

Hobbes against limited government assignment



Explain and discuss Hobbes' belief that neither limited government (where the sovereign is bound by laws) nor divided government (a system of checks and balances) is a practical possibility. Word Count: 2, 764 words In

Leviathan, Hobbes imagines rational self-interested parties in a state of nature choosing among three alternatives: remaining in this state of nature; grouping themselves together under a government with limited, or divided, power and authority; or forming themselves into a civil society governed by a sovereign with unlimited power and authority. He contends, however, that the second alternative is basically illusory.

Because of the constant danger of factionalism, civil war, and social disintegration in a group governed by a "mixarchy" with limited or divided power, such a form of social organization does not provide its members with sufficient security to really remove them from the state of nature. The choice of the parties, according to Hobbes, is therefore reduced to one between absolute sovereignty and the state of nature, and as the state of nature is "a state of war of all against all" Hobbes concludes that the parties would choose absolute government as the lesser evil.

Absolute monarchy is the form of absolute government Hobbes prefers ??? as this furthers his political agenda of providing a means to resolve the civil conflict devastating his country – but nothing in his theory of sovereignty depends on the preference. In fact his concept of absolute sovereignty can be more convincing when not linked to a monarch, thus in this essay I will Hobbes's former argument in isolation. Why is absolute sovereignty necessary?

Hobbes's primary argument for the doctrine of absolute sovereignty is essentially an argument against right reason. Hobbes claims that any appeal to right reason or "the truth" comprises a completely inadequate basis for the resolution of disputes, because if disputes are about what the truth actually is, then appealing to these concepts ??? which cannot be identified without ambiguity or uncertainty ??? is essentially inconclusive and therefore self-defeating. Concern for the truth or right reason will not resolve disputes successfully or peacefully when people have entrenched and irreconcilable positions, because that is precisely the route to conflict and violence ??? "the state of war, of every man against every man." Hobbes establishes that if each individual were allowed the liberty to follow his own conscience without constraint, then as such consciences vary, peace and harmony in the state would be short lived due to a persistent tendency to disagreement and civil disobedience.

This diversity of consciences and the unrestrained exercise of individual judgment would render any common action highly uncertain or virtually impossible. Although men, according to Hobbes, are not political by nature, their association depends on an agreement to observe justice among men who disagree about who ought to receive what, thus they need common standards of right and wrong to regulate their affairs. Where it is impossible to obtain a unanimity of wills and agreement a common policy cannot be determined so, Hobbes informs us, an artificial will or person must be created and accepted.

This "artificial right reason" introduces a public level of judgment that takes precedence over private judgments, so the problems of the latter are

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avoided. A sovereign may produce an incorrect answer which does not correlate with the truth, but the judgment stands “ not because it is his private Sentence; but because he giveth it by Authority of the Sovereign ... which is Law. ” Even if one believes that the sovereign’s decision is fundamentally wrong, civil disobedience is prohibited. That person has an obligation to obey, or face the consequences of the punishment power exercised by the sovereign.

Thus, Hobbes’s sole and unique remedy for the “ state of war against all” supports the concept of absolute sovereignty as a necessary and sufficient condition for the formation of a genuine political union. A possible argument against this contention that states without an absolute government will inevitably deteriorate into a state of war is that there have been numerous small, so-called “ acephalous” societies that exist for long periods without any stable leadership, law or politics in their daily lives. On the small scale at least these societies can get by with the laws of nature alone, yet Hobbes seems to suggest that their existence is impossible to explain. Scholars have suggested that Hobbes’s state of nature is peopled with the men of the seventeenth century, and his theory is designed around the problem of sustaining and policing a large and prosperous society, so this may not be a major defect, as acephalous societies tend to be relatively rare, small and isolated. Hampton contends that Hobbes’s argument fails to prove that people, as he describes them, would institute his definition an absolute sovereign.

Hobbes proposes that the creation of an absolute sovereign is necessary to secure peace in the commonwealth, but the very existence of the sovereign

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is ultimately determined by the people as subjects. Thus, Hampton argues that the subjects cannot create a sovereign who meets the definition given by Hobbes ??? a ruler who decides all questions in the commonwealth and whose reign is absolute and permanent. Hence, it does not follow that peace and harmony in civil society can be secured and guaranteed by the adoption of Hobbes's scheme.

