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**THE LIMITS OF POLITICAL OBEDIENCE
AND THE WAYS OF RESISTANCE IN
HOBBS**

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Summary

This study aims to reveal the limits of political obedience and the ways of resistance to the sovereign power in the political philosophy of Thomas Hobbes. Even though, Hobbes is generally accepted as the champion of the absolutism and accordingly unconditional obedience to sovereign; this study claims that there are some limits to political obedience in Hobbes' thought and that in case these limits are exceeded the subjects may resort to various ways of opposing the representative of the sovereign power. The aforementioned thesis, by supporting the arguments of recent studies, based on three concepts directly related to political legitimacy in Hobbesian political philosophy; "consent of the subjects", "authorization", "natural and inalienable rights". The study argues that the different views of Hobbes readers stem from Hobbes complex approaches regarding law. Hobbes bases his theory on "natural law"; however, after foundation of the commonwealth, he gives much place to "positive law" in practice. Scientists who prioritize positive law place Hobbes in a more conservative position, while researchers who prioritize natural law put Hobbes in a more liberal place. Although there are ways to disobey the sovereign power in Hobbesian political theory, this paper reaches to a conclusion that it is difficult for these attempts to be successful in practice, unless sovereign's iniquity reaches to a great many multitudes and compels a high number of subjects to rebel against its authority.

Keywords: Hobbes, Political philosophy, sovereign power, political obligation, resistance.

Introduction

According to the prevailing literature, Hobbes is widely regarded both as the champion of absolute sovereignty and also as a strong adherent of unconditional obedience. Accordingly, it is commonly believed that neither disobedience nor resistance find any way in Hobbesian political philosophy. On the other hand, since the publication of '*Leviathan*¹', based on several concepts of Hobbes, it has been argued that he paved the way for a dissent theory. It is being argued that: first; by grounding his Leviathan on 'consent of man', Hobbes required the sovereign to maintain his subjects' consents in order to be a legitimate sovereign. Second, Hobbes's conception of 'authorization' of the men indicates that authority of the sovereign is based on its subjects. Therefore, men, in fact, are the authors of Leviathan and the great sovereign acts on behalf of them. The third argument is concerning Hobbes's 'natural rights' theory. Since Hobbes conceives the lives and some liberties of the men as the 'natural and inalienable rights', first and foremost purpose of the sovereign should be the protection of the lives, liberties, and properties of subjects. By putting forward the centrality of consent, authorization, and natural rights, as well as furthering earlier arguments, some recent works on Hobbes contrast to prevailing Hobbesian accounts and contend that there are several reasons to allow the subjects to disobey and resist sovereign.

It's necessary to mention at the outset that an attempt to infer a disobedience and resistance theory from Hobbes, without taking the disorders of his time as well as the main purpose of his

¹ In order to keep away from confusion, I use '*Leviathan*' only while referring to Hobbes's book. For 'state', I either prefer "the Common-wealth" or "sovereign power".

project into account, cannot give us the proper context of his theory of obligation and its limits. This paper, consistent with “*Leviathan*”, analyzes Hobbes’s political philosophy with a sequence of sections each of which like building blocks added to the former one on the one hand, and all of which constitutes together a coherent whole on the other². Since it’s not difficult to find several passages in *Leviathan* contrasting each other, my purpose is not to pick some passages from *Leviathan* to prove or disprove whether an idea gives way for disobedience. Instead, I try to read those passages and Hobbes’s words within the whole context of his project and try to examine the limits of obedience and the ways of resistance in this manner³.

In the first section, since those pave the way for a Common-wealth, I briefly investigate the seeds of obligation, namely the natural conditions and main faculties of men. I argue that Hobbes utilizes these two concepts and he conceives them as the underpinning elements of his theory of obligation. With the help of these, Hobbes closes all other doors but left the one which opens only to the Common-wealth.

The second section elaborates the grounds of political obligation and tries to answer the question of ‘why do the subjects obey the commands of the sovereign’? I try to draw attention to double-fear of subjects: fear of the perpetual war and fear of the sword.

Section three intends to reveal the limits of obligation and the ways of resistance in six parts. In the first part, I explain the meanings of ‘just’, ‘unjust’ and ‘iniquity; because of the significance of these terms. In the second part, by bifurcating the matters as the matters concerning the peace and the matters not concerning the peace, I argue that even though subjects do not transfer their rights in the matters not relating to the peace, the sovereign may involve

² This paper is elaborating the ideas of Hobbes with reference to his book ‘*Leviathan*’. I rarely apply to *De Cive*, not the other works of Hobbes. When it’s necessary, I give information about the changes in his thought between his works through footnotes.

³ There are several researches done on inconsistency and incoherency of Hobbes’s ideas. Dealing with these issues are not in the scope of this paper.

and regulate them. In other words, subjects have liberty on these matters only if Commonwealth pretermits these areas. Part three of section three examines the inalienable rights of men and argues that men can justly resist the sovereign when these rights are under immediate threat. Since the problem of self-judgment is an issue in Hobbes's philosophy on which researchers make different arguments and reach dissimilar points about the limits of the sovereignty, in part four, I elaborate different accounts of self-judgment. In the fifth part, I explain "why do soldiers have to, but the other subjects do not have to participate in the battle. In last part of section three of the paper, I delve into the question of 'is the right of disobedience peculiar to separate individuals or is there any way for rebellion in Hobbes's Commonwealth'.

1- Seeds of Obligation: Men's Faculties and Natural Conditions

Before delving into the limits of obedience and the ways of resistance, it's necessary for a better understanding of these limits and the ways to elaborate Hobbes's conception of men's faculties and the natural conditions as a result of which men leave himself to the hands of the Commonwealth.

Men's faculties and natural conditions in which men live, both take them in a state of perpetual war and provides them a way-out from this war. Even though Hobbes speaks of several faculties of men, I pick three features of men which are to me the essential ones that drag the man into a condition of war of everyone against everyone. First one is men's equality⁴ "*in the faculties of body, and mind*" (Lev. XII, p. 94⁵). It is interesting that Hobbes, while accepting the equality of men, he argues that, this equality causes many problems, because of men's second faculty: "desire". Men have desires for the fruits of the world and equal hope for possessing those fruits from which they cannot be enjoyed at the same time. As a result of this struggle for the same thing -same fruit-, "*they become enemies; and in the way to their End, (which is principally their owne conservation, and sometimes their delectation only,) endeavor to destroy, or subdue one an other*" (Lev. XII, p. 95). Each applies to the right of nature which is "*the liberty to use his own power to preserve his own life*" (Lev. XVI, p. 99). However, due to the equality of men in the faculties of body and mind, it is impossible for anyone to completely secure himself from the threats coming from the others by eliminating them. It is also unlikely to get rid of this perpetual war condition, as long as they are in a lack "*of common power and his laws to keep them all in awe*" (Lev. XIII, p. 96). Even if men deprive themselves of civil laws, they have

⁴ Though Hobbes assumes the 'equality of men in the faculties of body and mind' in state of nature, after formation of the Commonwealth he applies the differences of men in several chapters. He says some subjects tend to be just, but the others are unjust (Lev. XV). In chapter XXI he again applies the difference among men while explaining that some men are gallant, while the others timorous.

