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## **Hobbes, the State of Nature and the human predicament.<sup>1</sup>**

### **Abstract**

The triadic conception of the history of political thought, presented by Michael Oakeshott in his edition of *Leviathan*, is a useful heuristic framework through which to explore the idea of Hobbes' state of nature. Hobbes's position comes into sharp relief when examined through the criticisms of representatives from two traditions opposed to that to which Hobbes belongs. By examining the critiques by Pufendorf and Rousseau, representatives of the two alternative traditions, we are better able to appreciate the character of Hobbes' portrayal of the human predicament. Hobbes, as an exemplar of the tradition of 'Will and Artifice' draws heavily upon his first publication, the translation of Thucydides' *The History of the Grecian War*, which had a strong bearing on how Hobbes perceived the natural condition of humankind, and is indicative of the representation of human nature projected by the tradition of 'Will and Artifice'.

### **1.1 The idea of the state of nature.**

The idea of a pre-civil condition in which the constraints on humanity were few and largely physical, and in which life expectancy was precarious, and each acquaintance potentially nefarious, is a common enough motif in the history of political thinking. Its purpose was to paint a picture of the human predicament from which political societies emerged, and to which a return would be dangerous and unwise, but nevertheless a constant possibility. Civilisation remains precariously perched on the edge of the precipice that looks down on the raging state of nature below, and into which we may

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plunge when adversity returns. This reversal of fortunes, and the return to the savagery from which we struggled to escape, is precipitated by a variety of circumstances including natural disasters, such as plague and famine, and the disasters of human artifice, such as civil war and wars among nations, attributable to the perversities of human nature.

One of the most famous, and by far the most philosophically distinguished interpreters of Hobbes was Michael Oakeshott, whose 'Introduction' to the Blackwell edition of *Leviathan* has become seminal. (Oakeshott, 1946: vii-lxvi) He believed that Hobbes represented the epitome of one of three traditions in the history of political philosophy. The traditions are related dialectically, and each accommodates a variety of views. Thinkers from all three traditions resort to, or invoke, the state of nature as a mode of argument, and heuristic device. In this article I intend to identify Hobbes's position on Oakeshott's map, and explore the state of nature from that perspective. Furthermore, I will draw upon two examples of the use of the state of nature from the other two traditions in order to discuss what they believed to be Hobbes's errors, or inadequacies, from the assumptions that underpin the alternative traditions.

Oakeshott contends that the history of political philosophy exhibits an overarching unity in the pervasive sense that the human condition is a predicament. Each political philosophy, in differing degrees, characterises the predicament as one enveloped in darkness. Some such as Hobbes spreads 'darkness' in order to make the light more tolerable. (Oakeshott 1975: 5) Hobbes and others, such as Pufendorf and Rousseau, identify the contribution the political order makes to the deliverance of mankind from its predicament. The civilizational myth of the Fall from Grace, and expulsion from the Garden of Eden, is endlessly retold among the philosophers, portraying humanity as the victim of error, enslaved by sin, passion, and fear, with each person an enemy to himself

or herself, and to others or to both. The civil order is invoked as the whole or part of the instrument of their salvation. It is a universal predicament surfacing in particular circumstances over time, and to which the philosopher is attuned. What distinguishes the great contribution from the mundane is the ability of philosophers of the calibre of Hobbes to rise above the mere 'impressionable political consciousness' and produce a masterpiece that is, at least, 'always the revelation of the universal predicament in the local transitory mischief. (Oakeshott, 1975: 6-7)

The traditions to which the variety of characterisations of the state of nature belong are, for Oakeshott, ideal characters identified with the master conceptions of 'Reason and Nature', or the objective moment in thought, and 'Will and Artifice', or the subjective moment, finding their synthesis in the tradition of 'Rational Will', that is, the immanent moment. The first is coeval with Western civilization. It emerged in ancient Greece, and posited an otherworldly source of law and morality to which humans aspire, and to which they conform in order to attain redemption. It has been remarkably adept at adapting and responding to contingencies and has a continuous history down to the present. Pufendorf, for the purposes of this article, exemplifies this tradition and it is to his criticisms of Hobbes we will return. The second, Will and Artifice, also emanated from Ancient Greece, and drew its subsequent inspiration from Israel and Islam. (Oakeshott, 1975: 7) Oakeshott contended that: 'The most profound movement in modern political philosophy is, as I see it, a verification of the Stoic natural law theory achieved by the grafting upon it an Epicurean theory; it springs from the union of the two great traditions of political philosophy inherited by Western Europe from the ancient world'. (Oakeshott, 1975: 147-8) The deficiencies of the antithetical traditions, that is the abstract objectivism of Reason and Nature, and the abstract subjectivism of Will and Artifice, for Oakeshott, consisted in the union of a reconfigured theory of

natural law with the Epicurean theory of Hobbes. The result of the union appears in such phrases as Rousseau's 'General Will', or Hegel's 'Rational Will', or Bosanquet's 'Real Will'. I will take Rousseau's criticism of Hobbes' state of nature as representative of this tradition. Oakeshott refers to it as the tradition of 'Rational Will'. Oakeshott is not unique, nor original, in characterising the history of political thought in this way. Indeed, it derives from G. W. F. Hegel and its central claims are most eloquently expressed by Bernard Bosanquet, when he criticises Hobbes for positing political unity in a will that is actual, but not general; and Locke for positing a will that is general but not actual, the deficiencies of which are addressed by Rousseau 'in his conception of a will at once actual and general'. (Bosanquet 1899: 106. Also see Boucher 2018: 39)

