

1 A Hobbesian Approach to Public Policy¹

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It is increasingly common for philosophy faculty employed at U.S. colleges and universities to weigh in on current public policy issues and debates. They write on some of the most pressing and hotly contested issues of our time, from the ethics of abortion to duties to engage in humanitarian intervention to immigration. They defend positions on the decriminalization of drugs, health care reform, and various forms of taxation. Sometimes they write at a very abstract level, publishing in academic journals and books; sometimes they write as public intellectuals. At times their recommendations are explicitly stated and very specific, urging policy makers to pass or repeal a particular act of legislation; at other times their recommendations are implicit and thus compatible with a number of options. The spectrum ranges from Martha Nussbaum, who has argued for the repeal of the Defense of Marriage Act and for the legalization of sex work, to Thomas Nagel, who wrote an article that many read as a defense of teaching alternatives to evolution, such as intelligent design, in schools.²

When present-day philosophers engage in such political interventions, it is not uncommon for famous figures in the history of philosophy to make cameo appearances in their work. Historical figures are typically invoked in a number of ways. They are mined for specific arguments endorsing or rejecting particular positions, or may be used as a robust foil or, sometimes, as a straw man. They can be used as examples or quoted as evidence for specific premises, either because they make the point particularly well or, less convincingly, as a straightforward “appeal to authority.” Their principles and doctrines are applied to present-day problems which the historical figures themselves did not address: thus Mill’s utilitarianism may be applied to twenty-first-century questions about duties to the global poor, or Locke’s doctrine of ‘mixing your labour’ may be applied to intellectual property rights in the internet age.

Examples of each strategy abound in contemporary discussions; consider, for instance, how Mill’s harm principle is invoked in discussions of the decriminalization of drugs, prostitution or sodomy laws, and, on the other hand, how conservatives like John Finnis and Alexander Pruss appeal to Aristotle and Aquinas in condemning homosexuality and extramarital sex.³

It seems to make good sense to us to ask: what would Mill or Kant say about issue X, Y or Z, even if those issues did not and could not arise in Mill's or Kant's own time and even if we would not necessarily agree with what they would most likely have to say on the matter. So, for example, while Kant's explicit remarks on sex and marriage are hardly appealing to a contemporary liberal audience, the Kantian framework—and the specific value of autonomy—finds its way into critiques of sexual objectification. On the other hand, contemporary theorists may take up a single principle or argument without including the original philosopher's wider foundations. Mill's harm principle—and especially his remarks in favor of free expression—are often cited by those unwilling or uninterested in taking on the entirety of Mill's utilitarian moral framework. Similarly, libertarians who reject Locke's natural law foundation or Smith's moral philosophy have little trouble citing the primacy of “natural” private property or the “invisible hand.” In pillaging the pages of the philosophical canon, it appears we feel relatively free to take or leave particular items we see fit.⁴

There is also the distinct question of whose work gets taken up and whose does not. Not all philosophers are cited equally: some are more popular than others, often depending on the political leanings and philosophical methodology of the contemporary author. It is not surprising that certain philosophers (modern liberals like Mill) are regularly invoked in key political debates, while others (ancient like Plato, who advocated philosopher kings) are not.

One omission is striking, however. Except within the field of international relations (IR), Thomas Hobbes—as famous a philosopher as Locke, Kant or Mill—is invoked rarely. Yet there are many topics on which his conclusions might be attractive to liberal progressives;⁵ for instance, Hobbes holds that the government should provide for the basic needs of its people, arguably requiring state job creation programs and a substantial welfare state. Moreover, given that Hobbes is not cited on the issues which he is concerned to discuss, it seems ironic that the only field to give him attention is IR. After all, Hobbes has comparatively little to say about the relations between states as such.

This chapter is both an analysis of Hobbes's absence from contemporary philosophical discussions of policy and an argument in favor of his inclusion. My argument for Hobbes as a potentially useful source in relation to public policy takes the following form. In Part One, I suggest two features of Hobbes's political philosophy that present superficial obstacles to contemporary development of his thought. In Part Two, I make my initial case, demonstrating why it is at least peculiar that Hobbes has not been taken up as Mill or Locke have been. In doing so, I describe some of Hobbes's specific recommendations that would appeal to liberals of various stripes. In Part Three, I offer an explanation for his neglect, explaining why these recommendations have not been taken up by those who would likely agree with their outcomes. Nevertheless, in Part Four, I argue that we ought to reconsider our

resistance to Hobbesian insight. By revisiting both basic Hobbesian principles and some of his most problematic examples, I call attention to certain features of his account that suggest his most unattractive provisions might well require revision in light of Hobbes's *own* criteria. The goal here is to articulate a distinctively Hobbesian perspective on public policy that can usefully be applied to certain debates. Not only are the conclusions ones that the progressive liberal would want to embrace, but also, his methods and approaches add a distinctive voice to the discussion, a voice able to avoid some of the criticism that plagues other progressive approaches.

