

Analysis of faults in hobbes sovereignty theory politics essay



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Thomas Hobbes' Leviathan is a very important piece of political philosophy. Central to Hobbes' work was his theory of absolute sovereignty, which states that in order to emerge from the state of nature, man must submit to an absolute sovereignty. After taking a closer look at the "emergence" out of the state of nature, I have come to the conclusion that not only is this process at fault but the idea of sovereignty being compulsory at all is something I find requiring additional scrutiny.

Hobbes defines his state of nature as a society of beings who live without purpose and live under no authority from a higher council or judge. According to Stanford Encyclopedia of Philosophy, "Hobbes terms this situation 'the condition of mere nature', a state of perfectly private judgment, in which there is no agency with recognized authority to arbitrate disputes and effective power to enforce its decisions." Hobbes suggests that because there is no government to keep citizens from being well behaved, they will be in a state of anarchy or how it terms it, warre. "Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre (88)." I believe that Hobbes has a cynical view of man. I feel like he believes that all men are inherently evil, and that anything mankind involves itself in, lacks honest intentions or other positive motivations. Hobbes describes this state of nature as utter chaos. He believes that without any overhead to control the people, they will revert to prehistoric like conditions creating a monstrous anarchical society.

The first real problem I have with Hobbes approach besides his cynical nature is his idea of "natural laws". These natural laws are laws that

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abide over all individuals in the state of nature. In order to be in a state of nature, the state had to be “without reason”. According to Hobbes’ logic if there is no reason, then there are no laws. How in the world could individuals in the state of nature heed to these “natural laws” if no laws were allowed to exist in the first place?

The first law of these natural laws state that all men wish to seek peacefulness. This law according to Hobbes is above all over natural laws, stating that if the first of the natural laws is achieved, then the rest will follow. Hobbes states that because of a preservation streak in all of us, it is natural for citizens of a state to look past their differences and to come together as a whole to create a society via a social contract. I find this hard to believe for a few reasons. First the concept followed the logic that someone who had generated considerable respect and/or fear would rise above everyone else in the state of nature. This would be accomplished by having demonstrated superior skill at preserving his own life, likely through combat. He would be able to demand, by force or by reason that everyone gives up their rights to him or else he would be forced to kill them. Basically, everyone in the state of nature would enter into a “sovereign enforced” social contract with everyone else, thereby eliminating the fear of someone killing you. The sovereign would be a person with demi-God like status, one who made law and could do no wrong. Even Hobbes says of a sovereign’s word (i. e. his laws), “whatsoever is not against the Law of Nature may be made Law in the name of them that have the Sovereign power; and there is no reason men should be lesse obliged to it, when tis propounded in the name of God (199).” This creates a very discomforting scenario where the

law is defined by this demi-God's actions, and the entire well being of the state is determined by someone who is above the law.

According to Hobbes, the state of nature is dominated by fear and paranoia. In this state, no one trusts each other because everyone thinks that their peers are out to undermine their very existence. Using this logic, it makes no sense for individuals of this state to give up their rights to the sovereign. There would be no motivation for sovereign to be trustworthy, and the probability that someone in this state of fear and paranoia would trust anyone enough to give up their rights as a citizen would be close to zero. Another problem I have with Hobbes is his timeline of the entire emerging process. Hobbes state three conflicts in the state of nature that all citizens of the state are faced with: " First, Competition; Secondly, Diffidence; Thirdly, Glory (88)." Hobbes argues that in order for the sovereign to be victorious in his takeover of the state, all individuals in the state would enter the social contract simultaneously in orchestrate with every other citizen. The likelihood of this happening is very small; especially considering the trust issues that the citizens would have. No person would give up their rights if they didn't have a guarantee that the rest of the citizens would do the same. Another option the sovereign would have according to Hobbes is to take over the state by brute force. A smarter or more physically dominant being could outwit or overpower one or two people, but the entire state at the same time? If he didn't overcome the entire state at once, he would be forced to wage war using his followers to battle against " The Others" (bad Lost reference). All it would take is a revolution of the people to take down the

newly created tyrant, and the civilians would revert back to the original state of nature.

This situation raises another problem with Hobbes' position. What are the sovereign's interests in the newly formed state of nature; is it the same as the peoples? According to Hobbes, the sovereign is an "extension of the people". If the sovereign is an extension of the people, then surely he would want what is best for them. If in fact the sovereign did take over the state using brute force, I doubt he has the same interest as the people he battled against. Hobbes disagrees, stating "every particular man is Author of all the Soveraigne doth; and consequently he that complaineth of injury from his Soveraigne, complaineth of that whereof he himselfe is Author; and therefore ought not to accuse any man but himselfe; no nore himselfe of injury; because to do injury to ones selfe, is impossible (124)." However, a huge problem exists in that by sending men to war, they may die. A sovereign cannot order someone to die, so therefore how can he get around creating an army? Hobbes points out that soldiers will be compensated, but compensation is useless when you're dead. The only reasonable means of solving this problem is that, under the sovereign, all men volunteer to serve in the army, because it is to their common interest to do so. By volunteering, they are absolving the sovereign of the responsibility of causing their death, thereby justifying an army.