In a review of Leo Strauss's interpretation of Hobbes, and the 'Introduction to *Leviathan*', Oakeshott, as an exemplar of the tradition of 'Rational Will', employed these ideal characters to identify both the achievement and the deficiency in Hobbes. Hobbes, Oakeshott argued, took the bold step of beginning his enquires with will instead of law. A starting point that almost every succeeding political philosopher followed. Hobbes lacked, however, as did the whole Epicurean tradition to which he belonged, an adequate theory of volition. What does this mean? (Tragenza, 2003: 58, and O'Sullivan, 1987: 108) The inadequacy of Hobbes's theory of volition arose because of his solipsism. It is a doctrine, that portrays the human will as almost wholly vicariously capricious, unable adequately to connect with the world it posited. Solipsism portrayed the willing activity of the individual as largely unconditioned by the world of value, because of its recognition of value as radically subjective. (Oakeshott, 2006: 119-120)

The traditions are heuristic devices, ideal characters composed of characteristics, which facilitate points of comparison between thinkers, and which serve to distinguish

them in terms of their fundamental presuppositions. None are found in a pure form. It is difficult, Oakeshott argues, to find an artifice theory, for example, 'that does not make a bow to some form of "naturalism" in order to avoid the imputation of making moral values arbitrary'. (Oakeshott, 1977)

The tradition of 'Will and Artifice' most appropriately accommodates Hobbes and foregrounds the most salient features of his philosophy and which provides the context for his characterisation of the state of nature. Hobbes denies the possibility of having knowledge of a transcendental order, and by implication the fundamental presupposition of the tradition 'Reason and Nature'. Hobbes's conception of philosophical reasoning determines the range and limits of philosophical investigation. All we can know ultimately is based on the senses. The realms of faith and reason are logically distinct. He does not view society as an organism, but instead along the lines of a mechanism of causes and effects. All that philosophical reasoning allows us to do is logically to move from causes to their effects, or from effects to their causes. The criterion of right conduct is to be found in man's inner nature, in his desires, aversions and appetites. The will, according to Hobbes, is the name we give to the last appetite or fear in the chain of deliberation. This is at variance with the scholastic understanding of the will, typical of the tradition of Reason and Nature, which posits will as a permanent faculty in the soul of humans. (Skinner, 2008: 25) Hobbes contends that the whole process of weighing-up the pros and cons of doing, or not doing, a particular thing, entails 'Desires, Aversions, Hopes and Fears', until the act is done or considered impossible, is 'DELIBERATION'. (Hobbes, 2012: vol. 2, 90 [28]) The last appetite, or aversion, leading to or rejecting the action is the act, and not the faculty, of will. It is not unique to humans. Beasts who deliberate also have wills. (Hobbes, 2012: vol. 2, 92 [28])

On this understanding society is not viewed as striving to emulate God's plan. It is artificially created and willed by man. In this respect, man is the measure of all things. The Commonwealth is the last desire in deliberation, an act of will. In other words, we will the impediments to our freedom after deliberating the pros and cons of not doing so in the context of the state of nature, or indeed, at the point of a sword should it be commonwealth by conquest.

## 2.1 The primordial state of nature

One of the most influential and important characterisations of the fragility of the veneer of civilisation and the propensity of humankind to break the constraints that hold it in check is Thucydides' *History of the Peloponnesian War*. Particularly in the accounts of the devastating effects of the plague at Athens; the complete moral degeneration and turmoil consequent on the civil war in Corcyra; and the eventual collapse and ruin of the Athenian Empire due to the ravages of war and how they exposed the flaws in human nature. (Thucydides, 1972: II, 151-5; III, 236-44; VIII, 538-99) It is not surprising that the most celebrated philosopher to embrace the idea of a state of nature, and convey the horrors of nature red in tooth and claw, Thomas Hobbes of Malmesbury, was a studious scholar of Thucydides' *History*. He dutifully translated it into English from the original Greek for publication in 1629. Although in his early forties, it was Hobbes's first publication, inspired by 'the most Politique Historiographer that ever writ'. (Thucydides 1843: Preface to the Reader. Thucydides radical subjectivism in so far as moral action is concerned, places him squarely in the tradition of 'Will and Artifice'.

In his verse autobiography Hobbes singles out Thucydides as the one author who had pleased him most of all because, in Hobbes' view, Thucydides had contended that: 'Democracy's a Foolish Thing, Than a Republic Wiser is one King.' (Hobbes 1979: 4)

This, for Hobbes, was not merely a labour of love. His study had a didactic purpose. The subject-matter, for him, had a contemporary relevance. Thucydides' work had in it 'profitable instruction for Noblemen, and such as may come to have the managing of great and waighty actions'. (Thucydides, 1843: Epistle Dedicatory) Thucydides himself believed that because human nature is constant wherever and whenever it is encountered, the purpose of history is to teach lessons that 'enable men, by the knowledge of Actions past, to beare themselves prudently in the present, and providently'. (Thucydides, 1843: I, 22, p.13) Thucydides' account of the war in the Peloponnese is unrelentingly pessimistic, and despairing of the capacity of humanity to redeem itself. I will return to Thucydides because Hobbes takes much from the *History* in his own characterisation of the state of nature.

