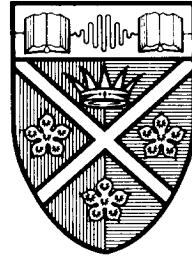


STRATHCLYDE PAPERS ON GOVERNMENT AND POLITICS



THE ANTI-HOBISTS REVISITED

by

John B Sanderson

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By

**John B. Sanderson
(University of Strathclyde)**

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**Department of Government
University of Strathclyde
GLASGOW G1 1XQ
Scotland U.K.**

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I

It seems that Hobbes demanded attention: his critics were numerous and it is clear from what they say that they took him seriously and that others did so too. Thus Clarendon's *Brief View and Survey of the dangerous and pernicious errors to Church and State*, in *Mr Hobbes's Book Entitled Leviathan* tells us that the *Leviathan* was 'entertained and celebrated...in the world' and consequently stood in need of a thoroughgoing rebuttal, which the *Brief View and Survey* certainly was.¹ Almost contemporaneously, John Eachard reported the existence of a group of dedicated Hobbits who held 'that no man but Mr Hobbes has gone [into] the fundamentals of government or human nature'.² An earlier critic, George Lawson, reported in 1657 that the *Leviathan* 'took much with many gentlemen and young students in the universities...[being] judged to be a rational piece'.³ This is the sort of evidence which has led the most serious modern student of the context of Hobbes's political ideas to conclude that there is no doubt 'that during his own lifetime Hobbes began to receive a serious and to some extent sympathetic hearing as a philosopher of politics'.⁴ Hobbes, then, was far from being contemptible: rather he was widely considered to be a dangerous author (in part because of his influence), a dangerous author who needed refutation - and refutation was what he got.

As John Bowle pointed out in his earlier survey of Hobbes's critics,⁵ the refuters were drawn from a broad section of the political spectrum - from the usually moderate Parliamentarianism

of George Lawson on the one hand to the extreme Royalism of Sir Robert Filmer on the other, with such moderate Royalists as John Bramhall, the Earl of Clarendon and William Lucy featuring prominently in between.

II

With the exception of Sir Robert Filmer, himself an absolutist soon to be made notorious by John Locke, all the critics are upset by Hobbes's absolutism, and this is the first critical theme to be discussed. Lawson, the moderate Parliamentarian, saw Hobbes as a latter day Roger Manwaring who encouraged the seemingly inevitable tendency of princes to grasp as much power as they could. Lawson had little doubt that all princes hankered to be absolute, hankered to be above the laws and to do what they wanted: 'and it is a dangerous thing to flatter them...for this [Lawson tells us] is the very highway to ruin'.⁶ Lawson reminds us of Locke in arguing that there is a law of nature decreed by God which prescribes just limits to all human activites. In consequence, though princes were authorized by a delegation of power from those over whom they were to rule, there was a strict limit to the power which could be transferred thereby. We could not convey to our rulers a power to act unjustly, and the way Lawson understood the matter, there was no other source of political power besides popular delegation. In particular, it is clear that for Lawson property is a natural right predating magistracy (otherwise the eighth Commandment would make sense only in respect of people already living in a civil society) and this meant that for Lawson the sovereign had no unlimited right to

the property of his subjects – indeed, he was supposed to protect property, not to sequester it: 'For civil supreme power was never given by any people to destroy their property, but to defend it. Otherwise no intelligent people in the world would advance one person or more to take away their goods, and so put themselves in a worse condition than they were [in] by the laws of nature'.⁷ And it was the application of this principle in English circumstances that required Parliamentary approval of taxation.

Lawson notes that Hobbes had warned sovereigns against surrendering any part of their sovereign power when confronted by what Hobbes regarded as an irrational clamour for liberty by their subjects, going so far as to declare that significant acts of self-limitation on the part of the sovereign were 'void'. Lawson found these warnings laughable, for the problem was not that sovereigns would relinquish their sovereignty but that they would strain every nerve to enhance it. None of them wanted to be a Doge of Venice, for (as Lawson says) 'they have a desire of power before they do obtain it, and after they are once possessed of it, they not only keep that which is due, but also usurp far more than either God or man hath given them. Kings, who are but trusted with a limited power, endeavour to make themselves absolute lords; and despotical sovereigns must [try to] be petty deities'.⁸

These concerns were echoed by the moderate Royalists and those who may be regarded as their successors in our survey. Like Lawson, John Whitehall in his critique of the *Leviathan* also saw Hobbes as a latter-day Roger Manwaring whose theories delivered

the subject's property into the sovereign's hands, and for Whitehall the natural reaction of subjects to such an overblown sovereign power was 'to endeavour to throw it off, that they may have something to call their own'⁹. In *Behemoth Arraigned* Whitehall was no less specific, insisting that it had been Manwaring-type counsel which had precipitated king and country into the Civil War in 1642, for thereby was the king 'decoyed into the hatred...of his subjects against him; which is the greatest misfortune [that] can befall him: and except I be deceived, there had scarce been a war, but for the loan, monopolies and Ship-money. For men turn desperate to secure their estates, knowing that no condition can be worse than a life without any fortune to support it'.¹⁰ And even if they were not engulfed by rebellion, princes who were misled into policies of this kind would find 'the lands and trades of their territories deserted, their slaves refusing to take pains, when they are at the mercy every hour of a Court sycophant or a luxurious devouring courtier'.¹¹

John Eachard likewise deplored the 'full brimmer of power and authority' which Hobbes had given to the prince, and felt it necessary to reassure his readers that Charles II had no thought of taking advantage of such extravagance. The king was satisfied with parliamentary grants of supply, and with such laws as Parliament advised him to make, 'and thinks himself prince enough and is contented with his place'.¹² Bishop Bramhall in *The Catching of Leviathan* nevertheless feared that Hobbes's theories would make all actual kings odious to their subjects, while his fellow bishop William Lucy thought it decidedly odd to have one's property at the disposal

of the sovereign when the protection of private property was one of the salient purposes in having a civil society in the first place.¹³ Lucy suggests that only propertyless men would want to enter Hobbes's proffered commonwealth and he finds Hobbes's account of the origin and nature of civil society riddled with paradoxes: 'And let us consider that those men who by nature have [a] right to all the world, yet by thus industriously uniting themselves into a commonwealth, gain but this, that whereas before they had right to everything, now they have right only to this little pittance which is allotted to them'.¹⁴ Lucy further observes that Hobbes's account of rule by acquisition (conquest) put the bodies (including the female bodies) of those submitting at the conqueror's disposal, and (while noting Hobbes's assimilation of acquisition to institution) wonders whether most of us would not regard death as 'a more eligible' option in these straitened circumstances.¹⁵

The ubiquitous Alexander Ross had denounced Hobbes's doctrine of human equality as being dissonant with the inequality which we recognized elsewhere in creation: in Heaven among the angels, in Hell among the devils, and in the animal kingdom among the beasts. Equality was indeed dissonant with a settled life, for 'to say that there is no inequality in nature, is to say, that there is no order in nature which cannot be without subordination...'.¹⁶ Ross nevertheless (and very unusually) combines this 'Great Chain of Being' theorizing with a populist rhetoric, *inter alia* objecting to Hobbes's equation of the just with the lawful: 'This doctrine will hardly down with free-born people, who choose to themselves princes, not to tyrannize over them, but like good shepherds, or fathers of their country, to rule them'.¹⁷ But it was precisely the

sort of doctrine that one would expect from a writer who thought that *1 Samuel 8-11* contained an account of what kings could rightly do, not an account of what tyrants could sometimes get away with.¹⁸

Matthew Hale was also concerned about the subject's liberty *vis a vis* Hobbit imperatives (though he suspected that the hectic extremity of Hobbes's account of the sovereign's power would have the effect of betraying it with a kiss), and in the more general context of constitutional liberties he insisted upon the longevity of various constitutional provisions which ensured that the English monarchy could never pretend to the sort of absolute power which Hobbes was anxious to bestow upon it. Hale writes in a contemporaneously unpublished critique of Hobbes of 'the primitive and radical constitution of the English government' which was the outcome of a 'mutual contract' whereby the king's government was funded and obeyed while at the same time the subject's liberties were preserved and respected.¹⁹ Consequently, when William the Conqueror confirmed the laws of Edward the Confessor and when King John granted Magna Carta, they were not creating *new* rights for their subjects, but merely re-affirming rights that had always existed in the English polity. Thus, according to Hale, had been created a 'mutual confidence' of sovereign and subjects, the sovereign confident that he would be supported, the subjects confident that they and their rights would be preserved. This wholesome state of affairs was put at risk by Hobbesian speculations which sought to persuade sovereign and subject alike that 'the prince is bound to keep none of the laws that he or his ancestors

have by the advice of his great Council established, that he may repeal them when he sees cause [and] that all his subjects' properties depend upon his pleasure'.²⁰

