortal danger in defence of the state. The latter leads to a condition of technocratic domination that is a denial of the kind of personal freedom Hobbes sought to ensure, and that is also inherently fragile – since its power depends ultimately on the mobilisation of social resources by the sovereign, its coercive power is constantly fragile and at risk of being undermined by its own exercise of coercion in order to gain formal obedience.

### **Strauss: Hobbes and the dilemmas of liberal modernity**

Strauss's extended and intensive interrogation and interpretation of Hobbes defies easy exposition. At its centre, however, is that claim that Hobbes represented a fundamental break with the 'classical' (Greek as well as medieval) tradition of political thought and natural law, and initiated a distinctively modern trajectory.<sup>11</sup> For Strauss, Hobbes's key move in making this transition was to replace 'classical' concerns with virtue, honour, and glory with the fear of violent death. Despite a considerable number of apparently positive

references to pride and honour in Hobbes's work, Strauss argues that they should not distract us from his 'key-thought': that such virtues are connected most powerfully to Vanity and the desire for superiority that lies at the heart of the state of nature (Strauss 1952 [1936], 25). In Strauss's view, Hobbes's main concern was to marginalise these traditional ideas as destructive, and the essence of his political philosophy is one where 'the fear of death at the hands of others ... supplies the ultimate guidance. Death takes the place of the *telos*'.<sup>12</sup> The desire for self-preservation becomes the sole right of nature, and in Hobbes's transformation of political philosophy: 'Only the right of self-preservation is unconditional or absolute. By nature, there exists only a perfect right and no perfect duty' (Strauss 1950, 181); and 'Not pride, and still less obedience, but fear of death is according to him the origin of the just intention' (Strauss 1952, 25). Seen in this light, Strauss argues, Hobbes was not the simple authoritarian he has often been characterised as; he was in fact the founder of liberalism: 'If we may call liberalism that political doctrine which regards as the fundamental political fact the rights, as distinguished from the duties, of man and which identifies the function of the state with the protection or the safeguarding of those rights, we must say that the founder of liberalism was Hobbes' (Strauss 1950, 181–2).

In Strauss's account, by reducing agency to self-preservation and subjective perceptions of what it required, Hobbes believed he had provided the solution to the problem of social peace and an unimpeachable theory of sovereignty, whereas in reality he had undercut any viable conception of morality, obligation, and authority. For Strauss, the modern (liberal) tradition represented by Hobbes led in two distinct, often importantly related, and generally destructive directions. The first was towards subjectivism, relativism, and 'bourgeois' mediocrity, where standards of virtue and excellence became irrelevant and society was reduced to the endless pursuit of the most banal individual interests and desires (Strauss 1950, 178). The second saw a fulfilment of Machiavelli's power politics: 'Self-preservation requires peace. The moral law became, therefore, the sum of rules which have to be obeyed if there is to be peace. Just as Machiavelli reduced virtue to the political virtue of patriotism, Hobbes reduced virtue to the social virtue of peaceableness. Those forms of human excellence which have no direct or unambiguous relation to peaceableness – courage, temperance, magnanimity, liberality, so say



nothing of wisdom – cease to be virtues in the strict sense’ (Strauss 1950, 187). As a consequence, in modernity ‘the “severe virtues” of self-restraint will lose their standing’ and ‘political hedonism’ rules (Strauss 1950, 188).<sup>13</sup> Either a dissipated and enfeebled civil society, or an over-mighty state (or a combination of both) is the outcome of Hobbes’s liberalism, and the root of many of modernity’s deepest pathologies.

Strauss argues that perhaps the most telling weakness in Hobbes’s attempt to make the fear of death the ‘solid foundation on which every social order must ultimately rest’ is shown in ‘emergency situations’, and the ‘extreme case’ par excellence is war.<sup>14</sup> Here, in the exceptional situation, a gap emerges between the individual right, which allows the individual justly to preserve their own life, and the maintenance of the Commonwealth in war, which may demand that the individual make such a sacrifice. As Strauss phrases it: ‘if the only unconditional moral fact is the individual’s right of self-preservation, civil society can hardly demand from the individual that he resign that right ... by going to war’ (Strauss 1950, 197); a situation acknowledged by Hobbes himself, who famously argued in Chapter 21 of *Leviathan* that ‘When armies fight, there is on one side, or both, a running away: yet when they do it not out of treachery, but fear, they are not esteemed to do it unjustly, but dishonourably’ (Hobbes 1994, 142–3). As a result, Strauss argues, Hobbes’s attempt to found right in the fear of death effectively undermined the stability and preservation of the state that was his primary objective, for ‘by granting this, he destroyed the moral basis of national defence’ (Strauss 1950, 197).

The critique of Hobbes is thus at the centre of Strauss’s thinking, inspiring themes that he would develop throughout his long and influential career. They are also themes that have found expression within neoconservative thinking. The two-fold critique of ‘liberalism’ as socially and politically decadent, and as undermining patriotism, a commitment to national defence and the exercise of military force, was at the heart of the neoconservative movement’s linking of foreign and domestic policy.<sup>15</sup> Seen in this light, neoconservative visions of foreign policy and international affairs were and are by no means simply a product of the attacks of 9/11 and a cabal within the Bush administration. They have deep roots in political philosophy, and to the extent that these roots can be traced to Strauss, a central figure in this legacy is Hobbes.

## Oakeshott: Hobbes and the 'moralization of pride'

If Carl Schmitt has become something of a cottage industry in parts of IR, and Leo Strauss moved from obscurity to a degree of prominence due to his association with neoconservative foreign policy, it is probably safe to say that Michael Oakeshott has thus far remained largely outside the field's purview.<sup>16</sup> Doubtless, this makes it more difficult to trace in his case a distinctive connection to IR. Yet it may well be that it is in Oakeshott that some of the most interesting alternative intellectual trajectories in international political theory after Hobbes may be discerned.

Oakeshott's understanding of Hobbes was importantly influenced by Strauss, whose interpretation he admired greatly.<sup>17</sup> But whereas Strauss reduces Hobbes's morality to pure self-preservation and the fear of violent death, and castigates the modern tradition he sees Hobbes as initiating on this basis, Oakeshott suggests an alternative view. At the most basic conceptual level, Oakeshott stresses the importance of Hobbes's understanding of *endeavour* as opposed to the focus on *intention* that characterises Strauss's interpretation. While Oakeshott agrees with Strauss that *intentions* may not be susceptible to moral evaluation in Hobbes's thinking, endeavour – which involves the consideration of intentions in light of their potential consequences – does provide such a possibility. Drawing out the complex argument that Oakeshott makes against Strauss in his subtle treatment of 'The Moral Life in the Writings of Thomas Hobbes', Jonathan Boyd has nicely summarised the argument in the following terms:

While an intention is ... confined to conscience and can not be judged by others with any confidence, an endeavour is an action which *can* be judged beyond one's self on whether its *probable consequence* is just. If as Hobbes argues, a man's duty is to have 'an unfeigned and constant endeavour' to behave justly, the use of the term endeavour as opposed to intention opens up the likelihood that Hobbes meant 'not only always to intend peace, but always to act in such a manner that peace is the probable consequence of our action'. If this is the case, duty is dependent upon an external judge, an external standard against which endeavours – as opposed to intentions – could be judged.<sup>18</sup>

To put this another way, endeavour is a reflexive (and thus, in important ways, a social) concept. Since just actions (as defined by the precepts for action that Hobbes calls the laws of nature) are those that tend towards civil peace, whether one's endeavours tend towards the creation of peace is no longer a purely subjective question or one that is determined solely by the sovereign power in a Commonwealth: it is one that can be at least in part assessed by the consequences of one's actions, the assessment of one's actions by others, and vice-versa.

Oakeshott supplements this argument by returning to the question of the fear of violent death. Like Strauss, he argues that this fear is not simply the result of a fear of death *per se*. Rather, Hobbes's stress on importance of the fear of *violent and unexpected death* is designed to show how the fear for corporeal existence is heightened by the fear of death at the hands of another – something that would mark an agent as less powerful than another, thus affecting the Vanity that Hobbes identifies as a key element of human action. This fear of shameful death and the continual competition it creates is an important factor in the state of war that is the state of nature, and of human conflict in general. It is for this reason, as Strauss stresses – and Oakeshott concurs – that Hobbes so rigorously sought to marginalise concerns with honour (as Vain-glory) from social life.

But, Oakeshott suggests, this does not mean that Hobbes rejected honour and pride completely in favour of the fear of death alone as a basis for action and obligation. In contrast to Strauss's view, he argues that pride in overcoming one's fear, in recognising what is necessary in order to live peaceably, and being willing to endeavour so that it can be produced is the often overlooked and yet vitally important heart of Hobbes's understanding of morality. This older understanding of Pride and Virtue, which Strauss sees as 'a deviation' from Hobbes' 'key-thought'<sup>19</sup> is for Oakeshott a crucial – if difficult to discern – element in Hobbes's thinking and in understanding how he actually sought to bridge the gap that Strauss (and Schmitt) claimed to have identified.

If honour is not purely a subjective judgement, one based solely in the pre-eminence of one over another (which leads to the state of nature), but is in fact related to social judgements of esteem based on whether one's actions are oriented towards justice (defined as the pursuit of peace and guided by the Laws of Nature), then acting

honourably towards this common good – and being seen as doing so by others who recognise the necessity and virtue of such actions and *admire* them – provides a vision of agency that is both self- and other-regarding. The beliefs and opinions of individuals who understand that honourable action is necessary for the preservation of the commonwealth, who realise that such actions go against the natural desire for self-preservation as well as natural right, and who admire those who overcome these desires in order to preserve the Commonwealth even at the possible cost of their own lives, become a powerful support in maintaining the Hobbesian political order. This ‘moralized pride’, as Oakeshott terms it, thus becomes a form of Vanity that is *not* wholly self-regarding or subjectively defined. It becomes a form of Honour that spans the individual desire to escape the maximal fear of death that is the state of nature and to enjoy the benefits of political order, as well as an account of other-regarding and honourable behaviour in the service of a Commonwealth that must be preserved for peace and good living to be possible for the honourable individual and for the citizenry as a whole.

The fear of *shameful* death here has a social and political element, and its paradoxical corollary of individual pride as honourable sacrifice is not tied to purely subjective perceptions and Vain-glory alone. Agents who reflect on their endeavours are able to judge whether or not their actions and those of their fellows are conducive to peace. Pride (and, one might even venture, mutual perceptions of honour and glory) in this positive sense (which Oakeshott traces in part to the Stoa), and the fear of dishonour provide both an individual and a social basis supporting the laws of nature. They also potentially provide a means of understanding how Hobbes could conceive of humans being willing to risk their lives in order to defend a Commonwealth created on the basis of those natural laws, despite the right to self-preservation that he defines as their natural right.

Since this latter point is at the heart of both Schmitt’s and Strauss’s critique of Hobbes, and of liberal modernity as a whole, it is worth examining a little further. As we have seen, the question of war in Hobbes’s thinking was central to Schmitt and Strauss. For Strauss, Hobbes’s marginalisation of honour and virtue, and his attempt to found a polity solely upon fear, founders when violence is needed to maintain the polity from internal or external attack. For Schmitt, the dilemma is nearly identical, though he stresses instead the role of

faith and commitment arising from Hobbes's politically destabilising division of private faith and public adherence. And Hobbes, as we saw earlier, seems almost to acknowledge this possible criticism, in his explicit allowance that desertion in the face of mortal danger is not unjust. Yet, importantly, he does term it *dishonourable*. And here Oakeshott's interpretation points in important alternative directions. If, for Hobbes, honour lay in part in recognising the need to *overcome* the fear of death, in order to create and defend a Commonwealth in which alone peace was possible, then such agents would have three reasons to do so: the realisation that the Commonwealth allowed escape from the state of nature where the fear of death was most extreme; the fear of dishonour in failing to overcome one's fear to do what was necessary to this end; and the fear of dishonour in the eyes of others who did recognise this necessity, and who had the courage to act accordingly.

The defence of the common good is thus, in this view, not wholly antithetical to Hobbes's philosophy. Through what Oakeshott termed 'the moralization of Pride itself' (Oakeshott, 1975b, 128), pride emerges not as the opposite of rational fear, but as a much more complex individual attribute. Boyd has captured this aspect of Oakeshott's argument admirably. As he puts it: 'This man, therefore, understands his vulnerability, yet does not fall prey to vain-glory. Although he does not allow the fear of shameful death to overcome his pride or courage, his actions in no way jeopardize the endeavour for peace. His pride does not jeopardize others' fear of shameful death; nor do the means by which he endeavours for peace jeopardize the larger endeavour for peace by his community. He avoids shameful death through courage, and not through timidity.'<sup>20</sup>

This positive form of individual Pride is also capable of having a social dimension. Pride in the creation of the commonwealth and in one's honourable defence of it; pride in the social recognition (honour) that comes from others who appreciate one's overcoming powerful drives (and natural rights) to self-preservation in acting to defend the commonwealth; and the benefits of safety and commodious living made possible for all citizens via the escape from the state of nature, combine to provide a compelling logic of common purpose even at the cost of the possible sacrifice of one's own life.