Part One: Hobbesian Obstacles

At first blush Thomas Hobbes might seem an unlikely historical figure to invoke in contemporary debates over public policy, and as I have said, he makes few appearances in such discussions (IR being the exception). The obvious reason for setting Hobbes aside is that the particular nature of his political theory appears unhelpful.

Hobbes's approach to political philosophy retains a certain authoritarian notoriety. One of his key points is that it is up to the sovereign, or what we would now call the "state," to decide all such issues. Should the law prohibit second-term abortions? For Hobbes, the answer seems to be: yes, if the sovereign says so; no, if the sovereign does not. Should the state put a moratorium on offshore drilling, or enact cap-and-trade legislation? Again, it is entirely up to the sovereign. With regard to both moral and practical issues, Hobbes simply hands over decision-making power to his absolute sovereign. In an important sense, that is the whole point of his project.

A related obstacle is that many of the kinds of issues that are of most concern to us today are ones with which Hobbes would refuse to engage. We can ask what Mill might think about privacy rights on the internet, even though the question would have made no sense to him. We can still apply Millian principles and arguments to the debate. We very well might disagree not only about the interpretation of Mill's harm principle but about how it would apply in this or that case; for instance, whether pornography counts as harm. It is not that appealing to the ideas of long-dead philosophers in discussing current affairs gives simple or even determinate answers, but it still makes sense to us in some important way. However, on a natural reading of his philosophy, asking what Hobbes would think about, for example, civil rights does not, in some important sense, make sense. He explicitly denies that subjects have any rights that can be exercised against the government. He is concerned to rule out some of the questions we most want to ask.

It is true that on one level, Hobbes's approach to public policy is one-dimensional; just laws are what the sovereign says they are, and what courses of action should be pursued with regard to economic issues, relations with other states, education and so forth is entirely up to the sovereign. Hobbes's overriding concern to undermine any foundation for criticism of—let alone

resistance to—the mandates handed down by the sovereign seems to render his philosophy uninteresting and unhelpful from the contemporary perspective.

But things are not so simple. Hobbes has a great deal to say about public policy, that is, about what courses of action the government should pursue with regard to a number of familiar domestic and foreign issues. We can make a couple of preliminary observations about these recommendations. First, they vary in form, scope, and location. Many are located in his chapter of *Leviathan* devoted to “the duties of those with sovereign power.” But there is also a lot to glean from his commentary on what previous governments, and especially monarchs, have or have not done. Some appear as passing remarks; others as fundamental commitments. Second, some are consistent and stable; others he changes his mind about. Third, some are general, such as the recommendation that taxation should be based on consumption; some are entirely specific to the particular political situation at the time, such as the recommendation that the Star Chamber should be abolished. Fourth, some are unattractive from a broadly Western liberal democratic perspective while some are attractive or not depending on one’s particular political leanings. That is, some are things few today would endorse, such as absolute monarchy, and others are things some today would like, others not. Lastly, sometimes the public policy recommendation and reasoning behind it are explicitly stated and even well argued; other times the reader has to do some work to figure out what the policy is, how Hobbes supports it, or both.

It might therefore seem like Hobbes’s views on public policy, even to the extent that they are substantive and bear on contemporary themes, are too much of a hodgepodge to be worth engaging. In this chapter, however, I argue that this dismissal would be a mistake. Given that our invocations of historical philosophers are already highly selective, Hobbes should not be excluded out of hand. In any case, my goal is to (re)construct a Hobbesian approach to public policy that is largely coherent.

Part Two: Hobbes: The Exceptional Exception?

As a matter of fact, Hobbes has rather a lot to say about what public policy should be and some of it is highly appealing. In this section, I identify particular policy recommendations from Hobbes that I take to be the most interesting, important or useful.

“Safety, Security and Contentment”

Hobbes claims that all laws should be for the good of the people, that is, for their peace and well-being; the only values to which policy decisions should appeal are first, the security of citizens, and second, the establishment of conditions under which they can live “contented” lives. Hobbes does not equivocate on this point; these are not mere recommendations or suggestions for

good policy. Instead, these are presented as directives or commands to the sovereign, required if the sovereign is to rule effectively.