The most substantial treatment of this theme of Hobbes's absolutism appears, however, in Clarendon's *Brief View and Survey*, where it is insisted that appropriate retreats from absolutism have been made in England *via* a series of acts of monarchical self-limitation and that any attempt to reinstate absolutism in England, whether in a monarchical form, a Cromwellian or some other form, would be exceedingly ill-advised. Hobbes is thus accused of 'assigning a greater power and authority to his sovereign than any honest magistrate desires, or will ever exercise, or can think himself secure in; and such a liberty and property to the subject, as they can take no delight in, and consequently can never wish well to that government, under which they shall enjoy no more'.²¹ Clarendon imagines a capricious, unpredictable Hobbesian sovereign, changing the laws at his whim and causing them to be no better than cobwebs upon which the poor subject could place no reliance. The task of magistracy, Clarendon held, was to make human affairs more stable and more predictable. It seemed to him, therefore, 'a wonderful method to make this government more perfect and more durable, by introducing such an uncertainty, that no man shall know what he is to do...but that he who is sovereign tomorrow may cancel, and dissolve all that was done...by the sovereign who was yesterday, or by himself as often as he changes his mind'.²² In particular, of course, disastrous consequences would follow from the removal by Hobbes of the subject's security of property. 'Whatsoever is of

civility and good manners', Clarendon tells us in a striking passage, 'all that is of art and beauty, or of real and solid wealth in the world' is the offspring of the subject's understanding that his property was safe from the arbitrary intervention of the sovereign. And 'they who would strangle this issue desire to demolish all buildings, eradicate all plantations, to make the earth barren, and mankind to live again in tents and nourish his cattle by successive marches into those fields where the grass grows. Nothing but the joy in property reduced us from this barbarity, and nothing but security in the same, can preserve us from returning into it again'.²³

Whatever their party allegiances, these authors were intent on establishing objective, independent standards of political propriety to which the magistrate, together with his subjects, should conform. And they were aghast when Hobbes, to reinforce his general absolutist stance, proposed that justice be understood in terms of the sovereign's law so that whatever was lawful was consequently just. James Lowde conceded that it had been known for eccentrics to make good and evil depend upon 'the free and arbitrary determination of the divine will', but to make them depend upon 'the arbitrary determination of the magistrate 'seems to be a peculiar flight, proper only to Mr Hobbes, thus to make a God of his *Leviathan*'. Lowde could scarcely help concluding that for Hobbes there was either no God at all, or if there was a God, He 'doth not much concern Himself in the government of the world, but leaves all to His vicegerent here below; obey the king, and you can scarce disobey God'.²⁴

Bishop Lucy was confident that no man had ever been bereft of

a law to guide his conduct, for 'every man is born a citizen of the world and he must submit to that great Governor and Law-maker of the world, God, and that law He hath made for him to do'.²⁵ So, even before they had appointed a sovereign, men were kept in check by a divine power 'which always hath an invisible rod, which keeps all men in awe from perpetrating things against that law which is written in their hearts'.²⁶ Whitehall found it inconceivable that man, created by God in His own Image as a rational creature, had not been equipped by his Maker with an inherent sense of justice which should govern his conduct at all times, inconceivable that man 'should be created in the image of God, and yet be wholly unlike Him in one of His great attributes'.²⁷ Similarly, in John Eachard's imaginary dialogue with Hobbes, Eachard postulates a law whereby blind subjects are to have their fingers and toes cut off, and elicits the daunting reply that having contracted to enter civil society, all its members are bound to abide by and regard as just the decisions of its sovereign. This reply leads Eachard to insist that 'long before I bargained with him [the sovereign], I had pre-engaged myself to the law of nature and reason (to which he...is as much subject as I) never to use, or give my consent to such inhuman recreations'.²⁸

Again, however, it is probably Clarendon who brings out the oddity of Hobbes's position with particular clarity by supposing that the law laid the whole taxation burden upon those called 'Thomas': surely no one would call this just (other than Thomas Hobbes) though it might be lawful.²⁹ William Lucy gives us actual (rather than hypothetical) examples of unjust laws when he recalls the

persecutions and martyrdoms of Queen Mary's reign: for him it was simply too paradoxical to call the laws involved 'just'.³⁰

Now just as Hobbes wanted 'justice' to be created by the law which his sovereign made, so godliness was to be similarly determined and this further exercise in absolutism led the critics to think that a man who was prepared to subordinate religious truth so completely to political expediency could not care much for the former and was probably an atheist. Most of us, Lucy commented, would not 'be so careless of the greatest and dearest concernment in the world, as to throw it away to another's dispose': sovereigns were God's deputies, not God Himself.³¹ George Lawson also was a very long way from being convinced that we must accept the sovereign's opinions about what God wants. If a subject accepts the civil religion prescribed in his society, no doubt he will be immune from earthly penalties, yet he will not be immune from God's judgement, for no laws can bind above, much less against, the laws of God. Christ and the Apostles required disobedience to the civil laws, and on Hobbes's reckoning were therefore guilty, while those who persecuted them were, on his account, justified. In fact, Lawson complains in *An Examination*, Hobbes 'makes it indifferent what religion any man professeth, if it be agreeable to the laws of the state where he lives'.³² For John Eachard, likewise, the tendency of Hobbes's ideas was to ignore Christ's precepts until they were taken up and enforced by civil sovereigns, thereby tending 'to frustrate the intentions of Christ's coming into the world, and to avoid the obligation of those precepts which he left behind him'. And surely Christ could issue binding precepts without assuming the

accoutrements of sovereign power?³³

Simultaneously, John Shafte was being equally categorical. The stop-at-nothing type of behaviour which Hobbes saw as inevitable (and therefore justified) in the state of nature was in fact self-destructive and immoral, being already condemned by God's laws of nature, which enjoined moderate, and indeed charitable, behaviour towards others.³⁴ Thus could be elaborated a code of moral imperatives 'without any reference or dependency upon a civil power...so that as long as men are men...and are...governed by reason, they must all necessarily agree in these notions of good and evil. And hereby it appears that these are not things merely arbitrary or dependent upon the mouth of the prince...it being impossible that any civil power should make those actions, which in themselves are good...to be evil; or those things which are evil...to be good'.³⁵

Bishop Bramhall has the perceptive comment that Hobbes makes holiness a *relation* rather than a *quality*: that is to say, our sanctity is made by Hobbes to depend on our relationship to the sovereign – if we conform to his behests, Hobbes will be satisfied that we are holy.³⁶ How much cleverer Hobbes was than Daniel who gave himself all that trouble in the lion's den because he could not agree with his sovereign about the content of holiness!³⁷ But Hobbes was not so clever, surely, in arguing in effect that propositions may be 'true' in one civil society and yet 'false' in another. God help us, exclaimed bishop Bramhall: 'Into what times are we fallen! When the immutable laws of God and Nature are made to depend upon the mutable laws of mortal men; just as if one should go about to control the sun by the authority of the clock'.³⁸ A man

capable of countenancing such a procedure had to be vulnerable to the accusation that he was himself an atheist and that he encouraged atheism in others, preparing men 'to be of any religion or none, according to the ...humour of [their] civil sovereign. For why should a people stickle for that whose ground is fancy and mistake?' Had a Catholic been the commander of the New Model Army in 1651, presumably Hobbes would have happily become a papist or (in other circumstances) would have gone to Mecca at the behest of a Turk.³⁹