This vision of honour can also help explain important parts of Hobbes's distinctly cautious views on war. Because it arises from

a process of conscious self-overcoming, moralised pride is not the vanity-driven violence or obedience to principles of martial glory and sovereignty that Hobbes so strongly criticised. It is also honour tempered (but not displaced) by individual rational assessment and calculation. Individuals of such character will not blindly follow a reckless Sovereign in its Vain-glorious adventures, and the possibility that their fear of death will cause them to exercise their Right of Nature, if they are commanded to undertake unreasonable – and thus, in their eyes, irrational or dishonourable – military activities, is something that the Sovereign must continually take into account. In this way, the combination of moralised pride and reason (which Hobbes defines as calculation) provides a practical (if not juridical) check on imprudent adventurism, and a logic of calculation and decision against which decisions on military ventures can be deliberated upon.

The maintenance of a divide between individual judgement and sovereign command that Schmitt criticised is, by this logic, for Hobbes a strength: it provides a limit on the bellicosity of sovereign power – a way for individuals to determine whether the actions of the Sovereign and of other individuals are what we might call ‘reasonably honourable’, or whether they are actually hubristic and Vain-glorious expressions of a destructive Pride that needs to be rejected. The reckless destruction of ‘irrational’ pride is thus to be supplanted by self- (and socially) limiting notions of reflexive Pride, Honour, and Reason.

Pride in the polity, and in defence of it, thus becomes philosophically explicable and, crucially for Hobbes, potentially practically operative. If such subjects can be found, social peace and the ‘liberal’ polity that Hobbes aspires to might be achieved. Hobbes seems convinced that, while rare, such individuals do exist – his comments on Sidney Godolphin being the most oft-mentioned example. But Hobbes also believed, of course, that human beings were capable of learning, of being educated into the social virtues. While Schmitt and Strauss present this education as the progressive undermining of Hobbes’s project by the creation of fearful, self-interested individuals, the reasoning traced above provides a different set of possibilities for fostering honourable individuals with ‘moralized Pride’.<sup>21</sup> The forms of courage and pride required of these Hobbesian individuals are difficult: they are (to adopt Richard Flathman’s apt phrase) ‘chastened’,

and they rely on an appreciation of the conclusions of reason and the limits of reason (Flathman 1993). But they are by no means impossible from within the logic of Hobbes's philosophy, and they point a way towards a liberal tradition with dynamics and possibilities very different from the dire diagnoses of either Schmitt or Strauss.

Oakeshott's potential contribution to these debates is thus potentially very fertile. Yet it, too, is not without complex difficulties and challenges. In particular, an appeal to moralised pride as a response to the problem of war sits uncomfortably with Oakeshott's simultaneous conviction that modern war, with its socially unifying logic and demands, favours forms of 'enterprise association' concerned with directed, substantive social action (and power); one that stands as the alter-ego – and to some extent the opponent – of the 'civil association' that he identifies with the form of heroic individuality that he proposes.<sup>22</sup> If this is the case, then Oakeshott's vision risks looking anachronistic, and even quaintly conservative; and as with each thinker touched upon in this survey, the issues at stake here defy easy summary. However, they illustrate yet again the analytic breadth and political significance of integrating a wider understanding of Hobbes's legacy into thinking about war and the relationship between domestic and international politics.

## **International political theory after Hobbes**

In the field of International Relations, Hobbes is routinely identified with the over-arching importance of international anarchy. From the 1970s, international anarchy in turn came to be defined largely in structural terms as one of systemic determination: a situation where states as rational actors existed in a condition of self-help – a condition often offhandedly characterised as analogous to Hobbes's state of nature, a war of each against all. Despite coming under assault on a variety of fronts, this understanding of the significance of Hobbes's thinking for IR remains remarkably well entrenched, and is frequently presented as the essence of a Realist approach in the field.<sup>23</sup>

Looking at Hobbes's place in key currents in twentieth-century political theory provides a different way of viewing his importance for – and influence on – international political theory. In this chapter, I have tried to suggest the outlines of such an alternative. This lineage, represented by Schmitt, Strauss, and Oakeshott, forms

a coherent conversation about Hobbes's philosophy and its implications for international politics, particularly concerning the question of war. By looking at Hobbes's influence on each of these controversial bodies of thought, it is possible to expose not only important divergences over Hobbes's views on international politics, but also to reveal some of the ways that interpretations of his thinking inform thinkers who exercise important and widely differing influences on international political theory today.

Given the interest that has surrounded both Schmitt and Strauss in international political theory in recent years, looking more closely at the role Hobbes plays in both men's thought provides a fuller basis for understanding their views on modernity, liberalism, international politics, and war. It also establishes a direct link between their thinking and one of the canonical figures of IR. In both senses, such an engagement can help explicate the issues that are at stake in debates surrounding these thinkers, and how their concerns are central to questions in contemporary international political theory. Indeed, the prominent place of Hobbes in Schmitt's and Strauss's thinking reveals how his political philosophy continues to pose direct and often uncomfortable challenges for thinking about international politics in some of today's most politically engaged theoretical disputes.

If Schmitt's focus on the politics of exceptionality, enmity, and conflict have made him a focus of interest for many in IR theory today, and Strauss's connections to neoconservatism allow the connections between his thinking and IR to be explored in some depth, the influence of Oakeshott's vision of Hobbes on the field of IR (and on considerations of international politics more broadly) is doubtless more difficult to discern. Nonetheless, the influence may well be substantial. The thinking of classical Realists such as George Kennan, Reinhold Neibuhr, and particularly Hans Morgenthau provide intriguing potential illustrations of these connections.<sup>24</sup> Morgenthau's political realism has, for example, of late often been connected with Schmitt. However, it is also possible to discern (particularly in his later thinking) themes that resonate much more closely with concerns conveyed by Oakeshott. Morgenthau's concerns – and those of classical realism in general – with questions of social virtue, the travails of modernity, the fragility of liberal democracy, and the need for responsible leadership, reflect many of



the concerns animating Schmitt and Strauss, as well as the enduring influence of Max Weber. But they also provide a potential point of engagement with Oakeshott and a philosophically, ethically, and socially reflexive conception of social action. This is a path that current interest in a revived and 'reflexive' (Steele 2007, 272–300) classical realism would seem well placed to explore, and which may well take it in importantly different directions from those suggested by either Schmitt or Strauss.<sup>25</sup>

Finally, re-envisioning the 'Hobbesian tradition' in IR in the terms suggested in this chapter also opens up philosophical, historical and sociological questions concerning the politics of liberal societies that it is possible to touch upon here in only the most cursory fashion. Analyses of liberal modernity in IR have often reflected the assessments of Schmitt and Strauss concerning the fragility of liberal states. Yet liberal societies have also proven rather resilient, and have not shown too great a propensity to collapse in the ways that either Schmitt or Strauss might be seen to predict. To some, no doubt, this is because they are in reality undergirded by illiberal principles – by, for instance, a politics of emergency and enmity identified by Schmitt. This may be true. But it is also worth considering the degree to which Schmitt's claims depend on his engagement with Hobbes. And if, as can be quite forcefully suggested, his and Strauss's readings are by no means as secure as their authors would like us to believe, then their assessments of liberal modernity and its relationship to an underlying politics of enmity may be subject to the same questioning – something of considerable importance for those who today take the claims of Schmitt (or, in a different way, Strauss) as axiomatic starting points for their own analyses.

Here, recasting the Hobbesian legacy in IR ties into other recent attempts to view early modern thought in less dualistic terms, rejecting confrontations between liberalism and republicanism, the passions and the interests, or fear and reason, in favour of looking at the complex ways that thinkers (like Hobbes) recognised the social transformations of their time and sought new ways to adapt traditional ideas and integrate them into new political philosophies.<sup>26</sup> Seen in this light, a more adequate understanding of international political theory after Hobbes may require not only a different vision of Hobbes and the Hobbesian legacy, but also a wider re-examination of key assumptions about political modernity as a whole.

## Notes

1. An excellent survey and critical analysis is Malcolm 2002, pp. 432–56; my own assessments of prevailing interpretations of Hobbes in IR are in Michael Williams 2005, Chapter 2, and 2006.
2. See particularly, Scheuerman 2009; Chris Brown 2008, pp. 42–61, and Scheuerman 2008, pp. 61–92; Koskenniemi 2001.
3. In a rapidly expanding literature, see Odysseos and Pettito 2008.
4. Again, the literatures here are simply enormous. See Friedman 2004; Halper and Clarke 2004; Norton 2005. For a broader historical perspective, see Ehrman 1995.
5. For an important recent intervention, see Rengger 2009, pp. 143–58.
6. Schmitt was an important early supporter of Strauss's work on Hobbes, and their mutual commitment to its centrality forms a key part of the 'hidden dialogue' between them as explored in Meier 1995. See also the excellent discussion in McCormick 1994, p. 105; and for a still wider context, McCormick 2002.
7. In Schmitt's early work, he praised Hobbes as 'by far the greatest political thinker, perhaps the only systematic one', and while, as Tracy Strong has pointed out, this enthusiasm became somewhat more muted in later years, the admiration and inspiration remain clear. Strong 2008; hereafter *LST*.
8. Or, as he also phrases it, any 'genuine political theory' must presuppose humanity as 'evil', not as perfectible or angelic.
9. His discussion here centres on *Leviathan*, Chapter 37.
10. In Schmitt's view, 'Though the leviathan found its highest expression in the eighteenth century state of the absolute prince, his fate, however was simultaneously consummated in that epoch by the success achieved in drawing distinctions between outer and inner. The question of faith and miracle became its misfortune'. By so effectively undermining 'substantive conceptions of right and constitution' Hobbes 'became thereby in a two-fold manner a spiritual forefather of the bourgeois law and constitutional state that materialized in the nineteenth century on the continent of Europe' (Schmitt 2008, 53, 67).
11. Strauss early on argued in an incisive and influential commentary on Schmitt's *Concept of the Political* that, 'A radical critique of liberalism is therefore only possible on the basis of an adequate understanding of Hobbes', and argued that the failure of Schmitt's critique of liberalism lay in his continuing entrapment within modern and essentially liberal categories, in contrast to 'classical' tradition that Strauss himself advocated. See Strauss, 'Comments on Carl Schmitt's *Concept of the Political*, included as an appendix in Schmitt, *Concept of the Political*, 1996, p. 105.
- 12.

this means that not the glitter and glamour of glory – or pride – but terror of fear of death stands at the cradle of civil society; not heroes, but naked shivering poor devils were the founders of civilization.

(Strauss 1959, 48)

13. Or, as he puts it in the Preface to the American edition of *The Political Philosophy of Hobbes*; 'I had seen that this modern mind had lost its self-confidence or its certainty of having made decisive progress beyond pre-modern thought; and I saw that it was turning into nihilism, or what is in practice the same thing, fanatical obscurantism', p. xv.
14. In terms that cannot fail to remind one of Schmitt, he notes that Hobbes allows exceptions to his general principles of obligation, and that these exceptions are most likely to occur in 'the most important case – the extreme case. For how can one exclude the possibility that precisely in the extreme situation the exception will prevail?' (1965, 25).
15. I explore this more fully in Michael Williams 2007a, pp. 92–119.
16. A significant exception is Rengger (2007b), pp. 118–36. In the context of Schmitt, see also Tregenza 2002, pp. 349–69.
17. Oakeshott 1975, pp. 141–58. For secondary accounts, see particularly Boyd 2008, pp. 690–716; more broadly, Tregenza 2003; and more broadly still, Devigne 1994.
18. Boyd 2008, p. 699. The quotations are from Oakeshott 1975b, p. 92.
19. For Strauss, Hobbes's comments on honour 'cannot be Hobbes' final word' and his 'last word is the identification of conscience with the fear of death', 1952, p. 25.
20. Boyd 2008, p. 710. For another exploration, see Frohnen 1990: 789–809.
21. This resolution depended on a balance between just such a limitation of belief and a continuing willingness to believe and thus to sacrifice oneself for the sake of the political order. This balance, both Schmitt and Strauss believe, is impossible to achieve from within Hobbes philosophy.
22. See Oakeshott 2003 and 1968; and for an insightful treatment, Müller 2010.
23. For a bracing recent critique, though in directions quite different from those developed here, see Wagner 2007.
24. One of the most direct, if tellingly elliptical and ambivalent, of Morgenthau's references to the author of *Leviathan* can be found in his 1951 book, where he writes that 'There is a profound and neglected truth hidden in Hobbes' extreme dictum that the state creates morality as well as law and that there is neither morality nor law outside the state', p. 34.
25. For a subtle and insightful exploration of this relationship, see Rengger 2007.
26. I have in mind here particularly Kalyvas and Katznelson 2008.

