

## CHAPTER 4

# *The Right of Nature and Political Disobedience: Hobbes's Puzzling Thought Experiment*

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While natural right and the limits of political obligation are topics that Hobbes discusses in all his works of political theory, his approaches to these topics in *On the Citizen* are distinctive enough to merit serious analysis on their own terms. Two differences stand out. First, *On the Citizen* is one of the early texts where Hobbes offers a derivation of the right of nature. In *Leviathan* he simply stipulates it. Second, *On the Citizen* is the only text where his account of retained rights centers on an example in which a subject justifiably disobeys a command to kill their parent.

We can identify three distinct moments in the trajectory of natural right in the *On the Citizen* version of Hobbes's political theory. The first occurs when Hobbes makes the argument for the right of nature in chapter 1 and then claims that it amounts to the "right to all things" in the state of nature. The second moment happens in chapter 2 when Hobbes offers an account of how this expansive right is given up and an argument for why a person cannot be obligated by an agreement not to resist death. The third moment comes in chapter 6 where Hobbes takes up the question of the scope and limits of political obligation. Here he extends the account of when people can disobey the sovereign to include disobedience to dishonorable commands, in particular a command to kill a parent, which a person need not obey. Over the course of *On the Citizen*, then, natural right expands, contracts, and expands again. This chapter demonstrates that this fluctuation in Hobbes's articulation of natural right sets the stage for a particularly curious thought experiment that he offers in the guise of a parricide example. I argue that this thought experiment underscores

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a tension that remains unresolved in *On the Citizen* and is obscured by his articulation of political disobedience in later work.

To ground this argument, this chapter traces the trajectory of natural right through these three moments of expansion, contraction, and expansion again, paying special attention to the consistency and cogency of the account of political disobedience. I first reconstruct Hobbes's derivation of the right of nature, offering a particular interpretation of Hobbes's argument for it. I then elaborate Hobbes's arguments for why a certain part of natural right cannot be given up in a contract. The bulk of the chapter is then devoted to Hobbes's account of "simple obedience" and the puzzling example he uses to illustrate it, namely, the case of a subject ordered to commit parricide, which Hobbes thinks can be justifiably refused. Here I turn to deeper questions about Hobbes's discussion of this example, canvassing options for what he might have been referring to, reconstructing the logic of his argument, and suggesting that it reveals a tension in his account of political obligation. Finally, I show how this tension is erased but not entirely resolved in later works.

### **Moment One: The Right of Nature and the Right to All Things**

In *On the Citizen*, chapter 1, "On the State of Man without Civil Society," Hobbes gives an argument for natural right that is premised upon a claim about human psychology. The conclusion of this argument, namely that "self-preservation is *always* understandable" is what Richard Tuck (1998: xxiv) calls "the single universal principle in Hobbes's theory." Here is the relevant text from *On the Citizen*:

[In the state of nature] Amid so many dangers therefore from men's natural cupidity, that threaten every man every day, we cannot be blamed for looking out for ourselves; we cannot will to do otherwise. For each man is drawn to desire that which is Good for him and to Avoid what is bad for him, and most of all the greatest of natural evils, which is death; this happens by a real necessity of nature as powerful as that by which a stone falls downward. It is not therefore absurd, nor reprehensible, nor contrary to right reason, if one makes every effort to defend his body and limbs from death and to preserve them. And what is not contrary to right reason, all agree is done justly and *of Right*. For precisely what is meant by the term *Right* is the liberty each man has of using his natural faculties in accordance with right reason. Therefore the first foundation of natural *Right* is that *each man has to protect his life and limbs as much as he can*. (OC 1.7; see also EL 14.6)

On the face of it, Hobbes seems to be ascribing a kind of universal, absolute necessity to death-avoidance. It looks like he is saying that human

beings avoid death because of a kind of compulsion – as he puts it, with the necessity that, as he says above, “a stone falls downward.” Death as the greatest of evils and death avoidance as the greatest desire are familiar claims for Hobbes. In the “Epistle Dedicatory” of *On the Citizen*, he lambasts all previous moral philosophy for not having the right starting points and so for making no progress. Then he says there are two “absolutely certain postulates of human nature” – the first is about greed (*cupiditatis*), where every person insists on having his own. The second is “the postulate of natural reason, by which man strives to avoid violent death as the supreme evil in nature” (OC Ep. Ded. 10). From these two postulates he says he will derive the rest of his political theory.

A strong interpretation of the principle of death-avoidance works well for his argument for the right of nature. If the desire to avoid death is so universal and overwhelming, then of course we cannot blame people for seeking to preserve themselves. It would be like blaming them for not defying gravity. On this reading, the argument seems to be: Just as we do not hold individuals morally accountable if they succumb to the force of gravity (by, say, not flying upward at will), we do not hold individuals morally accountable if they succumb to the force of self-preservation in order to keep themselves alive and intact. He reiterates this kind of claim in chapter 2, arguing that we cannot rightly blame people for not doing the impossible, namely choosing death over a lesser evil.