Hobbes offers us in *The Leviathan* a restatement of the great western civilisational myth. (Oakeshott 1975: 151-152) The great civilizational myth of the west in the post classical Christian era posited God as the creator of humankind, attributing to the sin of pride the cause of a degeneration from an idyllic condition, to which the Fall from Grace condemned humanity, to a life of toil and hardship. While Hobbes' characterisation of the state of nature may not be the most radical, it is the most infamous. (Hoekstra 2007: 109-127) Spinoza may lay claim to the most unremitting and relentless portrait of the natural condition of humanity. (Curley 1991: 97-117)

The first part of Hobbes's *Leviathan* is devoted to understanding man. The first twelve chapters essentially explore, not man as such, but the civil social man. Much of what he says here prepares the reader for the characterisation of the natural condition of man. The first twelve chapters show how man acquires knowledge and experience; develops languages and reasoning, as well as letters and the authorship of books by which ideas may be stored and transmitted. Hobbes, in these chapters, specified the



points at which human beings were likely to come into conflict with each other. From chapter thirteen to the end of Book One he divests man of his secondary attributes acquired in society. In *On the Citizen (De Cive)* Hobbes begins his account of the state of nature almost immediately in chapter one, entitled ‘Of the state of man without civil society’. He argues that nations that are now ‘civilized and flourishing’ once had few inhabitants whose lives were ‘savage, short lived, poor and mean and lacked all the comforts and amenities of life which *peace* and society afford’. (Hobbes 1998: 30) It is in chapter thirteen of *Leviathan*, however, that we are introduced to the most infamous and memorable depiction of man’s natural condition. It is a condition in which there is natural equality of body and mind, where differences are not so significant as to afford protection from one’s absolute fear, violent death. The weakest person is capable of killing the strongest, ‘either by secret machination, or by confederacy with others’. (Hobbes, 2012: vol. 2, 188 [60]) With reference to the faculties of mind, excluding eloquence of words, and the facility of reasoning from ‘generall, and infallible rules, called Science’, (Hobbes, 2012: vol. 2, 188 [60]) which few possess, there is an even greater equality than physical strength. Hobbes argues that Prudence is but experience; which in equal time, equally bestows on all men in those things they equally apply themselves unto’. (Hobbes, 2012: vol. 2, 188 [61])

Everyone in the state of nature has a natural right to everything, which effectively means no one has a natural right to anything because anyone who desires anything that someone else may have is at liberty, individually or with the aid of others, to take whatever he or she wants. Nothing in the state of nature has an intrinsic value. It is we, as individuals, who place value on things, and where each values the same object to which each has a natural right, conflict is bound to ensue. Liberty for Hobbes is the opposite of Law. Liberty is the absence of constraints to motion, and motion is the

defining characteristic of individuals, which is impeded by constraints, the ultimate of which is violent death which permanently forecloses liberty, and which is man's greatest fear.

In painting his portrait of man in the state of nature Hobbes harkens back to his translation of Thucydides. (Strauss, 1963: 64-5, 74-5, 79-80 and 108-110; Schlatter, 1945; Pouncey, 1980: appendix, 151-186; Klosko, G. / Rice, 1985; Ball, 1985; Brown, 1987; Brown, 1989; Sowerby, 1998; Ahrens Dorf, 2000; Campell, 2022; Cantanzaro, 2021; Catanzara, 2022; Cf. Hobbes, 1843: xiii-xxxii, and 1.22).<sup>2</sup> Although the focus of Thucydides' *History of the Peloponnesian War* is the conflict between Athens and her allies and Sparta and her allies from 431 BC to 404 BC, in essence Thucydides' *History* is a study of human nature; how it affects relations between states; and the effects of war on the internal dynamics of the state. Thucydides suggests that the events of the past, given that human nature is constant, may be studied with profit because they, 'or at least their like', have a tendency to be repeated. (Thucydides, 1843: vol. VIII, 1.22) His work, Thucydides believed, would be of lasting significance, not merely as an account of the war, but also as a source of generalised observations about *human* behaviour. Hobbes drew on Thucydides as a source for his account of the state of nature, including the acquisition of auxiliaries of war, relations between households, and community conflicts in the pre-civil condition.

In 'The Debate at Sparta' Thucydides portrays the Athenian representatives in justifying imperialism on the grounds that it was consistent with human nature to want to hold on to their empire for reasons of 'honour, fear and profit.' (Thucydides, 1843: vol. VIII, 1.76) In the *Leviathan* Hobbes singles out three traits of human nature which

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<sup>2</sup> I use Hobbes's translation in order to emphasise the relation between the two thinkers. Authors have a tendency to interpret in their own image thinkers they admire. See my (2018) *Appropriating Hobbes: Legacies in Political, Legal and International Thought*, Oxford, Oxford University Press.

cause conflict between individuals. They are, competition, diffidence and glory.

(Hobbes, 2012: vol. 2, 192 [61]) At first sight Hobbes's causes of conflict appear to be different from those that motivated the Athenians to hold on to and expand their empire.