Chapter 30 of *Leviathan* is entitled “Of the Office of the Sovereign Representative.” As Curley specifies in the glossary to his edition, “Office” here means “duty attaching to a position.”⁶ Hobbes begins the chapter by saying:

The office of the sovereign (be it a monarch or an assembly) consisteth in the end for which he was trusted with the sovereign power, namely, the procuration of *the safety of the people*, to which he is obliged by the law of nature, and to render an account thereof to God, the author of that law, and to none but him. But by safety here is not meant bare preservation, but also all other contentments of life, which every man by lawful industry, without danger or hurt to the commonwealth, shall acquire to himself.⁷

The only goals that the sovereign can use policy to pursue are safety, meaning the absence of a reasonable fear that one will be subject to violence at the hands of another unless one wrongs the other first,⁸ and the condition for “contentments,” such that by one’s own industry one can provide for oneself the basic necessities and whatever luxuries one desires and is willing to work to acquire. We can see the significance of this when we contrast it with other political theories that posited that the duty of the government was to engage in ‘soulcraft’: that is, to make people good, or to save their souls, or to allow them to fulfill their *telos*. This is already a distinguishing feature of his approach to policy, when contrasted with much of the canon. Hobbes’s is importantly and intentionally a minimalist picture. The good of the people, understood in this special way, is the *only* criteria, and what he is doing in the chapter on the “duties of the sovereign” is spelling out what it takes to ensure that.

The Rule of Law

Hobbes offers basic principles of what we now call the rule of law. The ideal of the rule of law is widely regarded as an essential element of governmental legitimacy. Lon Fuller’s famous eight elements of the rule of law include:

1. Laws must be general.
2. Laws must be published.
3. Laws must be prospective in nature so that the effect of the law may only take place after the law has been passed. For example, the court cannot convict a person of a crime committed before a criminal statute prohibiting the conduct was passed.
4. Laws should be reasonably clear to avoid unfair enforcement.
5. Law must avoid contradictions.
6. Law must not command the impossible.

7. Law must stay constant through time to allow the formalization of rules; however, law also must allow for timely revision when the underlying social and political circumstances have changed.
8. Official action should be consistent with the declared rule.⁹

Hobbes at one point or another advocates some version of each of these, though this is, in my opinion, the least interesting, important or provocative aspect of his discussion of the duties of the sovereign, at least from a contemporary perspective. That laws should have these features is now widely accepted.

Equality

Hobbes gives an extended discussion of equality under the law, arguing forcefully that people should not be treated differently according to their social status; “the great” (as he calls them) should not enjoy immunity and the “humble” or “the common people” should be treated just as well by the law as the elite. He specifies that the great should not be treated as above the law either because of their status or because of the status of their victims; in fact, “the violences, oppressions, and injuries they do are not extenuated, but aggravated by the greatness of their persons, because they have least need to commit them.”¹⁰ The significance of this kind of directive was powerfully illustrated in the Jim Crow South, where lynchings were routinely recognized as extralegal but rarely punished. Lynchers were not prosecuted because of the race of the victim; had they hung one rich white townspeople, they certainly would have been prosecuted. Hobbes’s legal egalitarianism is reinforced at two points: first, aristocrats/nobility cannot get away with breaking the law because they are of a high class (now we might think of the police ignoring drunk driving by celebrities) and second, crimes against those of low class cannot be dismissed because of the class of the victim. Social status should not determine how the case and the people involved get treated, whether they are offender or victim.

But Hobbes’s egalitarianism has even broader consequences, as when he states: “It is the duty of the sovereign also to see that ordinary citizens are not oppressed by the great.” Equal protection is guaranteed not merely in relation to the law, but in relation to one another. Depending on how we understand oppression, this could rule out anything from slavery to exploitation of immigrant workers. It is also significant from a gendered perspective, as traditional human rights theory has often struggled to account for violations against *women’s* human rights, insofar as these typically occur in the private (home) sphere, without the explicit sanction or assistance of government agents. Of course, it is important to keep in mind what Hobbes *himself* had in mind here (namely, the beggar’s revolt in Holland in the sixteenth century) and that broader consequences are extrapolations from that. Hobbes is most concerned with “the great” getting away with “scorn” and

“insults” towards “citizens of modest means”; he specifies that people of “humble stations” can be reproached for baseness—that is, doing something wrong—but cannot be reproached simply for being “of a humble station.”¹¹ Hobbes insists this should not be allowed to happen; he is saying the sovereign should somehow ensure that disrespect of the advantaged toward the disadvantaged does not happen. It seems like Hobbes is decrying not only economic exploitation but also disparagement.

Civic Education and (Deep) Political Transparency

Civic education is one of Hobbes’s highest priorities: he insists that people are capable of understanding the reasoning behind their political system and the specific laws—that is, not only what the systems and laws are, but why they are justified, and the arguments behind their adoption—and the ruler is duty bound to ensure that they are so instructed. Hobbes thus eliminates any possible justification for something like Plato’s “noble lie” or any ideology that is predicated on the fundamental misdirection of the public. This reveals Hobbes’s faith in “commoners,” his anti-elitism, and his explicit rejection of perfectionism and notions of a ‘natural’ hierarchy. The principles of political theory are not something to which some are granted access and others denied.