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# 9

## Hobbes, Origins, Limits

R. B. J. Walker

Hobbes introduced *Leviathan* by claiming that 'He that is to govern a whole Nation, must read in himself, not this, or that particular man; but Man-kind.' Furthermore, of the method he adopted for such a reading, he claimed that 'this kind of doctrine admitteth no other demonstration' (Hobbes, 'Introduction', *Leviathan* 1991, 11).

Neither claim is trivial. One speaks to the possibility of a politics encompassing not only particular individualised and physiologically psychologised men but also both a particular nation and a particular understanding of mankind in general; and thus, perhaps, when read retrospectively, to what we have come to call the international system – understood as an expression of a common humanity – as well as to the state – understood as an expression of a particular group of individualised citizens among other such groups of citizens. This is a claim that, among other things, engages the double possibility, or impossibility, of reconciling 'men' and 'citizens', and that still shapes much of what we know (and the conditions under which we make judgements) about modern political necessities and possibilities, both within states and among them. The other claim speaks to a particular way of framing relations between possibility and necessity; and thus to the construction of characteristically modern or even liberal ways of thinking about freedom within and beyond various kinds of conditionality, as well as to an affirmation of the positive relationship between claims about method and the expression of political ambition. These claims have rich and contested historical lineages. They continue to have a daunting presence in the way we

engage with the possibilities and limits of contemporary political life. They retain their presence not least in relation to the rituals, whether plausible or implausible, through which Hobbes's name has become implicated in thinking about a politics that is somehow international.

Like much of the rest of Hobbes's text, however, these claims say very little directly about any inter-state or international system as we might now understand it. There is little doubt that the primary force of Hobbes's argumentation is directed internally, to the formation of modern individualised political subjects within a sovereign state conceived as a larger, collective, and thus distinctive kind of political subject. On the face of it, in fact, the link that has often been made between Hobbes and various theories of international relations seems fairly tenuous. Hobbes fits much more easily into the canonical literatures on the rise of the modern sovereign state than he does into any canonical account of an international political theory, assuming that any such accounts can clearly be identified. Nevertheless, as with even the most solipsistic conceptualisations of modern subjectivities, Hobbes is forced to gesture towards some external conditions of the very possibility of the politics of modern sovereign subjects that he brings into focus within a particular concentration of legalised authority. It may be difficult to argue that Hobbes's gestures in this direction are especially systematic or persuasive, even if one is prepared to accept the popular but misguided analogy between individuals in a state of nature and states in a state of war. Still, Hobbes does require some conception of an external order of some kind even to begin his account of an internal political order; and the politics of beginning is a fairly significant, not to say decisive, part of Hobbes's concerns.

It is thus encouraging that increasing attention is being paid to how we might understand not only what Hobbes had in mind when referring to phenomena we would now call international in some (anachronistic) sense, but also what might be involved in thinking about some (international or post-international) politics that might be less indebted to his commanding presence. Even so, it seems to me to be less useful to go hunting for those relatively few occasions in which Hobbes does say something of theoretical interest about what we might call international relations, than to

think about the way Hobbes sets out a general account of modern political possibilities and impossibilities in which some kind of external world clearly plays a crucial role. This is partly because Hobbes really does not say all that much about how an international order might work. This may have been simply because, for all his extraordinary prescience, it was rather difficult to decipher exactly how the decaying hierarchies and mingled jurisdictions of late medieval Europe might eventually generate the systemic relations and structural determinations of a modern international system, complete with nineteenth- and twentieth-century nationalisms, rather than the sorts of nations that Hobbes seems to have had in mind. Kant was certainly more prescient than Hobbes in this respect, and has a much stronger claim than Hobbes as the figure who sketched the broad outlines of a political order that is simultaneously and precariously predicated on principles of sovereign authority distributed among individuals, states and a system of states. Yet, I want to argue here, it is helpful to think about the way Hobbes had already presumed an external order of some kind in order to construct his account of sovereign authority within a particular state.

In my view, in short, Hobbes does offer a very useful site for thinking about the achievements and troubles of a modern internationalised political order; but this is less because of his sporadic comments on a state of war, instructive as they are in some respects, than for the way he sets up the very possibility of a political order, internal and external, into which both 'Man-kind' and those who are to be governed in 'whole nations' might enter. If it makes sense to think about contemporary political possibilities and their conditionalities by thinking about an international political theory after Hobbes, I would say that it would help to become more sensitive to some of the general problems to which Hobbes was trying to respond, and with what conceptual resources. As usual, it is a great mistake to try to engage this material as if the internal and external moments of modern politics can be simply cut in two and distributed to mutually exclusive disciplinary discourses. Hobbes, I want to suggest, is interesting for contemporary engagements with an internationalised politics because of conceptual moves that he was able to make without much reference to any kind of international, as we would now understand it; though they did require him to refer to, indeed to



construct, a particular understanding of what *must* lie both beyond and within his imaginary universe of modern subjects.

Hobbes's two introductory claims might be read, in a philosophical mood, in relation to a specific understanding of a general logic of argumentation, one that was then shaping a decisive (though in historiographical terms still indeterminate) shift towards what we now call (a particular form of) modernity. They might also be read, in a more historical mood, as normative advice to somebody in particular caught up in the shifting fortunes of revolutionary England. Indeed, much of the most impressive recent literature on Hobbes has been shaped by the specific concerns of distinctive philosophical and historical traditions, though it is worth emphasising that such traditions do not automatically, or even easily, translate into a political understanding of Hobbes's significance as a political thinker, especially, but not only, under contemporary conditions.

Either way, however, and whatever one makes of the logical rigour of his deductions or the rhetorical force of his narratives, or perhaps especially of his extraordinary ability to write in ways that spoke to both epoch-shaping shifts and volatile local manoeuvres, his introductory claims have not exactly guaranteed agreement about what his precise doctrine was or even what his most crucial premises were. On the contrary, competing interpretations of *Leviathan* have flourished ever since it was published. They continue to animate much of the form and substance of contemporary political theorisation. Attempts to contextualise his work historically have been especially popular in recent decades, even to the point where they have the rather paradoxical effect of entrenching his status as a canonical figure – as the primary exemplar of early-modern European political innovations. Conversely, attempts to work through the logic of his argumentation quickly dissipate across multiple fields of scholarly engagement with intellectual worlds that remain fairly obscure to us. Just like the supposed transition from medieval to modern, in which he is supposed to be a pivotal figure, Hobbes may still appear to us as a stubborn cliché but also as a site of mysteries still demanding far more scholarly spadework by philosophers and historians alike.

Many people have noted that stubborn clichés, and not only about Hobbes, have been a pervasive characteristic of Anglo-American theories of international relations as these were constructed over the course of the twentieth century. Many of these clichés, some involving

Hobbes, have been challenged by the work, of various historians and philosophers, that has gradually seeped through to what has often been a rather hermetic enterprise. Read in the scholarly terms that would be congenial to both philosophers and historians, challenges to the received accounts of Hobbes, as the archetypal source of the political realism that is supposed to have been the primary form of international relations theory, were fairly straightforward; even akin to shooting fish in a barrel. Even so, fairly elementary complaints about the clichéd names of established canons are easily shrugged off for reasons that need to be engaged, sometimes with resources that might be available from a political sociology of institutions and disciplines, sometimes from accounts of the legitimation practices of modern states, and sometimes from whatever might still be found useful in the wreckage of various forms of ideology-critique.

Along with Kant, Hobbes has long been forced to lend his name to one of the two possible positions it was advisable to adopt on all matters of ontological and axiological controversy when thinking about an internationalised political order, in ways that have tended to confirm a specific normative order of sovereign states acting within a determinate system of such states. No single thinker could possibly be forced to take such responsibility for very long; just as no single category of political realism could possibly encompass the range of ontological and axiological positions that were bundled together as the privileged pole of a bipolar discipline. Even a casual engagement with the secondary literature, not to say some reading of Hobbes's texts (or at least anything more than the eleventh and thirteenth chapters), could quickly provide grounds to suspect that Hobbes's supposed realism was not quite what it seemed. For the most part, however, readings of either Hobbes's text or the secondary literature were rare events. Clichés remained and still remain pervasive.

This is not because of any scarcity of scholarship offering more sophisticated accounts of what Hobbes was trying to do, with what resources, and with what effects. Moreover, some of the more obvious obstacles to engagement with such material (like the constraints of Cold War, demands for a pragmatic orientation to state policy, and the disposition against theoretical enquiry that came with influential forms of social science) have receded slightly, if only slightly and quite unevenly. Novel orientations to theoretical questions and the reading of texts have flourished, even if in some places more

than others. Still, clichés flourish also. They flourish especially where the scholarly disciplines meet the textbook trade, perhaps, but also where the most sophisticated forms of research are conducted and where the most difficult questions are asked about what it means to speak about internationalised forms of political life, or to imagine what political life might involve if its international forms could not be sustained. Many resources have been available for a long time to challenge not only claims about Hobbes as the exemplary political realist but also many categories and debates that achieve much of their plausibility through the ways in which Hobbes is invoked in this guise.

Thus, while I certainly accept that recent Hobbes scholarship has much to say about how it would be possible to construct more historically persuasive, conceptually rigorous and politically productive accounts (and I stress the plural tense in this respect) of Hobbes as a figure who has something to say about international relations, past, present or future, I think that it is necessary to pay some attention to the way Hobbes has been read, and in some respects must have been read, within this specific field or discipline. The recovery of a different, more complex or less one-dimensional Hobbes is a useful exercise. Greater recognition that Hobbes has been and continues to be open to sharply different interpretations, with profound consequences at stake in judgements about rival interpretations, would be even more useful. Nevertheless, an appreciation of what might be involved in thinking about international political theory, or even about politics, after Hobbes, also requires some attention to how some specific and clichéd inscriptions of Hobbes, within prevailing forms of international political theory, have come to work so effectively.

In order to engage what is at stake in shifting away from Hobbes's more explicit comments about an international order – or at least a state of war – to his general framing of a politics of internalities and subjectivities that nevertheless requires some kind of externality as its necessary condition of possibility, I will briefly engage three sorts of responses to questions about why modern theories of international relations seem to have required a figure like Hobbes to anchor assumptions about a dominant tradition of political realism that can be either confirmed or resisted. I do so because there seems to be little point in continuing to reproduce a set of conceptual manoeuvres

by either affirming or resisting a figure who has been set up precisely to encourage either affirmation or resistance.

One response concerns claims about his ethics, very broadly conceived. One concerns his depiction of a condition of anarchy, and the crucial tension between individualist, statist and systemic accounts of this condition. One concerns his framing of a spatio-temporal order within which relations between modern subjects might be envisaged. The third of these, already prefigured in his two introductory claims, is, I believe, by far the most important, and offers some possibilities for converting Hobbes from a canonical cliché to a provocative site of questions that remain difficult. The most pressing thing that is at stake in this third response is the way in which international political theory seems to be concerned with an array of political possibilities orchestrated spatially whereas its primary achievement has been to authorise this specific spatialised account of political possibilities, and necessities, through a claim about a philosophy of history. This philosophy of history can be understood as the temporality that is so often repressed in thinking about modern forms of sovereignty modelled on something like Hobbes's innovations, but which so often returns as an exception in the spatio-temporal moment of sovereign decision.

If there is to be a politics after Hobbes, it is one that, in the first instance, needs to get to grips with the constitutive effects of that particular philosophy of history, one Hobbes largely shares with his supposed opposite, Immanuel Kant. In the second instance, however, I will suggest that it is also important to come to terms with the implications of the relative absence of what we would call an international system from Hobbes's analysis. The mere existence of other sovereigns does not add up to a system of states. We have been far too influenced by radically nationalist, or at least radically statist accounts of the international as merely the added sum of state interests. This may be convenient for those states that have largely generated the most privileged accounts of international relations from a statist perspective, and may partly explain how a theorist of the sovereign state like Hobbes has been transformed so easily into a theorist of international politics. It is nevertheless not especially helpful for anyone seeking to think beyond a political order in which sovereignty is always sharply contested between, at least, the state, the system of states and those quasi-Hobbesian individuals who have

managed to articulate claims about a popular sovereignty. In this sense, my comments are partly directed to the possibility of using Hobbes to gain some critical purchase on the figure of Kant, whose name arguably presides over even greater difficulties than those identified with Hobbes, largely because he has a much sharper sense of what it means to engage with a system of states as seriously as with any particular state.

The most general use of Hobbes in the construction of a modern theory of international relations may simply be his fairly jaundiced view of a human condition. This is a construction that might draw upon a variety of distinct formulations: on his psychological egoism; on his exemplary account of a generalised dynamic of desire encompassing a plurality of different desires that nevertheless cease only in death; or on his account of the structural contradictions that ensue within an array of such modern desiring machines under conditions of unregulated competition. Throw in some bitter flavours from the Old Testament and a few other sources, and it is not too difficult to boil everything down to a usefully generic pessimism. This may then be used in turn as a primary ingredient in the blackened stew that is so persistently celebrated as political realism and which has become the main overt source of intellectual sustenance for so many forms of international political theory, including forms explicitly seeking to resist Hobbes's influence.