Though it seems that the argument rests on a simple and unconditional premise about death being the worst evil, our reading must be more nuanced than that. Hobbes himself does not hold that it is absolutely impossible for people to overcome their desire to avoid death (e.g. OC 6.13); and this view has been largely debunked in the secondary literature (e.g. Lloyd 1992; Murphy 2000). We should take the claim to be that death avoidance is an incredibly strong, often overwhelming, impulse most of the time in most people. Hobbes’s larger argument only requires that death-avoidance provides motivation that is *sufficiently strong and sufficiently widespread that it absolves people of culpability*. Note that this is much easier to justify than the claim that death avoidance is as incontrovertible as gravity. Further, the conclusion is not restricted – he wants the blamelessness of self-preservation to be absolute and universal. Rather, the key premise is restricted. The key move is that death is sufficiently bad for most people most of the time that we cannot hold them responsible when they seek to avoid it.<sup>1</sup>

<sup>1</sup> This is not an uncontroversial interpretation of Hobbes’s argument for the right of nature. I defend it more fully in Sreedhar (2010: 7–52).

After grounding the right of nature, Hobbes argues that, “natural right has given *each man a right to all things*” (OC 1.10). “What is done . . . for self-preservation, is done rightly” (OC 3.27), and since almost anything can be seen as useful in one’s pursuit of self-preservation in the state of nature, the right of self-preservation vastly expands. Hobbes here points out that insincerity is the only limitation; one does not have the right to something if one does not sincerely believe that thing will contribute something, however small, to one’s preservation. He adds the somewhat puzzling qualification that drunkenness and cruelty cannot be understood to contribute to self-preservation and so will always be against the law of nature (OC 3.27).

One might wonder whether Hobbes equates the right of nature with the right to all things; that is, whether they are one and the same. They are not. In the state of nature, the right to nature “gives” (to use the language just quoted) people the right to all things, but the two are conceptually distinct. It’s only in the condition of war that anything can be judged useful for survival.<sup>2</sup> In any case, the right of nature – now the right to all things – is a major factor in the state of nature being such a miserable condition. As Hobbes says, everyone having the right to everything is useless; it is like having no right at all. So, people will want to give up the right to all things, which is precisely what they do in the social contract.

### **Moment Two: Rights Transferred and Rights Retained**

In *On the Citizen*, chapter 2, “On the Natural Law of Contracts,” Hobbes lays out the ways in which rights get transferred and argues that some rights are impossible to give up. Even though he has not introduced the social contract yet and does not until chapter 5, he is working with that model. Rights that cannot be relinquished ground a political subject’s moral liberty to disobey. The relevant quotation reads:

<sup>2</sup> While Hobbes explicitly derives the right to everything from natural right in this way, it might also be justified on independent grounds. Johan Olsthoorn (2015a: 19–36) argues that a second argument for the right to everything can be reconstructed from *On the Citizen*, an argument predicated on the natural human equality of right. Taking his cue from Hobbes’s insistence that every person is her own judgment of what is conducive to her preservation and Hobbes’s insistence that “we are equal by nature” (OC 1.9), Olsthoorn fills out the Hobbesian claim that no one can rightfully accuse anyone else in the state of nature. One advantage of this interpretation of the Hobbesian right to all things is that it does not depend on his argument that the state of nature is a state of war.

No one is obligated by any *agreement* he may have made not to resist someone who is threatening him with death, wounds, or other bodily harm. For there is in every man a kind of supreme stage of fearfulness, by which he sees the harm threatening him as the worst possible, and by natural necessity does his best to avoid it; and is understood not to be able to do otherwise. When one has reached this level of fear, he must be expected to look out for himself either by flight or by fighting. Since no one is bound to do the impossible, no one is obligated to accept the *death* with which he is threatened (the greatest harm of nature) or wounds or other bodily harm which he is not strong enough to endure. Moreover, a person bound by an agreement is normally trusted to perform (for trust is the only bond of agreements), but when people are led out to punishment (whether capital or not), they are held in chains or escorted by guards; that is the clearest indication that they are not seen as sufficiently obligated by an agreement not to resist. It is one thing to agree: *If I do not do such-and-such by a certain date, kill me.* It is another thing to agree: *If I do not do such-and-such, I will not resist your killing me.* Everyone makes use of the first mode of agreement if there is need to do so, and sometimes there is; no one uses the second mode, and there is never a need to do so. . . . [T]he commonwealth itself [does not need to] require of anyone, as a condition of punishment, an agreement not to resist, but only that no one protects others. . . . Finally an obligation not to resist is an obligation to choose what will seem the greater of two present evils. For certain death is a greater evil than fighting. But it is impossible not to choose the lesser of two evils. Hence by such an agreement we would be obligated to do the impossible, and that is contrary to the nature of agreements. (OC 2.18)

The main claim here is that you cannot make an agreement not to resist death or bodily harm. Hobbes gives two reasons: You cannot be obligated to do the impossible, and it is never necessary to make that agreement. Much of the force of this argument lies in its symmetry. But these arguments are conceptually and logically independent. The first applies to human beings as such, while the second applies to human beings only insofar as they are subjects of a commonwealth.