Hampton's argument is, I believe, a sound one and while it questions the likelihood of establishing an absolute sovereign, its relevance is limited here as the society Hobbes is writing for already have a monarch, which he endeavours to persuade them to obey. Why does Hobbes believe limited government is not possible? Hobbes sets out to demonstrate that civil society can only be truly unified when the state incorporates a single validating authority with clearly defined decision-making procedures, which can arrive at definite decisions and initiate common action ??? despite a divergence of consciences.

Some scholars suggest that Hobbes requires a single human decision-maker and fails to recognise that a group of decision makers would have the same effect, such as a parliament with a set of clearly entrenched rules or laws. However, on a wider reading of his works, it seems to me that Hobbes believed in any form of absolute government – an absolute democracy, aristocracy, or closed oligarchy would also be feasible, so long as the power of the group is absolute.

Hobbes's assumption is that human disagreement is all pervasive; that the subjects of a commonwealth are incapable of reaching a unified

interpretation of a constitution and, therefore, an adjudicator (or adjudicative body) will be needed to interpret the constitution for them. Such a body constrained by law would simply fail because laws, and the words which constitute them, can always be subjected to various interpretations.

Therefore, some member of the political system must have the authority to determine what the law is with a clear, unambiguous and indisputable answer.

Hobbes contends that if there is a power that is limited within a state, then it must be limited by a greater power. So the search for the greatest power in the commonwealth – the sovereign power ??? will be realised when we come to an ultimate power, that effectively limits all others, but which is unlimited in its own right. The authority that determines the meaning of the laws and can force obedience to those laws by all is effectively the absolute sovereign because the power to reach a final binding decision is located in it, even if that body regularly delegates power to another.

So, for example, if the King is dependent on an assembly, then it is the latter body which is ultimately sovereign. In essence, Hobbes claims that a government comes into existence only with the appointment of a ruler with absolute power ??? a power that effectively transcends all others, and over which there is no appeal. Any authority with that standing and intended to perform that task according to Hobbes must be legally absolute, that is, unchallengeable in the name of any other legal authority. If the authority cannot enforce obedience to the laws by all, then they have no power, and the Government is not constrained by law.

Why does Hobbes contend divided government is not a practical possibility?

Hobbes believes a government limited by law is also necessarily divided, and this appears sound. Further, he contends that such a divided government, or a system of checks and balances where power is spread between various branches of government, is fundamentally unstable and will inevitably degenerate into civil war. A government with sovereignty divided among different branches was rejected by Hobbes in the following terms: “ For what is to divide the Power of a Commonwealth but to dissolve it; for Powers divided mutually destroy each other. Once again Hobbes maintains that what destroys this kind of constitutional arrangement is the impossibility of agreement as to the interpretation and enforcement of moral rules or principles. The heads of all divided governments necessarily live in a state of nature with respect to one another. Each branch acts for its own self-interest, and with no common power over them, will transcend into a state of war with respect to one another.

Each branch is assumed to behave just as humans would: in a state of nature, and exclusively motivated by their egocentric and selfish tendencies, civil war will inevitably follow. Hobbes believed a state to be an artificially organized whole run by a person’s mind, so it can be expected to behave as a body does (given that a body too is an organized whole run by a human mind). Hobbes’s vision is of a unitary state with one government run by a mind, or a group of minds, which will behave like a small organization run by a human mind. Problems with these arguments:

History is against Hobbes, as in reality divided governments can ??? and do ??? work well, certainly they are no more unstable than some absolute

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governments. The United States of America is a paradigm example, despite the American Civil War of 1861-1865, few would argue that their constitution successfully divides power between the separate branches ??? parliament, legislature, and judiciary ??? who each act as a check and balance on the other branches to prevent the abuse of absolute power. It is also conceptually possible to have a limited government which is not seriously divided.

New Zealand is close to this model ??? while the Governor-General has a power to veto laws, by convention this is never exercised. Where such limited governments rule, there seems to be no increased concern of the sovereign abrogating the laws. Both limited government which is not divided, and divided government, can work in a stable way as checks and balances on power effectively impose a minimum standard of competence and thought, which makes for more rationality (and less room for errors) by those in power. History therefore proves there must be an error in Hobbes's theory.

But this does not mean his entire argument is wrong, his theory may be adapted to cope with this development: it is not simply true that a state of nature between human-like actors is necessarily a state of war ??? for the latter to result the former also requires other factors, including scarcity (which does not generally exist for politicians, hence the success of divided governments). Hobbes's argument presupposes scarcity between individuals, and it is also true that states may be in situations of relative scarcity with one another ??? so they too may drift into a state of international war.