The sort of pseudo-religion which Hobbes was thought to be proposing would in fact destroy religion altogether, argued Charles Wolseley at length in 1669. He was sure (for instance) that to require that the scriptures be authenticated and interpreted in the way Hobbes wanted would destroy all respect for them. Likewise, to have conscience overruled by mere political convenience was effectively to deny God's existence. God and conscience were indeed 'perfect relatives'⁴⁰. How was it possible, Wolseley wanted to know, to believe in a distinction of good and evil and in a conscience recognizing such a distinction (a conscience which we knew to be inherent in every man) 'unless some superior power has made us, and fixed such principles in us, by our first constitution'?⁴¹ Wolseley seems to have been of the opinion that Hobbesianism (involving a politically dictated religion and morality) was atheistical, and he clearly thought that he was rebutting Hobbes in proving that a society of atheists was a contradiction in terms and could not be. Having cut themselves off from God, atheists would have no morality and would simply create anarchy as they pleased themselves about their actions. There being no basis for trust among such a collection

of atheists, 'it were not possible they should ever come into any political association, or live in moral converse...together; but must perpetually abide in a state of war and still recur to open force'.⁴² And even if atheists *did* succeed in establishing something resembling a settled society, magistracy would be fatally undermined because the magistrate's function of punishing and rewarding (as specified by *Romans 13*), 'the great hinge upon which all government hangs'.⁴³ could not be performed in the absence of knowledge concerning what actions were to be punished and which rewarded. 'Remove God out of the heaven', warned Wolsey, 'and there never will be any Gods on earth'.⁴⁴

For our critics, Hobbes's unacceptable absolutism was closely related to another offensive characteristic of his system, which one might call its abstract or armchair quality and this is the second main critical theme to be discerned. Hobbes was thought to be a wrong-headed dogmatic absolutist because of his distance from concrete political reality. And this distance was in a sense deliberate, of course, for he held that his introduction of scientific method into political studies put him well ahead of those who professed mere experience - experience which 'concludeth nothing universally'.⁴⁵ Lucy's Preface to *An Answer* immediately makes the point that 'there is nothing new under the sun'. Consequently the histories of our predecessors 'are the most excellent guides for the prudent disposure of our lives, who do but repeat what they have done'. Mr Hobbes, nevertheless, 'scorns to tread in beaten paths and thinks by the strength of his own fancies to make his feet leave such an impression as others shall follow him...'.⁴⁶ Experience, bishop

Bramhall likewise tells him in a passage replicated by many a modern conservative, 'is the best and almost the only proof of the goodness or badness of any form of government'. A new physician (he added cheerfully) must have a new churchyard 'wherein to bury those whom he killeth. A new unexperienced politician commonly putteth all into a combustion'.⁴⁷ Such a politician was not like an experienced tennis player (here Bramhall takes up Hobbes's own comparison) who 'must change his play at every stroke, according to the occasion and accidents' and 'he who manageth a commonwealth by general rules, will quickly ruin both himself and those who are committed to his government'.⁴⁸ And Bramhall comments that it is strange to hear Hobbes pronounce so magisterially on politics, who had never held public office and had never had the opportunity 'to know the intrigues of any one state'.⁴⁹ Deeply conservative also were the unpublished comments of Chief Justice Matthew Hale on Hobbes's attempt to supersede the intimations of experience by the deliverances of his quasi-geometric reason. They that persuade themselves that they can 'make out an unerring system of law and politics equally applicable to all states and occasions, as Euclid demonstrates his conclusions [Hale tells us categorically], deceive themselves with notions which prove ineffectual, when they come to particular application'.⁵⁰

III

The most serious practical consequence of Hobbes's undervaluing of experience was his failure to take seriously, or even to discern, the English tradition of mixed monarchy to which most of the critics adhered. Convined that only absolute government was viable

government, he endeavoured to persuade Englishmen *against the evidence* that they were the beneficiaries of an absolutist governmental system.

The Parliamentarian George Lawson is particularly interesting on this point. Hobbes's supposed covenant of everyone with everyone to produce a severely authoritarian regime is, Lawson tells us, 'but an utopian fantasy' For reliable historians had proved that states are not formed in one instant, and may well 'have attained... a settled form of government by degrees in a long tract of time, and that by several alterations intervening, so that the laws of their constitution[s] are rather customs than any written charter'.⁵¹ The English polity was an example of this kind of constitutional evolution, with the English gradually establishing their rights. It had *never* been an absolutist one, with the king always needing parliamentary consent for taxation and legislation. And the king's 1642 *Answer to the Nineteen Propositions* (still an important document fifteen years later)⁵² clearly demonstrated for Lawson the element of power sharing in our constitution. And if His Majesty was not absolute, it followed that Parliament could not be merely an advisory body of merely private men, to be called and dismissed at the king's pleasure (as Hobbes fondly imagined). Indeed by the constitution, and by the laws and practice of England, he was bound to summon Parliament at least once per annum and more frequently if necessity dictated. Here Lawson was repeating one of the more extreme contentions of the Parliamentarians during the crisis of 1642.⁵³

While not being an advocate of annual parliaments, Matthew Hale was also (as we have noticed) an *aficionado* of an immemorial mixed constitution, to which Hobbes's heedless rationalism was taken to be a standing menace. Political knowledge for Hale was essentially parochial knowledge, pertaining to a specific polity and its traditional usages, and he found the universality of Hobbes's political speculations dangerously misleading. It was not possible, Hale insisted, 'for men to come to the same certainty, evidence and demonstration touching [civil societies] as may be expected in mathematical sciences'.⁵⁴ And men like Hobbes ('pregnant wits'), with their rival yet allegedly infallible solutions to man's political problems, helped to undermine genuine political know-how, and with their divergent nostrums helped to exacerbate the problem of diversity to which magistracy endeavoured to provide the solution. It was 'this instability, uncertainty and variety, in the judgements and opinions of men touching right and wrong [which had been]... the prime reason that the wiser sort of the world have in all ages agreed upon some certain laws and rules and methods of administration of common justice, and these to be as particular and certain as could be well thought of'.⁵⁵

With the *Royalist* critics of Hobbes, it was not a people-created immemorial mixed constitution which Hobbes was accused of ignoring or undermining so much as the important concessions which successive kings had made, those acts of self-limitation which had produced the eminently viable mixed monarchy which we now enjoyed, or at least *had* enjoyed before the willfulness of the men of 1642 had turned everything upside-down.

Clarendon's critique of Hobbes returns to this point on a number of occasions: indeed, it is one of the major themes of the *Brief View and Survey*. For him, the history of magistracy is quite different from what one would gather from a reading of Hobbes. Adam had ruled lengthily without any hint of 'government by covenants and contracts' and his type of regime was replicated by Noah after the Flood.⁵⁶ In due course the expansionary evolution of human society had weakened the patriarchal aspect of rule, and some rulers began to approach the sort of tyranny which Hobbes regarded as standard political practice, for example allowing their subjects 'to possess nothing but what they had no mind to have themselves'.⁵⁷ In due course the imprudence of such tyrannous courses became manifest even to the erstwhile tyrants ('whilst they engrossed all power, and all wealth into their hands, they should find none who would defend them in their possession of it').⁵⁸ and by various concessions they placed significant limits upon the exercise of their sovereignty, thereby (in a way that Hobbes did not begin to understand) strengthening their own positions. Thus was produced the mixed regime of which the English had been the beneficiaries until the intrusion of the evil men in 1642.⁵⁹ Clarendon is thus seen in his account of the history of magistracy to be steering a middle path between the catastrophic populist politics of the Parliamentarians of 1642 and the almost equally catastrophic absolutism of the *Leviathan*: 'This is the original and pedigree of government, equally different from that which the levelling fancy of some men would reduce their sovereign to, upon an imagination that princes have no authority...but what was originally given them by the people...and from that which Mr Hobbes hath instituted...an absolute

power by their own consent, to exercise it in such a manner as to his pleasure is agreeable, without the observation of common rules of justice or sobriety'.⁶⁰

Hobbes had done his best to nullify these princely concessions, these self-limiting acts, pronouncing them (Clarendon tells us) 'contradictions that must dissolve the whole sovereign power, and leave the people in confusion and war'.⁶¹ Nothing, according to Clarendon, was further from the truth: '...the truth is, these condescents, and voluntary abatements of some of that original power...have drawn a cheerful submission, and been attended by a ready obedience to sovereignty'.⁶² The happiness and security of all concerned was indeed enhanced by these acts of regal self-limitation whereby subjects knew that they were safe from exorbitant power and princes knew that they would usually have the support of a cheerful and affluent population. The latter, Clarendon reports, 'rejoice in those liberties which have been granted to them' and appreciate that they must not seek 'to lessen the power of the king, which is not greater than is necessary for their preservation'.⁶³

Like Clarendon, bishop Lucy did not want to hear talk about divided sovereignty: for Lucy the king had not divided his sovereignty but had rather agreed to exercise some parts of it certain ways only. Lucy recognized that Hobbes's strictures on non-absolutist regimes applied to the regime which he and most other literate Englishmen thought they had lived under, with major acts of public policy requiring the consent of the Lords and Commons. He concedes that the necessity to secure the consent of the Estates may

sometimes prevent good laws from being passed, but he finds it much more likely that bad laws were thereby prevented from reaching the statute book, and certainly (he tells us) the two Houses 'being compounded of men of all conditions who must needs be acquainted with all the unhappiness in the government, cannot but be thought most fit to have the examining and passing [of] laws for the Government'.⁶⁴ Bishop Bramhall makes similar observations in *The Catching of Leviathan* where he wonders what was to become of all our Coronation Oaths, all our liberties and great Charters, if Hobbes were to have his way. Certainly, says Bramhall, Parliaments would need to 'shut up their shops'.⁶⁵

IV

So Hobbes appeared to most of his critics as an obsessional absolutist whose armchair speculations led him to ignore the experience of people actually acquainted with public affairs and led him to ignore also those historical processes which were incompatible with his absolutist orientations. But if these factors were *ignored* by the detached philosopher of Malmesbury, what *was* taken cognizance of by Hobbes?