If we look at the consequences of Hobbes's three causes of conflict, however, it is evident that Thucydides is at the fore of his mind. Hobbes maintains that competition makes people 'Invade for Gain'. This is the equivalent of 'profit' in Thucydides, and Hobbes himself changes 'Gain' to 'profit' in his Latin translation of *Leviathan*.

(Hobbes, 2012: vol. 2, Latin text, 193 [64] Diffidence makes people invade 'for safety,' and this is the equivalent of 'fear' in that the Spartans went to war with Athens out of fear for their safety. The real reason for the Peloponnesian War, Thucydides claims, was 'the growth of the Athenian power; which putting the Lacedaemonians into fear necessitated war.' (Thucydides, 1843: vol. VIII, 1.232) For Hobbes, glory makes men invade 'for Reputation,' and the equivalent in Thucydides is 'honour'. (Hobbes, 2012: vol.2, 192 [62] It is fear, however, which for both authors is the most powerful driving force in human nature. Fear is the passion to be reckoned with and serves to justify and explain a large proportion of human behaviour. Fear in the relations between individuals, and between states, accounts for the consequent conflict, while the absence of fear in the internal affairs of a state, that is, the absence of a power to keep men in awe, explains the onslaught civil war.

Fear of Persian expansionism, in the view of Thucydides, compelled Athens to acquire an empire, and it was fear that the allies of the Athenians might defect to the Spartan alliance that necessitated the maintenance of her empire, which it did by brutally resisting any suggestion of secession. (Thucydides, 1843: vol. VIII, 1.75-1.76) The pursuit of conquests and consolidation of past gains were because, the Athenians claimed, 'it is as necessary for us to seek to subdue those that are not under our

dominion, as to keep so those that are: lest if others be not subject to us, we fall in danger of being subjected unto them.' (Thucydides, 1843: vol. IX, 6.18) When Pericles addressed the Athenians to counter their criticism of him for implicating Athens in the war with Sparta, he reminded them that: 'already your government is in the nature of a tyranny, which is both unjust for you to take up and unsafe to lay down.' (Thucydides 1843: vol. VIII, 2.63) It was fear that necessitated the pursuit of security by creating the empire, and it was fear that ostensibly required its continual expansion which led to its eventual destruction.

There is an unrelenting pessimism that permeates Thucydides' account of the Grecian war and his despairing view of human nature among its causes. As the conventional constraints on human nature corrode and disintegrate while events unfold, Thucydides' pessimism deepens. Community spirit is replaced by unremitting self-interestedness, which is evident not only in the leaders, but also in ordinary citizens, destroying all semblances of civility. One is hard pressed to detect any sign of the possibility of deliverance from the chaos that human nature has wrought. However, the fact that he intentionally wrote for the instruction of posterity indicates that he must have entertained the prospect that lessons could be learned, and such catastrophes averted by future perspicuous leaders of the calibre of Pericles.

Hobbes's reading of Thucydides would have instilled in him both the negative and positive consequences of fear. In his construction of the state of nature Hobbes draws out their full implications. Although Hobbes' state of nature represents the epitome of human degradation, he is nevertheless optimistic about deliverance. For Hobbes mutual fear is the cause of conflict between individuals, but it is also the means of their deliverance from the mere state of nature in which natural equality engenders 'continual fear, and danger of violent death'. (Hobbes 2012: vol. 2, 192 [63]) In this condition of

mutual distrust and intense competition, exacerbated by 'natural equality' and men's 'willingness to hurt each other, 'we can expect from others, nor promise to ourselves the least security'. (Hobbes 1998: 25-26) Fear, Hobbes contends, is 'The Passion to be reckoned upon', (Hobbes 2012: vol. 2, 216 [70]) because it is not simply the immediate fear of another person, or other persons, but also having the foresight to anticipate future evils. The anticipation of future evil necessitates making provisions for avoiding it. Hobbes maintains that men react to fear in a variety of ways, sometimes 'by running and hiding if they see no alternative but most often by using arms and instruments of defence'. (Hobbes 1998: 25)

The state of nature in which each individual is an enemy to every other, and each relies on his own security, inventiveness and strength is a condition in which industry cannot flourish because of the uncertainty of enjoying the fruits of one's labour. What is more, there is 'no Culture of the earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish and short'. (Hobbes, 2012: 192 [62])

This is not a moral censure of human nature on Hobbes's part. Unlike theologians, who tend to subscribe to the world view represented by the tradition of 'Reason and Nature', and condemn such a condition as the consequence of sin, antagonistic to society and the laws of God, Hobbes is emphatic that the passions and desires of humans in a state of nature, and the actions that follow from them, 'are in themselves no sin', Hobbes 2012: 194 [62]) and cannot be until laws are made, and a person agreed upon to make such laws. Without laws, and a superior to enforce them, there is no

justice and no injustice, and no right and wrong. They do not constitute any of the faculties of body and mind, and belong not in the state of nature but civil society. In a condition of war fraud and force are the virtues of survival. Hobbes 2012: 196 [62])