There is a clear and crucial connection in this passage to the source of the right of nature discussed above. Hobbes employs the same line of reasoning in which a claim about human psychology leads to a claim about the moral permissibility of certain actions. Any right one retains is a vestige of a right of nature. Since all such vestiges involve self-preservation, we might call them collectively the "right of self-defense." The foundation of Hobbes's discussion of political obligation in chapter 6 is built on this limitation on contracts that stipulates that a right of self-defense is inalienable.

### Moment Three: Simple Obedience

The right of nature, or what's left of it, appears again in Hobbes's discussion of political obligation in chapter 6, in which he gives an account of what he calls "simple obedience" and presents cases in which subjects have the right to disobey the sovereign's commands. Even as Hobbes repeats the claim that subjects have the right to disobey commands to take their own lives, he adds the argument that subjects have the right to disobey commands to kill their own parents, what I'll call the "parricide command" (OC 6.13). This latter discussion raises a number of questions. First, what does this puzzling example actually refer to? Second, how should we make sense of the argument in this narrow passage? Third, is it a good argument – is it internally consistent? I take each of these in turn.

Because a command to kill one's parents is hard to imagine today, it's important to establish what may have been the discursive context for Hobbes for such an idea. One might think that generally Hobbes's examples bear some relation to a state of affairs that did exist or that had existed at one time. Hobbes had reason to specify that a subject can resist the command to commit suicide, for instance, because classical examples of this command were familiar to him and his readers. The death of Socrates fits Hobbes's description perfectly. The order to drink hemlock was a mandate to commit suicide. Death by one's own hand was an accepted practice in Ancient Greece and Rome. Seneca also famously committed suicide by order of his sovereign, Nero, by slitting his wrist in a bath. So, when Hobbes references commands to commit suicide, he is talking about something that did happen in the past and still existed as a familiar cultural reference, even if it was no longer practiced in early-modern Europe.

Turning now to parricide, what could Hobbes have had in mind?

#### *Contemporary Cases of Parricide?*

For an aptly named article, "Imagining the Unimaginable: Parricide in Early Modern England and Wales, c.1600–c.1760," historian Garthine Walker researched almost fifty cases of parricide between 1600 and 1760. Interested in how early-modern England and Wales made sense of parricide, she separates the cases into three categories: children who kill their parents out of insanity, children who kill their parents out of heartlessness, and children who killed their parents because of something their parents did (abuse or arranging of an unwanted marriage, for example). Though

Walker's discussion of parricide in early-modern England and Wales is rich and complex, however, none of the cases she considers match Hobbes's example: in none of these cases was a person *commanded* to commit parricide.

*Cases of Parricide from History or Fiction?*

As Al Martinich (1999: 7) points out, Hobbes does cite one story involving parricide "more than any other non-Homeric literary work." Pelias was killed by his daughters, who were fooled by Medea into believing that she would revive and rejuvenate him. Hobbes uses this to illustrate the foolishness of sedition. But Pelias's daughters are tricked into parricide, not ordered to it. Clearly, this is not what Hobbes could have had in mind in the passage we are currently considering.

There are classical examples that were considered parricide, even when the subject did not directly commit the killing but was complicit in it. Of Nero it was said: "He began his career of parricide and murder with Claudius, for even if he was not the instigator of the emperor's death, he was at least privy to it, as he openly admitted" (Suetonius 1914: 141). Nero is called a parricide even though he was not the one to carry out the murder. Somewhat similar examples exist, for instance in which a child (or child figure) knows of or arranges the murder of a parent (or parent figure). Even though the act is carried out by someone else, the child is still considered guilty of parricide. These would have been familiar to Hobbes since they can be found in well-known classical sources and various Shakespearean plays. None involve an *order* to commit parricide.

The plot of Thomas Middleton's seventeenth-century play, *The Old Law*, may shed some light here. *The Old Law* was published in 1656 but likely written in the 1610s and circulated and performed in the first half of the century; in fact, there was a performance before the Stuart royal family (Middleton 2010: 45). Set in Ancient Greece, it tells a story of what happens when a law is passed requiring the execution of all men over the age of eighty and women over the age of seventy. The two principle characters, Simonides and Cleanthes, have different reactions to the law. Simonides is pleased, as the death of his father will hasten his inheritance. Cleanthes, though, is horrified and attempts to shield his father from the new law: he fakes his father's death and hides him from the authorities. In the end, it is revealed that the law was a test of the morality of the populace. All the elderly thought to be executed are still alive. And for his actions, Cleanthes gets promoted. Since the characters in this play are

not themselves required to carry out parricide, it is disanalogous to Hobbes's version.