Hobbes based his system of politics, of course, upon a grim, indeed libelous (the critics held), account of human nature which had men invariably so devoted to egotistic acts that they needed the presiding authority of an absolute Leviathan before they could enjoy any sort of social life beyond the confines of the family unit. So the critics tended to believe that Hobbes was confronting them with an inconceivably wicked human nature in order to justify his

conception of an implausibly severe contract which left the individual naked *vis-a-vis* the notorious 'mortal god' of whom Hobbes spoke.

James Lowde devoted a considerable part of his *Discourse Concerning Human Nature* to a refutation of Hobbes's conception of human nature, arguing *inter alia* that Hobbes was guilty of taking the anti-social parts for the whole: like a troublesome fly (Lowde complained), Hobbes was 'always busy about the sores of human nature'. In part this reflected Hobbes's defective methodological injunction that we establish human nature by introspection: 'because the bloodshot eye of one man's mind represents all things in red colours; therefore must cruelty [appear to] be the...universal dictate of nature'.⁶⁶ George Lawson put the matter succinctly in *An Examination*. Hobbes, he writes, 'makes all men brutes, nay wild and ravenous beasts, and birds of prey, until they have made themselves slaves unto some absolute sovereign; and such they must be, either beasts by the law of nature, or slaves by the laws of a civil state'.⁶⁷ Lawson on the contrary believed that nature inclines us towards civil government, and he attributes the squabbles which do occur to corruptions of nature and not to nature itself.⁶⁸ John Shafte pursues this matter more intensively in *The Great Laws of Nature*. As against Hobbes, he insists that God has built into each of His human creatures a concern for his fellows based upon an objective identity of interests. Each man's happiness, Shafte tells us categorically, will be found 'linked together with, knit and united to, the happiness and felicity of the rest of his fellows, as to this life the greatest pleasures whereof are found to consist in society and the benefits we have by the mutual commerce, company and

enjoyment of one another'.⁶⁹ Consonant with this mutual interest are God's laws of nature, which decree justice and charity (i.e doing as we would be done by), which should be enforced by the sort of limited government which we enjoyed in England, characterised (that is to say) by the rule of law and by a mixture of monarchic, aristocratic and democratic elements.⁷⁰

Richard Cumberland devoted a good deal of his 1672 work *De Legibus Naturae* to establishing the existence of a similar law of nature which applied to all men at all times, and for which the world's rulers emphatically could not substitute their arbitrary wills. This law of nature decreed *inter alia* a benevolent approach to other men, and ruled out the Hobbesian law of nature whereby injury and unlimited sequestration were annexed to the individual's right to preserve himself in an allegedly hostile environment. In fact, Cumberland could not take seriously the mayhem of Hobbes's state of nature, caused essentially by the exercise of the right of nature, and argued that self-preservation was better secured by benevolence and co-operation than by mastering your fellows or by getting in your retaliation first ('they shall better consult the happiness and security of all, and themselves in particular, by universal benevolence').⁷¹

For William Lucy also, the Hobbesian scenario was profoundly unconvincing. By dwelling exclusively upon men's worst characteristics, Hobbes made each one of them appear 'an incarnate devil', acting 'those things...which we abominate'.⁷² Moreover, by giving them independence in the state of nature, Hobbes also made them 'kings', and Lucy could not accept that such 'kings' would give

up their kingship to any other individual. Hobbes had them retaining the right of self-defence, but Lucy sees them preferring to retain all their rights and not entering civil society at all.⁷³ Certainly they would not put themselves at the 'total discretion' of what he calls 'this absolute hyperbolical power' of Hobbes's sovereign without some firm contractual arrangement to the effect that it would protect them from external aggression and internal subversion (and it was precisely such a contact which was ruled out in the *Leviathan*).⁷⁴

The Hobbes figure (i.e. Philautus), who appears in John Eachard's 1672 dialogue *Mr Hobbs's State of Nature Considered* insists on the anti-social nature of man: all men, he says, 'naturally are bears, dragons, lions, wolves, rogues, rascals...'.⁷⁵ And he resents Timothy's (i.e. Eachard's) suggestion that his picture of human nature was so exaggerated as to be positively humourous: 'What dost think that I studied forty or fifty years, only to find out and maintain a jest? Dost think that the...security of all the kingdoms of the earth depend[s] on a jest?' Philautus argues that it is 'little observers of human affairs' who had not noticed that even in civil society men travel armed and lock up their chests and doors, but Timothy points out that small numbers of drunkards, fanatics and criminals will produce the same behavioural results.⁷⁶ And he hopes that Philautus's fears (which seemed so exaggerated that he might have himself locked up in the Tower) would not cause others to be misled into a mistrust of 'the general disposition and temper of human nature'.⁷⁷ The natural sociability of men is substantially reinforced, according to Eachard, by their economic relationships: men were made with two legs to go about their business, a pair of

hands to count the money, and a pair of eyes to see a business opening.⁷⁸

The contrafactuality of the Hobbesian picture of human nature and of the state of nature also struck John Bramhall, for whom Hobbes 'could not have vilified... human nature more than he doth'. For Bramhall indeed, there had never been 'any such degenerate rabble of men in the world, that were without all religion, all government, all laws'.⁷⁹ And to imagine that there *had been* was dishonourable to God, their creator. Even civil war did not give us a situation approximating to this supposed state of nature, for in a civil war we had pacts and governors aplenty - too many indeed. What Hobbes had forgotten, according to Bramhall, in describing this bogus state of nature, was that patriarchal authority had always existed from the time that Eve was created and became subject to Adam: 'TH supposeth [says Bramhall disapprovingly] that men did spring out of the earth like mushrooms or mandrakes...But this supposition is both false and atheistical...Mankind did not spring out of the earth, but was created by God; not many suddenly, but one, to whom all his posterity were obliged as to their father and ruler'.⁸⁰ Now Lucy also objected to Hobbes's view of men as *terrigena* (coming from seeds), but he observes that Hobbes had on occasion discussed the family and its authority structure, but finds the discussion very implausible. Hobbes had very unusually based family authority not on generation but upon protection, arguing for what might be called a presumed consent which children might be thought of as giving to those who protected them. Hobbes observed that this could almost as easily be the mother as the father

(especially in the state of nature), and this 'feminist' aspect of his thought attracted unfavourable comment from the conventional Lucy **81** who insists (quite simply) that the wife is subordinate to the husband because the Bible (especially St Paul) told him so **82**. Occasionally we may find instances of a wife being more prudent, or even stronger, than her husband - but these are exceptions from the general rule and could not be regarded as significant in this context.