We should be careful here. This position is not, on the face of it, liberal, though it is attractive from a liberal or progressive standpoint. It is a fraught point for Hobbes because while he insists that subjects need to genuinely understand and accept the basis for their subordination, he also insists that they should be taught never to resist the sovereign or try to change the government.

Taxation

While Hobbes’s economic policy is underdeveloped and thus subject to interpretive dispute, the fact that he suggests taxing consumption, not income, is worth noting in this context.¹² Taxes, for Hobbes, are payment for protection and everyone enjoys that alike. His point seems to be that the rich are no more protected from a given threat, for example invasion by an enemy power, than the poor are. This is, of course, either a problematic factual statement or a challenging normative one. Hobbes has protection from foreign enemies in mind here, but if we take seriously his requirements about equal treatment under the law, then a claim like his will rule out there being neighborhoods where police will not go, or will not go as quickly, in a Hobbesian society. And equal protection in this sense, as the basis for Hobbesian taxation, is not something we have fully lived up to, at this point. In many places the rich simply are more protected than the poor; if not from a Russian nuclear bomb, then certainly from crime, violence, and other dangers to personal security. They enjoy more actual protection from the police

and they are more likely to be successful at trial. In fact, certain minorities are under threat from the police instead of enjoying their protection. Hobbes explicitly builds in safeguards against such inequities. The requirements of equal protection—especially as justification for taxation—demands much more for the poor, oppressed, and marginalized. Of course, taxing consumption might be regressive because the poor spend more of their income on consumption than the rich, and progressives might favor taxing wealth and income over taxing consumption. But the larger point is about protection.

Social Welfare

Hobbes arguably advocates a substantial welfare state that provides for the basic needs of every citizen. His first suggestion is job creation: people should be given the opportunity to provide for themselves and their families by their own hands. Hobbes says, “There ought to be laws as may encourage all manner of arts (as navigation, agriculture, fishing, and all manner of manufacture that requires labour).” But if by some unforeseen “accident” or “through no fault of their own,” citizens “fall into misfortune” and cannot work or provide for themselves, the government should “see that they do not lack the things necessary for life.”¹³ It is important not to paint Hobbes in purely rose-colored tones. Hobbes is not prepared to provide basic needs, let alone health care or social security to those whose misfortune was their own fault. It is not clear what it means for one’s misfortune to be one’s own fault—this might eliminate smokers, junk food addicts, all manner of risk-takers, and possibly even poor investors. Hobbes does not give us sufficient criteria to specify what people would be included under this qualification. What Hobbes was likely referring to, however, was people who committed criminal offenses. Hobbes saw no reason for jailors to provide prisoners with food, for example. In the seventeenth century, if ordinary prisoners were to eat at all, family members or members of the community would have to bring them food. Hobbes also might be manifesting an early distinction between deserving and undeserving poor. Moreover, he specifies elsewhere that the things necessary for life include not only air and food but also medicine.¹⁴ Here we find the seeds of an argument for extending health care to all.¹⁵ It is the duty of government to make sure no one lacks what he or she needs to live, so it will provide medicine for those who cannot afford it otherwise.

Directives Concerning the Distribution of “Punishments and Rewards” and the Choice of “Counselors”

Hobbes’s directives in relation to punishments and the choice of “counselors” are instructive here, not only because they are so strikingly sensible and pragmatic, but also because they show a unique appreciation of, and special attention to, certain specific aspects of human nature.¹⁶ For example,

he insists that punishments have to be severe enough to deter. It is the sovereign's fault if he enacts a law but does not enforce it or the punishment is too weak to deter the crime. He explicitly admonishes sovereigns who permit dueling even though it is forbidden by the civil law.¹⁷ At the same time, the criminal law should acknowledge the frailties of human nature: the sovereign should be lenient toward those who commit crimes from infirmity, which includes "great provocation," "great fear," "great need" and ignorance that the actions constitute a "great crime." His is a deterrence theory of punishment, and it serves no purpose to punish these crimes of infirmity. More importantly, it serves no purpose to severely punish those who follow rebels out of ignorance—the "poor seduced people"—as opposed to punishing those who incite sedition and thus deserve the full force of the state. Further, Hobbes ultimately blames the sovereign for many misdeeds of the citizens: "To be severe to the people is to punish that ignorance which may in great part be imputed to the sovereign, whose fault it was they were no better instructed."¹⁸ Thus, Hobbes provides remarkably robust resources for demanding that the sovereign take mitigating contextual factors, including the sovereign's own culpability, into account when determining punishments.

