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Hobbes' Leviathan: Security and Resistance Rights in a Democratic System

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Abstract

Thomas Hobbes' work, *Leviathan* is a seminal work that explores the role of security and rights of resistance in a democratic system. This article delves into how Hobbes' ideas of powerful sovereign and the social contract influence modern democratic institutions. It also delves into the enduring relevance of Hobbes' *Leviathan* in understanding the delicate balance between security and resistance rights within a democratic system. It examines the tension between the need for security and the desire for individual rights and freedom, as well as the implications for citizens' ability to resist unjust authority. It also navigates the complex interplay between security needs and individual freedom, elucidating how citizens' ability to resist unjust authority is both crucial and constrained within a democratic framework. By analyzing key concepts from *Leviathan* in the context of today's political landscape, this article offers insights into the challenges and tensions inherent in negotiating security and resistance in a democratic society.

Keywords: Security, Rights, Sovereignty, *Leviathan*, Democratic System

Introduction and Historical Context of Hobbes' *Leviathan*

The introduction and historical context of Hobbes' *Leviathan* set the stage for understanding the influential political philosophy outlined in the text. Written during a time of political upheaval in England, *Leviathan* was published in 1651 and aimed to address the chaos and conflict of the English Civil War. Against the

backdrop of social disorder and the collapse of traditional hierarchies, Thomas Hobbes sought to justify the need for a strong central authority to maintain order and security. The political turmoil of the time and Hobbes' observations of human nature informed the ideas and arguments presented in *Leviathan*, making it a foundational text in the study of political theory.

Hobbes' Propositions on the Necessity of a Powerful Sovereign

Hobbes' *Leviathan* significantly revolves around the proposition of the necessity of a powerful sovereign. According to Hobbes, in a State of Nature, individuals exist in a constant state of war due to the inherent selfishness and aggressiveness of human nature. To escape this chaotic and dangerous condition, Hobbes then argues that individuals must relinquish their natural rights and freedom to a sovereign authority that possesses absolute power. This powerful sovereign he believes, is essential for maintaining order, security and stability within society.

He then asserts that without a strong central authority to enforce laws, order and regulations, society would descend into anarchy and conflict. Throughout *Leviathan*, Hobbes for supremacy of the sovereign as the ultimate authority responsible for ensuring the well-being and protection of the citizens.

In the book, *Hobbes on Resistance: Defying the Leviathan* (2010), Sussane Sreedhar about the starting point of Hobbes's account of political resistance – his description of, and arguments for, the existence of an inalienable right of self-defense. She lays out the central features of Hobbes's notion of

self-defense and his general theory of rights. She presents what she terms the “standard interpretation” of his arguments for this right, according to which Hobbes grounds the right of self-defense in two arguments, which she calls the “conceptual impossibility” and the “psychological impossibility” arguments.ⁱ

She locates the conceptual impossibility argument in Hobbes statement that:

Whensoever a man transferreth his right, or renounceth it, it is either in consideration of some right reciprocally transferred to himself or for some other good he hopeth for thereby. For it is a voluntary act, and of the voluntary acts of every man the object is some *good to himself*. And therefore there be some rights which no man can be understood by any words or other signs to have abandoned or transferred. As, first, a man cannot lay down the right of resisting them who assault him by force, to take away his life, because he cannot be understood to aim thereby at any good to himself.ⁱⁱ

This argument is called the “conceptual impossibility argument,” since, for Hobbes, it is something central to the *concept* of transferring a right that rules out transferring the right of self-defense. The first premise,

she says, is that when an agent transfers a right, he is always doing so with an eye to some benefit, what Hobbes calls some “good to himself.” In other words, one cannot transfer one’s right of self-defense, because there can be no benefit to oneself in doing so. The reason for this presumably is that death is the worst evil, and, as such, there can be no possible advantage in submitting to it. There is no remedy for death, and no imaginable good could make up for that kind of loss. Accordingly, any transfer of the right of self-defense must be merely apparent, because actually transferring that right would contradict a crucial element of what is involved in transferring a right at all. Sreedhar says that, Hobbes’s emphasis in this passage is on the idea that there is nothing one can say or do that could be construed as agreeing to divest oneself of the liberty of defending one’s life.