The mushroom men of Thomas Hobbes were also denounced by the Earl of Clarendon. Interestingly, he was sceptical both of the mushroom man's calculating rationality and of his depravity. The great majority of us would not calculate (as Hobbes imagines us doing) when we make the contract with one another to establish the Leviathan. But neither are we wicked enough to create the general situation of mayhem from which the contract was supposed to rescue us. Man was not wicked enough because he had been made in God's own image and had furthermore been intended by God to exercise dominion over earthly creation. When God made man in His own image, taking such delight in him and giving him command over all the creatures of the earth, it could not be imagined (Clarendon insists) 'but that at the same time He endued him with Reason and all the other noble faculties which were necessary for the administration of that empire...[A]nd therefore to uncreate him to such a baseness and villainy in his nature, as to make man such a rascal, and more a beast in his frame and constitution than those he is appointed to govern, is a power that God never gave to the Devil; nor hath any body assumed it, till Mr Hobbes took it upon him...' **83** Clarendon did not deny, of course, that outrages occur which cause

men to go about in armed bands and to lock up their chests at night, but (like John Eachard) he points out that not the depravity of mankind in general but the presence of a single thief or a couple of drunkards will produce these effects.⁸⁴

Moreover, Clarendon could not accept that the mushroom men were equal, as Hobbes said they were. Here Hobbes had too glibly dismissed Aristotle's authority, and Clarendon insists that some of us are more suited to rule than others. All experience since the time of Aristotle had in fact 'contributed very much to that conclusion which Mr Hobbes so much derides, of inequality by Nature, and that Nature itself hath a bounty which she extends to some men in a much superior degree than she doth to others'.⁸⁵

The assumption of the equality of men, or at least of the heads of families, to which Clarendon is here objecting, leads to Hobbes's contention that governments were in the first instance formed when individuals agreed with one another to renounce most of their rights in favour of a third party whose views on almost all political and theological matters they agreed thereafter to take as their own. The third party, the Leviathan, would be (Hobbes opined) their representative, and in England the society's representative was not the Parliament (as the men of 1642 had mistakenly argued: Parliament was merely an *advisory* body) but the representative was the king.⁸⁶

Though Hobbes had disagreed radically with the Parliamentarians about who the representative was, it was noted by the Royalist critics (who are in a considerable majority) that Hobbes

shared the basic 'ascending' political formula whereby the sovereign was empowered and in an important sense *created* by, 'the people'.⁸⁷ And this was a formula which the Royalists and their successors did not care for, and while most of them objected to Hobbes's absolutism (Filmer being the exception here), they all objected to his 'ascending' politics, and saw it as undermining more or less completely the sovereign power which otherwise he had done so much (indeed overmuch) to promote. Roger Coke's *A Survey of the Politics of Thomas White, Thomas Hobbes and Hugo Grotius* is an excellent example of this phenomenon. For Coke, human society was natural, and it was therefore unsurprising that no records of a Hobbesian state of nature could be found. And to preside over this natural human society, God had provided magistrates, as was indicated in such scriptural passages as *Romans 13* and *Proverbs 8*. And 'if they [magistrates] be...God's ordinances...then can they not be an artifice and invention of any man, but are and ever have been...'⁸⁸ The idea of the magistrate as a 'creature of creatures'⁸⁹ was thus preposterous, and quite uncalled-for as men had always had Adam and his successors to rule them,⁹⁰ and being *themselves* bereft of the power of life and death, they could not confer this critical attribute upon their supposed creature.⁹¹ Furthermore, the wills of men were insufficient, both practically and philosophically, to bind civil society together: practically men are constant only in their inconstancy,⁹² while philosophically men needed a *prior* framework of law to secure the contracts which they made one with another.⁹³

Samuel Parker similarly denounced Hobbes for his 'dramatic

plot⁹⁴ featuring the fiction of the state of nature into which a negligent God had allegedly dumped His creatures. Smarter (seemingly) than their Creator, Hobbes's 'mushroom' men⁹⁵ had pieced together their own society, based on a self-interest which negated (if only temporarily) their mutual hostility. *Genesis*, however, gave the lie to this nonsense, showing that men were not created in multitudes of mutually hostile men, but began with a single individual who became the first (God-appointed) magistrate. Thereafter, every man was born and reared within a patriarchal/political context, 'and to be a subject is as natural upon being born, as to be a man'.⁹⁶

Filmer gives it as his opinion in the 1652 work *Observations Concerning the Original of Government* that Hobbes had 'amply and judiciously handled' the subject of the rights of sovereignty: 'with no small content' Filmer had read *De Cive* and *Leviathan*. But Filmer could not agree to the route whereby these rights of sovereignty were obtained. So dubious was this route, indeed, that the whole theory went astray. Filmer thus liked the building, but found the foundations critically defective.⁹⁷ The basic problem was that the individuals who created the Leviathan had rights, and not all of them were to be given up when civil society was created. Filmer may be stretching the reader's credulity when he alleges that on Hobbes's theory all the men in the world would have to consent to the establishment of a single commonwealth and when Filmer conjures up the image of men spending their whole lives 'in nothing else but in running up and down to covenant'. But his point about individual self-defence is surely better founded, even if exaggerated. According

to Filmer, the man who declines to lay down his right of self-defence has effectively laid down *nothing*. This doctrine, Filmer complains, is 'destructive to all government whatsoever, and even to the *Leviathan* itself for thereby 'any rogue or villain' may murder his sovereign if the sovereign threatens him with *any* punishment, such as a whipping or a spell in the stocks.⁹⁸ All these difficulties would have been resolved for Hobbes had he abandoned the 'ascending' formula and adopted a 'descending'/patriarchalist one which did away with the rights of subjects altogether and left no opportunity for men to create their own regimes.⁹⁹ Bishop Bramhall also pounced on Hobbes over his treatment of the right of self-defence: 'TH alloweth rebels and conspirators to make good their unlawful attempts by arms. Was their ever such a trumpeter of rebellion heard before?' For Bramhall it would have been entirely appropriate to change the name of the *Leviathan* to *The Rebels' Catechism*.¹⁰⁰

The hegemony of individual self-defence in Hobbes's system (arising from the inescapable fact of self-interest) caused it to be rejected by Samuel Parker and Thomas Tenison, the latter with special heat because he had himself been suspected of holding Hobbit views.¹⁰¹ For Parker, Hobbes's insistence on the primacy of individual self-interest meant that the obligations embraced in joining civil society were in fact pseudo obligations, to be ignored whenever self-interest indicated. Nay more, usurpation would be encouraged if the subject entertained hopes of building his own political future on the ruin of his sovereign's. Parker foresaw repeated usurpatious attempts whenever anyone thought that he had the strength enough to remove the sovereign, for 'what security could princes have of their subjects' loyalty that will own their

power [only] as long as it shall be in their interest, and when it ceases to be so, call it tyranny?¹⁰²

For Tenison, writing in *The Creed of Mr Hobbes Examined* of 1671, what Hobbes's system lacked was a set of *independent* God-ordained standards of morality, for Hobbes's laws of nature were not genuine laws of nature at all, but rather extrapolations of the basic self-interest to be found in the first [alleged] law of nature, *viz* that men preserve themselves the best way they can.¹⁰³ For Tenison the lack of independent standards of conduct opened the way for the seizure of power by those who thought they could accomplish it. Hobbes had indeed taught very soon after the deposition and death of Charles I that 'his title was extinguished when his adherents were subdued; and that the Parliament had the right for that very reason, because it had possession'.¹⁰⁴ And by Hobbes's account, he could not deny to others what he had granted to the conquerors of 1649, for (as Tenison puts it on p. 157 of *The Creed*) 'when any subject shall have fair hopes of advancing himself by treading down authority, and trampling upon the laws in a prosperous rebellion', was there in Hobbes's writing anything to incommod him? Stanley, who changed sides on Bosworth Field so as to be with the winners, was thus a good example of Hobbit behaviour.¹⁰⁵ But aristocrats were not the only ones who could take advantage of Hobbes's unprincipled polities. The prince could not be (Tenison complained) 'a day secure' because Hobbes had taught the people 'that the right of authority is a deceit, and that every one would have as good a title, if he had as long a sword'. And this author feared that 'the many-headed beast will throw the rider when he burdens and galls them,

having no check of inward law'.¹⁰⁶

Tenison was unimpressed by the Hobbesian argument that men in civil society had entered into a contract whereby other contracts should be kept, for all contracts were subject to the over-riding consideration of self-preservation and all could properly be ignored if this consideration so dictated.¹⁰⁷ Thus is Tenison led to argue that there was no fundamental difference between the state of nature which Hobbes had fancifully¹⁰⁸ created, and his civil society (which mutual covenants had allegedly manufactured) for in the latter situation 'all is managed still by force, notwithstanding the formalities of transferring rights by pacts; and every man is to stand no longer to his bargain, when he can break it to his advantage'.¹⁰⁹