What this brief review of contemporary real cases and historical and fictional cases shows is that parricide was a topic that clearly excited the imagination of Hobbes and his readership. Yet what Hobbes actually describes doesn't fit any of the available narratives of parricide. That lack of fit with current narratives in the society of Hobbes's time is important to see clearly because it suggests his discussion of parricide functions less as a true example and more as a thought experiment.

I contend that the lack of fit is no accident. The case Hobbes describes is a peculiar one in that it involves a number of features that are unusual in combination. There has to be a sovereign who gives a direct order to one of his subjects requiring that subject to personally execute her own parent or face her own death. While there are cases that share *some* of the features of Hobbes's version, there are none that share *all* of them. People kill their own parents out of insanity and anger rather than on command; these are the cases of Walker's research on family murders in the early-modern period. There are cases in which a person plans the murder of a parent by another and cases in which a person leaves the planning to others but knows and keep silent; Nero, as we have seen, was one of these, depending on which version of the tale you believe. There are stories where parents are ordered killed by a political ruler, as in Middleton's *Old Law*; but while the children can attempt to save the lives of their parents, they aren't the ones who are tasked with ensuring their deaths.

All of these stories are interesting to think about in terms of how to apportion responsibility and other questions. But none of them get at the very particular situation Hobbes describes, namely, the position a subject is in when she is given an order to do something she would rather die than do. Although the various cases we have canvassed share some similarities with what Hobbes has in mind, in fact, none has the same combination of factors and so none can serve to help think through the moral issue at hand.

Some of Aristotle's thinking about allocating praise and blame in the context of voluntary if repulsive actions may shed some light on this issue. Hobbes's claims in *On the Citizen* might seem reminiscent of this passage from Aristotle's *Nicomachean Ethics* (III.1, 1110a25):

In some cases there is no praise, but there is pardon, whenever someone does a wrong action because of conditions of a sort that overstrain human nature, and that no one would endure. But presumably there are some things we cannot be compelled to do, and rather than do them we should



suffer the most terrible consequences and accept death; for the things that [allegedly] compelled Euripides' Alcmaeon to kill his mother appear ridiculous.

Hobbes and his readers would have been familiar with Aristotle's work and perhaps the story itself. Most significantly, of the various sources we have surveyed, this passage from Aristotle comes the closest to fitting the description of parricide Hobbes gives in *On the Citizen*. Alcmaeon kills his mother, Eriphyle, at the behest of his father, Amphiaraus, king of Argos. Here notice, however, that while the Alcmaeon case shares almost all the relevant features to the one Hobbes describes – a sovereign orders a person to kill his own mother – it's missing two crucial features. First, Hobbes's emphasis is on a case where a subject *disobeys* the order to commit parricide because she would prefer death. Alcmaeon's example, by contrast, features a person's obeying the order. Perhaps Hobbes doesn't reference Alcmaeon because that story doesn't do the work Hobbes needs from an example.

Second, Amphiaraus's command is driven by revenge: he tells Alcmaeon to kill Eriphyle as a way of avenging his death. In return for the necklace of Harmonia, Eriphyle had betrayed her husband by persuading him to take part in the doomed attack on Thebes. Aware of his wife's treachery, Amphiaraus orders Alcmaeon to kill his mother should he not return. Amphiaraus dies in the attack and Alcmaeon kills Eriphyle. This example, too, fails to conform to Hobbes's criteria. A posthumous command wouldn't be a real command for Hobbes; that is, Alcmaeon wouldn't have been bound by any order given by his dead king.

Given the somewhat analogous examples from classical sources and history that we have considered and found lacking, we can conclude that Hobbes probably did not have a particular case in mind. In my view, he is invoking the example as a *thought experiment*.<sup>3</sup> This is, I suggest, crucial to understand the text and also to understand Hobbes's larger philosophical argument and strategy. Thus, a close investigation of the language and argument Hobbes uses in the parricide example may shed light on what he is testing in this example.

One aspect of what Hobbes calls the "simple obedience" of subjects is that it is the greatest obedience that *can be promised*; another aspect is that it is the greatest obedience that *needs to be promised*, and this is the theme

<sup>3</sup> One might ask whether or not Hobbes *needs* this case to be purely hypothetical. I don't think so. That is, it is not the case that Hobbes would have had to delete the example if he had found a real-world or literary example that exactly fit the case he described.

I'll be tracing. Hobbes says "To the absolute right on the part of the sovereign ruler corresponds so much obedience on the part of citizens as is essential to the government of the commonwealth, that is, so much as not to frustrate the grant of that right" (OC 6.13). There is a difference between giving the sovereign an unlimited right to command and agreeing to obey all of those commands. He explains that the refusal to obey a command to commit suicide is permitted because "if I refuse, the right of government is not frustrated, since others may be found who will not refuse to carry out the order." What Hobbes insists on here is that we only need to grant as much obedience as the commonwealth needs to function – as much as the sovereign needs to get the things done that he wants done, and that falls short of absolute obedience. The next clause in the sentence just quoted is "I am not refusing to do anything I have agreed to." This shows that he sees the two thoughts as connected – what subjects can resist without subverting government overlaps with what subjects cannot actually agree to do. I can't agree to commit suicide and I don't need to agree to commit suicide because others can kill me.