Balancing Security and Individual Freedom in a Democracy

Balancing security needs and individual freedoms in a democracy is a delicate and complex endeavor. On one hand, ensuring the safety and security of citizens is essential for a functioning society. On the other hand, protecting individual freedoms and rights is a core principle of democracy. Hence, striking

the right balance between security measures and personal liberty requires careful consideration and often leads to debates and tensions within democratic institutions.

Finding a way to maintain both security and freedom is a central challenge for any democratic society, as it involves navigating the fine line between protecting the common good and preserving individual autonomy.

Furthermore, Sreedhar says that Hobbes’s second argument for the inalienability of the right of self-defense is that it is *psychologically* impossible to undertake an obligation not to resist death. According to Hobbes, she says, the practice of covenanting is constrained in a number of ways such that certain conditions must be fulfilled for a putative covenant to be binding. One of these conditions is that whatever an agent promises to do must be possible. For Hobbes, ought implies can. For example, a person could not make a binding promise to sprout wings and fly, because it is not possible. The promise to repay one’s debts or refrain from killing others does fulfill this condition, however, because such actions are within one’s power.ⁱⁱⁱ

She reiterates Hobbes statement that, “to promise that which is known to be impossible is no covenant” and also that “the promise of

not resisting force in no covenant transferreth any right, nor is obliging” because, man by nature chooseth the lesser evil, which is danger of death in resisting, rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead criminals to execution and prison with armed men, notwithstanding that such criminals have consented to the law by which they are condemned.^{iv}

Sreedhar explains that Hobbes takes the fact that the condemned are led to their death in chains to be evidence for his psychological claim that people would inevitably choose the lesser evil of possible escape. His idea is that if prisoners sentenced to hang were unchained and unguarded on their walk to the gallows, they would reasonably and justifiably attempt to escape. Hobbes expresses the sentiment slightly differently in *De Cive*, saying, An obligation not to resist [death] is an obligation to choose what will seem the greater of two present evils. For certain death is a greater evil than fighting. But it is impossible not to choose the lesser of two evils. Hence by such an agreement we would be obligated to the impossible, and that is contrary to the nature of agreements.^v

The argument seems to be: it is impossible for people to choose the greater evil over the lesser evil; death is always the greater evil, so it is impossible for people to choose death. A promise to do the impossible is not binding: ought implies can.

She still continues this analysis with a careful examination of Hobbes's corollaries to the right of self-defense – what he calls the “true liberties of subjects” – which are comprised of various resistance rights, including the right to resist arrest, corporal punishment, and imprisonment; the right to refuse to give incriminating testimony against oneself or certain other people; and the general right to refuse “dangerous or dishonorable commands,” including the right to resist a military draft^{vi}. Taken together, then, the first two chapters seem to provide a strong case for the existence of a coherent theory of resistance rights in Hobbes's philosophy.

Later in the same book, Sreedhar addresses the question of whether Hobbes seemingly broad set of resistance rights is consistent with his insistence that the political sovereign enjoy absolute authority. Here she revisits Hobbes's notion of political authority by employing the conceptual framework of the contemporary philosopher Joseph Raz. Raz's analysis of authority is particularly in

clarifying Hobbes's picture, and the Razian concept of "exclusionary reasons" provides a new way of understanding and framing Hobbesian resistance rights.^{vii} Additionally, it helps to answer the most well-known and well articulated objection to Hobbes on this point, namely, Hampton's accusation that Hobbes's resistance rights bring about the downfall of his entire justification for sovereignty.^{viii}