Hobbes is insistent that the best ruler of a society would be a monarch, but says that a society could still function under an aristocracy or democracy, but would function poorly. Hobbes accurately points out that policies under a single monarch would be far more consistent than with a body of multiple

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people, as in an aristocracy. The policies, though, could easily be consistently bad policies, but there would be a definitive problem in establishing whom they are bad for. The sovereign would be the only person, the only judge, of whether a decision is right or wrong, good or evil. This absolute authority, that the sovereign possesses, means that the subjects beneath him, while quite possibly living in a dismal state, would not know any better than to accept it. If the sovereign dictated that the dismal state was pleasant, it would be pleasant. Absolute power in one man is an easily corruptible force. Indeed, with a multiple ruling bodies decision making would be slower, and with the sovereign body being in a state of nature, the people who head the group would be, at least somewhat, in competition with each other. "Teams" do not exist in the state of nature, so in a sense these men would still not be totally devoted to the public good. Instead of having a group of men all working towards the same goal, there would be isolated groups each with its own sovereign head. Eventually, the natural progression of things would bring these separate factions to war with one another. Since the object of the emergence from the state of nature would be to keep the fewest possible people in the state of nature, a monarchy form of sovereignty would indeed still be feasible, and perhaps preferable when faced with a civil war as the alternative.

The single sovereign, then, had expressed powers that Hobbes clearly laid out for him. The twelve powers a sovereign is entitled to are all important to Hobbes, but some of them have ramifications that potentially invalidate them. The first through third laws state " 1. The subjects cannot change the forme of government. 2. Sovereigne power cannot be forfeited. 3. No man

can without injustice protest against the Institution of the Sovereigne declared by the major part (121-123).” All of these powers seem to be valid to me. The first is valid because a citizen’s allegiance to the government is vital to a successful state. The second because the people shouldn’t have an opportunity to revert back to the state of nature, and the third is true for the basically for the same reason. I have issue with the fourth problem the most. Hobbes argues that the Sovereign unable to injure any of his subjects stating, “ The Sovereigns Actions cannot be justly accused by the subject (124).” If someone breaks the law or is causing problems in the society where would these trouble makers go? Hobbes would argue that they would lose their place in the society and forced to return back to the state of nature. If I was thrown out of a society by the same person who brought me there in the first place I would feel as though the sovereign was unjust. This refutes Hobbes argument that a sovereign is incapable of an unjust act. The fifth law “ What soever the Sovereigne doth, is unpunishable by the Subject” is highly questionable. Hobbes argues that the sovereign should live above the law, not being eligible for any criminal punishment. Advocating state leaders that are above the law? If Hobbes could have only seen how the corrupt political leaders with that very trait treated their states.

The sixth law the sixth law “ The Sovereigne is judge of what is necessary for the Peace and Defence of his Subjects (124)” seems perfectly reasonable. It gives the soverign authority to protect the society. The next two laws, the seventh being “ The Right of making Rules, whereby the Subjects may every man know what is so his owne, as no other Subject can without injustice take it from him (125),” and the eighth, “ To him also belongeth the Right of all

Judicature and decision of Controversise (125),” are problematic. The problem with the sovereign controlling all aspects of legislative law making is that, with such power, it would be naïve to think that it would never be abused. Certainly there is no guarantee that this would create a tyrannical government, but it certainly could promote one. The eighth power creates a problem in that, being in the state of nature and in the commonwealth, the sovereign’s opinion in judicial matters may be dramatically different than those in the general populous. Having one man decide the fate of everyone else is a great risk, especially since his opinion may not be the majority one. While Hobbes could certainly amend these powers to make them more fair to the sovereign’s subjects, absolute power would require them to exist, and thus Hobbes includes them.

The remaining four powers are similarly required for absolute sovereignty, but could stand to be amended. The ninth power, the right to make war, is important for the leader of any nation. Being that the sovereign exists in a state of nature, he would need to be able to call on his armed forces if a rival sovereign attempted an attack. The tenth, power working closely with the ninth, that of the right to choose all his own counselors, is also important. While having the power to choose his own is necessary for absolute power, it would be a much safer move to make the counselors elected by the subjects. Doing so would provide a voice of the people with the sovereign and would also be a helpful preventative measure against tyranny.

The eleventh right, of rewards and punishments, and the twelfth, the power to appoint civil and military positions, are likewise essential to preserve the absoluteness of the monarchy. The biggest problem with these two lies in <https://assignbuster.com/analysis-of-faults-in-hobbes-sovereignty-theory-politics-essay/>

the punishment clause, which allows the sovereign to sentence a subject to death. The basic right that people retained upon entering the state of nature was that of self-preservation, and the sovereign having the right to kill you would nullify this right. Hobbes even allows for people to defend themselves against the sovereign, even though the sovereign will always win. The right to defend oneself, though, creates a final contradiction. If people have the right to defend themselves, the sovereign's power cannot be absolute. The power is limited by his capacity to make people die, or kill them. The entire dilemma is that if the sovereign tries to prosecute too many people, and if people feel their right to self-preservation is in jeopardy, he will instill a rebellion designed to remove him. The sovereign must therefore be careful in his choice to condemn someone to death, as doing so too frequently would pose a threat to his sovereignty. This carefulness that the sovereign is now obligated to follow is contrary to the absolute sovereignty of the monarch, and empowers the subjects beneath him, balancing society, if only a little.

Hobbes wrote Leviathan on pretenses that were commonplace in the 15th century, but not for all time. Put simply, a single sovereign power with the rights that Hobbes describes would be doomed to failure or modification. The sovereign simply could not force everyone in the state of nature to follow him, because of the inherent paranoia associated with the state of nature. Complicating that dilemma is that even if a sovereign authority could take position, Hobbes says that the power would be necessarily absolute, and it has been proven that the power could not be totally such. Thus, while in principle many of Hobbes theories appear valid, closer examination reveals

that Hobbes' transition from the state of nature is flawed, and that the absoluteness of the sovereign would be prevented by his subjects.