Hobbes's next step is to extend permissible disobedience from cases in which one's self-preservation is threatened to cases in which one's honor is threatened. He introduces this point saying

Likewise if someone is given order by the sovereign to kill him (i.e., to kill the sovereign), he is not obliged to do so, because he has not agreed to this. Nor is he obliged to kill a parent, whether innocent or guilty and rightly condemned; since a son may prefer to die rather than live in infamy and loathing. There are many other cases in which the commands are dishonorable for some people to carry out but not for others; the former are right to refuse to do them but not the latter; and this will be without prejudice to the absolute right given to the ruler. For in no case is his right of killing those who refuse obedience excluded. (OC 6.13)

It is telling that he begins this part of the discussion by linking the lack of obligation to obey a command to kill a parent to the lack of obligation to obey a command to kill the sovereign.<sup>4</sup> One is not obliged to kill the

<sup>4</sup> Note that this is also a case that will never happen. Sovereigns do not order subjects to kill them. Hobbes was preoccupied with a claim that was very common in his time, namely, that it is justifiable to kill a sovereign/ruler. But this wasn't something that happened at the sovereign's behest (especially given the way that Hobbes defined 'sovereign' – proponents of popular sovereignty and delegated and revocable rights to rule like John Milton might disagree). This further supports my claim that Hobbes is treating these cases as thought experiments. One might also wonder about Hobbes's rhetorical strategy in juxtaposing regicide and parricide. Perhaps he was capitalizing on the association of kings with fathers. In any case, he certainly wants to emphasize the subject's refusal in each case.

sovereign on command because one never agreed to do anything that would so profoundly jeopardize peace, and thus his own security.

Hobbes's reasoning for the claim that a subject also has the right to disobey a command to kill a parent is more complicated. He invokes the idea that the subject may feel that the infamy accompanying the life of a parricide would be intolerable and worse than death (he makes a similar observation in *Elements* 17.11 that "life itself, with the condition of enduring scorn, is not esteemed worth the enjoying").<sup>5</sup> But crucially he also calls attention to the fact that the subject's compliance in this case is unnecessary. The sovereign can achieve the aim of securing the death of the parent by ordering any number of other subjects to do it.

Hobbes's overall project in this part of the text is to analyze the scope and limits of subjects' obligations to obey commands of the sovereign. He repeatedly emphasizes that people *cannot* make an agreement to obey commands to commit suicide or give up the right of self-defense, nor do they *have to* make such agreements. As we've seen, he makes this claim in *On the Citizen*, chapter 2; he repeats it in *Leviathan*, 14.8: 200 and 21.12: 336. They cannot make the agreement because they cannot be trusted to abide by it. They need not make the agreement because someone else can do it. In other words, if the sovereign wants you dead, you do not have to kill yourself; others can easily be found who will do it for you.

Both thoughts are key again in the parricide example. I cannot be expected to commit parricide (because I would rather die than live a life of "infamy and loathing") and I do not need to commit parricide (because someone else can be found to carry out the command). This second thought – that disobedience can be allowed in cases where others can carry out the order – is easy to justify. It follows from the fact that the person to be executed will only be parent to a tiny percentage of the eligible candidates for executioner and so it will be easy to find a substitute.

The first aspect – the intolerability of obedience – merits a bit more explanation. Why is killing a parent so bad that one might think oneself better off dead than doing it? Garthine Walker, mentioned above, explores

<sup>5</sup> Hobbes was not the only seventeenth-century philosopher to list parricide as something a person could prefer to die rather than do. Samuel Pufendorf ([1672] 1934: 8.1) says, "It must be confessed that there are some actions the care and execution of which a man would rather die than undertake: such as to murder parents or children, to commit incest with a mother or daughter, or to lie with a beast. A small stock of courage would make a man prefer death to the guilt of being an instrument in such actions."

the attitudes people had toward parricide in early-modern England and Wales. Parricide was seen as the most unnatural of crimes, virtually incomprehensible. The law did not recognize it as a separate crime, but some said that was because, as Sir Edward Coke opined in 1628, lawmakers could not imagine any person doing such a thing. According to Walker (2016: 273), this thought was “endlessly repeated.” So, the thought that death was preferable to parricide was part of Hobbes’s cultural and intellectual milieu, and his acknowledgment of it makes sense in that context.

It’s worth pausing here, though, to notice how far it seems the right of nature has come from its beginnings. Starting from the blamelessness of death aversion, it has now become the right to avoid dishonor even at the cost of accepting death. Hobbes bridges this gap by positing that the fate of the parricide is a worse fate than death, and so if people have the right to avoid death, they must have the right to avoid a fate worse than death. This demonstrates that the right to disobey a parricide command is part of – or fundamentally related to – the retained right of self-defense. Or at least that the discussion is fundamentally continuous.