Hobbes is a subtle thinker, certainly much more subtle than most references to a political realism in international political theory that invoke his name. At best, political realism is a claim that might be specified in terms of some very different and indeed powerful traditions of political thought, although whether any of these traditions is usefully framed as a political realism is unclear. Hobbes may or may not be understood in relation to one of these traditions; but so also may Machiavelli, to take the most obviously disruptive partner to Hobbes in any supposedly singular tradition. From a certain universalising ethical standpoint, it may be that all sceptics and pessimists tend to look alike. Yet from a different sort of standpoint – historical, philosophical and political – Hobbes and Machiavelli are more familiar as exemplars of contrasting positions: as a republican and a sort of liberal, for example, or as a thinker obsessed with questions about contingent judgements in time and a thinker obsessed with authorising a lasting authority within a spatialised order. In a similar

way, the historically and nationally oriented traditions of power politics extending from (at least) Max Weber to (again at least) Hans Morgenthau is regularly conflated with the structural, systemic and utilitarian analyses of spatialised orders associated in recent years with thinkers like Kenneth Waltz.

The great genius of claims about realism in international political theory, in fact, lies in a capacity to shrivel dramatically different positions into a discursive monolith, though a monolith that reserves an impressive capacity to cover a great many ontological, epistemological and axiological options. It takes only a little reflection to appreciate that the black and bitter stew of political realism once contained many ingredients that really don't work very well together, unless there is a pressing and rather unscholarly hunger for something so unpalatable – as there has been in some contexts. Indeed, what might deserve considerable scorn on grounds of scholarship also deserves some appreciation on grounds of rhetorical and discursive resilience.

To simplify a little, but only a little, what is of pressing interest for theories of international relations is less any specific concern with the consequences of individual egoism and conflict among individuals, than the possibility of transposing a broadly negative view of 'human nature' to an international context in which a jaundiced view of the human condition is largely understood by contrast with the more optimistic conditions that are supposed to be in place domestically – not least as a consequence of the social order shaped by something like a Hobbesian account of sovereign authority within states. In this context, detailed readings of Hobbes's writings are largely beside the point. Hobbes has been much more attractive as the proto-Enlightenment thinker who can be used to affirm more characteristically counter-Enlightenment views: perhaps as a more foundational (and Anglo) source of pessimism than can be provided by historicists and nationalists like Weber. The structuring of modern politics on the basis of a distinction (but not separation) between domestic and international politics has required a similar distinction between two different forms of political possibility and impossibility: in Martin Wight's influential terms, between a domestic arena in which progress is possible and an international arena which can expect only repetition or the same old game of contingency and conflict (Wight 1966); in rather more dramatic terms, the distinction

is between a domestic realm within which norms may be taken more or less for granted and an external realm in which exceptional conditions tend to prevail.<sup>1</sup>

I would say that, in practice, Weber's analysis of a process of modernisation that works simultaneously as a process of disenchantment, that is, a process of formal rationalisation that is simultaneously a process demanding existential choices about substantive value, has been more influential than Hobbes in the construction of modern theories of international relations. Hobbes may have offered a nice way of thinking about modern subjects as both similar yet different, as unified in their 'nature' as desiring machines but different in their expression of their universal nature. Weber's account of modernisation as a universalising process demanding commitments and responsibility towards particular nation states offers an altogether more pressing formulation, though Hobbes's more ahistorical psychologisms offer useful corroboration, especially given the need to minimise connections between a newly established American social science and dubious traditions of German nationalism. In any case, Hobbesian formulations may be broadly pervasive but they are scarcely decisive. Pessimistic views of what counts as human nature are not exactly rare. The primary need is not to work from first premises about human nature, whether understood psychologically or structurally, but to orchestrate the divide between the internal and external realms of modern politics: the divide that can only become a complete rupture under the most exceptional conditions – exceptional conditions, that is, which only confirm the normality of less dramatic orchestrations of the divide. Here Hobbes has proved to be a very useful symbol, but mainly because it has been possible to transcribe an over-generalised account of his pessimism from the domestic realm that preoccupies him for most of the time to the international realm, which concerns him only marginally.

This transcription is also central to a second primary use of Hobbes in international political theory, the use of the analogy drawn between individuals and states in claims about an international anarchy. This is the context in which Chapters 11 and 13 do sometimes find readers in this field. There are two obvious and related problems with this analogy. Both have been noted by most scholars who have looked at Hobbes's comments about extra-domestic phenomena.

One is that a very large part of Hobbes's primary argument is concerned to insist that individuals and sovereign states are very different things. Individuals contract with other individuals to create something that cannot be reduced to individuals. This is in part a matter of a difference in legal status, one that generates many characteristic problems about the relationship between state sovereignty and popular sovereignty, to use a later language. It is also in part a matter of scale, one that generates many characteristic problems about the ways in which the micro might be represented in the macro, to use a language that gets at some of Hobbes's more Euclidean inclinations. It is also partly a matter of capabilities in that states are not as vulnerable to mortality as individuals and can even thrive on warfare. The weapons may point outwards, but the life of states is not necessarily nasty, poor, brutish or short, though it may not be pretty (Hobbes, *Leviathan* 1991, Chapter 13).

Consequently, if the analogy is indeed to be found to be useful, it must be in ways that are seriously at odds with Hobbes's own analysis. While the analogy may or may not be useful in the construction of explanatory strategies, along with analogies from many other structurally determinate practices, it works to dissolve some of the most difficult problems of modern political life – most specifically to convert the problematic and continually contested relationship between state sovereignty and popular sovereignty into homogenised accounts of the nation state and some national interest. It is scarcely surprising that forms of political realism (or indeed claims about the political) that are constructed in this way tend to exclude quite a lot of politics.

On the other hand, the analogy can be made to resonate quite nicely with some other accounts of rational action that were beginning to be articulated not so long after Hobbes by people we now tend to classify as the early political economists and by various other traditions through which the pursuit of self-interest was being understood as a source of some common good rather than of egoistic anarchy.<sup>2</sup> Much of the impetus behind what has come to be called structural or neo-realism might be understood more productively less in relation to a political tradition privileging Hobbesian understandings of state sovereignty than to broad historical antagonisms of principle between the authority of states and the authority of capitalist markets. Hobbes himself, of course, was famously wary of



metaphors, and a little over-generous to analogies, but any attempt to think about international political theory with and against Hobbes, as I would frame much of the task before us, will require considerable wariness about the way an analogy that Hobbes himself could not draw still enables far too many important questions about the principles guiding modern forms of political life to be passed over in relative silence.

The specific interest of Hobbes in this respect is less his version of the logic of conflict under competitive conditions than his bold acknowledgement that, if one starts from an account of modern individuals as both free and equal, in very specific understandings of these terms, it is possible to construct a very negative story about the consequences of commitments to what are generally taken to be two of the most foundational values of modern (liberal) societies. Yet, and to come to the second problem, the equality condition is specifically denied by Hobbes in relation to states. Hobbes's commitment to an equality condition among individuals is quite striking given the prevailing practices of hierarchical subordination and Aristotelian essentialism (or philosophical realism), and notwithstanding the various forms of inequality that find their place within Hobbes's brave new world of modern subjects. Prevailing claims about natural hierarchy are deftly swept away and the structural instability of a universe of modern subjects is revealed in all its apparently primordial depravity. It is nevertheless precisely the absence of this condition that governs his sense that the state of war is not quite the same as the state of nature that he depicts among individuals, no matter how negatively he sometimes portrays a state of war. Both individuals and states may be prone to rational calculation but their calculus is likely to have a very different character, and not only because of the constitutive difference between individual and collective subjects.

Here it may be useful to think about the difference between a commitment to formal equality in the General Assembly of the United Nations and the commitment to inequality expressed formally by the capacities of the Security Council and informally by the practices of great power hegemony. Rhetorical claims about an international anarchy rest upon the tacit analogy with Hobbes's reading of modern individuals. Yet there cannot be many scholars or practitioners who think these claims offer a useful way of understanding either the structures or practices of modern international politics. No one

claiming a mantle of political realism is going to affirm that the principles shaping the authority of the General Assembly are ever going to trump the principles shaping the authority of the Security Council – although it might be argued that they should – or that neither set of principles can or should be sustained under contemporary conditions. Conflicts and wars there may be, but there is some significant difference between a condition in which just a few states have a capacity to deploy nuclear weapons and a condition in which all states have a more or less equal capacity to do so.

This is why Hobbes is much more easily read, in the manner of Hedley Bull, as a precursor of what has come to be known as a ‘society of states’ tradition of international political analysis rather than as a theorist of an international political anarchy or even as a theorist of rational calculation on some kind of level playing field of competing interests (Bull 1977). Hobbes leaves open many questions in this respect. One concerns the possibility of any great power becoming great enough to tip a nascent system of states back into a hierarchical order or imperium – the possibility against which both Hobbes’s conceptual innovations and the claims of a modern international order were most sharply delineated. Another concerns the constraints imposed on any specific sovereign by the systematic relations among sovereigns: one reason why Hobbes can scarcely be counted as a serious theorist of international relations at all, and why any attempt to think about international political theory after Hobbes has to engage with much more than Hobbes.

While Hobbes says relatively little about international relations as such, he does say a lot about the specific conditions under which modern forms of politics, including what we now call international relations, could be imagined at all. Here we move rather gingerly onto interpretive terrain long occupied by writers who are prone to very grand narratives about the general (though not necessarily timeless) character of modern political thought (like Carl Schmitt, Leo Strauss, Michael Oakeshott and Sheldon Wolin) rather than by the currently more influential historians whose search for detailed contextualisation rightly makes them suspicious of any grand narratives about the constitution of political traditions. Still, the theory of international relations is itself one of the grandest narratives we have about what the historical emergence of modern politics *must* have been like, and detailed histories are not necessarily the most

appropriate way of getting at what might be involved in thinking about Hobbes's relationship to it.

Many themes might be emphasised here. I will simply note five of the most obvious in order to point to the scope of what must be engaged. None are explicitly about international politics; indeed that is my point. They all concern a modern conception of politics that is always potentially international as well as domestic. While, as I have suggested, there are problems using someone like Hobbes, who is primarily concerned with the relations between states and subjects internally, in order to think about relations between states, it is also a mistake to think that Hobbes's relevance for thinking about relations between states comes only from those parts of his analysis which specifically speak about external relations. Hobbes is working with modern subjects, understood as a site of the great modern move inwards, into the world of Cartesian, Protestant, Kantian and many other subjectivities as well as into the world of sovereign subjects. These internalities always presume an externality. Hobbes account of the externality of states may not be very well developed, but much of its basic configuration is clearly in place, and in time.

First, there is the way in which Hobbes simply affirms at least a recognisable outline of modern (liberal) subjects in order to enable 'He who is to govern a whole Nation' to 'read in himself, not this, or that particular man; but Mankind'. Even though international relations theory has been organised so as to minimise the apparent relevance of questions about subjectivity and subjectivities to the big affairs of states and international system, Hobbes, like Kant or Weber, and like some currents of critical analysis more recently, would have no trouble seeing subjectivity as in fact the primary object of concern. Whether that subjectivity is to be understood as, say, liberal, democratic, individual, collective, gendered, or cultured is doubtless a more complicated matter. Hobbes may have been quite prescient about what was at stake in setting out an analysis of relations between free and equal persons, more so in some ways than some of his supposedly more liberal successors, but quite a lot of work has had to be done to flesh out his very basic abstractions. One might also say that much remains to be done in order to be confident that even the most minimal principles of liberty and equality can be sustained under contemporary conditions. It has become easy enough to say that we need to do without Hobbes, but it is by no means easy to see how we

can sustain plausible claims about modern subjects and subjectivities without working through many of the problems Hobbes was forced to engage in order to affirm this particular rendition of human possibility and impossibility as the centre of attention.

Second, there is Hobbes's nominalism – the nominalism that marks him as neither an old-fashioned philosophical realist nor a naive modern philosophical realist. The details are complicated, of course. Still, even the briefest acquaintance with the way Hobbes hones in on problems of language, definition and the authorisation of what might count as authority, in relation to science, religion and law is sufficient to upset many of the standard clichés encountered in some theories of international relations. Hobbes confronted some quite dramatic conflicts over competing interpretations of the world, and his solution involved the instantiation of an abstract legal authority, not a totalising power of a state. In this respect, Hobbes was engaged with problems of authority, law and even 'discourse' that are conventionally engaged by thinkers who have been sent to the trivialised boxes reserved for idealists and critical theorists. Again, to read Hobbes not through the caricatures but as one of the most brilliant accounts of what it means to authorise authority – to claim sovereignty over what it means to claim sovereignty – is to see that the stakes involved in thinking about any kind of politics that might somehow leave Hobbes behind becomes a little clearer, and a lot more daunting.

Third, there is the secularism that is never quite secular: the question of whether Hobbes might be part of the process through which the apparent secularism of modern politics still expresses old theological concepts in a new guise, or not, especially in view of many contemporary debates about various forms of sovereignty that still legitimise the taking or giving of life in ways that legitimise their own sovereignty. The recent popularity of Carl Schmitt has certainly been useful in illuminating the degree to which competing readings of the secularisation thesis, and the ambivalences expressed in Hobbes's concepts – whatever his own relation to theological questions – remain central to any attempt to think about international political theory in more creative ways.