The supposed right of self-defence was just as objectionable to bishop Lucy. It 'plucks down all government', he tells us, being involved in almost all of the treasons that ever were.¹¹⁰ Virtually all rebels justified themselves in their abominable acts by alleging a right of self-defence against an allegedly injurious magistrate, as indeed had the rebels of 1642, ignoring the fact that 'prayers and tears are the only weapons allowed Christians' when they found themselves confronted by tyranny.¹¹¹ More generally the right of self-defence was the outcome of the 'ascending' theory of polities which Hobbes encapsulated in his thirtieth chapter of the *Leviathan* on the Leviathan as 'sovereign representative'. This could not be a 'fit word' to express the position of the sovereign, Lucy protests, 'for it makes him to be but an image or creature of the people, whose supreme he is'. Those who feel that they make rulers tend to

busy themselves with thoughts of *unmaking* them, as we in England knew to our cost for 'when this doctrine of his was infused into the kingdom, they altered and changed the government four or five times in a moment'.¹¹²

V

All this was bad enough for the critics of Hobbesian 'ascending' politics to bear, but Hobbes's speculations in this area had another deeply disturbing aspect. That is to say, he argued that 'ascending' legitimacy could be conferred on conquerors and usurpers who plausibly offered protection in return for obligation. Again, Hobbes's absolutism seemed fatally flawed: his sovereign should not be overthrown - but if he was and his ability to protect ceased, then the anxious subject was at liberty to transfer his obligation elsewhere - and this for some critics was nothing less than an invitation to rebellion and usurpation, and they saw the *Leviathan* as a justification of the Cromwellian Republic and the Cromwellian Protectorate. 'Where these principles prevail', Bramhall remonstrated, 'adieu honour, and honesty and fidelity, and loyalty; all must give place to self-interest'. Hobbes, it seemed, took his sovereign for better, but not for worse, and encouraged others to do likewise.¹¹³ To another critic he was encouraging us ungratefully to desert our erstwhile protector and benefactor just when he most needed us. This was the equivalent of justifying a son who deserted his father, as though the son were absolved from all his obedience when the father is fallen into poverty.¹¹⁴

That Hobbes's philosophy prepared the way for the pseudo

legitimacy of *de facto* rule caused William Sherlock to be anxious to distance his own from it, given a certain superficial similarity between the two. In justifying his (belated) adherence to the cause of William and Mary in 1691, Sherlock argued that our allegiance should be given to 'thoroughly settled' governments, and for him 'thoroughly settled' meant not only being in possession (the position which Sherlock attributes to Hobbes) but also in receipt of our consent (given in the English case by our representatives in Parliament). Sovereignty, Sherlock insists, 'is founded in submission', and 'it plainly follows, that dominion is not founded in power; and that power and a quiet possession, is no certain sign to us, that God hath given the sovereign authority with it'.¹¹⁵ In the manner of the Civil War Royalists, Sherlock argues that our submission merely selects the individual to be empowered by God: 'they give him not his authority, though he has it not without their consent, or submission; they are only the pipes...whereby God Almighty conveys His authority to them'.¹¹⁶ Cromwell, on whose behalf Hobbes had written, had never been able to secure our submission (*inter alia* the House of Lords had been in abeyance and had been unable to participate) and of course his power alone was not sufficient to establish our obligation. And it would be a 'melancholy thing' if we had to consider ourselves obligated 'to the first conqueror, that shall get quiet possession of the throne, as Mr Hobbes has taught us'.¹¹⁷

VI

What conclusions may we extract from this brief re-examination of

the political writers who criticised Hobbes at length? There was considerable substance in what John Bowle wrote some thirty years ago: he concluded that Hobbes was seen as a writer who had undermined 'the solid institutions of England', provoking, thereby 'a reassertion of the main English political tradition'. What Bowle failed to point out (and this is our first conclusion) was that there were two traditions at work here: an 'ascending' tradition of political thought to which the Parliamentarians of 1642 adhered and which is represented in our survey by George Lawson; and the (more prominent in our context) 'descending' [Royalist] tradition which stressed the way in which the limitations which successive monarchs had placed upon the exercise of their sovereignty had made life more predictable and more acceptable to their subjects.

Secondly, what has emerged as possibly the major theme of Hobbes criticism is the failure of this demon abstract absolutist to provide objective standards of political conduct for both sovereign and subjects. Taking our lead from Bishop Bramhall, we notice that Hobbes had made propriety a relationship rather than a quality: if we conformed to what the sovereign had decreed for us in both the sacred and secular spheres, Hobbes would be satisfied that we were behaving properly, having surrendered our right to independent judgement in consenting to the rule of the sovereign. Paradoxically, this was (according to Richard Cumberland) such a grotesque inflation of the power of rulers as to be a positive inducement to rebels. Nothing, he claimed, 'could more effectually encourage the most profligate wretches to raise rebellion than the view of...procuring to their own wild opinions, and depraved affections,

the honour of being esteemed actions of right reason and virtue'.¹¹⁸ Though Hobbes was compared on several occasions to the absurdly absolutist Roger Manwaring, this was further than that beleagured cleric (or indeed anyone else?) had been prepared to go. Manwaring's two notorious sermons of the summer of 1627 (which caused him to be impeached by angry MPs) did indeed emphasise the king's position as *pater patriae* and the duty of the subject to accommodate him, but in both of them he makes it very clear that obedience should be withheld when the king's commands 'stand in clear and direct opposition to the law of God'.¹¹⁹ Hobbes's stance, on the other hand, involved (except where physical integrity was in question) the complete abdication of the individual's judgement in political and theological matters. In his failure to provide proper standards, in his insistence on this abdication, Hobbes thus made *himself* like the jagged stone which the *Leviathan* (in criticising the proud, non-accommodating individual) had seen being cast aside by the exasperated builder.¹²⁰

FOOTNOTES

1. *Brief View and Survey* (1676), p.2.
2. *Some Opinions of Mr Hobbes Considered in a Second Dialogue* (1673), Author to Reader.
3. *An Examination of the Political part of Mr Hobbs his Leviathan* (1657), To the Reader. See also Samuel Parker, *A Discourse of Ecclesiastical Politie* (1670), who found the hypothesis of a pre-moral state of nature 'swallowed down with ...much greediness as an article of faith by the wild and giddy people of this age' (p.118).
4. Quentin Skinner, 'The Context of Hobbes's Theory of Political Obligation', in M.Cranston & R.S.Peters [eds.], *Hobbes and Rousseau* (New York: Anchor Books, 1972), p.110.
5. *Hobbes and His Critics* (London: Jonathan Cape, 1951), p.14.
6. *An Examination*, p.58.
7. *An Examination*, p.84.
8. *An Examination*, p.146.
9. *Leviathan Found Out* (1679), p.7. Uncharitably, Whitehall accuses Hobbes of ingratiating himself with the post-regicide regime by means of his sovereignty-inflating pronouncements, and by his identification of legitimacy with possession of office: Hobbes was 'bending his mind...to the establishment of a new government, to be then erected' (p.6).
10. 1679, p.19.
11. *Behemoth Arraigned*, p.31. One of Whitchall's main aims in *Behemoth Arraigned* was to defend against Hobbes's strictures the efforts of those moderate Royalists, such as Edward Hyde (later the Earl of Clarendon) and Sir John Culpeper, who had urged compromise upon the king in 1642. In *Behemoth* they had appeared as underminers of sovereignty, exponents of the debilitating doctrine of mixed monarchy, scarcely preferable to

the Parliamentarians themselves. However, had they been listened to, 'the blood and treasure of the nation might have been preserved, and especially the king's just and undoubted prerogative' (p.85).

12. *Some Opinions*: Author to Reader.
13. See *The Catching of Leviathan* (1658), Works (1843-5), IV, p.560; and *An Answer to Mr Hobbes his Leviathan* (1673), where Hobbes's contention that absolute property rights will dissolve the commonwealth is criticised. The opposite is more likely to be true. Lucy contends, 'it being the reason (according to his own philosophy) why they [the subjects] embodied themselves into a commonwealth, that so they might enjoy the fruits of their labours peaceably'(p.214).
14. *An Answer*, p.41.
15. *An Answer*, p.81.
16. *Leviathan Drawn Out with a Hook* (1653), pp.19-20.
17. *Leviathan Drawn Out*, p.21.
18. *Leviathan Drawn Out*, p.22. For Hobbes's understanding of this passage ('This is absolute power...as absolute power as one man can possibly transfer to another'), see *Leviathan* (Harmondsworth: Penguin, 1968), p.258.
19. *Reflections By the Lrd. Chiefe Justice Hale on Mr Hobbes His Dialogue of the Law*, reprinted in the *Law Quarterly Review* CXLVII (1921), p.300.
20. Hale, *Mr Hobbes His Dialogue*, p.301.
21. *Brief View*,p.107.
22. *Brief View*,p.124.
23. *Brief View*,p.111. Clarendon returns repeatedly to the subject of the Hobbesian sovereign as a threat to property (see pp.56, 63, 98, 163, 171). Fortunately, no civilized sovereign had

claimed the powers which Hobbes held to be indispensable to him, and if one *did*, Clarendon doubts that he would 'be able to retain his sovereignty one whole year...[having declared] that his subjects have no property in anything they possess, but that he may dispose of all they have' (p.109).