If I am correct that Hobbes is not alluding to any particular case in the *On the Citizen* parricide passage – that he is using it as a thought experiment – then it is a bit puzzling when he claims that similar examples abound. Immediately after excusing the son who refuses the command to kill a parent, Hobbes says, “There are many other cases in which commands are dishonorable for some people to carry out but not for others.” What these “many other cases” could be is not entirely clear.<sup>6</sup> But we can make sense of one thing. If what Hobbes wanted was an example of a command that would be dishonorable for some but not all of the possible people who could carry it out, parricide is extremely apt. If what Hobbes also wanted was an example of a command that would be so dishonorable for those people for whom it was dishonorable that they might rather die than obey it, parricide is even more extremely apt. Indeed, parricide is so fitting of the two conditions that Hobbes wants to illustrate – commands people would rather die than obey and commands that some but not all people would feel this way about – that it is difficult to imagine what else might fall under this category.

An ambiguous and intriguing point lies in the way Hobbes concludes the discussion. He says,

<sup>6</sup> Arash Abizadeh (2018: 232) has recently attributed to Hobbes an “inalienable right to a life worth living,” which would presumably accommodate all such cases.

But those who do kill in such circumstances are offending against the natural laws, i.e., against God, because although the right to do so has been given them by one who has that right, nevertheless they are using it contrary to the requirements of right reason. (OC 6.13)

This sentence can be read in two ways. First, one could think that “those who do kill” refers to sovereigns who indeed carry out death sentences against subjects that disobey such dishonorable commands. Hobbes is clear that sovereigns have this right and that the justifiability of the disobedience to their commands does not in any way impinge on the right they have to punish such disobedience with death. S. A. Lloyd interprets the passage along these lines in Chapter 3, arguing persuasively that natural law protects what she calls “self-admiration.”<sup>7</sup> On this interpretation, sovereigns who legitimately punish disobedient subjects are themselves violating natural law, offending God, and using their right to punish “contrary to the requirements of right reason.”<sup>8</sup> A command that unnecessarily requires a subject to do something which will ruin her life is a command that violates natural law. Hobbes says in *Leviathan* that sovereigns should pass laws that are “Needfull” (L 30.20: 540), and the command to execute one’s own parent, when someone else can easily be found to do it instead, is by definition not “Needfull.” The sovereign who forces a subject to execute her own parent is simply cruel. An interpretation where the subject of the sentence is *the sovereign giving the order* makes this the only place in Hobbes’s corpus where he explicitly condemns a sovereign for punishing permissible disobedience.<sup>9</sup>

Second, one could read the passage as implying that the subject ordered to kill a parent not only has the right to disobey the command but *should* disobey it. On this interpretation, “those who do kill” refer to subjects who obey orders to kill a parent, and what Hobbes is saying is that those subjects violate natural law and offend God. This is true even though they have been given the order by the sovereign who has the right to kill the parent (or whoever he wants for that matter). What Hobbes is describing here is a situation where a subject can and should disobey. However, in other cases, though he may insist on the moral permissibility of disobedience, he doesn’t say that you should disobey. An interpretation where the

<sup>7</sup> Special thanks to Sharon Lloyd for a useful discussion of the interpretive questions raised by this passage.

<sup>8</sup> Note that in Lloyd’s interpretation, the subject who obeys such a command is absolved of moral responsibility. See her account of the “hierarchy of responsibility” (Lloyd 2009: 281–7).

<sup>9</sup> Of course, there are other places where Hobbes criticizes sovereigns’ conduct. Indeed, in the very next chapter, he says sovereigns can “sin against natural law” (OC 7.14). My point here is that this is the only place he criticizes a sovereign for punishing legitimate disobedience.

subject of the sentence is *the person receiving the order* makes this the only place in Hobbes's corpus where he explicitly condemns someone for not exercising their right to permissible disobedience.

The sentence of text in question is genuinely ambiguous, so it is impossible to know with any certainty what Hobbes meant. However, it's worth noting that on either interpretation, Hobbes connects a natural/divine law violation to parricide, whether in the committing of it or the punishing of its refusal. This requires explanation. Why is parricide so horrendous as to deserve this treatment?

Hobbes's account here seems to rest on a presumption that parricide constitutes an independent wrong. But what could that wrong be and how can Hobbes justify it? Perhaps we can conceive of it as a violation of the law of nature requiring gratitude. Hobbes thinks people have natural law duties to honor and obey their parents out of gratitude for the care and protection given to them in childhood. Perhaps it is a violation of the fourth commandment requirement to honor thy mother and father. Any of these in isolation or together would explain not only the incredibly strong social stigma attached to the killing of a parent but also Hobbes's claim that it is wrong either to order parricide or to obey such an order.