Citizens' Ability to Resist Unjust Authority in a Democratic Framework

In Chapter 4, Sreedhar takes up the issue of the right of rebellion in particular. She argues that given Hobbes's general position on the right to resist, there must be, in some sense, a Hobbesian right to rebel. However, this right – correctly understood – is consistent with Hobbes's various prohibitions on rebellion. She says that a close look at Hobbes views on rebellion reveals that he was only concerned to prohibit certain *kinds* of rebellions, what can be called, "ideological rebellions." She says that Hobbes can, and indeed he must, allow subjects to organize against their political rulers under certain conditions of necessity. Thus, what at first seems to be an especially anti-Hobbesian conclusion turns out to be compatible with the central tenets of his political theory – including his conception

of the purpose of sovereign authority and his diagnosis of the causes of political conflict? Ultimately, Hobbes's recipe for preventing rebellion should be understood to include as much, if not more, guidance for the sovereign on preventing rebellion as guidance for the subjects not to rebel.^{ix}

In an article titled "Sovereignty and Subversion", (2015), Alice Ristroph argues that between those who advocate "too great liberty" and those who contend for "too much authority," Thomas Hobbes found it difficult "to pass between the points of both unwounded." She says that it does not appear that he cleared the gauntlet successfully.^x Ristroph holds that one of the many curiosities in Hobbes's work is its provocation of two diametrically opposed, and seemingly inconsistent, criticisms. The first is that when *Leviathan* was first published some 350 years ago, Hobbes's very name became an epithet in political circles, evoking the horrors of atheism, libertinism, and worst of all, defiance to established authority. Today, she says that the same work that Hobbes's contemporaries denounced as a "Rebel's Catechism" is widely viewed as an unequivocal and misguided defense of an authoritarian and absolutist government.^{xi}

Ristroph points out that Hobbes's descriptions of the need for a powerful sovereign are many and memorable enough to have eclipsed, over time, his endorsements of a few specific rights to resist the sovereign. But Hobbes's contemporaries, she adds, did not overlook the subversive strands of his work, and neither should we. In particular, she opines that there is much to be learned from the juxtaposition of Hobbes's account of law—a command made with authority, to one obliged to obey —and his account of punishment—an act of violence that the target has a right to resist. This juxtaposition, she holds, illuminates some recurring jurisprudential questions about the relationship of law to coercion, and the possibility of strictly descriptive, no evaluative legal theory.^{xii}

Ristroph holds that Hobbes's account of law, like his account of punishment, does not fit well into our existing scholarly categories. She argues that the fault lies in our categories, and not in Hobbes. He was neither a legal positivist nor a natural law theorist, at least not as we usually use these labels. He adopted neither a retributive nor a consequentialist justification of punishment. Yet his account of human interaction, particularly with respect to law and punishment, captures actual experience better than the more

familiar alternatives. Moreover, the space for subversion in Hobbes's theory may make his account more normatively appealing than it has seemed to modern liberals.^{xiii}

Ristroph observes that it turns out, though, there are limits to subjects' obligations to obey, limits which are generated by Hobbes's account of human motivation and, as she believes, by his normative principles. These limits to obligation then generate limits to what can count as law, and they force a wedge between law and punishment.^{xiv} She also points out that Hobbes posited that though we could and should give up a right of self-governance, we could not renounce a core right to preserve ourselves in the face of immediate threats. All voluntary acts must aim at some good to the actor, and "therefore there be some rights, which no man can be understood by any words, or other signs, to have abandoned, or transferred." First among these inalienable rights is "the right of resisting them, that assault him by force, to take away his life" or even the right to resist "wounds, and chains, and imprisonment." More generally, as she points out we cannot oblige ourselves to take self-destructive actions; Hobbes maintains that we cannot oblige ourselves even to take *certain potentially* fatal actions, such as serving in combat.^{xv}

Ristroph points out that scholars have puzzled over this claim: Is Hobbes saying that it is psychologically or conceptually impossible to renounce a right of self preservation?" Or just that it would never be rational to renounce that right?^{xvi}