This portrait is considerably complicated by Hobbes's many considerations and equivocations. The introduction of laws of nature, conducive to peace, whose obligatory character is contingent on whether the individual believes in God, or considers them to be rules of reason or prudence. Reason obliges us to do nothing, and that is why rhetoric plays such a large part in Hobbes argument. (Skinner 1996) Furthermore, while there is no justice or injustice in the state of nature, there is honour and dishonour, and equity, which to some extent mitigates the brutishness of the condition, or at least by those who feel constrained by such considerations. Hobbes's initial characterisation he calls the 'pure natural state' or 'mere' state of nature. (Hobbes 1994: 78; Hobbes 1998: 28; Hobbes 2012: vol. 2, 210 [68])

The mere state of nature is quickly modified because of the need to enhance one's own security by enlisting the help of auxiliaries of war who provide added protection against violent death. In the *Elements of Law*, *On The Citizen*, and *Leviathan*, Thucydides' account of ancient times in Greece provides Hobbes with an illustration of the relations between communities in the pre-civil condition. Hobbes argues that, not only among the Greeks, but in all nations, comprised as they were numerous families, it was considered 'just and honourable' to engage in rapine as 'a trade of life;' (Hobbes 1994: 104) to enrich your community by '*piracy or raiding*' (Hobbes 1998: 150) and 'to rob and spoyle one another'. (Hobbes 2012: vol. 2, 256 [85]) Even though there is no law of nature proscribing plundering for a living in the relations between pre-civil communities, or families, a code of honour developed. Raiding parties on their expeditions of pillage observed the 'Lawes of Honour,' in that they desisted from cruelty

and spared men their lives 'and instruments of husbandry', (Hobbes 2012: vol. 2, 256 [85]) for fear that they may be accused of getting carried away by their passions and engaging in gratuitous violence for no apparent gain. (Hobbes 1994: 103-104) Whereas Hobbes conceded that there never was a time when the mere state of nature existed throughout the world, there were, nevertheless, historical parallels that are analogous, (Hobbes 2012: vol. 2, 194 [63]; 196 [63]) such as those of the Amazon women, Saxon and other German families, the American Indians and the paternal communities of Ancient Greece. The nearest analogue, however, is states in their relations with each other. (Hobbes 2012: vol. 2, 196 [63]) Even though they are continually in a posture of war with respect to each other, they nevertheless support 'the Industry of their Subjects', it does not therefore follow that that they suffer 'the misery, which accompanies the Liberty of particular men'. (Hobbes 2012: vol. 2, 196 [63])

Although the main purpose of showing what man would be like divested of all secondary qualities was to demonstrate the necessity for escaping from the state of nature by their own design and instituting, or willing, an absolute monarchy -- sovereignty by institution -- the logical consequence of the state of nature, was historically rare. Paternal dominion and dominion by conquest was far more prevalent. This apparent discrepancy between the hypothetical institution of a commonwealth and the historical, or actual, evolution of commonwealths, nevertheless has the same implication for Hobbes's view of political obligation because 'In summe the Rights and Consequences of both Paternal and Despotical Dominion, are the very same with those of a Sovereign by Institution.' (Hobbes 2012: vol. 2, 314 [104])

### **3. 1 Pufendorf and the tradition of Reason and Nature**

Pufendorf is frequently portrayed as a theorist who is sympathetic with Hobbes. One of the most extreme is that of Theodore Christov. Among his exaggerated claims to originality is the contention that Pufendorf went to extraordinary lengths to disguise his agreement with Hobbes. (Christov 2015: 28) Christov argues: ‘Behind the shield of *socialitas*, he seemingly distances himself from the asocial Hobbesian man, but his anti-Hobbesian camouflage merely masks his deep-seated Hobbesianism’. (Christov 2015: 143) The suggestion is that Pufendorf deliberately pursued a strategy of distancing himself from the Epicureanism of Hobbes by endorsing contemporary Stoicism, namely the principles of the tradition of ‘Reason and Nature’. Pufendorf portrayed himself as a faithful Grotian in order better to ingratiate himself with many of his contemporaries by adopting the guise of a neo-Stoic commitment to natural sociability. This, of course, is a very Straussian claim that Pufendorf had an exoteric doctrine for public consumption, and an esoteric Hobbesian doctrine for the initiated. However, Pufendorf is quite open about the respects in which he is in agreement with Hobbes. Pufendorf was fulsome in his praise of Hobbes’s clear statement of a conceptual advance in identifying the law of nature and the law of nations. The only difference residing in the subjects they regulated, individuals and states respectively. Furthermore, he claims that Hobbes’s genius was to conceptualise the state as an artificial man thus subjecting it to the regulation of law.

In contrast with Hobbes, moral conduct for Pufendorf, in the state of nature, however, is rule, or law, governed. The natural laws that govern action according law, are authored by God who is therefore the Sovereign who enforces them. We discover these laws by the exercise of right reason. Pufendorf defines Natural Law as ‘*Universal and Perpetual*; the former, in Regard that it binds the whole Body of human Race, the latter because it is not subject to change which is the disadvantage of *Positive Laws*.’



(Pufendorf 1717: II, iii, 1) Puffendorf, then, occupies a different place on the map of knowledge posited by the triadic conception of the history of political thought, from that Hobbes.