Fourth, and perhaps a little less obviously, there is Hobbes's resolute commitment to a politics of finitude, a commitment that nevertheless works through an arbitrary distinction between the finite

world within which universal truths may be possible and some world beyond in which such truths are unimaginable. This may be the most important thing that Hobbes learnt from Euclid: define the line in relation to the two points at either end, thereby obviating the need to think about the way those lines would just go on and on, and a universe of necessary truths – of truths guaranteed by authorised definitions – becomes possible. The geometry that is usually identified in terms of mere method has profound ontological preconditions, and these preconditions find significant expression in Hobbes's account of the authorisation of universal claims to authority, and of their delimitation. Hobbes simply includes infinity among an array of absurd or enchanted entities whose dismissal Weber would later use as a way of charactering the essential character of the rationalising process of modernity (Hobbes, *Leviathan* 1991, Chapter 3). Yet the distinction between finite and infinite may have been quite as central to the construction, reproduction and delimitation of modern forms of rationality as have theological distinctions between immanence and transcendence; Kant is only the most obvious figure that comes to mind in this respect. Attempts to 'go beyond' the established conventions of international relations, and of modern forms of politics in general, betray some of the continuing capacity of these two distinctions to construct desires for the impossible while affirming the necessities of both the possibilities and impossibilities within the finite and immanent world of modern subjects and subjectivities, big and small. Again, think about the delineation of internalities and externalities in these terms, and the continuing grip of Hobbes on the modern political imagination obviously works on a very different register than his specific comments about a state of war.

Finally, Hobbes is the theorist of sovereignty who most clearly insists that sovereignty always requires authorisation. Most of the hard work done in *Leviathan* is already completed long before we arrive at anything resembling a security dilemma in Chapter 11. The main thing theorists of international relations had to recover, before any critical interrogation of the ossified categories of the discipline erected during the Cold War became possible, was not some body of normative ideals to throw in the face of self-proclaimed political realists but, rather, something like Hobbes's sense of what is involved in the authorisation of sovereign authority. Tactical inspiration may have come from an array of 'postmodern' thinkers like Jacques

Derrida, but this is largely because such thinkers had been engaging precisely with the founding practices of so many claims to traditional authority – though usually, and annoyingly, in relation to apparently philosophical rather than explicitly political texts. So, Hobbes may be treated simply as someone who gave the standard definition of sovereign authority that has shaped a form of political order in which it is easy enough to feel eternally trapped and helpless – as the source of answers we have to take for granted. He may also be read as our most brilliant analyst, and thus potential critic, of the conditions under which these answers, the trap, the impossibility of any other conclusion, came to be set.

The most explicit, well known and yet underappreciated expression of what Hobbes achieves in this broader context is the central narrative of founding that Hobbes proceeds to tell after constructing his account of the conditions under which one might think about a narrative of founding: what we know as his social contract theory. This is so well known, and naturalised, that it is taken to be just a simplified version of the history through which we, or at least some of us, became modern. Once upon a time we lived in a state of nature, then we became cultivated, cultured, civil, properly human, though we have become used to thinking about the shift as a temporal (Kantian, Hegelian, Darwinian, developmental, modernising) process rather than a logical moment. Yet the most striking feature of Hobbes's portrayal of this state of nature is precisely that it is a formal account not of some historical past but of a negative reading of Hobbes's account of modern, proto-liberal free and equal subjects. Hobbes's view of history is a history of the present, or at least of Hobbes's imagination of how the present must be understood.

In this way, Hobbes was helping to shape a characteristically modern understanding of what history must be, primarily by articulating conjectural account of what must have happened in order for modern subjects to become as he thinks they are. In effect, the past is projected backwards from the present. That past is also given a spatial dimension, in America, the space over there where one might find evidence of a time back then. The geometric lines of spatio-temporal extension reach out from Hobbes's own constitutive subjectivity, mapping the coordinates by which modern man might navigate his way to where and when he had already been, but in a different, positive condition, civil rather than natural. Mercator, the

archetypal cartographer of the modern world, may have been good, but he was not quite *that* good.

Moreover, Hobbes seems to have understood quite well that such lines of spatio-temporal extension, of historical and geographical perspective projected from the eye of Hobbes the grand portraitist of modern political subjects, might well go on to infinity: that great unknown that might destroy all attempts to work out a secular but universal reason. Hobbes knew he could not go there, and so stopped just this side of the unreachable and unknowable, just where he could say that it was indeed never quite so, but also where there still remained the possibility of moving ever closer to that infinity that could never be reached. This did not save him, however, from the obvious objection that must attend his account of the way man returns along the lines of projection by way of an instantaneous moment of decision to agree to give up one condition in order to take on another: if the situation was as bad as advertised there could be no way of switching conditions short of the introduction of exceptional capacities that might momentarily turn negative to positive, while if the situation was benign enough to permit such agreements, then the rationale for switching conditions simply lost its plausibility.

It is a merely hypothetical history, and a hypothetical geography. Yet what Hobbes is doing here is no less than setting out a spatio-temporal field within which it is possible to imagine an international order of some kind. This order was itself imagined as finite, but this finitude was constructed with its own externality, the unknown and always potentially infinite world beyond the one that might be known. Hobbes was thereby participating in the construction of specifically modern accounts of both spatiality and temporality; and this may have been the most important thing that Hobbes did for the way we understand the specifically international dimensions of modern political order. There is still little sense of a system – the system that may be universal in some sense but still does not quite reach out and touch the world. There is even less of a sense of a system with a claim to authority that is necessarily antagonistic to, even aporetic with, the claims of any particular sovereign state. But Hobbes supplies the broad framing of an interiority within which it has been possible to construct a systematic array of internalities and externalities, what we call the modern international political order. It is a

modern order, of modern subjects and modern subjectivities. Come within and all will be well, as long as – security dilemma indeed – the solution doesn't become worse than the problem it solves.

Hobbes thought only about coming into the state. We are forced to think about coming into both the state and the system of states. As a result, we are forced to think about the consequences of a political order that distinguishes sharply between zones of peace and zones of war, a political order in which the possibility of war is supposed to offer some hope for the maintenance of zones of peace. This generates desires to do it all some other way. We must act in relation to the entire world, it is said; and quite rightly so. Except that Hobbes, along with many others, has already distinguished the world of modern political possibilities from all other worlds, temporal and spatial. It is on this basis that he works out a story about the conditionalities of modern political subjects. Hobbes himself is a bit vague and imprecise about it all. His imagery is that of speculative history. Kant again does a much more incisive job on what it means to work out a politics of finitude and the dilemmas of representation and scale attending a modern world, strung between universality and particularity but blocked from going beyond its specific understanding of universality and particularity out to some unknowable infinitude. Hobbes and Kant really have to be dealt with together in this respect, and certainly not as mindless representatives of a political realism and a political idealism.

Many hard questions come into sharper focus if we think about Hobbes in relation to the conditions under which we have been able to imagine an internationalised political order that has been constructed in relation to an ambition for modern free and equal subjects that have been brought into the modern world and thereby excluded from any other world.<sup>3</sup> To think about an international political theory after Hobbes must involve a more intense engagement with the conditions under which Hobbes himself was able to imagine his elegant modern universe of free and equal subjects and subjectivities: with the narrative of an included present that enabled a narrative of a doubled exclusion from the present, one internal and one external; with the narrative of an impossible but necessary return generated by that doubled narrative; and then, but only then, with the narratives of how sovereignty must work given the way it has been authorised to work. To focus only on Hobbes explicit account of a state of war is to miss just about everything that makes



Hobbes such a challenge to contemporary political life, just as to focus on sovereignty as a centralised site of authority is to miss everything that is important about how Hobbes lays out a story about the necessary origin of things and thus the necessary limits of things, between which it might, but only might, be possible to construct a centre of sovereign authority.

It may be that the centre cannot hold; but it is more important to think about whether the spatio-temporal limits that Hobbes sketched, in ways that have encouraged us to look for politics only where the centres may hold, are still sustainable. I think certainly it very unwise to accept Hobbes's assumptions in this respect. Without those assumptions, however, thinking about the possibilities of a political theory, international or otherwise, becomes considerably more difficult than complaining about the condition of theories of international relations or thinking that one can improve them simply by ignoring Hobbes's achievements; or rather, the achievements for which Hobbes is merely one textually incisive expression. On the other hand, reflecting on the condition of theories of international relations does help us to understand that a political theory that does not engage with the international conditionalities of modern politics must also have very little to offer. Ultimately, the story that Hobbes told about the external conditions of a politics of sovereign states may be even more fateful than the story he told about what goes on within such states. This is not a story about a state of war. It is a story about how we are supposed to think about our origins and limits as modern subjects. International political theory cannot ignore it.

## Notes

1. These are more or less the terms in which I try to engage the spatio-temporal articulation of modern political analysis in R. B. J. Walker (1993).
2. As canvassed, for example, by Albert Hirshman (1977), and many others.
3. For a more elaborate way of framing what these questions might be see R. B. J. Walker, (2010).

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# 10

## Hobbes, Sovereignty, and Politics: Rethinking International Political Space

*Raia Prokhovnik*

This chapter proposes a reconceptualisation of international political space, in light of a revised reading of what Hobbes offers to international political theory and with support derived from Hobbes for the crucial inter-constitution of the concepts of sovereignty and politics. A misreading of Hobbes's theory has been central to the mainstream conceptualisation of international political space in International Relations. Analysis of the misrepresentations of Hobbes's theory is a vital step towards developing a viable relationship between political theory and international relations theory. By reassessing the value and complexity of Hobbes's theory of sovereignty, this chapter contributes to an international theory with a richer notion of international space. In this refined view, international theory can be understood as as a field of politics rather than just the study of the inter-state clash of national interests in a balance of power. Hobbes is self-consciously aware of the intimate connection between sovereignty and what we would now call politics, and he recognises, in a seventeenth-century context, that the role of the sovereign internally, and the actions of sovereign states externally, are highly political. He establishes his conception of sovereignty – the greatest accomplishment of the artifice of men – precisely as a solution to politics.

Hobbes's theory of sovereignty has been taken as the epitome of a reductive notion; but in following this view we fail to see that the processes by which he gets at sovereignty are richly political. We have been hypnotised by the stereotype of 'absolute and indivisible' sovereignty, and so we fail to recognise the political nature of sovereignty for Hobbes. While Hobbes sought to eliminate the effects

of political contestation, his theorisation of a political, rather than normative, solution to the problem provides important support for rethinking international political space. Politics here refers not just to modes of governing and to the search for rational agreement through democratic institutions, but also to the ever-present likelihood of intractable disagreement among plural interests, and the presence of politics and power relations wherever there are social relations, in the face of the contingent gaps between theory and practice where recourse to moral, legal or other ideals is insufficient to prescribe a viable way forward. In Chantal Mouffe's terms, politics negotiates agonistic relations before they become antagonistic relations (Mouffe 2005, 4). Agonistic political actors 'see themselves as belonging to the same political association, as sharing a common symbolic space within which the conflict takes place' (Mouffe 2005, 20).

A very different version of Hobbes's theory of sovereignty has been central to the mainstream conceptualisation of international political space in International Relations. As Barry Buzan and Richard Little (2001, 28) sum up, the Realist tradition has regarded as central 'Realist preconceptions about the timelessness of raw power politics as a defining feature of the human condition'. Hobbes has been understood to provide theoretical legitimation for such assumptions. It is important to recognise with Rob Walker (2010, 127), that 'Hobbes is still deployed not so as to enable an engagement with modern practices of authorisation, about the possibility of political life as a problem, but for simply asserting an account of the way the world is, whether as a state of nature, a state of war, or a cosy club of rational economists'. Analysis of the misrepresentations of Hobbes's theory, for instance, developed by Noel Malcolm (2002), Tom Sorell (2006), and Michael Williams (2005), and in some of the earlier contributions to this book, is critical to building a more plausible and effective understanding of what Hobbes's theory offers to international political theory. Malcolm, Sorell and Williams establish very effectively a range of arguments which provide evidence for the case developed here about sovereignty and politics in Hobbes. These arguments support key points about the limits of the analogy between individual and state and the distinctiveness of the international realm for Hobbes; about Hobbes's commitment to the autonomous dimension characterising the laws of nature; about the sovereign's multiple reasons for promoting peace over war in relations with other commonwealths; about Hobbes's keen

understanding of the 'politics of knowledge' and awareness of political claims that can follow from epistemic claims and about the positive as well as negative impact of politics. This chapter will begin by outlining the arguments of Malcolm, Sorell and Williams. Then the reconceptualisation of sovereignty which draws out its inter-constitution with politics will be sketched. Finally, the reinterpretation of Hobbes's understanding of the connection between sovereignty and politics will be developed, demonstrating the important resources in Hobbes for re-imagining international politics.