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Another explanation for this phenomenon is that the collective action of members of governmental branches is not the same as individual action. It is too simplistic to argue that such branches behave just like giant robots or individual people would, as they are divided by the varying individual consciences of their members. For a group to behave like an individual its members must subsume their own desires and motivations to peruse those of the group, but there is no proof that primarily selfish people, as Hobbes defines them, would do this.

In reality, branch members may be aligned with members of other branches ??? particularly as they are usually elected by each other ??? inhibiting a war between the branches of government. This analogy may also extend to the relationship between nations, which in the opinion of this author, are currently generally not in a state of war. The European Union has been remarkably successful at fostering commercial and psychological links between state members ??? so these hitherto competing nations no longer regularly engage with one another in warfare.

Perhaps Hobbes would reply that members of the European Economic Community now exist as a single state, rather than individually. This is doubtful however, as the European Union does not have a collective military force, which Hobbes considered a necessary common power for a government. Thus, at least in Europe, there exist today states which are in a state of nature with respect to one another in Hobbesian sense, yet they are in a state of real peace. Problems with Hobbes's remedy:

Some academics have suggested that perhaps Hobbes's remedy ??? absolute government ??? is worse than the disease he attempts to avoid ??? the state of war. Under an absolute government there cannot be respect for individual rights in the sense of a law protecting such rights that the sovereign cannot override. But Hobbes argues that if people accept the necessity of absolute government then there is no incentive for that government to systematically violate the rights of human subjects, as if people do not rebel then the government will have no reason to think their power is under threat.

Vitality, Hobbes's theory assumes the rationality of the sovereign, but there are intuitive reasons for thinking that people in powerful positions are not psychologically usual, or rational. Acton's famous aphorism " Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men," reflects the historical trend of powerful, aggressive and seemingly irrational leaders such as Stalin and Hitler. In Leviathan, Hobbes himself notes that people may object to exposing themselves to " the lusts, and irregular passions of him, or them that have so unlimited a power in their hands. His later argument that a sovereign who is already on a pedestal of glory will not desire even more seems dubious, and also seems to directly contradict his argument of a " general inclination of all mankind a perpetual and restless desire of power after power, that ceaseth only in death. " Furthermore, absolute governments typically have ambitious foreign policy, Hobbes confessed this: " Kings, whose power is greatest, turn their endeavours to the assuring it at home by laws, or abroad by wars: and when that is done, there succeedeth a new desire; in some, of fame from new

conquest. Maintaining a large army to succeed in battle will require heavy taxation and conscription, as Hobbes knew The Royal Government of France had implemented. Hobbes basic proposition is that obeying the government is the only way a peaceful life can be achieved. However, life might still be “solitary, poor, nasty, brutish, and short” for people who obey their governments and are conscripted into armies with high casualty rates.

The prospect of international war did not seem to concern Hobbes greatly ??? this optimism probably stems from his personal experiences of the English and French international conflicts, which were far less destructive than the interpersonal conflict observed in civil wars. Hobbes would have known of the incredibly destructive Thirty Years’ War however, and as modern technology has since vastly increased the possibility of international harm, in the opinion of this author, a constant state of international war is a major concern and if it inevitably stems from organised polity, then this is not unquestionably better than a state of nature.

Conclusion The alternatives available when Hobbes wrote, given England’s political history, did seem to be only absolute monarchy or anarchy and dissolution. We now know that a middle possibility does exist, a sovereign body may be limited by something that is not a superior body: an elected body of men may enjoy unlimited legislative powers, yet face the possibility of dismissal at the next election. Hobbes emphasised that a government draws its authority from below; its subsequent performance can also be subject to periodic review from below. Electorates” are neither superior decision-making bodies, nor are they organised bodies at all ??? only all electors taken collectively. Yet their existence may effectively restrain

sovereign legislature's absolute constitutional freedom, thereby avoiding the Hobbesian dilemma that a decision-making authority can be checked only by a rival or by a more powerful body. In his autobiography, Hobbes states that the goal of publishing Thucydides was to " point out how inadequate democracy is, and how much wiser one man is than a multitude. " Hobbes clearly believed that democracy posed many threats to political stability.

But it is probably an exaggeration to think of Hobbes as anti-democratic in a modern sense, in his day democracies ??? such as ancient Athens ??? failed to last, and seemed practical only for small states as they required active and continuous participation by the people in their own government. Hobbes should not be assumed to be opposed to the large modern democracies we have today, which he never could have predicted or imagined. References:

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