⁵ For all of the references to *Leviathan*, I use the abbreviation as 'Lev.', I give the chapter numbers in Roman numerals.

laws of nature which are “*found out by reason, by which a man is forbidden to do, that, which is destructive of his life*” (Lev. XVI, p. 99).

At the end, with the help of their third faculty, namely reason, as well as their inclination to peace and application to the laws of nature men come out of this situation by submitting themselves to a common power:

“The Passions that encline men to Peace, are Feare of Death; Desire of such things as are necessary to commodious living” and a Hope by their Industry to obtain them. And Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement.”

(Lev. XIII, p. 98)

In a nutshell, men’s faculties and natural conditions take them into a perpetual war from which they find a way out with the help of reason in order to get rid of the immediate fear of death and to reach a peaceful life under the sword of Leviathan through the social contract. That is to say, subjection of men to the sovereign is, in fact, not a product of free will but a necessity of Hobbes’s conceptualization of men and of the conditions that they live in. Hobbes firmly shuts all the other doors but left the one which opens only to the sovereign. Therefore, faculties of men and the conditions of pure nature serve as if the seeds sowed by Hobbes to give their crop, namely, ‘the Common-wealth’.

2- Grounds of Political Obligation: Why Do We Obey the Laws?

“But as men, for the atteyning of peace, and conservation of themselves thereby, have made an Artificiall Man, which we call a Common-wealth; so also have they, made Artificiall Chains, called Civill Lawes, which they themselves, by mutuall covenants, have fastened at one end, to the lips of that Man, or Assembly, to whom they have given the Sovereigne Power ; and at the other end to their own Ears. These Bonds in their own nature but weak, may neverthelesse be made to hold, by the danger, though not by the difficulty of breaking them.” (Lev. XXI, p. 162-163)

This section intends to highlight the reasons that make people obedient to the Sovereign and tries to answer these questions: Why do people obey the commands of the sovereign? What if they prefer not to obey? These two questions have great significance on Hobbes’s political philosophy and ought to be answered to grasp the limits of obedience as well as the ways of resistance.

Let’s begin with the first question: Why people do obey the commands of the sovereign? Steinberger (2002) is right while saying *“the grounds of obligation is contractual”* (p. 857), and injustice, as Hobbes notes, *“...is no other than the not Performance of Covenant”* (Lev. XV, p. 110). Nevertheless, as I mentioned in the previous section that the reason why man made the covenant -submit himself to the sovereign- is, in fact, not his consent but a necessity of Hobbes’s formulation of the state of nature. As long as man lives under the conditions of the state of nature, his life will be as in the Hobbes’s definition: *“solitary, poore, nasty, brutish,*

and short” (Lev. XIII, p. 97). Therefore, an agreement among them is crucial for peace and security of men. However, due to the natural passions of men, a sustainable agreement cannot be achieved, unless they have an awe of a great power and fear of the punishment to ensure the performance of the covenants. As Hobbes notes “*Covenants, without the Sword are but Words, and of no strength to secure man at all*” (Lev. XVII, p. 128). Then, we can say a transition from the state of nature to the Common-wealth means replacement of one ‘fear’ with another one: a transition from fear of the perpetual war to fear of the sovereign. From an immediate fear to a distant one. From an imaginary fear to a real fear. In this sense, even if the contract seems like a ground of obligation; in fact, it is, as the conception of “state of nature”, a kind of metaphor not literally applicable. Nock (1995) precisely points this out that the state is legitimated as if liberal subjects had consent and adds “*the state of nature is not something that rational men contract their way out of. Rather, it is the state into which society is doomed to fall unless the sovereign takes pains to rule in accordance with the metaphor of contract*” (p. 143). The aim of Hobbes here is to utilize these imaginary concepts in order to strengthen the authority of the state by the threat of perpetual war.

So, we can say that even though, at first glance, men seem to accept the burden of Leviathan to escape from the fear of natural conditions. In essence, as Steinberger (2002) explicitly points it out Hobbes motivates the subjects “*to obey the sovereign by a kind of double fear-fear of being punished for breaking the law and fear of being plunged back into the dangerous condition of mere nature*” (p. 863). Thus, the answer to the second question: “What if the subjects prefer not to obey?” is embedded at this point. To me, there are two reasons for men to obey, namely to not break the covenant. One is a real fear: awe of the sovereign, in particular, his punishment; and the other is an imaginary fear of turning back to the conditions of the state of nature.

On the other hand, even though Hobbes attributes an equality to the men in the faculties of their mind and body, as I earlier mentioned, he, many times throughout the *Leviathan*, classifies the subjects according to their faculties' differences. In chapter XV of *Leviathan* Hobbes, with reference to the manners, categorizes the man as just and unjust man (Lev. XV, p. 114). I'll elaborate this issue in next section; however, it is clear that this 'just-unjust' person distinction indicates that the reasons make just and unjust man obedient to the laws are different. According to Trainor (1984), just man's natural passions tend to obey since he gives everyone their rights, whereas, the unjust person is not qualified with higher passions for obedience to the civil law and needs the fear of the sovereign (p. 285).

It's very complicated that whether a moral obligation can be added as a third reason for political obligation. Hobbes tries to underpin the bonds of the covenant with a moral obligation and explains the importance of gaining the secure and perpetual felicity of Heaven by keeping the covenants (Lev. XV, p. 113). Both May (2003) and Warrender (1995) emphasize the morality of obedience by arguing that obedience to civil law is a part of the law of nature. It's obvious that even though he stresses the superiority of civil laws under the Commonwealth; in *Leviathan*, Hobbes several times departs from this notion and returns to the natural law for securing the peace and safety. Warrender (1995) sheds light on Hobbes's changeovers by noting that "*There is, in consequence, a dualism in Hobbes's account of political obligation. On some occasions the argument is conducted in a very legalistic mode, where Hobbes appeals to the express provisions of the political covenant. Elsewhere, however, his style is more moralistic, and here he tends to rely upon a general obligation to observe the laws of nature*" (p. 114). However, since, the fire of Hell does not pose an immediate threat, we can leave the natural laws aside until the doomsday.