None of these explanations, Ristroph argues, is completely satisfying, and as she has suggested elsewhere, she says that Hobbes's claim here is at least partly a normative argument about how we *should* understand each other.^{xvii} She further states that whatever the normative content of this claim of inalienability, it is clear that Hobbes took the claim seriously, with profound consequences for his political and legal theory. Put simply, she states that the inalienability of the right of self-preservation sets limits to obligation. This is to say that we cannot oblige ourselves to submit to violence or to refrain from resisting it. She refers to Hobbes who said "A covenant not to defend myself from force, by force, is always void." This implies a right to resist punishment, a right held even by the guilty.^{xviii}

When conceptualized along the line of a legal theory, Ristroph says that it also seems to generate content-based limits to what counts as law. She makes an analogy thus:

Suppose an otherwise legitimate sovereign, seeking to save money on geriatric care, were to promulgate a putative law requiring those over ninety years old to commit suicide. Or suppose, slightly less morbidly, that a statute required honest and complete testimony from anyone the state chose to summon as a witness before a court, including a criminal defendant. Or suppose, most realistically of all, that a putative law required registration for military service and service if called.^{xix}

Do any of these commands have the status of law? She queries. She affirms that Hobbes made clear that we are not obliged to obey these sorts of commands. Without obligation to obey, the command seems to lack the status of law. Notably, she says, Hobbes would maintain that the sovereign has *the power* simply to kill nonagenarians, or those who refuse military service, or even those innocent of any criminal offense. But power is not law. To exercise a power requires no cooperation or participation from the subject. Power is indifferent, in Hart's terms, to the internal point of view. Law, in contrast, requires a voluntarily assumed obligation; it is a two way street rather than the product of unilateral action. And according to Hobbes, there are some paths that subjects simply will

not and cannot take—namely, the paths to obvious destruction.^{xx}

Patricia Sheridan in “Resisting the Scaffold: Self-Preservation and Limits of Obligation in Hobbes’s *Leviathan*” (2015), states that the degree to which Hobbes’s citizenry retains its right to resist sovereign power has been the source of a significant debate. She points out that It has been argued by a number of scholars that there is a clear avenue for legitimate rebellion in Hobbes’s state, as described in the *Leviathan* – in this work, Hobbes asserts that subjects can retain their natural right to self-preservation in civil society, and that this represents an inalienable right that cannot, under any circumstances, be transferred to the sovereign^{xxi}.

She says that the conclusion frequently drawn from this feature of Hobbes’s account is that it places a considerable limit on sovereign authority. The right to self-preservation, she says, has been taken as proof that Hobbes sought to ensure that the sovereign’s power relies upon the continual consent of the individuals that make up his or her constituency. She examines Hobbes’s account of this civil right in *Leviathan* and concludes that the line of interpretation is ultimately unfounded. While self-preservation, she says, results from the

individual’s own judgment of threats to her personal safety, it is justified in only the most strictly delineated contexts. Judgments regarding the overall peace and security of the state do not, and cannot, fall to individual experiences and judgments. Hobbes, she says, is quite adamant that individuals are not appropriate judges of right and wrong action in matters the sovereign legislates^{xxii}.

Challenges and Tensions in Negotiating Security and Resistance in a Democracy

Sheridan points out that a central feature of Hobbes’s political theory is his view that the stability of a commonwealth depends upon the absolute authority of the state. According to Hobbes, the sovereign’s power is “unlimited” and “as great as possibly men can imagine to make it.” The Hobbesian state requires that subjects “submit their wills, everyone to his will, and their judgments, to his judgment.” The sovereign is, literally, the singular embodiment of the wills of his or her subjects. Yet, the submission of individual wills to the sovereign would not seem to be total: Hobbes also holds that every subject in the civil state retains the inalienable right of self-preservation. This, Sheridan argues, amounts to a right on the part of each individual citizen to resist sovereign commands – in fact, the individual retains the

“liberty to disobey” if the sovereign’s commands threaten her life^{xxiii}.