### Rethinking Hobbes on international politics

Malcolm points to the misappropriation of Hobbes undertaken by influential Realist writers in posing a false equivalence between individual human beings and sovereign states (see also Rob Walker (2010, 299, n. 24)). Contrary to the Realist view of Hobbes, which maps individuals (equipped only with their psychological predispositions) in the state of nature onto states in international relations, Malcolm emphasises that for Hobbes the transformation of the 'multitude' into one 'person', which occurs with the creation of sovereignty in the state (for instance in Chapter 16 of *Leviathan*), has no parallel in the international arena. An actor in international politics is not an individual acting according to their own will but is a sovereign representative acting upon, as Malcolm puts it, the 'authorised will' of the 'collective person-hood of the commonwealth' (Malcolm 2002, 443). Sorell underlines the view that, for Hobbes, what holds true at the domestic level does not necessarily apply to the international level, and vice versa, so a strong parallel cannot be assumed. It is clear that, for Hobbes, 'states are quite different from individuals', such that it is not 'morally right or permissible for states to do anything they like to pursue their interests', nor 'that everything permitted to individuals in war is permitted to states' (Sorell 2006, 245).

At the same time, against the 'popular view' of Hobbes that 'the laws of nature are permanently in abeyance' in international relations, Malcolm reminds us that for Hobbes (and we can see this for instance in Chapter 15 of *Leviathan*) the laws of nature always oblige in the internal court of conscience. Malcolm observes that 'morality remains an objective standard' for Hobbes in both interpersonal and international relations (Malcolm 2002, 438). Natural law is an objective

standard of the sovereign's actions and laws, notwithstanding that the 'sovereign is the only authorised interpreter of the law of nature' within the state (Malcolm 2002, 437), and it is an objective measure of the actions of actors on the international stage.

Malcolm also analyses the misrepresentation of 'the standard view of Hobbes's that 'there is always "just cause" for every state to fear every other one', such that 'the international state of nature is therefore a situation of permanent anarchic violence' (Malcolm 2002, 449). He draws on evidence from *De cive* to show that geopolitical considerations, military and political alliances, and economic and cultural cooperation, are as likely as hostility to further a sovereign's moral and self-interested duty to preserve and nurture the commonwealth. Sorell develops this line of argument further, and makes the strong case that at the international level Hobbes is 'an advocate of moderation and national self-restraint', and that the 'concepts of sufficiency and interdependence play a role that they cannot play in war at the level of individuals' (Sorell 2006, 245; see also Chapter 3 in this volume).

Sorell teases out how the Realist undervaluing of non-state actors does not fit with Hobbes's theory and so cannot without misrepresentation be thought to derive from it. For Hobbes (in Chapter 24 of *Leviathan* for instance) the prosperity of a commonwealth depends, not just on the establishment of sovereignty and government. A flourishing economy, for Hobbes, 'demands contacts between one country and others in the form of private enterprise, not government intervention solely'. Sorell argues that this 'fact is obscured in a picture of international relations only involving sovereigns, but such a picture is not Hobbes's' (Sorell 2006, 257). The sovereign retains the right of nature but that right is transformed in the process of him or her becoming sovereign, since 'to assume sovereignty is to personify the union of one's subjects and no longer merely the human being one is'. For 'it is the collective security and well-being of the many he represents that he is making judgments for' (Sorell 2006, 249). Hobbes emphasises this point in Chapter 18 of *Leviathan*, for example. Sorell notes that the sovereign, for Hobbes, 'has to assume a new frame of mind along with his office' and 'learn to think for the many' (Sorell 2006, 250), such that for Hobbes it is rational to 'put the welfare of the many first'. For instance, Hobbes develops this line of argument in Chapter 19 of *Leviathan*.

Williams recognises the underacknowledged importance of politics in Hobbes's thinking, noting 'his use of the state of nature as a powerful metaphor underlining the role of knowledge and belief in political action, and the centrality of the politics of knowledge in political order' (Williams 2005, 7). Williams is highlighting the more general point, and underlining Hobbes's role in recognising, that the need for politics arises in part from the importance of interpretation in making sense of the volatility and contingency of social relations – both in terms of intractable disagreement between incommensurable interests and regulating modes of relationality, and because there are no given, natural, or necessary meanings. Meaning is given to the specific ways in which social relations are patterned.

Williams shows, drawing on evidence from *De cive*, that for the sovereign, 'authority is the right to decide upon irresolvably contested truths: to provide the authoritative criteria of what is, and thus to remove people from the state of epistemic and ethical indeterminacy' (Williams 2005, 31). For instance, Hobbes explicitly states in Chapter 18 of *Leviathan* that the sovereign is 'judge of what doctrines are fit be taught' to subjects, that the sovereign also holds 'the right of judicature and decision of controversy' (Hobbes 1946, 116–17), and that these rights of the sovereign 'are indivisible' (Hobbes 1946, 118). Williams recognises that for Hobbes, 'epistemic claims and political claims are clearly connected'. Indeed, as Williams notes, a 'fundamental reason why the Sovereign must be unchallengeable in definitional matters is that to rebel against this authority is to return to the subjectively relative claim to know and the conflict which, for Hobbes, this inevitably entails'. For Hobbes, 'mistaken claims about the foundations of knowledge were a source of mistaken political beliefs and were thus at the heart of the conflict he saw around him. Interpretive dissent leads potentially to political dissension and to conflict' (Williams 2005, 32). We see this point being made by Hobbes, for instance, in Chapter 4 of *Leviathan*. However, for Hobbes, political pluralism must not be allowed to follow from epistemic pluralism (Williams 2005, 38); but the solution to this problem is political nonetheless, namely in the mechanism of the authorisation of the sovereign.

The counterpart to the notion that Hobbes put forward a theory of sovereign states in international anarchy, is the narrative that sees Hobbes as providing a key cornerstone of the liberal argument for

ruling on the basis of authority granted by the ruled, through contract and consent – and hence the argument for the establishment of *legitimate* government and the erasure of politics. But this narrative overlooks Hobbes's shrewd insight into the role of politics and contestation in both the domestic and international spheres. Whereas Malcolm (2002, 436) identifies three important levels of evaluation in Hobbes's theory – the psychological, the moral, and the jural – we can see that there is in Hobbes also a fourth level of evaluation, the political. Hobbes recognised the crucial role of politics, in both its positive and negative senses, and it is useful to highlight the political as well as the normative thrust of Hobbes's thinking. Hobbes discusses normative sources of motivation such as religion and natural law, but these do not on their own regulate political space.

Malcolm (2002, 432) outlines well how the Realist tradition has perceived and constructed an international system based on a dichotomy between states as realms of action governed by morality and law, and relations between states in terms of brute competition, and how the Realist tradition has taken Hobbes as the 'archetypal proponent' of this theory. In other words, a strongly liberal idea of politics is at work here, in which politics in the domestic sphere is equated with the application of liberal moral principles to governing – reducing social encounters to general rules – and in which relations in the international sphere are modelled on the rational self-interested and competitive individual of liberal economic theory. The mainstream history of international relations is structured in such a way as to distinguish between Realist and liberal approaches and between different brands of Realism. In the context of the argument developed here, however, there are strong connections between the Realist approach and the liberal tradition as understood within the history of political thought, and strong commonalities between versions of Realist theory.

### **The inter-constitution of sovereignty and politics**

The proposal advanced here is that a broader understanding of politics than the liberal one, which seeks to reduce political questions to moral or legal ones, will disclose that the domestic and international realms are both primarily spheres of politics, rather than spheres of morality and law. The view of sovereignty which recognises its



crucial role in relation to politics, supports this proposal, and there is warrant in Hobbes's theory for this means of conceptualising these interconnected, intersecting and interacting realms. Once the vital and dynamic link between sovereignty and politics is brought to the fore, we are in a position to recognise Hobbes's broader understanding of the role of politics.

Before outlining the argument for the inter-constitution of politics and sovereignty it is useful to briefly describe what has been taken as the 'given' meaning of practices of sovereignty in recent times. The concept of sovereignty gets a bad press – either it is a master concept of state oppression or it is redundant and is being swept away by globalisation. Either way, its meaning is taken as fixed, given, 'off-limits', and universal. In response I would argue that the idea that the meaning of sovereignty is fixed can be very effectively challenged by demonstrating the historical diversity of the concept (see Prokhovnik 2008), and so showing that the dominant prevailing current notion is tied to the modern state conception (see Prokhovnik 2007). Indeed, it is the modern state conception that seems fixed, and which has mesmerised us into confusing conception with concept.

It is unnecessary to equate sovereignty with a totalising form of knowledge. Important work by Rob Walker (1993, 2010) and others highlights some of the most unpalatable aspects of the way the specifically modern conception of state sovereignty operates, and how this conception is used to structure and authorise a particular and naturalised constitution of knowledge about the international. William Connolly's theorisation of sovereignty as a practice of power 'composed by a plurality of elements' (Connolly 2005, 143) develops the critique of sovereignty of the, as Wendy Brown puts it, 'debunking [of] the conceptual bid of sovereignty to represent an independent and supreme power' (Brown 2008, 269). However, by crucially distinguishing concept and conception, as Peter Winch does when he argues that a concept 'goes beyond' all conceptions of it (Winch 1970, 55), we can see that meaning always depends on a specific context of social relations. While I fully agree with the view which points to the history of domination and oppression associated with the state sovereignty conception, it is clear that the concept itself is a useful one and is open to further positive reconceptualisation. Sovereignty is both an idea and a concept as well as being expressed in real technologies of power and discipline.

The mainstream modern state conception of sovereignty can be defined through a series of propositions, including (1) that sovereignty is the highest authority to make law within the state; (2) that the state has agency as an autonomous player in international relations; (3) that sovereignty means *absolute* power and/or authority and so is indivisible; (4) that sovereignty rests in the location of *final and supreme* authority; (5) that the distinction between legal and political sovereignty (legal supremacy and law-making power on the one hand and legitimate power to rule on the other) sets up the primary framework for discussing sovereignty; and (6) that sovereignty necessarily has two mutually exclusive dimensions, internal and external sovereignty, from which derive the monopoly of internal legitimate force within a specified territory, and of external war- and peace-making in a condition of competition between states in international anarchy.

However, the mainstream meaning of political sovereignty designates a very limited notion of politics. It is a politics in terms of rule-making in liberal democratic institutions and procedures, focused on the legitimacy of the supreme law-making body. The political nature of the concept of sovereignty has also been obscured in the modern state conception, in part by the division of labour between internal and external dimensions. In the 'internal' – political theory – discourse on modern sovereignty, the emphasis has been primarily either on analysing a depoliticised notion of authority, or on prioritising legal over political sovereignty and promoting versions of the *Rechtstaat*. The discourse has largely understood political sovereignty very narrowly in terms of the highest authority to make law. The crucial concept of the *Rechtstaat* refers not simply to the rule of law, but to the idea of the rule of law, in a constitutional state, as a moral principle governing social and political order. Both nationalist and cultural formations of the state are rejected or subordinated in the *Rechtstaat* ideal. A robust form of sovereignty explicitly attached to the state necessarily follows from the power, scope and reach of law as ordering the lives of individuals. The pre-eminence of law demands the political form of the *Rechtstaat*, and this idea of the constitutional state demands a sturdy and vigorous state sovereignty. Law, state and sovereignty are all conceived as absolute in the same way. Through the nexus between morality and law, the *Rechtstaat* explicitly sees interpersonal relations as mediated through impartial

law. The 'external' discourse has largely fixed upon political sovereignty very narrowly in terms of the agency of the sovereign body acting as an individual. In consequence, full recognition of the political work that we ask sovereignty to perform for us has fallen between the legal and international relations discourses.

My argument is that sovereignty and politics are conceptually inter-related – indeed inter-constituted – in important and largely unacknowledged ways. As well as its mainstream meanings, then, sovereignty is also an idea rather than just a 'practice of power' in governing, a concept situated within a cluster of political concepts, and an organising principle. The political property of sovereignty to which I want to draw attention is a feature of the very concept of sovereignty, as I understand it, and so not tied to any particular conception of it. The political property of sovereignty refers to the specific connection between politics and the political which we ask the concept of sovereignty to establish for us in each particular case. Mouffe distinguishes between politics – 'the manifold practices of conventional politics' in 'the expression of a particular structure of power relations' (Mouffe 2005, 8, 18) – and the political: 'the very way in which society is instituted' through 'the dimension of antagonism' (Mouffe 2005, 9). Part of the force of this distinction comes from the critique it contains of the 'methodological individualism which characterizes liberal thought [which] precludes understanding the nature of collective identities', and the critique of the 'central trait of most liberal thought ... the rationalist belief in the availability of a universal consensus based on reason', which fails to acknowledge 'that every consensus is based on acts of exclusion' (Mouffe 2005, 11).