3- Limits of Obligation

Hobbes reveals at the end of the second part of *Leviathan* that his main purpose of writing the book is “to teach how to govern and how to obey” (Lev. XXXI, p. 285). According to Hobbes, there is a mutual relation between protection and obedience (Lev. Conc. p. 556). Therefore, if the sovereign knows/learns how to govern and the subjects know/learn how to obey, as well as both act in accord with this, they will all live peacefully together. In other words, a conflict between the rights and duties of the subjects and the civil right of the sovereign is not necessary. Trainor (1984), regarding this conflict, notes that “*Hobbes acknowledges the possibility of conflict but insists that what is ‘potential’ need not become ‘actual’ if the sovereign takes adequate precautionary measures and if his subjects exercise their right to self-defence in good faith, and only then as a last resort*” (p. 280). I support his view and argue that there are, in fact, two types of governments and subjects in *Leviathan*. In one hand, we have the ideal types that know their rights and duties and live without conflict. However, as we saw earlier that men tend to seek their particular interests (Lev. XVII, p. 129). Moreover, some sovereign representatives look for their own goods (Lev. XXIX, p. 249). By doing so, these men and representatives actualize the potential conflict. I think all the limits of obedience and the ways of resistance can be explained with reference to this actualized conflict between the sovereign and the subjects. In this section, I categorize the conflict between the sovereign and the subjects as well as try to investigate the reasons and dynamics of this conflict. Before going through this investigation, for a better understanding of the issue, I explain the meanings of ‘just’, ‘unjust, and ‘iniquity’ terms in Hobbes’s philosophy.

I deal with the limits of obligation and the ways of resistance in five parts. In the second part of this section, I analyze the differences between the matters concerning peace and matters not concerning peace. I argue that subjects’ liberty confines to the matters pretermitted by the

Common-wealth. In part three, I examine the inalienable rights of men and argue that men can justly resist the sovereign when these rights are under immediate threat. In part four, I investigate different accounts of self-judgement and try to find out what are the limits of individual judgment. In the fifth part, I explain the situation of the soldiers under the condition of war. In the last part of this section, I delve into the question of “is the right of disobedience peculiar to separate individuals or is there any way for rebellion in Hobbes’s Common-wealth?” In this part, while accepting there is a way for rebellion, I argue that subjects those who attempt a rebellion will face with a triple fear which makes their situation worse than conditions of the state of nature.

a. Essential Terminology: 'Just' 'Unjust' and 'Iniquity'

The third law of nature in *Leviathan* is “*that men performe their Covenants made*” (Lev. XV, p. 110) and accordingly “*the definition of Injustice is no other than the not Performance of Covenant*” (Lev. XV, p. 110). Such a definition of injustice requires the elaboration of the terms ‘just’, ‘unjust’, and ‘iniquity’ since all the conflict between sovereign and his subjects hinges on the distinction between just and unjust. The very first thing that should be taken into account about the issue is Hobbes’s separation of the manners from the actions while describing the just and unjust man:

“The names of Just, and Injust, when they are attributed to Men, signifie one thing; and when they are attributed to Actions, another. When they are attributed to Men, they signifie Conformity, or Inconformity of Manners, to Reason. But when they are attributed to Actions, they signifie the Conformity or Inconformity to Reason, not of Manners, or manner of life, but of particular Actions. A Just man therefore, is he that taketh all the care he can, that his Actions may be all Just: and an Unjust man, is he that neglecteth it.” (Lev. XV, p. 114)

So, it’s clear that, when we use the verb just and unjust they either refer to the subject or to his single action. That is to say that, a just person who has the righteous manner of life does not become an unjust person by performing some unjust actions and also an unjust person’s manners do not change by doing a couple of just actions. So, a person even a just one can commit a crime and this crime makes his action unjust but not turns him to an unjust man. Hence, we can say that subjects’ relations to the law should be considered in two ways. Subjects’ whole adherence to the civil-laws symbolizes their allegiance to the sovereign and makes them just individuals. However, their single actions through which subjects commit a crime against the law only makes their actions unjust not themselves. Of course, even if a subject is a just subject when he commits a crime will be punished by the sovereign. The critical point here is the intention of the subject. As long as the subject acts not with the intention of

destroying the Common-wealth, he will be just, even though he disobeys the commands of the sovereign. Hobbes emphasizes the role of intention while noting that *“The obligation a man may sometimes have... dependeth not on the words of our submission, but on the intention, which is to be understood by the end thereof”* (Lev. XXI, 167). I think this is the point that Trainor (1984) calls *“good faith”* that subjects required to have even while exercising their right of self-defense (p. 280).

After the clarification of just and unjust terms with reference to subjects and their actions, I explain the sovereign’s positions in terms of these terms. The abovementioned definition of injustice makes clear that, since the sovereign is not the part of the covenant and not subject to the civil laws, his crime definitionally unconceivable. A sovereign, by no means, can perform an injustice and involve in unjust actions; nevertheless, he may commit iniquity (Lev. XVIII, p. 136). However, Hobbes although does not explain in what way can a sovereign be inequitable nevertheless he points out that equity is the proper interpretation of the natural law (Lev. XXVI, p. 217). So we can say that the sovereign power may involve in iniquity by transgression of the natural law. Because *“the Lawes of Nature are Immutable and Eternall; For Injustice, Ingratitude, Arrogance, Pride, Iniquity, Acception of persons, and the rest, can never be made lawfull”* (Lev. XV, p. 121). To me sovereign may commit iniquity in these ways: by distributing the lands arbitrarily (Lev. XXIV, p. 190), by seeking his own good (Lev. XXIX, p. 249), by limiting the rights of his subjects on the matters are not pertaining to peace such as such as is the liberty to buy and sell (Lev. XXI, p. 132), by punishing the innocent subjects (Lev. XXIIIX, p. 244) by acception of person, namely inequality to his subjects (Lev. XXX, p. 266).

b. Matters Not-Concerning Peace

“That is to say, what are the things, which, though commanded by the Sovereign, he may neverthelesse, without Injustice, refuse to do; we are to consider, what Rights we passe away, when we make a Common-wealth; or (which is all one,) what Liberty we deny ourselves.” Lev. XXI, p. 166.

Since Hobbes grounds the legitimacy of the sovereign on social covenant, by means of which man transfers his rights, we need to know the limits of the covenant. What do men transfer and what do they keep for themselves? To understand these, both the ends of the sovereign and the words of men which transform the men to the subjects are the two major determiners of the limits of obedience. I argue in this part that there is a discrepancy between the metaphor of social contract and the reality of the Common-wealth. Although, at first, Hobbes grounds his political theory on social contract metaphor and requires subjects to act in accordance with the commands of the sovereign if the matter is a matter that they transfer their rights. However, at the end, Hobbes wants subjects to obey the rules even though these rules are concerning the matters which subjects have not transferred their rights. In this way, men’s subjection to the sovereign goes beyond the social contract. Let’s first look at what Hobbes requires every man to say while transferring the rights:

“I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner.”
(Lev. XVII, p. 132)

Although, at first glance, the words of *“give up my Right of Governing my selfe”* imply an unlimited transfer of rights, Hobbes confines this in the same paragraph by saying *“in those things which concerne the Common Peace and Safetie”* (Lev. XVII, p. 131). That is to say; the matters are bifurcated as the matters pertaining the peace and the matters not pertaining the

peace. Common peace for Hobbes is the absence of the state of war and the “*the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE*” (Lev. XIII, p. 96). So if a matter has the potential to affect the common peace, it is considered pertaining to peace and will be regulated by the sovereign. I want to give an example in order to clarify this distinction. Hobbes, while explaining the difference between ‘injury’ and ‘injustice’ in chapter XV of Leviathan, sheds light on this distinction:

“in Common-wealths, private men may remit to one another their debts; but not robberies or other violences, whereby they are endamaged; because the detaining of Debt, is an Injury to themselves; but Robbery and Violence, are Injuries to the Person of the Common-wealth.” (Lev. XV, p. 115)

For the reason that a robbery and other crimes are not only the violation of subjects’ rights but also of their peace and safety, private men do not have a right to remit them. It’s obvious from the passages that men give up their rights if only the matters concern the peace and safety. Subjects, therefore, should be free in terms of other matters. At this point, we can conclude in this way: since men have only transferred their rights providing they are related to the peace; and therefore the sovereign has been authorized for those matters, the sovereign should not regulate the matters not concerning the peace. If he does otherwise, as Hobbes says, subjects have a right to refuse to do:

“That is to say, what are the things, which, though commanded by the Sovereign, he may neverthelesse, without Injustice, refuse to do; we are to consider, what Rights we passe away, when we make a Common-wealth; or (which is all one,) what Liberty we deny ourselves.” (Lev. XXI, p. 166)

This inference, on the other hand, raises some questions. Is it possible for such a powerful sovereign to not regulate some matters? What are the matters not concerning the peace? Though Hobbes's answers to these questions are clear, they complicate our conclusion.

*"...there is no Common-wealth in the world, wherein there be Rules enough set down, for the regulating of all these actions, and words of men, (as being a thing impossible:) covenants it followeth necessarily, that in all kinds of actions, by the laws pretermitted, men have the Liberty, of doing what their own reasons shall suggest, for the most profitable to themselves."*⁶ (Lev. XXI, p. 163)

Since Hobbes conceives the liberty, in Leviathan⁷, as *"the absence of externall Impediments"* (Lev. XVI, p. 161), *actions, by the laws pretermitted* give us the true liberties of subjects, in the context of Hobbesian conception of liberty. It also implies that no rule, even a Leviathan, is comprehensive enough to cover all actions of subjects. Hence, if sovereign does not regulate a matter, which means no impediment on them, subjects should have a liberty to do or to avoid them. Hobbes also counts those pretermitted matters:

"The Liberty of a Subject, lyeth therefore only in those things, which in regulating their actions, the Sovereign hath pretermitted : such as is the Liberty to buy, and sell, and otherwise contract with one another ; to choose their own aboad, their own diet, their own trade of life, and institute their children as they themselves think fit; & the like." (Leviathan, XXI, p. 132)

I think, Hobbes, here, gives a general-sense of what are the matters not concerning the not concerning common-peace. So, to me, in Hobbesian philosophy, the matters which are not concerning the peace and the ones are concerning the peace are clear enough to not leave some matters as the gray areas. The Common-wealth is supposed to provide a commodious living to

⁶ Emphasis added.

⁷ Hobbes defined the liberty in *De Cive* as *"the absence of Impediments"* (p. 111), he shifted this definition in *Leviathan* and defines liberty as *the absence of externall Impediments*.

its subjects, however do not involve their buying and selling activities. These activities by-definition cannot become a threat to common-peace.

On the other hand, above-mentioned quote, in contrast to our earlier inference as well as Hobbes's previous remarks states that subjects have a liberty only in those things the sovereign has pretermitted. However, man has only given up his rights on the matters related to the peace and safety. Accordingly, the sovereign should have pretermitted those things as well as have left them to the subjects' self-judgement. Therefore, subjects should have enjoyed their liberties in those matters. This picture has illustrated a concrete limit of sovereign's authority. However, Hobbes complicates the issue and narrows subjects' liberty down to the matters have not been regulated by the sovereign. Then we conclude in this way; if sovereign acts in a way that he is supposed to do, there would be no controversy. Subjects will enjoy their liberties since they have not transferred them. What if the sovereign wants to command on these matters and regulate those actions not concerning the peace? Do subjects have a right of resistance when sovereign commands on these matters?

As I mentioned earlier, Hobbes's main purpose in *Leviathan* is to teach "how to govern and how to obey". Which means that there is a difference between "what do subjects and sovereign actually do" and "what they should do?". If the sovereign, despite their irrelevancy to the peace and safety, regulates the matters that subjects do not transfer their rights, these regulations at the end will be civil laws. Though they are not good laws, they cannot be unjust, in other words, subjects have to obey them.

"By a Good Law, I mean not a Just Law: for no Law can be Unjust. The Good Law is made by the Sovereign Power, and all that is done by such Power, is warranted, and owned by every one of the people ; and that which every man will have so, no man can say is unjust. It is in the Lawes of a Common-wealth, as in the Lawes of Gaming: whatsoever the Gamesters all agree on, is Injustice to

none of them. A good Law is that, which is Needfull, for the Good of the People, and wath all Perspicuous." (Lev. XXX, p. 268)

Hereupon, the sovereign should not regulate the matters are not concerning peace, but if he does subjects both ought to and should obey these laws. Hobbes's claim that even the laws are not good, they are laws, serves as a broad restriction on subject's liberty.

As I emphasized at the outset of the paper, the best way to understand Hobbes's texts is to interpret the contrasting passages according to his main philosophy. I stated in the second section that Hobbes underpins the sovereign's power with the metaphors of social contract and state of nature. In fact, I have to say that, until these metaphors contradict the realities of the Common-wealth. If the natural law or the words of social contract contrast to civil law, the sovereign will say the last word. The laws of nature, Hobbes states "*are not properly Lawes, but qualities that dispose men to peace, and to obedience*" (Lev. XXVI, p. 205). Following this statement, he clarifies that upon the establishment of the Common-wealth, sovereign power is the only power enforces his subjects to obey both the natural and civil laws. Then, with reference to our table, we can say that, by legislating the matters not pertaining the peace, the sovereign, in fact, committing an iniquity since he transgresses the natural laws; whereas subjects cannot be just when they disobey these civil laws. Subjects can resist though; however, each man has to keep in mind that when he/she attempts to do this, at the end will face with the sword of the sovereign and besides that he falls into the conditions of the state of nature.

c. **Rights of Men: Inalienable Rights**

“...there be some Rights, which no man can be understood by any words, or other signes, to have abandoned, or transferred. As first a man cannot lay down the right of resisting them, that assault him by force, to take away his life; because he cannot be understood to ayme thereby, at any Good to himselfe. The same may be sayd of Wounds, and Chayns, and Imprisonment...” (Lev. XIV, p. 102)

In the previous section, I have shown that there are some matters which are not related to peace and therefore should be pretermitted by the sovereign. Apart from this, Hobbes’s theory of natural rights, open another door for disobedience. As seen in the abovementioned quote, and in several chapters of *Leviathan*, Hobbes argues that there are some rights which, by no means, can be either given up or transferred. In other words, while man transfers his *right of governing himself* by means of the covenant, he keeps some essential rights to himself. These inalienable rights reveal that, regardless of committing a crime, he has a right of resistance to the commands of the sovereign. Hobbes clearly points out that man transfers neither these rights nor the right of resistance when these rights are threatened.