24. *A Discourse Concerning the Nature of Man* (1694), p.163.
25. *Mr Hobbes's Leviathan Observed, Censured* (1663), p.155.
26. *Mr Hobbes's Leviathan Observed*, p.148. Lucy (*An Answer*, p.26) saw 'no reason why we should be forced from common acceptation' on this point, pointing out that it was not generally held to be contradictory to allege an unjust act on the part of an agent whom we had authorized. Justice was a quality of an act, not of the procedures preceding it, and we recognized this on occasion by repenting of an 'unjust' act. Furthermore, asked Lucy impishly, if the sovereign could not act unjustly, did it make sense to say that he could act justly [see p.27]? He also makes forcefully the point that we cannot authorize the sovereign to kill an innocent man, given that we cannot ourselves properly perform such an act (see p.127).
27. *Leviathan Found Out*, p.39. Such a sense of justice would, of course, form the basis of obligations quite apart from the deliverances of coercive power: '...yet Mr Hobbes is resolved to give wicked men their liberty if they can escape the lash of the law'(p.43), for example in their behaviour towards one another in the supposed state of nature.
28. *Some Opinions*, p.80.
29. *Brief View*, p.123.
30. See *An Answer*, p.194.
31. *An Answer*, pp.,30,32.
32. *An Examination*, p.108.
33. *Some Opinions*,p.286.

34. *The Great Law of Nature* (1673), pp.21-3. Given human equality and profound mutual antagonism, men were putting their lives at risk ('throw dice for your life') in every encounter with others (p.8).
35. *Great Law*, p.18; see also 'To the Reader'. The way in which the Hobbesian ruler was able to substitute his will for the moral law led Richard Cumberland to find in *Leviathan* a condemnation of sovereigns rather than a defence of them: 'this apology for princes...allows all those charges, which their bitterest enemies usually draw up against them' (*De Legibus Naturae* [1672], translated as *A Treatise of the Laws of Nature* [1727], pp.365-6.). Even 'bad' princes would reject the Hobbesian position, at least in principle (see p.366).
36. Thus Bramhall is led to the stinging comment that he (Bramhall) 'would see the greatest Pelagian of them all fly higher'(p.530).
37. See *The Catching*, p.540; see also Whitehall, *Leviathan Found Out*, pp.64-5, and Ross, *Leviathan Drawn Out with a Hook*, p.91, for other critics who felt that Daniel's conduct gave the lie to the Hobbesian nonsense. Ross is particularly worth quoting: 'if not the appetite of private men but the law of the state is the measure of good, what shall we say of Daniel's private appetite to worship the God of Heaven, and the public law of Nebuchadnezar in worshipping his idol?'(p.91)
38. *The Catching*, p.544
39. Whitehall, *Leviathan Found Out*, pp.36,62. Hypocrisy was, of course, the more likely outcome which, according to Whitehall, would 'make Mr Hobbes safe, either in Turkey though he be a Christian, or in Rome though he be a Protestant' (*Leviathan Found Out*, p.116). Samuel Parker held that the cynicism of Hobbes's position (though that position was in formal terms severely absolutist) would lead to a more general cynicism, drawing subjects to the view that 'all religion is nothing but a cheat...at first invented by the founders and legislators of commonwealths, and by them obtruded upon the incredulous rabble for the ends of government' (*A Discourse*, p.138). A demand for religious toleration (which Parker devoted *A Discourse* to rejecting) would be the inevitable

outcome.

40. *The Unreasonableness of Atheism made manifest* (1669), p.103.
41. *The Unreasonableness*, pp.103-4.
42. *The Unreasonableness*, p.154.
43. *The Unreasonableness*, p.158.
44. *The Unreasonableness*, p.158.
45. Hobbes, *English Works* (1839), IV, p.18. James Harrington was an early critic to take up this point, though unfortunately it did not form part of any comprehensive critique of Hobbes. Harrington defends Cicero and Aristotle against Hobbes's complaint that they derived their conception of rights 'not from the principles of nature' but from the practice of the particular (Roman and Greek) societies concerned. This, Harrington commented, was akin to telling 'famous Harvey that he had transcribed his circulation of the blood not out of the principles of nature, but out of the anatomy of this or that body' (*The Commonwealth of Oceana*, in J.G.A.Pocock [ed.] *The Political Works of James Harrington* [Cambridge University Press, 1977], p.162). Lack of empiricism was also, of course, Harrington's other main complaint against Hobbes, when the latter's insistence that covenants need the upholding power of the sword to have any significance is trumped by Harrington's insistence that swords need to be wielded by men who must in turn be fed (see *Oceana*, p.165).
46. *An Answer*, A2.
47. *The Catching*, p.548.
48. *The Catching*, p.550.
49. *The Catching*, p.548. It was, of course, Hobbes's superior method which gave him the confidence to make his sweeping recommendations concerning university education, *inter alia* condemning the universities as hotbeds of sedition, and

proposing the adoption of the *Leviathan* as generally required reading. Seth Ward in his 1654 work *Vindiciae Academiarum* called this ironically 'a sober and modest design' (p.52) and pointed out to Hobbes that in his arrogance he had got most of his facts wrong. Thus, for example, he had condemned ancient learning, forgetting that his beloved geometry was part of it (see p.54).

50. *Mr Hobbes his Dialogue*, *LQR*, p.288. James Lowde seems to be echoing these criticisms when he suggests that Hobbes was 'perhaps more desirous to be the author of a new error than the assertor of an old truth' (*A Discourse*, Preface).
51. *An Examination*, p.14.
52. For a recent assessment of the significance of the *Answer*, see my article 'The *Answer to the Nineteen Propositions* Revisited' (*Political Studies*, XXXII, 1984).
53. See e.g. *The Humble Petition of ye Freeholders of ye County of Essex* (1640), reprinted in E.S.Cope & W.H.Coates (eds.), *Proceedings of the Short Parliament of 1640* (London: Royal Historical Society, 1977), p.276.
54. *Mr Hobbes his Dialogue*, *LQR*, p.288.
55. *Mr Hobbes his Dialogue*, *LQR*, p.289.
56. See *Brief View*, pp.67-8.
57. *Brief View*, p.69.
58. *Brief View*, p.70.
59. In *Behemoth*, Hobbes had attributed the Civil War in part to the prevalence of the doctrine of mixed sovereignty. Clarendon (clearly feeling himself under personal attack) repudiated this doctrine, embracing self-limiting sovereignty as opposed to mixed sovereignty, and attributing the 'execrable' rebellion to 'the power ill men rebelliously possessed themselves of, by which they...wrested the power of of the hands of the king' (*Brief View*, p.54).

60. *Brief View*, pp.71-2.
61. *Brief View*, p.89.
62. *Brief View*, p.89.
63. *Brief View*, p.90.
64. Lucy, *An Answer*, p.227.
65. *The Catching*, p.561. Cf. John Eachard, *Some Opinions of Mr Hobbs Considered*, who argues that if princes take Hobbes's advice, Lords and Commons 'may all stay at home' (Author to Reader).
66. *Discourse*, Preface; p.3. Introspection needed to be supplemented by the broader evidence conveyed by literature, with Lowde warning that some had 'fallen into mistakes by being more conversant with their own meditations than with other men's writings' (Preface).
67. *An Examination*, p.83.
68. *An Examination*, p.3.
69. 1673; pp.36-7.
70. *Great Laws*, pp.39-40.
71. *A Treatise of the Laws of Nature*., p.86.
72. *Mr Hobbes's Leviathan Observed, Censured*, p.138. There were moral monsters, just as there were physical monsters, among men, but generalizations could not properly be based upon their behaviour. The great majority could be friends, as Adam and Eve had been friends (see p.39) and as men cast ashore on an island would be friends (see p.48), drawn together by their 'common interest...in humanity' (p.148) and following the indelible principles which God had written in their hearts quite independently of the activities of any sovereign (see pp.148, 155). Men, Lucy assures us, 'are reasonable creatures, and sociable, without society they can

have no happiness in this world...' (p.146)..