This political property of sovereignty operates in two directions, I argue: it poses a 'relational interface' (Bartelson 2006, 469) for how sovereignty organises politics and the political, and how politics and the political shape the meaning of sovereignty. Neither of the major solutions to politics and the political, developed in the liberal tradition – the negotiation of 'compromise among competing interests' or the attempt to 'reach a "rational", i.e. a fully inclusive, consensus' (Mouffe 2005, 14) – are able to comprehend this political property of sovereignty. The effort to marginalise politics in the futile attempt to 'transcend ... the we/they relation' (Mouffe 2005, 19) characterises both solutions in the liberal tradition.

The first direction of the 'relational interface' refers to how sovereignty organises politics and the political. The political property of sovereignty, in the context of the historical and cultural traditions of any particular polity, does two crucial things to enable political agency. Recognising sovereignty as a concept means that it leads to a politics of claim-making. Sovereignty allows for discursive claims to be made about (1) the symbolic unity of the polity, the 'imagined' political identity that expresses what is shared or held in common, and the polity as a settled order, and claims about (2) the conditional settlement about the parameters, conditions, content and limits of politics, and about the criteria and values, institutions, practices and processes through which politics is conducted. It is this conditional settlement which enables the maintenance of political stability about the realm of the political and how political performance is conducted within it. In this way, sovereignty provides a meta-framework for politics – constraining the volatility of politics and supplying the necessary structure that shapes and makes sense of the conditions under which politics takes place, and also capturing the coherence of the loose consensus about the overall meaning of political life for that polity. It provides the basis upon which the perceptible world of the content and limits of politics is seen to be open to reason.

So sovereignty is not only about the identification and exercise of supreme authority, ruler sovereignty, the relationship between rulers and ruled set out in legal rules, state sovereignty as the expression in democratic polities of popular sovereignty, and the normative link between politics, law and morality/reason in the *Rechtstaat*. It is also about the (centralised or perhaps decentralised) symbolic unity of the polity, the 'imagined' political identity that expresses what is shared or held in common, and the conditional settlement that enables the maintenance of political stability and order about the realm of the political and how political performance is conducted within it, which follows from it.

Contemporary Iraq since the US-led invasion is a good example of this point. Iraq lacks its own sovereignty, not just because of the military presence of the US and others, and not just because of the absence of a viable final and supreme power and workable legal/political and internal/external distinctions. Iraq also lacks its own sovereignty because it lacks a political identity – a sense of the whole. There is no overall (however loose) viable consensus on social and political

values, so no conditional settlement about the content, scope and limits of politics can be established, and the boundary between what counts as political and what is unpolitical cannot be stabilised. Iraq lacks sovereignty, not just because of the military intervention by another country, but also because it lacks a settlement about politics. Sovereignty is not just about absolute power and final authority but also about the ongoing everyday settlement about politics.

Sovereignty does not only enable the development of a politics of claim-making. It is also the necessary frame shaping both the everyday world of 'normal' politics – 'those seemingly mundane forms of political life' (DeCaroli 2007, 50) – as well as the basis for evaluating what count as exceptionalist challenges to sovereignty; and this defuses the force of that dichotomy held by both Schmitt (1976, 1985) and Ranciere (1999). Sovereignty is not just a threshold concept, invoked when claims are made on it or in its name – for instance in war – or activated only when its definition is fundamentally challenged or reaffirmed, or when a comprehensive redefinition takes place. It is not only about supreme authority and the extreme case as Schmitt held, arguing that sovereignty 'must ... be associated with a borderline case and not with routine' (Schmitt 1985, 5) – an argument that makes sense in the terms of his theory, where the sovereign is defined as he who decides on the exception. There are strong grounds for taking the view that on a day-to-day basis sovereignty is much more importantly the repository of political values. Where a conception of sovereignty is generally accepted within a polity, the definition of the political/unpolitical boundary, and the definition and scope of politics, are unpolitical, always bearing in mind that the specific content of both these settlements will vary considerably from one polity to another, across time and space. As a concept, sovereignty is in everyday politics slumbering, on autopilot, in a default position, taken as a given, naturalised. We ask sovereignty to enable a political practice which is necessarily a given, even though its provisions can be contested. In conditionally stabilising the identity of the political community, and specifying a provisional settlement of the content and limits of politics within it, theories of sovereignty have direct and crucial implications for the scope of politics, whether or not they give specific attention to the matter.

Working in the other direction of the 'relational interface' – how politics and the political shape the meaning of sovereignty – the

political character of sovereignty refers to the *political functions which we ask sovereignty to perform for us*, and invests those functions with normative value (Loughlin 2003). The most important of these are establishing the boundary between the political and unpolitical and so designating what counts as political, and the way in which sovereignty is conditional and unconditional at the same time. These two features of the political property of the concept of sovereignty address directly the 'off-limits' quality which sovereignty has. We ask sovereignty to capture for us our sense of the wholeness of our political community and political identity, and so be neutral and above the fray of politics. We also ask sovereignty to perform the role for us of specifying the boundary between what is political and contestable (within the scope of lawful dissent and legitimate re-examination) and what is taken as unpolitical and given. And yet we overlook that this very setting of the boundary and of the conditions of politics – this 'stabilisation of the sovereign field' as 'an ongoing, immanent process' (DeCaroli 2007, 50) – is also political. As Schmitt recognised, 'we know that any decision about whether something is *unpolitical* is always a *political* decision, irrespective of who decides and what reasons are advanced (Schmitt 1985, 2, emphasis in original). By 'political' Schmitt means that this is the realm of intractability and conflict, and of priority over the legal.

At the same time there are strong grounds for arguing that not every designation of something as unpolitical simply masks an injurious exercise of hegemonic power. Not everything off the political agenda at a given time is really and inherently political, and in any case the denaturalising of something previously deemed unpolitical as political requires some form of political mobilisation in order to occur, and not just (for instance) the assertion of a blanket principle of disadvantage. For societies to operate at all, not everything can be political and held up to political scrutiny and challenge all the time, and not everything taken as 'given' (about individuals, groups, public life) is a noxious normalisation and a source of covert discrimination. The boundary between the political and the unpolitical, and the designation of things as unpolitical, are at least in part maintained by conditional settlements about politics that can be relatively benign, and are not only maintained by power and hegemony.

Sovereignty is political and unpolitical at the same time, which seems contradictory but isn't. Rather, the political property of

sovereignty in this sense is a settled and stable condition at the core of the constitution of the meaning of sovereignty, although also one which needs regular reaffirmation or reform and one which is precariously dependent on recognition. It can be either benign or, and can be benign but put to malign use in domination. It is part of the very manner in which we conceptualise sovereignty itself to hold together that sovereignty is political but also outside politics. At the same time, identifying this attribute of sovereignty discloses a fugitive and transgressive quality in the meaning of the concept. We take it for granted that sovereignty at some abstract level functions to regulate politics, but we also forget its own link to the political realm.

The boundary between the political and the unpolitical, in the context of the symbolic unity of the polity that the political property of sovereignty institutes, also acts to stabilise the boundary between polities, whether such borders are understood in spatial or other terms. A key aim of the modern state model of sovereignty has been to bring the idea of sovereign borders as bulwarks into play precisely in response to insecurity, felt when its construction of those borders was perceived to lack clarity, for whatever reason. The argument advanced here about the political character of sovereignty does not replicate that element of the modern state model. The history of the concept of sovereignty demonstrates a wider and richer set of resources for rethinking sovereignty than those linked with the modern state conception, and is also a sound basis for undoing the conflation of concept and conception associated with the modern state model. Having stripped away some of the unpalatable elements of that conception in order to understand the concept more clearly, we have strong grounds for developing a relational reconceptualisation of sovereignty in terms of post-states and other actors in international political space. The case study of the European Union shows clearly how different faces of sovereignty can operate effectively in a complex shared sovereignty arrangement (see Prokhovnik 2007).

The second dimension of how politics shapes sovereignty concerns its being both conditional and unconditional, and this in some respects follows from its being at once political and unpolitical. Thus the discussion above emphasised the 'conditional settlement' characteristic of any particular example of the political property of sovereignty. The political and unpolitical, and conditional and unconditional, dimensions of the political property of sovereignty

both bring to the fore the value of Mouffe's emphasis on 'the relational nature of political identities' and the idea of the 'constitutive outside' (Mouffe 2005, 14–15). But the conditional/unconditional dimension also adds more to our understanding – in providing conditional foundations for politics, in a collection of co-existing conditional/unconditional distinctions, and in getting to the heart of the 'off-limits' quality of the concept of sovereignty. We will examine these points in turn. But the overall value of recognising the conditional/unconditional dimension of sovereignty is that it allows us to see that it is this alliance between sovereignty and politics that keeps the instability of sovereignty (conditional and unconditional at the same time) in check. It is because of the relationship between sovereignty and politics that sovereignty can operate as the unconditional locus of power and be conditional at the same time. As we shall see, it follows that claims about the theological character of sovereignty are redundant.

In establishing the boundary between the political and the unpolitical, sovereignty functions as the principle beyond which there is no appeal to a more ultimate set of rules, and yet that boundary is only conditional, and can be contested and re-formed. The proposal put forward here identifies a very different conditionality from the provisionality that Neil Walker posits to the 'irreducible core, the non-negotiable given of any sovereign order'. For Walker, as a legal theorist, that 'core' is a sovereign order's capacity to 'assume its own continuing or self-amending sovereignty within its sphere of authority (rules of recognition and change)', along with its retention of 'interpretive autonomy (rules of adjudication)' and 'deciding the boundaries of that sphere of authority' (Walker 2003, 28). The point is that the legal requirement does not trump the political property of sovereignty, but in the European *Rechtsstaat* tradition the legal has been given unprecedented and perhaps overstated authority in the meaning of sovereignty. However, there is overlap between the two meanings of the conditionality of sovereignty, especially for instance where Walker speaks of 'the ordering work of sovereignty ... in providing an enabling normative frame for constitutional polity formation' (Walker 2003, 32).

Sovereignty is foundational but conditional in another way as well. We ask the political property of sovereignty to furnish the grounds for the generation of lived practices and concepts and ideas



about politics. This point is brought out by Seyla Benhabib, when she articulates the problem that ‘democracies cannot choose the boundaries of their own membership democratically’ (Benhabib 2006, 35). While Benhabib looks to moral principles to ground lived practices, we can see that the political property of sovereignty does this much more successfully – providing primarily not territorial or moral boundaries but political and functional ones. And while democracies (and other kinds of polity) cannot choose their boundaries, within each particular polity the provisional sovereignty settlement can be contested and challenged. Recognising this aspect of sovereignty thus avoids the problem of the infinite regress of social contract, that is, what legitimises the contract and what legitimises the legitimisation? It also avoids the problem of democratic foundationalism puzzled over by Connolly (2007, 24–6) – because the setting up of a democracy cannot be done democratically, recourse is sometimes made to a historical or notional founding act of a polity, an act which is, by definition, not itself democratic. This founding act is unsatisfactory because it can only ultimately be a contestable seizure of the world in its compass and of an identity, a claim to be something.

The next point was that there is a cluster of concomitant conditional/unconditional distinctions. It follows from the instability and dynamism at the heart of any particular sovereignty settlement that this political property of sovereignty is both unconditional, at the level of the particular settlement (having been filled with substantive meaning), and conditional and provisory when viewed from the perspective of the concept itself and the mode of operating which we ask it to perform. At the same time, while the concept can be understood as determinate and unconditional – ‘exempt from conditionality’ (Mansfield 2008, 367) – any specific conception of it is conditional: subject to change – malleable, political and filled with political content – and subject to the openness of outcomes in politics and to the contingency (Lindahl 2003) and undecidability aspects of politics. What is at issue in these two contrasting distinctions is the conditionality and unconditionality of the hypothetical. In the realm of ideas a hypothetical cannot be disproved by empirical examples, while at the same time ideas – the hypothetical – require substantive content in order to become fully realised. Again, sovereignty is seen as the unconditional locus of power but also conditional because it is dependent on recognition and on authority

and legitimacy relationships. Derrida (2005, 130–6) brings to this question another conditional/unconditional distinction, such that the exigency of the ‘event’ is unconditional, a given of political life, against the backdrop of the ‘perversions of reason’ (naturalism and objectivism) in which homogeneous reason is conditional and waiting to be supplanted by the plurality of reason.