Although Hobbes confines the right of resistance to some extreme situations such as to save himself from death, wounds, and imprisonment (Lev. XIV, p. 107), these situations uncover that submission of subjects’ wills to the Common-wealth would not seem to be unconditional (Sheridan, 2011). Thus, when a subject commits a crime and as a result of this crime is condemned to death, he will have a right to resist the command of the sovereign and the right to do whatever he can for the preservation of his life. As Burgess (1994) asserts this right of

self-defense implies that both the sovereign and the subject are 'just' in such a situation (p. 63). Since these rights have not and cannot be transferred with the covenant, it's clear that subjects without injustice defend them (Lev. XXI, p. 166).

Because of this coexistence of the right to punish and the right to resist, Ristroph (2009) considers Hobbes's theory of right very radical and holds the view that it distinguishes him from most of his contemporaries. At first glance, this right of resistance presents a liberal Hobbes; however, the reason behind the covenant for men is keeping away from death and conservation of themselves (Lev, XXI, p. 163). Therefore, it's implausible for a man not to resist when he faces death. In this respect, Sheridan (2011) supports the view that "*though Hobbes calls it a right, self-preservation ends up being, a right which looks more like a duty*" (p. 154). Hobbes is also aware of this situation and notes that:

"For man by nature chooseth the lesser evill, which is danger of death in resisting; rather than the greater, which is certain and present death in not resisting." (Lev, XIV, p. 107)

While on the contrary, Steinberger (2002) rejects the possibility of resistance to the Commonwealth and claims that there is no way for disobedience to the state in Hobbes's philosophy. It's worth mentioning his remarks at this point:

"...To summarize: the Hobbesian right to resist-to self-defense-is by definition never a right to resist the state. The very circumstances that make self-defense necessary literally and immediately constitute the abrogation of the contract. And the abrogation of the contract means, literally and immediately, that the threatening entity must be something other than a state." (Steinberger, p. 860)

I have to say that, Steinberger is really in a rush to dissolve the Commonwealth. According to his argument, subjects easily break their bonds and get rid of the sovereign; whereas Hobbes says that:

“His Power cannot, without his consent, be Transferred to another: He cannot Forfeit it: He cannot be Accused by any of his Subjects, of Injury: the same He cannot be Punished by them.” (Lev. XX, p. 153)

The point in the right of self-defense is that the subject who is condemned to death, while trying to escape from punishment, in fact, does not accuse the sovereign. The only problem is, as Sheridan (2011) highlights, *“his lack of willingness to go peacefully to his death”* (p. 151). This is very clear in Hobbes’s example concerning the situation of criminals who are taken into the prison: *“they lead criminals to execution and prison with armed men, notwithstanding that such criminals have consented to the law by which they are condemned”* (Lev. XIX, p. 70). Therefore, what is at stake here is the intention of the subject. As long as the subject acts not with the intention of destroying the Common-wealth, he will be just, even though he disobeys the commands of the sovereign. Thereby, I disagree with Steinberger (2002) on the idea that the very concept of the state itself does not allow for disobedience and agree with Sheridan (2011) that Hobbes’s conception of both sovereign and inalienable rights allow the subjects to disobey the commands of the sovereign justly, even in limited situations. To me, this is actually what Hobbes precisely says:

“When therefore our refusall to obey, frustrates the End for which the Sovereignty was ordained; then there is no Liberty to refuse: otherwise there is.” (Lev. XXI, p. 167)

As to the outcomes of this resistance, it’s evident that there is no way for such an attempt to be successful. His attempt to escape, since the sovereign’s power is both unlimited and as great as possibly men can imagine, does not prevent the sovereign from execution. Therefore, this kind of disobedience, yet uncovers the possibility of resistance to the sovereign, are, some sporadic (Burgess, p. 64) and impotent (Sheridan, p. 150) attempts by means of which a political threat cannot be posed to the sovereign.

At the outset of section three I mentioned the primary purpose of Leviathan as an attempt to “teach how to govern and how to obey” and argued that as long as everybody knows what to do and act in accord with their duties, the subjects and the sovereign live peacefully together. Then we can say that when a subject commits a crime and violates the civil law, he initiates the conflict between the rights of the sovereign and the subject’s right to self-defense. Then, with reference to our table, we can say that, upon a crime of a subject both the sovereign while condemning him to death and the subject while trying to disobey his command do these justly.



d. Problem of Self-Judgment

The right of self-judgment, in Hobbes's philosophy, is a very crucial point about which researchers make different arguments and reach dissimilar points about the limits of sovereignty as well as the boundaries of subjects' liberties. Self-judgment is critical because if we give the subjects a right of self-judgment under a Common-wealth, it means that, eventually, we grant them the right to judge the commands as well as the civil laws of the sovereign. There is no doubt that the state of nature is a condition of self-judgement in which every subject has their right to do what they want to do (Lev, XIV, p. 99).

However, with the social contract, subjects, in addition to their wills, submit their 'judgements' to the Common-wealth. Despite this, Hobbes, in several passages, speaks of subjects' own judgments under the Common-wealth. These two together make the issue controversial that whether the subjects retain somewhat right of self-judgement under a sovereign power. I want to analyze different accounts, with reference to previous two parts of this section, in order to clarify the issue. We have seen, in the part of "*Inalienable Rights*" that subjects have a right to disobey. However, it is not clear whether the subjects disobey the rule as a result of their own judgment or of a fear of immediate threat. If we see this resistance as a matter of self-judgment, it can be said that subjects are entitled to make their own judgements. If we accept the latter argument, it is likely to reach the same conclusion with Sheridan (2011). He is pretty clear that, according to Hobbes, subjects are not entitled to make their own-decisions when the sovereign has legislation about an issue (Sheridan, p. 140).

As to the part of "*Matters Not-Concerning the Peace*", it has been seen that subjects have a right to make judgments when the matters are not pretermitted by the Common-wealth. In line with this Sreedhar (2010) notes that "*one gives up the full right of judgment when leaving the state of nature, thereby agreeing to abide by the judgment of the sovereign or his*

representatives. However, in cases where the sovereign does not pass judgment, it is left to individual subjects to decide what to do” (p.55).