Rewards should be given to those who serve the commonwealth, but people should not be able to buy power or position. The sovereign should not deal with popular and ambitious men who promise to be threats to his power by buying them off or giving them positions of power in the government. Lastly, the sovereign should choose good counselors: experts, not flatterers; those with no stake in the matter and who are not afraid to speak their minds. Being a counselor should not be an inherited position, like, as Hobbes notes, it was in ancient Germany.¹⁹

His sensitivity to human nature, including both frailty and ambition, is also evident in his discussion of how the sovereign should handle national defense and security. There are, he thinks, bound to be at least a few people in society who are naturally prone to violence. The solution is to put them in the military and ensure that they fight for the commonwealth and not against it. Likewise, the commonwealth needs executioners. Internal defense—that is, law enforcement—is always necessary and will always involve some danger, especially since Hobbes gives people the right to resist the infliction of state punishment. However, sovereigns should make an "allowance" for "natural timorousness" and draft more men than they think they will need in any given case, given that many people will ultimately prove too cowardly to serve as effective soldiers.²⁰ Hobbes also recognizes that there are men who are naturally charismatic and ambitious: his recommendation is to co-opt them and use what would be a potential risk to the commonwealth to its advantage by, for instance, making them military commanders. Hobbes is keenly aware of human nature and its variations, and he tries not only to accommodate it in his political theory but to use it to his benefit. This approach minimizes risks to political stability by co-opting or channeling individuals' talents and peculiarities so that they serve the commonwealth's interests.

Part Two: Explaining Hobbes's Enduring Absence (Or Why Hobbes Gets Left Out)

If the policy recommendations I have laid out above are, as I take them to be, both fairly faithful to Hobbes's texts and mostly attractive from a contemporary liberal/progressive perspective, then they immediately raise a pressing question: why has no one who shares this perspective thought it worthwhile to take them up? I believe that contemporary reluctance to draw on even the *attractive* elements of Hobbes's thinking here can be traced to two different sources. First, there is the company they keep; these attractive features are often accompanied or followed immediately by deeply *unattractive* policy recommendations. These ought not to be overlooked but, given the popularity of the "pick and choose" approach to historical citation, may not be insurmountable. Second, and perhaps more worryingly, is the rationale that Hobbes offers for even his attractive policy directives. On a deeper level, it seems, his policy approach is deeply at odds with contemporary liberal commitment to the individual as intrinsically valuable and worthy of respect. I consider each of these concerns in turn.

Hobbes Makes Some Pretty Indefensible Policy Recommendations

One obvious reason the contemporary philosophers don't want to invoke Hobbes on these issues is his unequivocal and unapologetic endorsement of absolute sovereignty as the best form of government and his utter resistance to political change. This taints his philosophy in the eyes of contemporary philosophers where commitment to the basic principles of liberal democracy and human rights are taken for granted. Moreover, many of the specific policy recommendations that emerge from Hobbes's commitment to absolute sovereignty are, predictably, unappealing.

First, the specifics of his educational policy stipulate that not only should subjects be taught why sovereignty must be absolute; they must also be instructed never to attempt to change the government, to dissent from it or challenge it in any way.²¹ Hobbesian universities should teach unconditional acceptance of sovereign will. That is, if your government says do it, do it. Do not question or challenge, and definitely do not resist. Even if we leave the absolute monarchy claim alone, this is still unattractive as educational policy.²² Second, there is an apparent inconsistency or "quirk" in Hobbes's account. On the one hand, he insists on the importance of "innocent" or "harmless" liberties, though he leaves it up to the state to decide whether or how these liberties should be protected.²³ On the other, he often recommends extensive invasion into private lives that we would now find unacceptable. For example, he advocates state control over religion.

Beyond these first two directives, there are a handful of others that may leave us baffled or provoked. For example, the sovereign should enact job creation legislation, but if there can't be enough jobs for everyone or there

are too many people, he should send the extra people to colonies, that is, “countries not sufficiently inhabited.” This advice, in light of European colonial history, is enough to leave any contemporary reader discomfited. It will not be sufficient to note that Hobbes does instruct would-be colonizers not to “exterminate those they find there . . . [or] range a great deal of ground to snatch what they find.” It is cold comfort that he is not in favor of declaring a new land “Terra Nullius” (as was done in the case of Australia), or that he tells his colonizers not to be greedy with the land and instead to enjoin the natives to “inhabit closer together.”²⁴

However, as I mentioned at the beginning of this chapter, there is scarcely a political philosopher in the Western canon whose work does *not* contain multiple remarks—usually directed at a practical proposal or a particular political debate at that time—likely to appear to the contemporary reader as politically inappropriate. Often these are sexist, racist, classist, colonialist or orientalist remarks, and they—as much as any deep philosophical or foundational disagreements—are the reason why “pick and choose” methods of citing historical philosophers arose in the first place. Locke, Mill and Kant certainly do not emerge unscathed here. See, for example, Mill on “barbarous nations” or Locke on the (non)toleration of atheists and Catholics (not to mention Locke’s acceptance of slavery) or Kant on the inferiority of nonwhite races. We do not disregard a philosopher’s insights for today just because that philosopher also advanced bad ideas, or even because on average his policy recommendations are bad. So, identifying problematic practical proposals in Hobbes does not yet explain his absence in this arena. That can better be explained not by the more distasteful of his proposals, but by the reasoning behind both the attractive and the unattractive. To the contemporary liberal this reasoning can appear not just to miss the point but to be repugnant. One might say that Hobbes, even when an ally, is not an ally one would like to have.