Interestingly, Hobbes does not avail himself of any of these lines of reasoning in the text. His discussion of the right to disobey a parricide command never explicitly or implicitly invokes natural law duties of gratitude or religious observance of the ten commandments, despite the fact that both lines of reasoning would have helped his argument. Instead he appeals only to the intense social stigma which would attend the life of a person known to commit parricide in order to make the case that subjects could not have made an agreement to suffer such a fate worse than death. But if this is his only argument, his account is unsatisfactory. After all, a couple of pages earlier, Hobbes insists that the sovereign dictates what counts as honorable and dishonorable and this is a constant claim in his political philosophy (OC 6.9). But if that's true, can't the sovereign simply dictate that it isn't dishonorable to kill a parent as long as it's at her command? Hobbes doesn't seem to think so but he doesn't explain why not. In any case, his account depends on parricide being dishonorable in a way that even the sovereign cannot mitigate, and he does not explain or defend the idea that parricide is an objective wrong.

Even if we could iron out the interpretive questions and grant Hobbes a firm foundation for his parricide example, it reveals a more troubling tension in his philosophy as articulated in *On the Citizen*. That tension arises from a potential conflict between two principles.

In terms of the general question of political disobedience, the most significant takeaway from this discussion for my purposes is a certain kind of overlap or symmetry. When a subject can justifiably disobey the sovereign is determined by two principles – when the subject cannot be understood to have agreed to X (death, a fate worse than death) and/or when the obedience of the subject is unnecessary to the goals of sovereignty. This is simple obedience: the most obedience people *can* give and the most obedience that people *have to* give are the same; they are coextensive. In this respect, Hobbes pretty clearly has what we might call a “convergent account of political obligation.”

However, although the two principles he invokes to explain the justifiability of disobedience in *On the Citizen* overlap, they need not. That underlying potential tension is what I’ll turn to next.

Since Hobbes invites the reader to think in terms of unlikely but philosophically useful situations, I think we can introduce some other examples. Imagine a case in which a subject is ordered to kill a parent and only she can carry out the order. Perhaps the fact of the relationship gives the person special access to the parent, such that other subjects would not be able to carry out the execution. In the recent *Star Wars* movie, *The Force Awakens*, Kylo Ren’s murder of Han Solo fits this description. Because he was Han Solo’s son, Kylo Ren was the only one able to get close enough to Solo to kill him.

This reveals a fundamental tension or unaddressed question in Hobbes’s theory. It is impossible to expect people to face death, and even more impossible to expect them to face a fate worse than death – this is the claim of the passage. But if there is a special situation where obedience is required because it is the only way the sovereign’s order can be carried out, then it seems that obedience is both required and impossible to expect. Nor does Hobbes have a meta-principle to adjudicate between these two principles. Nothing in *On the Citizen* indicates how to pick one over the other if they come into conflict. If Kylo Ren’s sovereign had ordered him to kill Han Solo, it seems like Hobbes’s position as articulated in the passage we’re discussing is that Kylo Ren is both permitted and not permitted to disobey. He *is* permitted to disobey because he can’t be understood to have agreed to do something which would make his life intolerable, worse than death; and he *is not* permitted to disobey because he is the only one who can carry out the command.

An actual case in which a sovereign requires the obedience of one subject in particular is not so difficult to imagine. Consider the beheading

of Charles I. Though the executioner's identity is a matter of much debate among historians, according to one account, the executioner was most likely Richard Brandon.

While this act was not parricide, it seems to have been seen as very dishonorable. Simply being an executioner was dishonorable, as Hobbes himself says in *Leviathan*. But being the executioner of a king, thought by many to be the Lord's anointed, was an especially loathsome role. To protect his anonymity, the face of Charles I's executioner was hidden behind long wigs, fake beards and a hood, and people were sworn to secrecy about his identity. Finally, the executioner did not shout the customary "Here is the head of a traitor" so no one could recognize his voice. There is also evidence of a backup in case the executioner refused at the last minute. Such precautions suggest there was some doubt that Cromwell's execution command would be followed.

Historian Geoffrey Robertson (2006) argues the executioner was Brandon because "Cromwell's objective was to stage an execution that conformed to tradition and which would go off without a hitch." As the customary executioner, Brandon would have been able to sever a head with skill, cleanly and in one blow. Cromwell did not want a repeat of the messy execution of Mary Queen of Scots, grandmother to Charles I. A traditional and clean execution might limit the fallout from the regicide and thus help foster the peace and security of the commonwealth. This historical case is interesting to think of in light of Hobbes's thought experiment. Grant that Cromwell is the sovereign and that Brandon alone could do the job in the way the sovereign wanted. We know that whoever did the execution was a professional, as evidenced by his tucking the hair of the condemned into his cap, his bending down to receive forgiveness, and the fact that later exhumation of body proved the spine was severed with a single blow.

However, it seems clear that being the executioner of Charles I was a job Brandon worried would tarnish his reputation so badly that he disguised himself. Further imagine that Brandon thinks the job utterly hateful and that whoever killed the king risked living a life of "infamy and loathing." Did Brandon, according to Hobbes's account, have the right to disobey? What if he preferred death to the dishonor of regicide?