Steinberger (2002), on the other hand, grants subjects the right of self-judgment by saying “*each, in other words, has to decide if the benefits of obedience outweigh the costs” (p. 864).* Bearing Hobbes’s words about the destructive role of self-judgment in my mind, I think it’s almost impossible to accept Steinberger’s argument unless the inalienable rights are under threat. Because it is obvious that the cost of a threat to inalienable rights enormously outweighs the benefits of obedience to the command of the sovereign. Her account can only be applicable to this situation. Hallenbrook (2009) while accepting subjects’ right of self-judgment, confines this right to some specific conditions such as the misjudgment of the sovereign when the sovereign’s mistake is egregious for subject’s self-preservation (p. 6). However, Hobbes disagrees Hallenbrook while saying:

“It’s true, that a Sovereign... may ordain the doing of many things in pursuit of their Passions, contrary to their own consciences, which is a breach of trust, and of the Law of Nature; but this is not enough to authorise any subject, either to make warre upon, or so much as to accuse of Injustice, or any way to speak evill of their Sovereign; because they have authorised all his actions, and in bestowing the Sovereign Power, made them their own.” (Lev. XXIV, p. 191)

With this argument, Hobbes, in fact, claims that this is not the business of subjects to accuse the sovereign even if the sovereign works for his own benefit. Moreover, Hobbes counts self-judgment as a disease which causes the dissolution of Common-wealth and notes:

“...the measure of Good and Evill actions, is the Civil Law; and the Judge the Legislator, who is alwayes Representative of the Common-wealth. From the false doctrine, men are disposed to debate with themselves, and dispute the commands of the Common-wealth; and afterwards to obey, or disobey them, as in their private judgements they shall think fit. Whereby the Common-wealth is distracted and Weakened.” (Lev. XXIX, p. 249)

This statement of Hobbes clarifies that judgments regarding the overall peace and security of the state do not, and cannot, fall to individual experiences and judgments (Sheridan, p. 140). What I understand from all these different accounts and Hobbes's passages is that: except the very limited situations, subjects are by no means allowed to make judgments about the sovereign's commands and civil laws. What should not be forgotten is that subjects do not have a right to disobey in the abovementioned conditions, which means that they cannot resist justly. However, it is not to say that they cannot resist actually, even if it is illegal.

At this point, I want to turn back to Hobbes's whole project and analyze the abovementioned quote regarding the sovereigns' breach of trust. In that passage Hobbes notes "*...this is not enough to authorise any subject, either to make warre upon, or so much as to accuse of Injustice, or any way to speak evill of their Sovereign; because they have authorised all his actions, and in bestowing the Sovereign Power, made them their own*" (Lev. XXIV, p. 191). Hobbes though emphasizes the breach of trust and natural laws, yet he justifies these wrongdoings with the authorization of the sovereign. Hobbes once again applies a metaphor of his philosophy, namely authorization of sovereign, and wants the subjects to remain obedient to the sovereign. By doing so, Hobbes, in fact, underpins the sovereign's power.

So, it's evident that, in Hobbesian philosophy, subjects have the capacity to make judgments. However, they are not allowed to apply their own judgments if the sovereign has a judgment about an issue; even though sovereign's decree seems problematic or his act is iniquitous. Subjects have to obey his commands without questioning them, until these commands threaten inalienable rights of the subjects. I think it's not clear how does this judgment process work. In one hand, we know subjects have the capacity to make their own judgments; on the other hand, it's known they transfer their judgments to the sovereign through the social contract. The former is a fact, however, the latter is a metaphor. Since human beings have the capacity to make

judgments, it's impossible to transfer this faculty to the Commonwealth in reality. Therefore, Hobbes's words regarding the transfer of self-judgment should be interpreted as the transfer of the right of self-judgment. Hence, we can say subjects do not have a right to make self-judgments; but they have the capacity to make judgments. So, if a subject attempts to apply his own judgment, this will cause a conflict as well as his act will be unjust and be punished.



e. Homeland Defense

“Upon this ground, a man that is commanded as a Souldier to fight against the enemy, though his Sovereign have Right enough to punish his refusall with death, may neverthelesse in many cases refuse, without Injustice; as when he substituteth a sufficient Souldier in his place: for in this case he deserteth not the service of the Commonwealth.” Lev. XXI, p. 168

Another interesting topic in *Leviathan* is the duty of homeland defense. As we have seen hitherto, Hobbes has given very tiny rights of disobedience to the subjects. However, in the situation of warfare, as seen in the abovementioned quote, he expands the right of refusal to the commands of the sovereign. In this part, I deal three issues regarding homeland defense. First one is the role of fear. The second one is the distinction between ordinary people and paid soldiers. And the last one is the substitution of another soldier in the place of a subject.

As I several times mentioned, “fear” has a very significant role in Hobbes’s theory. Hobbes considers the probability of natural timorousness and looks for voluntariness of subjects in the case of war. If the subjects are scared for their lives, though it’s not honorable, it is just not to go fighting, because of the preponderance of the natural passions (Sheridan p. 153). However, justness of such an action depends on the intention of the subject. Hobbes clarifies this and notes:

“The obligation a man may sometimes have, upon the command of the sovereign, to execute any dangerous or dishonorable office, dependeth not on the words of our submission, but on the intention, which is to be understood by the end thereof.” (Lev. XXI, 167)

That is to say that, due to a heavy fear of death on a battlefield, subjects are allowed to not participate in war. However, if this avoidance is coming out of a rejection of the sovereign's authority, it cannot be tolerated. Hobbes emphasizes the difference between fear and treachery (Lev. XXI, 167). As Trainor (1984) notes, "*this is because the individual has a positive duty to act in a manner which will not frustrate the purpose of the covenant*" (p. 283).

On the other hand, despite the position of the ordinary subjects in the case of war, paid soldiers are not allowed to not participate in warfare. Hobbes separates the responsibilities of paid soldiers and does not allow them to flee from the battlefield until their commander does so. As the bond of the subjects is the covenant and if the subjects are justly allowed to refuse sovereign's commands when their inalienable rights are under threat, we need to ask why ordinary people are allowed to avoid from war but not the paid soldiers? If they made the same contract, how can we require them to fight until the defeat is clear in a warfare? Sreedhar (2010) explains this situation with 'the soldier contract'. According to her "*all the obligations are the result of a covenant, so the soldier must have made a covenant in which he agreed not to flee the battlefield but to stay until his captain gave the order to retreat*" (Sreedhar, p. 84). This soldier contract seems a reasonable explanation but doesn't solve the problem entirely. Since it is a contract like the social covenant, soldiers should have a right to avoid death. The reason behind the social contract was the safety of an individual's life. So, it should be asked whether receiving some amount of money is powerful enough to convince someone to go to war? To me, it's not sufficient, unless it's underpinned with some other incentives. The role of persuasion, the variety of natural faculties, and the effect of soldier training must be other points to explain the distinction between paid-soldiers and ordinary citizens. The Commonwealth needs to be protected by its subjects. Otherwise, it will be destroyed by another sovereign. That is to say that, for the security of the Commonwealth, someone has to sacrifice themselves. Without this sacrifice, all individuals in a state may face with death as a result of an enemy

attack. Trainor (1984) explains this problem in a similar way. *“Now, to do battle in the service of the sovereign is obviously to risk one’s life but for Hobbes this is a task which falls under the duty to uphold the purpose of the covenant. Risking death and the possibility of defeat are both necessary in the interests of security and are thus compatible with the long-term interests of the individual”* (p. 284). Because of this duty, some members of the Commonwealth should be persuaded to fight systematically. Those who are convinced and sign the soldier contract must be paid. In addition to this soldier contract, I argue that the distinction between the conscripted soldier and ordinary citizen can be explained with reference to the difference between “immediate fear” and “distant fear”. As we know soldiers are trained for war and thought how to protect themselves on a battlefield. However, ordinary subjects generally lack these techniques of battle. So, in a battlefield, an ordinary subject without these skills, will be under the immediate threat of enemy soldiers as well as under the fear of immediate death. The enrolled soldier, on the contrary, since he is trained for battle would not be under the immediate threat until defeat is clear and his captain gave the order to retreat. Moreover, when the role of the variety of subjects in terms of their natural passions is considered, we can say that those who have the courage and gallantness are more likely to be conscripted as soldiers and those who are known with their timorousness are not signed as soldiers.