Even Hobbes’s Most “Attractive” Policies Are Grounded in Some Problematic Reasoning

This is perhaps the most important reason that Hobbes is not cited. For example, Hobbes explains why the sovereign has a duty to “public charity” and the provision of the basic necessities of life, saying, “For since the right of nature permits those who are in extreme necessity to steal, or even to take by force, the goods of others, they ought to be maintained by the commonwealth, and not left to the uncertainty charity of private citizens, lest they be troublesome to the commonwealth.”²⁵ His justification for equality (and the requirement that the elite not get special good treatment nor the lowly get bad treatment) is, “Kings, indeed, ought not to provoke the common people; much less should their fellow citizens do so, however powerful they are, lest when the common people, desire vengeance against them, they attack at the same time the commonwealth, which did not prohibit [their insolence].”²⁶

In other words, it is not so much that the poor *deserve* not to be insulted, but that such insults might well provoke them to vengeful revolt, and—frankly—this is a serious concern because there are a lot of poor.

Similarly, with Hobbes’s egalitarian warnings concerning the rich, the “great” should not get special treatment because that can make *them* troublesome to the commonwealth; they start to think they are above the law. He explains why “partiality towards the great” has bad consequences, saying, “Impunity maketh insolence; insolence, hatred; and hatred, an endeavour to pull down all oppressing and contumelious greatness, though with the ruin of the commonwealth.”²⁷ In short, the sovereign acts in a self-defeating way by favoring or granting immunity to the “great” (i.e., the aristocracy/nobility) because doing so simply invites their contempt for his authority and risks inspiring them to attempt to seize power for themselves.

It is not enough, from a liberal-progressive perspective, that Hobbes promotes political egalitarianism. The liberal commitment to equality is grounded in a prior commitment to the inherent value of the individual, that is, the value of a rational being capable of self-direction and autonomy, whose very nature demands respect from others like her. Hobbes’s recommendations fail to express this deeper respect for the individual and so even his egalitarianism ceases to be attractive. He promotes equality for the wrong reasons, presenting it as only an instrumental good, insofar as it promotes peace and stability, and not at all an intrinsic one.

In fact, the deeper reasoning behind Hobbesian egalitarianism also clears up the early puzzle about his “quirky” attitude to innocent liberties, because on his view there is no *inherent* protection for them, no respect for persons, privacy, freedom, equality. That is the main problem. It leads him to make some recommendations that from the current perspective seem deeply unattractive, and the remaining recommendations, as attractive as they may be to the liberal, are grounded in the same problematic, inadequate, nonliberal principles. Perhaps in Hobbes’s case it is worth throwing the baby out with the bathwater.²⁸

Part Three: Rescuing Hobbesian Public Policy from Hobbes

It might seem reasonable to ask why we should even bother to revisit and rehabilitate Hobbes as a resource for public policy, given how profound this deep difference of commitment goes. But this is why Hobbes may be of interest as an *approach to policy* and not a source of basic political principles. There is a danger of focusing either on the surface of Hobbesian policy (i.e., the specific recommendations) or on the ocean floor (i.e., his basic political commitments) and missing what may be most useful to contemporary policy makers and critics: namely, Hobbes’s *approach* or *methodology* for creating policy. And it is this middle, and most interesting level, that is the focus of my rehabilitation. There is a crucial feature of Hobbesian policy, both good and

bad, that I believe is worth drawing out. This is both distinctively Hobbesian and distinctively valuable.

Hobbes's Value Minimalism

The basic liberal commitment to a particular vision of the human individual, and the appealing values of dignity, equality and respect for persons associated with that picture, is at the same time a vulnerability for liberal theorists committed to the notion of an impersonal, impartial, value-neutral state. In my view, Hobbes suggests how we can generate policies *conducive* to these appealing values without necessarily relying on them.

