
Under what conditions, if any, is one person or group justified in ruling another?

Hobbes' answer to this question relies on two important principles which he assumes to be self-evident: the right of self-preservation, and the "Golden Rule". What follows is my interpretation of Hobbes' justification as it appears in the *Leviathan*.

The Argument for an Absolute Sovereign

1. The "right of nature" is the liberty every person has to use any means they, in their own judgment, think is necessary to preserve their life. [1.14.1]
2. "Liberty" is the absence of external constraints on one's capacity to act on one's desires. [1.14.2] [Cf. the distinction between positive and negative liberty.]
3. A "law of nature" is a "precept" or "general rule", discovered by reason, that forbids any action that may be destructive of one's own life or of the means necessary to preserve that life. [1.14.3]
4. In a state of nature (outside society), everyone has the right to everything since anything may be useful in preserving one's life. [1.14.4]
5. But if everyone has a right to everything, then no one and nothing is secure. [1.14.4]
6. Peace is a necessary condition for satisfying most of one's desires. [1.14.4]
7. Thus, it is a "general rule of reason" that everyone ought to seek peace to whatever extent it is possible to achieve. In other words, it is a law of nature to seek peace and a right of nature to use every means necessary to defend oneself. [1.14.4]
8. It is also a law of nature that one should relinquish the right to all things when others are willing to do the same for the sake of peace. [1.14.5]
9. One's rights can be relinquished either by renouncing them or by transferring them to another. [1.14.7]
10. If one transfers a right to another, that person gives up the freedom to exercise the right and assumes an obligation or duty not to hinder the exercise of the right by the one to whom it has been transferred, since to do so would be contradictory and unjust. [1.14.7]
11. Since anything done voluntarily is done in order to achieve some good, one gives up a right only if there is some good to be gained by doing so. [1.14.8]
12. The mutual transference of a right is called a "contract". [1.14.9]

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2 In other words, not discovered by divine revelation and not a human convention.
3 Martinich argues that this is a false premise. There are things that do not contribute to the preservation of one's life. Thus, one does not have a right to everything. Martinich claims Hobbes could have argued that, in a state of nature, there are no laws. Thus, nothing is prohibited and one is has a right to everything in the sense that one is free to take anything one likes. Hobbes does not take this route because he wants to build his system on the goodness and desirability of self-preservation. [HD, 265]
4 The desire for peace arises out of a fear of death and a desire for comfort and security and the hope of attaining them. [1.13.14]
5 And when it cannot be achieved, everyone ought to use whatever means possible to preserve one’s life through war.
6 There was, in the air at the time, the notion that these “laws of nature” would provide a rational basis for a system of international law. These laws would then function as postulates and raise morality to the level of the mathematical sciences. Seen in this light, laws of nature are theorems that any rational person would accept—the result of pure, self-interested calculation, i.e. prudence.
7 This follows from the principle that we should treat others in the way that we would wish to be treated in those circumstances.
13. Agreements made must be kept, otherwise they are not agreements at all. Breaking an agreement is, by definition, unjust. [1.15.1-3] (Justice is "giving each man his own [or his due].")

14. This presupposes some things one has a right to and some things one does not have a right to.

15. But in a natural condition of war, there are no rights beyond the right of self-preservation.

16. Thus, there is no basis for establishing rights and duties governing contracts and enforcing them. [1.15.3]

17. Fear of punishment and, hence, authority are necessary to insure that agreements will be kept. [2.17.2]

18. Social rules need the backing of "the sword" to assure peace.

19. But since human beings cannot do this of their own volition (not knowing what is best for them), they need a sovereign.

20. Thus, such "propriety" can be fairly achieved only under a commonwealth or central administration with the power to enforce agreements.

21. All authority must be invested in one person or assembly in order to act "with one will". [2.17.13]

Thus, it is rational and justifiable to relinquish one's rights to a sovereign on the condition that everyone else does the same for the goal of attaining peace and security.

This is the justification for the social contract, which, according to Hobbes, is the natural and rational basis for the sovereign state, as we know it. It is based on a prudent agreement among individuals with one another involving a transfer of rights to a third party, i.e. the sovereign, whose job it is to provide equitably for the safety of all. [2.30.1]

**Specific Laws of Nature Discussed by Hobbes in Leviathan**

2. "Lay down the right to all things to the extent that others are willing to do the same." [14.5]
3. "Fulfill contractual obligations." [15.1]
4. "Do not give a person who has given you a gift reason to regret it." [15.16]
5. "Try to accommodate yourself to others." [15.17]
6. "Forgive people who repent and desire it." [15.18]
7. "Revenge should be taken only to the extent that good will seem to come of it." [15.19]
8. "Do not give any indication of hatred or contempt to others." [15.20]
9. "Acknowledge that each person is one's equal by nature. Violating this law is pride." [15.21]
10. "In a covenant establishing peace, the conditions for each party should be the same; one is not to try to keep a right that the other person is forced to give up." [15.22]

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8 Hobbes uses "right" to refer both to what a person is entitled to do (this is the traditional use of the term) and what a person cannot be obliged to renounce. The mutual transference of such rights is called a contract. Given Hobbes' view of human nature, human beings are forced by the necessities of life to live in conditions (communities) for which they are not suited.
11. "Judges should be impartial in rendering decisions and should not favor one party over the other." [15.23]
12. "What cannot be divided should be shared in common; what is practically unlimited should not be restricted in its use; what is limited should be shared proportionately." [15.25]
13. "The distribution of what cannot be divided or shared is to be determined by lot." [15.26]
14. "Some distributions of good are to be determined by arbitrary lots, that is, with the method agreed upon by the principals, and some are to be determined by natural lots, such as primogeniture." [15.27-8]
15. "Mediators of peace are to be allowed safe conduct." [15.29]
16. "Those in dispute are to submit the issue to an arbitrator." [15.30]
17. "No one may be the judge in a dispute that concerns her own interests or desires." [15.31]
18. "No one may be a judge in a dispute if she will benefit from a particular decision." [15.32]
19. "No witness is to be given more credence than any other all other things being equal." [15.33]

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9 Summarized by Martinich, HD, 190f.