From this point of view, it can be concluded that, in essence, both the soldier and the ordinary subjects, in accordance with the argument that I’ve made in the section of self-judgment, are allowed to make their self-judgments to protect their lives when they are under an immediate fear of death. Trainor (1984) points out that *“if the signs of an opponent’s impending victory are clear and definite, then to continue to risk one’s life is simply futile and in no way serves the purpose of the covenant”* (p. 284). What is at stake here is that: due to their differences in their fighting skills and natural passions, their fears reach the maximum level at different times.

Otherwise, we need to accept one more time that Hobbes requires the soldiers to fight against the enemy despite the fact that they have not accepted this in the covenant.

Lastly, I want to touch the issue of substitution of a soldier. Hobbes argues when someone “*substituteth a sufficient Souldier in his place: for in this case he deserteth not the service of the Common-wealth*” (Lev. XXI, p. 168), he does not deny the authority of the sovereign and not break his covenant. Accordingly, in this case, the refusal to go to war neither makes him nor his action unjust, providing he substitutes another person in his place. Even though “*Hobbes does not employ the concept class in his discussion of politics*” (Ashcraft, 1978), this exception clearly differentiates the subjects of the Common-wealth. Because an individual who has the power to substitute another one has the liberty not to go fighting. Since the primary rationale for the social contract was to avoid death and war, Hobbes’s acknowledgement of soldier substitution indicates clear segregation among the subjects. Sreedhar (2010) is aware of this differentiation and points out that “*not every subject can avail himself of this kind of liberty by arranging the necessary conditions. Only those of considerable means will be able to benefit from the liberty to substitute another person in their place. Rich and poor alike share in the unconditional liberties of subjects, but the poor may be excluded from exercising this conditional liberty*” (p. 83). A class discussion extends the limits of this paper and this mere division is not sufficient enough to produce a class politics from Hobbes. However, with reference to this soldier substitution, we can say that Hobbes not only accepts the existence of the classes but also approves it. Ashcraft (1978) points that Hobbes instead of the term ‘class’ uses the term ‘faction’ in order to express the social divisions. Hobbes underlines the differences among the subjects in terms of the civil and natural influences that they have on the other subjects in the first part of *Leviathan*.

“...the Power of a Faction, or of divers factions leagued. Therefore to have servants, is Power; To have friends, is Power: for they are strengths united.

Also Riches joynd with liberality, is Power; because it procureth friends, and servants: Without liberality, not so; because in this case they defend not; but expose men to Envy, as a Prey.”

(Leviathan, X, p. 66)

It's evident from these passages that if somebody “*has servants*” to serve him or to go fighting in place of him he has the power. In other words, he is at a higher level of the society. Furthermore, this segmentation, to me, is not only a poor and rich distinction as Sreedhar notes in the above-mentioned passage, but it is a product of more complex power relations in the Common-wealth. I agree with Ashcraft (1978) what he elaborates throughout his article that class structures in Hobbesian political philosophy comprise social, economic, and ideological elements. Both the example of paid soldiers and soldier substitution in the place of an other man reveals that some members of the Common-wealth, with the aim of earning their lives, are obliged to fight against the enemy in a battle-field. In terms of the economic aspect of this class issue the point that Sreedhar (2010, p.83) highlights is very critical:

“It seems to depend, at least in part, on a class of poor people who are driven by necessity to perform the dangerous duties necessary to keep everyone else safe. If the social contract is to fulfill its purpose of preserving life and security for the general public, it will require that some people be willing to lay down their lives for the security of the political community. This requirement, in turn, seems likely to yield a system of private transactions where those who are economically better off will be able to buy their way out of military service. So there must exist significant economic inequalities and vulnerabilities in order for some to be induced to accept a wage in exchange for a willingness to risk serious emotional and physical harm (on the presumption that natural risk-takers will not make up the whole of the armed forces).”

At the end of this part, it should be mentioned that the liberty to avoid battle due to both natural timorousness and soldier substitution are conditional. *“It only obtains when it will have no effect on the power of the sovereign* (Sreedhar, p. 83). In other words, these are allowed to avoid war, if only the sovereign has enough soldier for the battle.

“When the Defence of the Common-wealth, requireth at once the help of all that are able to bear Arms, every one is obliged; because otherwise the Institution of the Common-wealth, which they have not the purpose, or courage to preserve, was in vain.” (Leviathan, XXI, p. 168)



f. Collective Resistance: Rebellion

“...Negligent government of Princes is punished with Rebellion; and Rebellion, with Slaughter. For seeing Punishments are consequent to the breach of Lawes; Naturall Punishments must be naturally consequent to the breach of the Lawes of Nature...”
(Leviathan, XXX, p. 284)

“But in case a great many men together, have already resisted the Sovereign Power unjustly, or committed some Capitall crime, for which every one of them expecteth death, whether have they not the Liberty then to joyn together, and assist, and defend one another? Certainly, they have: For they but defend their lives, which the Guilty man may as well do, as the Innocent.” (Leviathan, XXI, p. 168)

It has been hitherto shown that both just and unjust individualistic disobediences are possible against the Common-wealth. However, disobedience of separate subjects is some sporadic (Burgess, p. 64) and impotent (Sheridan, p. 150) attempts, by means of which a political threat cannot be posed to the sovereign. Is that to say the Sovereign has a right to govern arbitrarily without a threat to his authority? If so, what does mortal god mean? Burgess (1994) adds some difficult questions: *“what consequences followed from the sovereign’s iniquity? Is there any way in which a wicked sovereign might in fact, trigger a legitimate rebellion against himself? (p.67)”*

As to the question of collective resistance against the sovereign, Hobbes’s approach is somewhat complicated. Hobbes speaks of rebellion with reference to the iniquity of the sovereign such as systematic violation of the laws of nature as well as negligence of the main duties of being a sovereign. That is to say that, if the sovereign does not violate the natural laws

and does fulfill the conditions of being a sovereign, subjects' collective resistance against him is neither reasonable nor just. However, if the sovereign incarcerates many of his subjects or punished many of them with capital crime, these acts may pave the way for the rebellion and the dissolution of the Common-wealth. In addition to the violation of the natural law, sovereign's failure is likely to cause a rebellion. At the end of the *Leviathan* Hobbes highlights "*the mutuall Relation between Protection and Obedience*" (Lev. p. 556). When protection ends the reason behind obedience ceases. Then the question should be in this way: does sovereign's iniquity or the end of protection legitimate the rebellion?