Hobbes wrote at a time of enormous civil and religious conflict, and he aimed above all else to articulate a theory that was defensible on purely rational grounds, independently of religious or other commitments. On this reading, Hobbes advocates a kind of natural law minimalism.²⁹ He wanted to build on a foundation of values upon which everyone could agree. The most basic values he identifies are the following: death is bad. Peace is good. But bare survival is not the only thing on which people can agree. They also want commodious living and the opportunity to seek their own version of a good life. Providing these things requires internal and external defense, and a stable, functioning social and legal order. Together with Hobbes's "harmless liberties" principle, you have here the makings of much of modern liberalism. The combination of an emphasis on peace and stability as the prime political values and the insistence that moral and religious considerations are politically irrelevant, with the idea that public policy should be based on only calculations about what is most conducive to peace and stability, make for a distinct *Hobbesian* approach to applied philosophy.

Hobbes himself invites us to think beyond his specific policy recommendations, and perhaps beyond his absolutism and monarchism, when he considers the "everlasting" commonwealth.³⁰ For Hobbes, this was an exercise in thinking about how to order the best possible commonwealth, one that—when it perishes—perishes because of external causes, not internal ones. This commonwealth will have more or less perfect internal stability. This explains why he comes to such attractive policies, when he does, but it also gives us a standard by which to judge his policies. This value minimalism grounds Hobbes in his most utopian moments. The commonwealth that is so prosperous and stable that it will last forever requires people not to rebel—which means that they must be satisfied with their lives, feeling secure and materially comfortable—and that they are educated in the right way. But it also reveals the extent to which Hobbes is concerned with institutional design: what is the best way to design institutions that will secure peace and prosperity, stability and contentment?

Interestingly, however, this Hobbesian approach also requires that public policy be open to confirmation and falsification by empirical evidence. Consider, for example, his prescription that the sovereign determine and enforce

religious worship. Locke argues that enforcement of religious conformity is itself detrimental for social stability, and we can imagine Hobbes coming around to this view: there is nothing in his theory that prevents him from changing his mind here.³¹

Similar considerations apply to the military “Don’t Ask, Don’t Tell” policy. U.S. military officials were adamant that the policy was bad for the military; they advocated repealing it not because of any rights gay soldiers might have but, again, on purely instrumentalist grounds.³² Similarly, the “war on drugs” is arguably motivated by moral (or moralizing) considerations and has had devastating consequences both for producers in the developing world and those imprisoned in the U.S. as a result of zero tolerance policies. If, however, you are concerned with minimizing the harm of drugs and the resulting risk of social destabilization, you are more likely to take a public health approach and invest in rehabilitation instead of imprisonment. We could even think of Amartya Sen’s defense of democracy; Sen argues that nondemocratic institutions are more likely to lead to famines.³³ Democratic institutions can be justified, then, not because of any inherent individual rights or value of democracy, but on purely instrumentalist grounds. I think Hobbes would appreciate that kind of reasoning. What emerges is that we can get good, coherent policy recommendations without appealing to any controversial value judgments. This allows us to sidestep many of the most divisive disagreements. Unsurprisingly, then, Hobbes scholars like Sharon Lloyd argue that Hobbes, correctly understood, is a “friend” of the political liberal.³⁴

This is not to suggest that we should be unconcerned about Hobbes’s justification for policies. It is simply to recognize that arguments based on individual rights to dignity and equality have proven notoriously thorny and controversial: there is something to be said for seeing how far we can get without appealing to them. This analysis serves to illustrate another important way that Hobbes foreshadows contemporary contractarian moves. It is not only in his use of the contract device; it is also in the effort to expand the circle of contractors by reducing the barriers to joining the conversation.

My suggestion, then, is that it is better to focus on Hobbes’s recommendations as indicative of an *approach* to policy, rather than dismissing them out of hand for failing to meet certain standards of principle or dividing them piecemeal into the better and the worse. Just as we can use Locke’s theory of property to develop a defense of intellectual property rights, we can use Hobbes’s approach to public policy as a starting point for thinking about contemporary issues. Such approaches may be philosophically more fertile than looking for anticipations of favorable policy recommendations in classic authors.

Appeals to peace and stability will likely not be sufficient to ground all of the political principles we think need grounding. Moreover, considerations of peace can conflict with considerations of justice. In those cases, Hobbes provides no resources to argue that justice should trump peace or stability.

In fact, to side in favor of rights and justice, as we understand them, at the cost of social order is patently un-Hobbesian.³⁵ There is a sense in which Hobbes is inescapably illiberal. So a Hobbesian approach to public policy will need to be supplemented as well as interpreted and expanded; but so do all of the other history of philosophy invocations. In any case, I hope to have shown that (1) there is a distinctly Hobbesian approach to public policy that can usefully be contrasted with Mill and Kant, and (2) liberals should look more at Hobbes and consider the Hobbesian approach to questions of public policy.