Of course, Hobbes would not have known about this case when he was writing *On the Citizen* since it was finished years before Charles I's trial and execution. I present the story to show that it is not outside the realm of possibility that a subject would be uniquely qualified to commit an abominable act that did not threaten her life or limbs. So, the problem remains that what a person might be required to do and what she can agree



to do are not necessarily coextensive, and Hobbes in *On the Citizen* gives us no guidance with which to navigate a potential conflict.<sup>10</sup>

Perhaps some insight can be gained by examining the trajectory of these ideas in Hobbes's work beyond *On the Citizen*. In this regard, we can see how the parricide example gets replaced in *Leviathan*. There he also wants to make the point that some commands will be very difficult for some people to obey and that their obedience is not required because others can do it. He says that if the sovereign commands you to serve in the army, you do not have to go as long as you can provide a substitute to take your place (L 21.16: 338–40). As in *On the Citizen*, he makes the point that disobedience does not interfere with the realization of the sovereign's will and, while it is morally excused, it is still punishable by death. Thus, I submit that Hobbes replaced the parricide example in *On the Citizen* with the substitute soldier example in *Leviathan*, which was written almost a decade after the first edition of *On the Citizen*. The substitute soldier is presented in such a way that it serves the same logical and argumentative purposes as the parricide example in Hobbes's larger argument about authority and obedience. As Hobbes's thought develops over time, he leaves the parricide example behind.

This contention is further supported by the apparent recanting of the parricide example in *Behemoth*. There he explicitly says that if the sovereign passes a law dictating that fathers must be executed by their own sons, that law must be obeyed. He also says that we need not consider this case much because no sovereign would do such a thing (B 51; for discussion see Dyzenhaus 2012). Both moves directly contradict his account in *On the Citizen* where the parricide-ordering sovereign is presented as possible. Indeed, he offers it as an instantiation of a phenomenon that he claims is common, namely, orders that are dishonorable for some but not all to carry out.

It is too easy, however, to simply say that Hobbes changed his mind about the case. It well may be that he changed his mind, and, without that vivid example of parricide, the reader is perhaps less likely to wonder about the potential conflict between the various principles Hobbes uses to justify disobedience. Nevertheless, that philosophical issue remains unresolved.

<sup>10</sup> Lloyd (2009: 30) offers an interpretation of Hobbes on this point saying, "In general, Hobbes argues, it is unreasonable to fault any person for refusing to do what he would rather die than do, at least when the state is granted authority to kill the disobedient, and the job is either unnecessary for the survival of the commonwealth, or others may be found who can do it." I think that this is correct as a reading of Hobbes's view, but it doesn't answer the question of whether a subject can be faulted for disobeying a command to do something he would rather die than do when others *can't* be found to do it.

(As a side note, I think that there are lessons we can learn from this exercise. Hobbes seems to face difficulty with certain kinds of cases, in particular non-preservation related cases: cases of disobedience where the disobedience cannot be reduced to protection of one's own life and limb. This comes up with protecting one's honor and protecting one's family or those close to you. But what Hobbes does in the face of these difficulties is recommend that the sovereign not put people in the position where they have to make such choices.)

To evaluate the nature and seriousness of this unresolved issue for Hobbes, a helpful place to begin is by noticing some general features of Hobbes's account of political obligation. There is no doubt that justifying political obligation is a project – if not *the* project – in all of Hobbes's works of political theory. In *On the Citizen's* "Preface to the Readers," he describes the whole point of the work as occasioned by "questions of the right of Government and of the due obedience of citizens" (OC Pref. 19). *Leviathan* concludes with the statement that its goal was "to set before mens eyes the mutuall Relation between Protection and Obedience" (L R&C.17: 1141). To this end, Hobbes is concerned to identify cases in which subjects are permitted to disobey the commands of the sovereign, often referring to certain kinds of examples, namely, rare situations that will never or almost never arise. Further, Hobbes's discussion doesn't seem to have been inspired by historical or fictional cases of this command. This chapter's examination of historical or fictional cases demonstrated that none fit the description Hobbes gives of justified disobedience to a parricide command. Clearly, these examples are not in the text primarily as practical guidance for common events. Rather, they demonstrate Hobbes's interest in the boundaries of political obligation, and one of his strategies for testing those boundaries is to consider examples that border on the hypothetical or the thought experiment, as limit cases. As thought experiments, such examples provide Hobbes with a way of getting at the philosophical questions about the limits of political obligation. Even that attempt creates loose ends that remain untied.

The tension I have identified here remains unresolved in Hobbes's theory. However, it is important to note that it exists on a purely theoretical level. In practice, the situations that will be problematic – cases in which a subject is required to both obey and disobey – won't occur in a well-governed commonwealth. Insofar as Hobbes's philosophy has as its stated goal practical political guidance, perhaps that was the point all along.

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