The sovereign can violate the natural law, but it is up to God to judge those violations. Since the rebellion is eventually breaking of the covenant, "*(violation of) natural law cannot provide grounds for the subjects to judge or punish the sovereign*" (Sreedhar, p. 96) until the transgression of the sovereign reaches to the life of the subjects. When an innocent subject's life is threatened by the sovereign, as mentioned earlier, he has the right to disobey for the defense of his life. Defense of his life is crucial here. Because Hobbes does not allow the subjects to defend the others' lives but the one whose life is under threat.

"When refusall to obey, frustrates the End for which the Sovereignty was ordained; then there is no Liberty to refuse... To resist the Sword of the Common-wealth, in defence of another man, guilty, or innocent, no man hath Liberty; because such Liberty, takes away from the Sovereign, the means of Protecting us; and is therefore destructive of the very essence of Government." (Lev. XXI, pp. 167-168)

Hence many subjects' concurrent individualistic resistance can be legitimate, but this resistance cannot be collective since it frustrates the end of the covenant. When an individual intends to protect the others' lives, he is no longer a just subject nor his action is a just action.

After mentioning this, I have to say that, when the Hobbesian man is considered, formation of such a collective resistance as well as its chance of success seem very unlikely to happen. Collective act against the sovereign is a situation to me in which each man falls into a worse condition than the state of nature. Because in the state of nature individuals are in a war against each other who, as Hobbes mentions, has equal power which gives a perpetual character to this war. So, when they attempt such a rebellion how these individuals can be sure the trustworthiness of the others? One among them may, since the main concern of each is securing their lives, with the hope of pardon for himself, acts only for his benefit. The fear of “the comrade” hinders the success of a collective resistance. Hobbes points this out in chapter XVII of *Leviathan*:

“And be there never so great a Multitude; yet if their actions be directed according to their particular judgements, and particular appetites, they can expect thereby no defence, nor protection, neither against a Common enemy, nor against the injuries of one another... they do not help, but hinder one another...” (p. 129)

In addition to this fear, each rebel also encounters the fear of the sovereign’s sword as a second threat. To me in a condition of such a rebellion, a third fear must be added to these two: fear of the other subjects who do not join the rebellion. Since Hobbes requires (Lev. XXI, p.168) the subjects to bear their arms when the defense of the Common-wealth necessary, all other subjects ought to help the sovereign in order for suppression of the rebellion.

Nevertheless, if a very high number of subjects are condemned to death as a result of their capital crime or sovereign’s iniquity to the natural law, since they have the right to defend their lives, this situation may cause a chaos and sovereign may lose effective control of his society and fails to protect the lives of his subject. This situation means turning back to the conditions of the state of nature. Rebellion is an offense to the authority of the sovereign by which subjects

intentionally break their covenants and deliberately refuse the authority of the sovereign. As Hobbes notes *“Rebellion, is but warre renewed”* (Lev. XXIIIX, p. 245). When the reasons that I mentioned above are considered it will be clearly understood why does a rebellion in Hobbesian philosophy presumably result with a civil war. Let’s think about the groups; in one hand a great many multitude of insurgents who revolt against the authority of the sovereign but not very organized due to the fear of the others and the difficulties of the cooperation. On the other hand, the wicked sovereign representative with his soldiers and corrupted power. The third group is comprised of the other subjects who do not join the dissidents and are supposed to support the sovereign power by whom their lives cannot be secured. More than that since *“the nature of this offence, consisteth in the renouncing of subjection; which is a relapse into the condition of warre... and they (rebels) that so offend, suffer not as Subjects, but as Enemies”* (Lev. XXIIIX, p. 245). In other words, in such a condition of rebellion, sovereign uses all the power without avoiding any kind of cruelty in order to suppress the uprising. He cannot be questioned because of his atrocities as well. That is the reason why Hobbes says the natural punishment of rebellion is slaughter (Leviathan, XXX, p. 284).

Conclusion

With the aim of investigating the limits of obedience and the ways of resistance, this reading of Hobbes's *Leviathan* discusses various approaches to his theory of obligation and sheds some light on certain puzzling facts.

First of all, I argue that the only way for a thorough understanding of Hobbes is to consider his whole project and interpret the inconsistent passages within the scope of this overall project. I point out Hobbes's ultimate purpose is teaching the sovereign how to govern and the subjects how to obey. Accordingly, his main concern is avoiding from civil war and maintaining peace. To achieve his purpose and to remove his concern, Hobbes actually warns mostly the subjects and rarely the sovereign. Hobbes applies some metaphors such as social contract, state of nature, and authorization of the sovereign in order to underpin the power of the Commonwealth. By the same token, he sometimes refers to the natural law with the aim of confining the power of the sovereign and the rights of the subjects. I try to highlight the transitions of Hobbes between natural law and civil law. I think these transitions are the most significant reason behind the different approaches to the Hobbesian theory of political obligation. Scholars those prioritize the natural laws situate Hobbes in a more liberal place, whereas those who weigh his account of civil law place him in a more absolutist domain.

I argue that as a consequence of Hobbes's metaphors, subjects are motivated by double fear to obey the rules, namely the fear of sovereign's punishment and the fear of turning back to the conditions of the state of nature. Nevertheless, they have still some amount of rights to disobey the commands of the sovereign justly. A threat to the inalienable rights of the subjects justifies the disobedience to the sovereign. However, I state that in other cases subjects are by no means allowed to make judgments about the sovereign's commands and civil laws. I also distinguish the just and unjust resistance and assert that disallowance of subjects from resistance is not to

say that they cannot resist actually. It's clarified that, by no means, resistance against the authority of the sovereign can be justified.

Examination of the duty of homeland defense reveals that when the significance of fear in Hobbes's political theory is considered, it is tough to convince the subjects for a battle. At this point, I try to reconcile Hobbes's distinction between the paid-soldier and the ordinary citizen, with reference to the difference between 'immediate fear' and "distant fear", to the soldier contract, and to the diversity of natural passions. I touch the issue of political classes in Hobbesian political philosophy with reference to soldier substitution and emphasizes the complexity of this class structure.

A collective resistance to the sovereign is presented as the only significant disobedience to the existence of the Common-wealth and the authority of the sovereign power. Though it is unjust in the context of Leviathan, when the sovereign power systematically transgresses the natural law and commits iniquity, he may trigger such a rebellion. In this way, Hobbes is threatening to the sovereign representatives to be cautious about the natural law and subjects' well-being in order to provide somewhat constraint to the sovereign power. In other words, these are some preventive warnings to the arbitrary sovereigns. Nevertheless, an attempt to rebellion due to a high social fragmentation may cause a civil war as well as end up with a slaughter. A rebellion against the sovereign's authority is unlikely to be successful according to Hobbesian political philosophy unless sovereign's iniquity reaches to a great many multitudes and compels a high number of subjects to rebel against its authority.

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