Sheridan says that it has struck many commentators that the right to self-preservation places a considerable and potentially fatal limit on sovereign authority. She cites examples with Howard Warrender, who argues that Hobbes’s preservation of this right in the civil state indicates that individual subjects ultimately decide for themselves ‘the point at which overall obligation to the sovereign is terminated’.^{xxiv}

Also Alan Ryan in his work, “Hobbes and Individualism” in *Perspectives on Thomas Hobbes*, (1988), argues, along similar lines, that Hobbes has left the individual the ‘right to decide whether obedience is worth it’^{xxv}. According to John Simmons the right to self-preservation means citizens ‘may without wrongdoing ignore the commands of political superiors’^{xxvi}. And, Yves Charles Zarka has likewise concluded that “the political subject is very different from that of the submitted subject ... the individual begins to constitute a subject from the moment he resists power.”^{xxvii} In his own day, Hobbes’s critics expressed similar worries about the revolutionary implications of Hobbes’s right to self-preservation. Bramhall famously remarked that *Leviathan* might more

accurately be titled the “Rebel’s Catechism”^{xxviii}

Sheridan also accuses others of being less charitable since they see this avenue for rebellion as signaling a serious flaw in Hobbes’s theory. For instance, A.P. Martinich in relation to Hobbes says that what we have here is a “basic incoherence in Hobbes’s theory.”^{xxix} Thomas Schrock writes that it “precipitates a crisis in Hobbes’s political theory”.^{xxx} And Peter Steinberger has written that any reader of the *Leviathan* must be struck by this “contradiction”, which is “so central and substantial as to raise serious doubts about the cogency of Hobbesian political thought in general.”^{xxxi}

Sheridan queries if Hobbes’s theory include a fatal inconsistency, or was he, perhaps, making room for conscientious objection within the civil state? She also observes that many commentators have taken Hobbes’s upholding of this civil liberty as the grounds for a liberal-individualist reading of the *Leviathan*. For instance, Leo Strauss charges Hobbes with being the “founder of liberalism”.^{xxxii} Stephen Lukes writes that for Hobbes “*Leviathan*, or the sovereign power, is an artificial contrivance constructed to satisfy the requirements (chief among them survival and security) of the component

elements of society.”^{xxxiii} In making his case Lukes cites Otto Gierke, who characterizes Hobbes’s state as an “aggregate – a mere union, whether close or loose – of the wills and powers of individual persons.”^{xxxiv}

Frank Coleman draws the connection between the right to resist and individualism in Hobbes as follows: “the authority of the sovereign to employ the sword derives from the independent acts of authorization of the members of political society. The covenant which confers authority on the sovereign also reserves, on the part of the subject, a right to resist the sovereign when the sovereign employs the sword against his person.

There will always be some element of fear in the consent of subjects to the rule of the sovereign, Hobbes allows, but the authority of the sovereign is derived from the consent of the governed and not the power which he wields”.^{xxxv}

These interpretations, Sheridan insists, understand Hobbes’s state as answerable to the interests of its individual subjects. The right to self-preservation is taken as a clear indication that Hobbes sought to ensure that the sovereign’s power stands or falls with the sustained consent of the individuals that make up his or her constituency. If this were Hobbes’s meaning, she argues, then it would

be clear that the common-wealth is a fundamentally individualist state. However, she says that the individualist reading requires that Hobbes’s ‘right to disobey’ but concludes that this line of interpretation is ultimately unfounded. While self-preservation results from the individual’s own judgment of threats, Judgments on matters regarding to the general peace and security of the state is not a matter for the individual.

Conclusion

In conclusion, the examination of Hobbes’ Leviathan underscores the intricate balance between security and resistance rights within a democratic system. As modern democratic institutions grapple with evolving threats and demands for individual liberties, it is imperative to navigate these complexities with a nuanced understanding of the interplay between security needs and citizen empowerment. Moving forward, future research could focus on exploring how contemporary democratic societies can enhance mechanisms for safeguarding security while upholding and expanding resistance rights. By delving deeper into the implications of security policies on individual freedoms and democratic principles, scholars and policymakers can

strive to forge a more equitable and resilient democratic framework that fosters both security and the protection of essential rights.