73. *An Answer*, p.6. Cumberland had similar reservations: the individuals described by Hobbes might conceivably agree to constrain themselves in the manner envisaged, but 'would immediately re-demand and resume the power before conferred upon the prince' (*A Treatise of the Laws of Nature*, p.295).
74. *An Answer*, p.103.
75. 1672 (reprint Liverpool University Press, 1958), p.24.
76. *Mr Hobbs's State of Nature Considered*, pp.24-5, 62.
77. *Mr Hobbs's State of Nature Considered*, p.64.
78. *Mr Hobbs's State of Nature Considered*, p.38.
79. *The Catching*, p.567.
80. *The Catching*, p.594. Cf. also Eachard who also objected to 'your mushroom state of men suddenly springing out of the earth, without any kind of engagement to each other' (*Mr Hobbs's State of Nature Considered*, p.47); and Lowde, for whom 'men did not first spring out of the earth like mushrooms, but came into the world by the ordinary methods of generation by way of father and son; therefore there needs must be a subordination and inferiority amongst 'em...' (*A Discourse*, p.155). Hobbes had given some encouragement to this mode of attack in *De Cive* (1642) when he invited his readers to return in their imaginations 'to the state of nature, and consider men as if...sprung out of the earth, and suddenly (like mushrooms) come to full maturity, without all kind of engagement to each other' (*De Cive* [S.Lamprecht ed.], Appleton-Century-Crofts [1949], p.100).
81. And of course from Robert Filmer who knew 'that God at the creation gave the sovereignty to the man over the woman, as being the nobler and principal agent in generation' (*Observations upon Mr Hobbes's 'Leviathan'* [1652], in P.Laslett [ed.] *Patriarcha and other Political Works of Sir Robert Filmer* [Oxford: Blackwell, 1949], p.245).

82. See *An Answer*, pp.64-8.
83. *Brief View*, p.27. See also Lucy, *Mr Hobbes's Leviathan Observed*, p.193 on the war of all against all as a 'not to be imagined thesis', not to be imagined primarily because God had not allowed us rights over the bodies of others unless we had contractual or familial relationships with them (see p.194). Hobbes, Lucy complained, was unique in making man Judge in his own cause, doing and taking what he wanted in the state of nature (pp.182-3). Thus he would have 'out-Cained Cain' (p.184) in explaining the death of Abel, not merely denying that he was his brother's keeper, but arguing that he had a right to kill him.
84. *Brief View*, pp.27,29.
85. *Brief View*, p.33. See also Lowde, *A Discourse*, p.53 on Hobbes's unconvincing argument for equality that the weakest man could kill the strongest: could not a spider also kill an Emperor?
86. See *Leviathan*, chapter 30.
87. I have explored this theme at length in '*But the People's Creatures': the philosophical basis of the English Civil War*' (Manchester University Press, 1989).
88. (1662), p.33.
89. A Survey, p.25. James Lowde noticed that Hobbes's theory featured people-appointed magistrates, but Lowde insisted that even with such a perverse theory, the divinity of the magistrate was not expunged. But why (Lowde wanted to know) should we conceive such 'a needless circuit in the proceedings of divine providence'? Why could God not be thought of as bestowing political power directly upon those in office? (see *A Discourse*, pp.186,190)
90. See especially 'To the Reader', p.5.
91. 'For where there is not Jus vita & necis, there can be no superior power; and no man hath a power over his own life.

and therefore no man can give it or transfer it to another' (A Survey, p.28)

92. See *A Survey: To the Reader*, p.4.
93. See p.27: '...to be bound, is [to be] in relation...if nothing binds me but my will (which is a contradiction) I may unbind me when I will, for my will is free...'. A variant of this argument is given by James Lowde when he insists that the contract presupposes a certain candour which could scarcely exist in the Hobbesian state of nature. In this state 'What room [is there] for friendly counsel, and kind advice...where all are enemies...where what counsel we give...ought rather...to be suspected, seeing therein we design nothing but our own advantage?' (*A Discourse*, pp.149-50)..
94. *A Discourse*, p.121.
95. *A Discourse*, p.125.
96. *A Discourse*, p.124. Parker insists that God must have intended the welfare and felicity of His creatures, and since such welfare and felicity were unthinkable without society, it followed that society was co-extensive with humanity and, *pace Hobbes*, was sustained by in-built mutual love and friendship (see p.122).
97. See *Patriarcha* etc., p.239.
98. *Patriarcha* etc., pp.243, 248.
99. See *Patriarcha* etc., p.239. This was a criticism echoed at the time of Filmer's republication and vogue by William Falkener. Falkener held the 'ascending' theory of political authority (even in its Hobbesian version) to be 'very dangerous' because it built such authority upon the 'wrong and rotten foundation' of a mutual agreement which still left men free to defend themselves (i.e. attack the sovereign) if they so chose. These problems could be avoided, Falkener averred, 'by asserting the divine original of sovereignty' See *Christian Loyalty* (1679), pp.407,409-10,411.
100. See *The Catching*, p.555.

101. *The Creed of Mr Hobbes Examined* (1671). Tenison tells us in the Epistle that he had had some contact with 'an unhappy young man' who had recanted of Hobbesian views in order to retain a Cambridge fellowship, and this contact had led to a suspicion of guilt by association. In his 1669 recantation, Scargill had confessed *inter alia* to believing that 'all right of dominion is founded only in power' and that 'all moral righteousness is founded in the positive law of the civil magistrate' (see D. Krook, 'The Recantation of Daniel Scargill' [*Notes and Queries*, April 1953]).
102. *A Discourse*, p.115.
103. See *The Creed of Mr Hobbes Examined* (2nd. ed., 1671), p.134 for Tenison's reading of the natural law.
104. *The Creed*: Epistle.
105. See *The Creed*, p.168.
106. *The Creed*, p.170. Cf. Lucy *An Answer*: 'Let kings know that their swords may rust, or lose their edge, and then he who hath the keenest sword may plead the best right. This encouraged the late rebels...' (p.20).
107. See *The Creed*, p.170. Cf. Parker, *A Discourse*: 'Interest and self-preservation [being for Hobbes]...the only enforcement of all [men's] covenants...when that tie happens to cease, their obligation becomes null and void, and they may observe them if they please, and if they please break them' (p.116).
108. Tenison rejected the idea of a state of nature with equality and without authority and accused Hobbes of adding the relevant sections of *De Cive* on the family and familial authority only when he had perceived the absurdity of the abstraction which he had created. For Tenison such flights of fancy should have been restrained by the application of Baconian empiricism (see p.138).
109. Tenison, *The Creed*, p.170.
110. *An Answer*, p.92..
111. *An Answer*, p.92; see also p.146.

112. pp.47-8; 5. He returns to this subject in *An Answer* where he maintains that all injuries done to Charles I had their pretense from this horrid doctrine...that kings had their power from the people...that they made him [Charles] their representative, and not liking his representation, they deposed him...'(p.58).

113. *The Catching*, p.558.

114. Whitehall, *Leviathan Found Out*, p.8.

115. *Their Present Majesties Government* proved...without asserting the principles of Mr Hobbs (1691),pp.5,6. Sherlock also rejects the Filmerian view as preposterous. Early civil societies no doubt owed something to patriarchal authority, but agreement by patriarchs to appoint one of themselves soon of necessity superseded patriarchal government (see p.9).

116. *Their Present Majesties Government*,p.14.

117. *Their Present Majesties Government*, p.16. Sherlock commends his theory a) as giving encouragement to the ousted just ruler that he could return and re-establish himself (his former subjects having meanwhile withheld their consent to his successor); b) as giving the unjust ruler cause to reflect that his unhappy subjects might 'transfer the allegiance as soon as any prosperous conqueror can get into their thrones'(p.3).

118. *A Treatise of the Laws of Nature*, p.356.

119. *Alderton Sermon* (July 29,1627), p.41. See also *Oatlands Sermon* (July 4th,1627), p.16.

120. See *Leviathan*, p.209.