Even though there are qualifications to these duties, as a result of duties imposed by citizenship, Pufendorf's theory is in direct conflict with that of Hobbes. Pufendorf argues that Hobbes must be severely censured for suggesting that there is no universal standard for virtues and vices to be found outside civil society, and for contending that the standard is the laws of each and every state. (Pufendorf 1717: I, iv, 4).<sup>3</sup> Individuals, are not, he claims, the arbiters of what is right and wrong prior to the institution of a sovereign to pronounce upon such matters. (Pufendorf 1717: III, v, 2 and 3) Sovereigns are not the authors of justice and injustice. It is the natural law that determines what is just and what is not, and binds the consciences of men. Civil law can attach the force of human sanction to that which is forbidden by the natural law, but it is, Pufendorf argues, 'no more possible for civil sovereignty to create goodness and justice by precept, than it is for it to command that poison lose its power to waste the human body'. (Pufendorf 1717: VIII, I, 5)

Pufendorf censures Hobbes for maintaining that robbery and pillage are permissible within the state of nature, and constitute no injustice. They are, for Pufendorf, violations of natural law for which individuals may justifiably retaliate. This does not invite those whose rights have been violated to imitate the same wickedness against others who are innocent. Furthermore, Pufendorf contends that moderating and constraining one's gratuitous and excessive violence in the act of pillaging the possessions of others, and sparing the tools of husbandry from destruction, cannot, as

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<sup>3</sup> Pufendorf is referring to *de Homine*, chapter XIII, §4. Hobbes, Thomas (1978): *Man and Citizen*, (ed.) Bernard Gert, Bernard, London: Harvester, 69-70.

Hobbes would have us believe, achieve glory and avoid the charge of cowardice arising from wanton cruelty; 'as if there were any glory in committing but half a crime upon recognizing the disadvantage of carrying it through to the end'. (Pufendorf 1717: II, ii, 10)

Pufendorf agreed with Hobbes that the dictates of reason did not have the force of law without the command of a superior. He did not deny the importance of utility in acknowledging that self-interest an important motivator for action, but it had to be consistent with the idea of obligation and duty under the natural law. The natural law for Pufendorf did have an author and sovereign which made it, for him, no less obligatory than civil law. (Pufendorf 1717: II, iii, 19) For Pufendorf, 'the obligation of natural law is of God, the creator and final governor of mankind, who by His authority has bound men, His creatures, to observe it'. (Pufendorf 1717: II, iii, 20. Cf. Pufendorf 1991: II, vi, 14; Ramelet 2020: 306)

Pufendorf constantly reflects on the foundations and sanctions of law in which moral judgements are grounded. Natural Law, for Pufendorf, was genuinely law because it has a sovereign to enforce it, namely God. It followed for Pufendorf, that no moral action or moral judgement was independent of that law. He contended 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: II, iii, 20) As to the reason why law needed a sovereign to enforce it, Pufendorf believed that a divine legislator is needed to explain law's obligatoriness, namely its character as law.

Pufendorf makes a distinction between 'congenital' and 'adventitious' obligations or duties. Congenital obligations are directly imposed by natural law and refer to those obligations we owe to God who created us, and to each other by the mere fact that we

are human. Adventitious obligations are those we voluntarily assume, or are imposed upon us by others. They are, nevertheless, consistent with our nature. (Pufendorf 1717: III, iv, 3) The distinction between congenital and adventitious obligations, or duties, refers to their origin and not to the distinction between natural and civil obligations and the force they have in community life. Pufendorf contends that 'natural obligation is that which binds only by the force of natural law; a civil obligation that which is reinforced by civil laws and authority'. (Pufendorf 1717: III, iv, 6) The obligations of natural law are universal, and the duties imposed are congenital and adventitious, owed to each other by the mere fact of being human and subject to God's sovereignty.

Like Hobbes, Pufendorf differentiates between a hypothetical state of nature, and the actual historical condition of human beings. Even though he is adamant that the former could never have existed because the whole human race descended from Adam and Eve, and that Eve was subject to Adam, a fictional state of nature may help us make a theoretical contribution to understanding the human predicament.

Against Hobbes he denies that in the state of nature each person possesses a natural right to everything. We should not mistake the ability, or power, we have to do something, or to acquire something, with a natural right to everything that it is in our power to obtain. Rights, properly so-called pertain to moral relationships with others of our kind. Pufendorf argues that since no one in their right mind can fairly conclude from the natural condition a license to do everything, or that each city is perpetually in the posture of war with every other, it is inconceivable for anyone to believe that it could have been conducive to lasting preservation.

The principle of self-preservation does not absolve us from the obligations that the natural law requires us to perform towards other people. (Pufendorf 1990: 93, #9) Pufendorf contends 'we must presume that it was never granted or intended by nature',

(Pufendorf 1717: II, ii, 3 and 5; Hont : 256-257) and that ‘everyone is born, not for himself alone, but for all human Kind’. (Pufendorf 1717: II, iii, 5) The natural state of man, he contends, is not war, but peace on the grounds, that not only self-preservation, but also the voluntary promotion of the interests and happiness of others is the natural condition of mankind. (Pufendorf 1717: II, ii, 10) In affirming that peace is the natural condition of mankind Pufendorf is contending that it is instituted by nature without any human intervention, and depends solely on the obligation of natural law, and *pace* Hobbes ‘does not give its first Introduction to the Agreement and Covenant of Men’. (Pufendorf 1717: III, iv, 6)