ⁱ S. Sreedhar, *Hobbes on Resistance: Defying the Leviathan*, (Cambridge: Cambridge University Press), 2010, p.30-31.

ⁱⁱ *Leviathan*, 14.8

ⁱⁱⁱ S. Sreedhar, p.31.

^{iv} *Leviathan* 14.25. 14.29.

^v *De Cive* 2.18

^{vi} S. Sreedhar, p.58.

^{vii} S. Sreedhar, p.109.

^{viii} See J. Hampton, "The Failure of Hobbes Social Contract Argument" In *The Social Contract Theorists: Critical Essays on Hobbes, Locke and Rousseau*. Christopher Morris (ed). Lanham, MD: Rowman and Littlefield, 1999, S. Sreedhar, p.104-106.

^{ix} S. Sreedhar, p.138.

^x A. Ristroph, "Sovereignty and subversion" *101 Virginia Law Review*, (2015), p.1029.

^{xi} A. Ristroph, p.1029

^{xii} A. Ristroph, p.1030.

^{xiii} A. Ristroph, p.1030.

^{xiv} A. Ristroph, p.1035.

^{xv} A. Ristroph, p.1035

^{xvi} C. Finkelstein, A Puzzle about Hobbes on Self Defence" *82 Pacific Philosophy Quarterly*, 2001

^{xvii} A. Ristroph, "Respect and Resistance in Punishment Theory" *97 California Law Review* 2009

^{xviii} A. Ristroph "Sovereignty and subversion," p.1036.

^{xix} A. Ristroph, p.1036.

^{xx} A. Ristroph, p.1037.

^{xxi} P. Sheridan,, "Resisting the Scaffold: Self-Preservation and Limits of Obligation in Hobbes's *Leviathan*" *Hobbes Studies* 24(2011), p.137.

^{xxii} P. Sheridan, p.137

^{xxiii} P. Sheridan, p.138

^{xxiv} Howard Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Clarendon Press, 1957), 149

^{xxv} Alan Ryan, "Hobbes and Individualism" in *Perspectives on Thomas Hobbes*, eds. G.A.J. Rogers and Alan Ryan, (Oxford: Clarendon Press, 1988), p. 81-105

^{xxvi} Donald Rutherford, *The Cambridge Companion to Early Modern Philosophy* (Cambridge: Cambridge University Press, 2006), 256

^{xxvii} Yves Charles Zarka, "The Political Subject" in *Leviathan: After 350 Years*, edited by T. Sorell and L. Foisneau (Oxford: Oxford University Press, 2004), 182.

^{xxviii} John Bramhall, "The Catching of Leviathan, or the Great Whale", in Hobbes, Thomas, *Leviathan*, ed. A.P. Martinich (Peterborough, Ontario: Broadview Press, 2002), 565.

^{xxix} A.P. Martinich, *Hobbes: A Biography* (Cambridge: Cambridge University Press, 1999), 233.

^{xxx} Thomas S., Schrock, "The Rights to Punish and Resist Punishment in Hobbes's *Leviathan*", in *The Western Political Quarterly*, 44.4 (Dec., 1991), 853-890: 853.

^{xxxi} Peter Steinberger, "Hobbesian Resistance", in *American Journal of Political Science*, 46.4s (Oct., 2002), 856-865: 856

^{xxxii} Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1965), 182.

^{xxxiii} Deborah Baumgold, *Hobbes's Political Theory* (Cambridge: Cambridge University Press, 1988), 8

^{xxxiv} Stephen Lukes, *Individualism* (Oxford: Basil Blackwell, 1973), 70.

^{xxxv} Frank M. Coleman, "Hobbesian Basis of American Constitutionalism" in *Polity*, s7.1 (Autumn, 1974), p.57-89: 71