The last aspect of the conditional/unconditional part of how politics shapes sovereignty gets to the heart of the ‘off-limits’ quality of the concept of sovereignty. We noted earlier that it is part of the very concept of sovereignty itself to hold that sovereignty is both political and also outside politics. Critical thinking looks towards a life beyond sovereignty, but there is a broader understanding of sovereignty whose very constitution includes its susceptibility to challenge. This is part of the logic of sovereignty in general, not a description of historical ideas or episodes in the history of sovereignty. Derrida (2005, 141) discusses the inseparability of ‘the exigency of sovereignty in general’ and ‘the unconditional exigency of the unconditioned’. Nick Mansfield uses Derrida’s vocabulary to argue that sovereignty must ‘simultaneously conform to a logic of both self-identity and of unconditionality’, while at the same time, ‘the unconditionality that makes sovereignty possible will always threaten and exceed it’. It is important to Derrida’s argument to affirm the plurality of reason over a narrow hegemonic ownership of reason, in order to open up the question of sovereignty in a positive manner. Mansfield observes that Derrida asks us to recognise and affirm ‘the way the unconditionality of sovereignty is turned against itself’. For Derrida we do this by ‘committing to the very logic of sovereignty itself’ (Mansfield 2008, 361). To put this in the terms used in this chapter, sovereignty fulfils and stands for the inalienable unconditionality of the polity’s political identity and order, but at the same time we can recognise it as a conditional settlement, open to political change. Moreover, it follows from this rethinking of sovereignty that the theological character attributed to sovereignty by Schmitt (1985, 37), Wendy Brown (‘political sovereignty’s theological supplement’, Brown 2008, 261) and others, is redundant. Recognising the role of *politics* in constituting a particular sovereignty settlement and acknowledging the inter-relationship between sovereignty and politics, is an alternative to conceiving of theological or other foundational categories in order to explain the way sovereignty functions and what it means in a specific case.

Taking the 'relational interface' between sovereignty and politics in both directions, it follows that the successful working of this political property of sovereignty depends upon the recognition of the *conditional settlement* of its distribution, coordination, allocation, and architecture functions, in relation to political institutions, political practices and processes, and the conduct of politics. In this way we can embrace sovereignty in a non-universalistic manner through understanding the relation between sovereignty and politics. The political property of sovereignty in this sense is a precondition for politics to operate effectively. It is the necessary framework in which political moves can be heard, understood, responded to, or contested. We have lost sight of this link between sovereignty and politics in part because in studying political concepts in conventional political theory, we rarely talk about politics and the political. We take politics as a given and it gets erased.

### Re-interpreting Hobbes on sovereignty and politics

Hobbes's theory of sovereignty (Hobbes 1946, especially Chapters 16 and 17) is clearly designed precisely to exclude a politics primarily equated with the destructive effects of irresolvably conflictual positions (arising from disputed epistemological claims, from passions such as fear or envy, and from men's natural equality) expressed in men at loggerheads with each other. In Hobbes's view, the unruly, arbitrary and disruptive quality of politics cannot coexist with the necessarily settled order of the commonwealth, and a sovereignty settlement which creates sovereign and subjects is always to be preferred to the excesses that flow from publicly expressed fundamental political disagreement. Hobbes would not recognise Mouffe's distinction between agonistic and antagonistic political actors. The only forms of activity within the commonwealth which we align with politics that can be acceptable for Hobbes, concern governing and ruling roles, such as the public law-making function of the sovereign, a representative assembly without legislative or executive functions (Hobbes 1946, Chapter 22, 148–9), and court politics for instance in the form of advice and counsel (Hobbes 1946, Chapter 22, 153; Chapter 25, 166–7) or 'public ministers' and 'counsellors' (Hobbes 1946, Chapter 23). Hobbes does allow for cases in which the sovereign power is vested 'in a great assembly' (Hobbes 1946, Chapter 22, 154)

but considers that an individual sovereign better invests the simplicity and absolute quality of sovereignty.

However, Hobbes also specifies important and often overlooked forms of politics. His authorising process in Chapters 16 and 17 of *Leviathan* is centrally political, in that it is about the negotiating process individuals undertake one with another. The liberal contract tradition concentrates on this drama as an originary pact, but authorisation also crucially demonstrates what politics does for sovereignty and vice versa, for Hobbes. The authorisation process erases politics – as Hobbes states in Chapter 18 of *Leviathan*: ‘The subjects cannot change the form of government’, ‘Sovereign power cannot be forfeited’, ‘No man can without injustice protest against the institution of the sovereign declared by the majority part’, and ‘The sovereign’s actions cannot be justly accused by the subject’ (Hobbes 1946, Chapter 18, 113–15) etc. But while the authorisation process erases politics there is also an intermediate logical step here which is often neglected.

The authorisation process hypothetically generates a negotiated settlement which is understood by Hobbes as political – about the boundaries, content and limits of politics, and about the political identity of the commonwealth. And this mechanism is both political and unpolitical, and conditional and unconditional. The generation of the sovereign through the authorisation process establishes the meta-framework for politics. While Hobbes is intent upon establishing the unconditionality of the sovereign settlement, through his insistence upon the ‘indivisibility’ (Hobbes 1946, Chapter 18, 118) and ‘absolute’ (Hobbes 1946, Chapter 20, 136) qualities of the sovereignty concept, his theory sets that unconditionality in the context of a deeply political and conditional performance. In detailing sovereignty as the meta-framework for politics, then, Hobbes argues that in ‘bodies politic [that is, public], the power of the representative is always limited: and that which prescribeth the limits thereof, is the power sovereign’ (Hobbes 1946, Chapter 22, 146).

Hobbes is most often perceived as an arch realist, but is more plausibly a constructionist, committed to the view that the political and social worlds are crucially constructed by the agreement of all with all (see Prokhovnik 2005). In authorising the establishment of a sovereign in the commonwealth, these individuals are participating in the formation of a political unity, a political identity – in Mouffe’s words

the sense of being in the 'same political association ... sharing a common symbolic space' (Mouffe 2005, 20). As Hobbes bluntly puts it in *Leviathan*, 'This is more than consent, or concord; it is a real unity of them all' (Hobbes 1946, Chapter 17, 112). Hobbes also describes sovereignty, in the Introduction to *Leviathan*, as 'an artificial soul, as giving life and motion to the *whole body*' (Hobbes 1946, Introduction, 5, emphasis added). Moreover, these individuals, for instance in Chapter 18 of *Leviathan*, are establishing the (thin) content and limits of politics, and their acting upon the laws of nature is a political act because it follows from a constructed and contingent assessment.

There is thus an intimate connection between sovereignty and politics in Hobbes, along the lines outlined in the previous section. He establishes his conception of sovereignty – the greatest accomplishment of the artifice of men – as precisely a solution to politics. Hobbes's multitude, in the covenanting process, are stabilising the political order in collectively constructing and establishing the sovereign (how sovereignty organises politics). They are also performing a political act (the political character of sovereignty), to abolish politics and to conditionally establish unconditional sovereign powers (by transferring their right to all things to the sovereign). While Hobbes would not agree with the idea of the inter-constitution of politics in a positive sense with sovereignty, he recognised and took seriously the connection of politics in a negative sense with sovereignty. While he reduced all agonism to antagonism Hobbes certainly did not exhibit that 'blindness to antagonism' common to the 'anti-political vision' of many approaches to politics and democratic theory, in Chantal Mouffe's (2005, 2) words.

Hobbes's notion of 'absolute sovereignty' is sometimes confused with a justification for tyrannical rule. But it can be interpreted plausibly as primarily an analytical concept – as Waldron notes, 'absolutism in the technical sense of the sovereign not being bound by civil laws' (Waldron 2008, 887) – providing a sense of the whole commonwealth and its identity. Furthermore, while it follows from centralised political control and power that a sovereign necessarily cannot be subject to the positive law he makes, Hobbes does provide some restrictions on sovereign power. Among these restrictions are the continuing force of the laws of nature '*in foro interno*' (Hobbes 1946, Chapter 15, 103), transparency provisos like the publicity of laws (Hobbes 1946, Chapter 27, 191), freedom where the law is silent

(Hobbes 1946, Chapter 21, 143), and the limit of the definition of crimes to actions which breach a civil law (Hobbes 1946, Chapter 27, 190–1), thereby disbarring punishment on the whim of the sovereign. *Leviathan* can legitimately be read primarily as an argument for the benefits which peace brings through men's artifice, rather than as firstly a threat to avoid destruction through the application of instrumental rationality. The Introduction to *Leviathan* vividly underlines Hobbes's view that peace is a powerfully striking product of men's combined social construction, and Chapter 24 details the fruits of following such advice.

In the realm outside the commonwealth Hobbes had a broader understanding of the kinds of politics that are appropriate than he is often credited with. As Malcolm showed, Hobbes advocated a politics of cooperation. Hobbes also set out an important role for the laws of nature in the international realm, supplying the imperatives which sovereigns and other actors should follow if possible, and in doing so Hobbes crucially presents judgements about social interaction as political and constructed rather than normative and given. The laws of nature are not self-propelling; they require a political impetus – in the artifice of man – to facilitate them (see Prokhovnik 2005). Hobbes also recognised power and the play of power in the international realm as political in the sense of it being a realm of contestation in which to negotiate epistemic indeterminacy and incommensurable difference.

In sum, Hobbes has a broader and more complex understanding of politics than is usually allowed. It is an understanding that recognises the constructedness of politics, and one that acknowledges the vital link between politics and sovereignty. Hobbes's theory addresses, in a particularly forceful way, the connection between politics and sovereignty, the role we ask sovereignty to play in drawing a line between the political and unpolitical, and the way in which sovereignty is both unconditional and conditional at the same time. While Hobbes is concerned to address the situation of emergency politics, the exceptional situation of political breakdown, we can also detect in his theory the recognition of important aspects of normal politics.

## Conclusion

The conceptions of politics at work in the modern Western largely liberal mainstream tradition are very narrow, and the reassessment

of the Realist tradition in the direction of seeking to demonstrate the long-standing role of *moral* principles in theories of international politics, has the strategic effect of only reinforcing and extending the liberal grip over the discussion of international politics, perceiving and constructing the international domain as also a realm for the application of liberal moral principles of governing. The unacknowledged consequences (for instance in terms of power relations and inequalities) of moves to regulate the international sphere as a *Rechtsstaat* (almost inevitably along Western, liberal lines, taken by its advocates as commonsense), are highly dangerous. The proposal advanced here is that a broader understanding of politics discloses the domestic and international realms as both primarily spheres of politics, rather than firstly as spheres of morality and law (or the lack of them). It seeks to rectify the depoliticisation of the concept of sovereignty in the modern state conception, by indicating the role of politics in sovereignty in both domestic and international politics. The view of sovereignty which recognises its crucial role in relation to politics supports this proposal, and rather than being an obstacle to this rethinking, Hobbes's theory lends support for this means of conceptualising these interconnected, intersecting and interacting realms.

'Sphere of politics' here refers to a pluralist approach which eschews narrowly Western-centric and universalistic perspectives, always occurring in a specific set of historical contexts, where politics is the activity which animates and gives coherence to the concept of 'international systems', where politics arises from economic and socio-cultural and not just military sources or national interest, and where the politics of incommensurable difference is not immediately reduced to the application of legal and moral principles. In this understanding of the international realm as a sphere of politics, the link between sovereignty and politics is much more tenuous than within a polity, and so the nature of politics is more volatile. In the (deliberate and desirable) absence an over-arching sovereignty to stabilise the content and limits of international politics, the criterion for negotiating issues recognised as political and thus opening debate, consists of an unsystematic set of practices that recognise intractability without recourse to the legal – that are grounded only in a reciprocal commitment to agonism before antagonism.

Williams highlights Hobbes's recognition of 'the centrality of the politics of knowledge in political order' (Williams 2005, 7) and so

Hobbes's understanding of politics occurring in the context of the need for (and so social construction of) authoritative interpretation of social meanings. More generally, Hobbes theorised a political rather than normative (moral, religious, or legal) solution to the problem of political contestation both within and outside the commonwealth, in the process of authorisation which establishes the sovereign, and (as Sorell and Malcolm show) in the impetus to self-restraint and to seeking cooperation with other commonwealths (see Pemberton 2009 for a modern reworking of this view). We have also seen that the categories of how sovereignty organises politics (in stabilising the political order and the realm of governing, and in establishing the identity of a polity), and the way in which sovereignty has a political character (at the same time political and unpolitical, and conditional and unconditional), have a rich resonance with Hobbes's theory. Sorell and Malcolm demonstrate that Hobbes had a wider understanding of the kinds of politics appropriate in the realm outside the commonwealth.

Drawing on Hobbes in this way, but without the need to follow him in his fear and abhorrence of politics, the case we have made for acknowledging the political character of sovereignty. Rethinking Hobbes and international space also provides the grounds not just for a reading of Hobbes beyond the Realist paradigm, but also for recognising the international realm beyond the mainstream paradigm, as first of all a sphere of politics. Buzan and Little (2001, 24), in their article 'Why international relations has failed as an intellectual project and what to do about it', identify IR's 'a-historical, and sometimes anti-historical, attitudes in formulating the concept of the international system', and its 'embracing of theoretical fragmentation', as reasons for this failure. This chapter agrees with those who identify two further key problems with IR, namely its depoliticisation of the international realm (reducing politics to a matter of diplomacy mediating a balance of power and war between competing states in Westphalian anarchy, or more recently to a matter of legal human rights instruments in the name of universal moral imperatives), and its being in thrall to the specific practice of international relations in the Realist tradition (reducing the categories of theoretical analysis to a specific ideological practice). In recognising the international realm as first of all a sphere of politics, IR is provided with a much stronger and coherent theoretical basis for what Guzzini (2001, 111) calls 'the



elusiveness of the discipline's core', and which addresses both the reasons for failure outlined by Buzan and Little.

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