The purpose of invoking a hypothetical state of nature is not to posit an ideal condition of natural man and then formulate civil laws and institutional practices consistent with it. A characterisation of the state of nature is designed to impress upon readers the imperative need for civil society, despite having to endure some of the imperfections of rulers who are demanding and unreasonable. (Pufendorf 1990: 134, #23)

Pufendorf was not so naïve as to suggest that the natural condition of mankind was free of conflict. He at once subscribed to Grotius' idea of natural sociality, while at the same time indicating that human nature is tainted by imperfections. Pufendorf maintains that he takes man as he finds him, 'tinged with depravity'. (Pufendorf 1990: 111, #3) The original condition of humanity is brutish, but each person soon realises that a common humanity, regulated by natural law, and the benefits of mutual aid, all propel them towards co-operation. Even before the establishment of civil society it was 'established practice among humankind to transmit to others the discoveries made with the assistance of one's predecessors, to others, undertake joint projects, to engage in commerce, to dwell together, and to meet frequently with one another'. (Pufendorf

1717: 116, #6) Pufendorf, *pace* Hobbes, and consistent with most natural law thinkers, believed political society was continuous with the state of nature, and not a radical departure from it. (Tully 1980: 73)

Pufendorf deduces three duties relating to men from the indubitable fact of their natural sociability, which not only preserves but also positively promotes human society. The first enjoins us to avoid harming others. It is a duty easy to discharge since it requires no positive action. (Pufendorf 1991: I, 6, 2) The second precept requires every man to treat others as naturally his equal. This is because each individual not only has an intense interest in his own preservation, but is also acutely attuned to his own worth. A sense of dignity is evoked by the very sound of the name man. (Pufendorf 1991: I, 7.1) And, finally, Pufendorf adds an injunction that requires the active promotion of society:

The third of the duties owed by everyman to everyman, to be performed for the sake of common sociality, is: everyone should be useful to others, so far as he conveniently can. For nature has established a kind of kinship among men. It is not enough not to have harmed, or not to have slighted others. We must also give, or at least share, such things as will encourage mutual goodwill. (Pufendorf 1991: I, 8.1)

Pufendorf's position from the perspective of the tradition of Reason and Nature is distinct from that of Hobbes and the tradition of Will and Artifice. Self-preservation in Hobbes's state of nature required no moral duty to promote the preservation of others. Pragmatic, prudential considerations may, for Hobbes, suggest a strategy of mutual co-operation, which does not so much arise out of, but is opposed to human nature. On

Pufendorf's reading of Hobbes, the establishment of political society for the preservation of humanity is contrary to nature, and therefore entails renouncing natural rights. Rights and duties, both congenital and adventitious, are largely retained, on Pufendorf's account, when entering society.

#### **4.1 Rousseau's criticism of Hobbes from the tradition of Rational Will**

More explicitly than either Hobbes or Pufendorf, Rousseau argues that the idea of a state of nature is simply a heuristic device to assist him in drawing conclusions about the human condition. The state of nature was for him simply a useful hypothesis. We should therefore disregard recourse to the 'facts' when employing the concept in argument and rely instead upon 'right and reason'. (Rousseau 1991: 114) further, Rousseau contends that 'it is here less a question of history and facts than of right and justice, and that I wish to examine things according to their nature rather than according to our prejudices'. (Rousseau 1991: 36)

The purpose of positing basic postulates about human beings is in order to conjecture and reason conditionally, not about the factual origin of the present condition of society, but upon its contingency and how it may have been other than it is. In effect, what he is saying is that we should not infer from the current condition of society and the human characteristics indicative of it that there is anything inevitable or necessary in how it came to be as it is. The state of nature in Rousseau is an idea against which the present condition of society and international relations may be judged. (Williams 1989: 190)

There is something contrary about the way that Rousseau rejects the conventional wisdom of his day and presents doctrines that were at once novel, perverse and provocative. He eschewed Pufendorf's claim that men are naturally social, as well as

Hobbes's contention that they are self-seeking and competitive by nature. Both Hobbes and Pufendorf assume that human beings in the state of nature will have developed advanced reasoning capacities which enable them to discover and act upon the laws of nature, whether they be prudential or moral respectively. Rousseau rejects both conceptions of natural law, and contends that even if there were natural laws, human beings would be so devoid of reasoning and rationality that they would be incapable of discovering them. Natural Law jurists fail to go back far enough or delve deep enough into the origins of humanity. Natural Law thinkers, Rousseau maintains, begin their enquiries by determining the rules that it would be appropriate for men to agree upon as socially useful, claiming that they are precepts of Natural Law, justified by their presumed benefit to humanity if they were universally observed. Such explanations of the Natural Law, he contends, are arbitrarily based on what their authors seem to think is right. Rousseau's fundamental criticism of Natural Law jurists is that they presuppose what they seek to affirm, and consistently neglect to divest man of those characteristics acquired only in society. They take what men have socially acquired and project it back into a state of nature.

In a number of respects Rousseau begins his analysis by assuming many of the same things as Hobbes. Rousseau's characterisation of the state of nature, although different in detail from that of Hobbes, has much in common with his English predecessor. For Rousseau, unlike Pufendorf and Locke, the state of nature is not a social condition. Nor is it a moral condition. In the state of nature there is no justice and injustice. Men are portrayed as solitary and self-sufficient.