Notes

1. Many thanks to Katya Hosking, Johan Olsthoorn, Sean Desilets and Alice MacLachlan for substantive feedback on earlier drafts of this essay.
2. See Nussbaum, *From Disgust to Humanity*; Nussbaum, “From Reason or Prejudice”; and Nagel, “Public Education and Intelligent Design.”
3. See Finnis, “Law, Morality, and ‘Sexual Orientation’”; and Pruss, “Not out of Lust but in Accordance with Truth.”
4. Mogens Laerke, Justin E. H. Smith and Eric Schliesser call this the “appropriationist” approach to the history of philosophy (Introduction to *Philosophy and Its History: Aims and Methods in the Study of Early Modern Philosophy*, 2–5). Rorty cautions that if we are going to be anachronistic, we should do so self-consciously (“The Historiography of Philosophy,” 49, 53).
5. “Liberal” and “progressive” are both notoriously slippery and relatively controversial terms—at least in contemporary U.S. politics. By “progressive” or “left liberal,” I understand, roughly, someone committed to the basic freedoms and equality characteristic of liberal thought as it has developed, and prepared to argue that these basic freedoms and equality are best protected in a liberal democratic state, prepared to offer its citizens political rights and cultural and religious freedoms, as well as equal protection from harm, oppression, and material deprivation. Typically, this includes a commitment to universal health care and social security benefits, living wages, antidiscrimination laws, equal marriage rights, compassionate immigration policies, etc.
6. Hobbes, *Leviathan*, 556. References to Hobbes are cited by work, chapter, paragraph, page number. For this essay, I use *Leviathan: With Selected Variants from the Latin Edition of 1668*, ed. Edwin Curley (Indianapolis, IN: New Hackett Publishing Company, 1994) and *On the Citizen*, ed. Richard Tuck and Michael Silverthorne (New York: Cambridge University Press, 1998).
7. Hobbes, *Leviathan* 30.1, 219, italics in original.
8. Hobbes, *On the Citizen* 6.3, 77–78.
9. Fuller, *The Morality of Law*.
10. Hobbes, *Leviathan* 30.16, 227.
11. Ibid. See also the Latin revisions provided by Curley in note 9.
12. Hobbes, *Leviathan* 30.17, 227–228. The “energy consumption taxes” proposed by left liberals in Canada and Europe reflect a similar line of thinking.
13. Hobbes, *Leviathan* 30.19, 228. See also the Latin revisions provided by Curley in note 10.
14. Hobbes, *Leviathan* 21.12, 142.
15. See Courtland, “Hobbesian Right to Healthcare”; and Ashcroft, “Access to Essential Medicines.” Kavka includes “medical services” as part of a guaranteed economic minimum that he thinks Hobbes can ground (*Hobbesian Moral and Political Theory*, 211).

16. Hobbes, *Leviathan* 30.23–30, 230–233.
17. Hobbes, *Leviathan* 30.12, 224. See also the Latin revisions provided by Curley in note 6.
18. Hobbes, *Leviathan* 30.23, 230.
19. Hobbes, *Leviathan* 30.25, 232.
20. Hobbes, *Leviathan* 21.13, 142. See also the Latin revisions provided by Curley in note 11.
21. Hobbes, *Leviathan* 30.7–9, 222–223.
22. Further, given human nature, it may even be inconsistent with the level of education he otherwise recommends. One might doubt whether people can be taught to think about political principles without at some time questioning them.
23. Hobbes, *Leviathan* 30.21, 229. See also the Latin revisions provided by Curley in note 11.
24. Hobbes, *Leviathan* 30.19, 228–229.
25. *Ibid.*, 228. See the Latin revisions provided by Curley in note 10.
26. Hobbes, *Leviathan* 30.16, 228. See the Latin revisions provided by Curley in note 9.
27. Hobbes, *Leviathan* 30.16, 227.
28. There is also an intrinsic conservatism to Hobbesian reasoning, and so we end up with a *de facto* justification for the status quo. His aversion to political change is grounded in a worry that change introduces instability, which can result in the reemergence of the state of nature.
29. There is a long history of this kind of interpretation, and most see it as starting with Hugo Grotius. See, for example, Tuck, “The ‘Modern’ Theory of Natural Law.”
30. Hobbes, *Leviathan* 30.5, 221.
31. See Sreedhar, “Rethinking Hobbes and Locke on Religious Toleration”; Ryan, “A More Tolerant Hobbes?”; and Curley, “Hobbes and the Cause of Religious Toleration.”
32. “Congressman Moran Press Release About Letter To Pentagon December 22, 2009.” http://archive.palmcenter.org/congressman_moran_press_release_about_letter_pentagon_december_22_2009.
33. Sen, “Democracy As a Universal Value.”
34. Lloyd, *Morality in the Philosophy of Thomas Hobbes*, 401.
35. Of course, Hobbes thinks that justice, correctly understood, cannot conflict with peace and stability, correctly understood; but that is an argument for another time.

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