It is a condition in which no one has the right to rule over another. Nature does not sanction legitimate authority or rule. Rousseau contends, however, that Hobbes is wrong to conclude that because man has no idea of goodness that he is naturally evil, or that he

will not help another individual to whom he has no obligation. Nor need we conclude from the idea that we have a right to those things we need that we have a right to everything. The savage man's concern for self-preservation only becomes prejudicial to the survival of others when one superimposes, as Hobbes does, the satisfaction of passions found only in society onto the savage condition. While Rousseau thinks Hobbes a genius, he also thinks him perverse for imagining a race of people who think its welfare depends on the destruction of the entirety of its fellow human beings. Rousseau contends that Hobbes's motive for characterising man in a perpetual state of war with his fellow men was his passionate desire to establish absolute rule and absolute obedience to it. (Rousseau 1991: 45) Hobbes's understanding of the state of nature would have been very different had he identified in man his one natural virtue.

Hobbes failed to identify the natural virtue of pity. It is pity, prior to all reflection, which mitigates the excesses of self-preservation. No man likes to see his fellow human beings suffer, and from pity all the rest of human virtues flow. Rousseau argues that: 'Pity is what takes us without reflection to the aid of those we see suffering. Pity is what, in the state of nature, takes the place of laws, mores, and virtue, with the advantage that no one is tempted to disobey its sweet voice.' (Rousseau 1987: 55) In his 'The State of War' Rousseau maintains that we have a natural revulsion to killing in cold blood. This, he says is a Natural Law written more indelibly in the heart than in reason. (Rousseau 1991: 34; Garrard 2003: 46) He seems to be suggesting that while there is no transcendental Natural Law of which we can have knowledge, there are natural sentiments which make us averse to certain kinds of action.

The purpose of Rousseau's 'Discourse on the Origins of Inequality' (Rousseau 1987: 25-110) was not only to demonstrate the social and historical origins of human wickedness, but also the social origins of morality. (Melzer 1883: 640) The inhabitants



of the state of nature were merely brutes and savages who knew nothing of human relationships, and had no conception of being free. The idea that the principles of Natural Law were applicable to a natural state was, for Rousseau, ridiculous. In the state of nature there were no recognisable moral relations, nor obligations, because the inhabitants lacked the capacity to know and act upon moral precepts. Self-consciousness of oneself and of others arise only in a society, at which point human potentialities and human depravities begin to develop. Evil is not for Rousseau the consequence of original sin, nor is it intrinsic to human nature. Rousseau's noble savage is an isolated, more or less content, innocent, and empathetic, characterized by *amour de soi*, or self-love. It is in entering society that humans exhibit *amour propre*, vanity or selfish love, something that Hobbes' individuals exhibit in the state of nature. It is selfish love that has embedded in it the cause of future depravity and nurtures man's vanity and drive for power. (Cassirer 1963) In characterising individuals in the state of nature devoid of *amour propre*, Rousseau rejected Hobbes' contention that it is the selfish passions that provide the impetus to establish government by institution. (Wokler 2001: 55)

Rousseau is a constitutive theorist, firmly in the tradition of 'Rational Will' in that the nature of man is related to the social relationships in which he stands with other men, extending over long periods of time. Human nature and human community are integral to each other. In contrast with both Hobbes and Pufendorf, Rousseau maintained that the human race differs in character from age to age. The soul and passions of human beings change, along with their needs and pleasures. What was the ultimate happiness for the savage will reduce the civilised man to despair. (Wokler 1994 373). There are limits to human potential, conditioned by certain basic emotions, such as self-love and pity, but he also possesses the capacity for free will and perfectibility, or self-improvement. In Rousseau's view, a good society provides an environment

conducive to the development of virtuous citizens, whose interests are consistent with the idea of the common good, or the General Will. A corrupt society produces citizens motivated by their particular selfish desires. Only in society do people acquire what is distinctly human. The individual becomes transformed ‘from a stupid, limited animal into an intelligent being and a man.’ (Rousseau 1987: 151) Instinct is substituted by Justice; physical impulse by duty; and, appetite by right. Only then can the individual soul be elevated; minds of individuals develop; intellectual horizons broaden; and, feelings attain new depths.

What Rousseau wants to emphasise is that the passions that incline us to violence, aggression and war, or alternatively towards peace, are not pre-societal, but actually acquired in society itself. It is important to emphasise that Rousseau’s *Social Contract* is an attempt to overcome the immorality and degradation consequent upon establishing a society based on a multiplicity of particular wills. A society based on the principle of the general will, at the heart of which is the idea of the common good, would eradicate the ills of modern society. (Rousseau 1987: 70)

### **Conclusion**

In this article, I have tried to show that there is some merit in engaging in comparative political theory in the context of a framework that serves to draw-out what is distinctive in examining the same issue, the state of nature, from the assumptions embedded in the three Oakeshottian traditions of ‘Reason and Nature’, ‘Will and Artifice’, and ‘Rational Will’. Each offers a distinctive take on the state of nature, and in viewing Hobbes as faithful to the principles of ‘Will and Artifice’ we are better able to identify what is distinctive about his characterisation in relation to Pufendorf and Rousseau.

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