
Toward a Hobbesian Theory of Sexuality

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The field of sexual ethics is a surprising place to encounter a discussion of Thomas Hobbes. After all, this field is concerned with debates about the moral status of various sexual desires, behaviors, relationships, and practices, and, at first glance, Hobbes appears to have little or nothing to say on these matters. He does not provide an explicit theory of human sexuality, and his writings contain very little discussion on the topic of sex. Yet his views are far from irrelevant to these debates. If we pay close attention to his broader philosophical commitments, to those few remarks that he does make about sexuality, and to what he does *not* say on the matter, what emerges is a position that is rich and complex, though at times apparently inconsistent. In this chapter, I (re)construct a Hobbesian theory of sexuality centered on the following three questions:

(1) Regarding sexuality, what follows from Hobbes's broader philosophical commitments? (2) What does he actually say on the matter, and how should we understand it? (3) What does he not say, and is there any significance to these omissions? I argue that if we look carefully at these three aspects of Hobbes's thought, a (largely) coherent and (largely) plausible picture emerges. This picture suggests a radical and indeed liberatory theory of sexuality. I argue that recognizing this position is fruitful for understanding Hobbes in his own right and in relation to debates in sexual ethics, both contemporary and historical.

My chapter proceeds in three stages. First, I develop a radical reading of Hobbes, taking as my starting point a detailed examination of his references to the sexual practices of Amazon women. Second, I consider two potential concerns about this reading: namely, the existence of various pieces of (apparently) countervailing textual evidence, and the potentially dangerous ambivalence of Hobbes's moral conventionalism and legal positivism. I respond to this latter concern in the final section, by turning to Hobbes's discussion of "ordinances concerning copulation." Ultimately, I argue that Hobbes's pragmatic guidance offered to sovereigns, combined with his unwillingness to offer anything like a theory of natural sexuality, makes him a better ally to contemporary progressives and sexual radicals than he is to the problematic regimes that they wish to alter.

Sex in the State of Nature

Hobbes is famous for claiming that life in the state of nature is "solitary, poore, nasty, brutish, and short." At first blush, one could plausibly think that sex in the state of nature—even if it was not "solitary"—was at least "poore, nasty, brutish, and short." After all, the state of nature is characterized by the constant threat of attack by others, sometimes motivated by a desire for goods, sometimes by a desire for dominance, and sometimes simply as a preemptive strike to eliminate a possible future threat. There is no mention of sex in the famous description of the state of nature in chapter 13 of *Leviathan*, though, in a puzzling remark, Hobbes includes "wives" in the list of things that people try to take from others when they "invade."¹ Hobbes also describes a more "advanced" state of nature, one in which people live in small kinship groups held together by "natural lust," but even this more detailed description does

not give us a definitive picture of how, if at all, human sexuality is structured in what Hobbes calls the "natural condition of mankind."

The only time Hobbes explicitly takes up the topic of what sexual relations would look like in the state of nature is in his discussions of parental right. Here, he is concerned with the question of how "dominion" or right over children is established (a topic taken up by a number of essays in this volume). He includes a discussion of parental right in all three of his major political works, and though there are some minor differences between these discussions, all three make the same key points regarding natural maternal right and the various options for establishing child custody.² These discussions are highly suggestive. Most of the scholarship on this topic has focused on the claim that there is natural maternal right—that, in the absence of a prearranged agreement between mother and father, dominion over a child defaults to the child's mother.

I want to consider the other aspect of Hobbes's discussion, in which he canvasses a variety of options for child custody by providing a taxonomy of "covenants of copulation" (as he talks about them in *The Elements of Law*). First, there are covenants in which one parent is subjugated to the other. In this case, the child belongs to the dominant parent. He explains that when a woman has subjected herself to a particular man's control, he gains authority over their child. For Hobbes, mastery is a transitive relation. This covers not only mothers who are subjected to fathers but also fathers who are subjected to mothers, as he tells us happens when a queen has a child with one of her male subjects. The principle of transitive dominance applies in this case, and the child belongs to the dominant parent—the mother. If the parents are both subjects in a commonwealth, then the child goes to whichever parent is specified in the civil law. Hobbes posits that this will most often be the man, but he notes that it need not be.

The harder and more interesting cases arise when the parents are relative equals. If they live outside a commonwealth—that is, in the state of nature—then the child goes to whomever the two parents have agreed will get him or her (if they do not make an agreement, then it defaults to the mother, as covered above). Hobbes makes two further distinctions: these covenants of copulation can (1) be temporary ("for a time") or permanent ("for life"); and (2) involve domestic relations ("covenants of cohabitation") or not ("covenants of copulation only"). To illustrate this last category, he offers an example of Amazon women. While we now know them to be a historical fiction, Hobbes treats their existence and

practices as a matter of historical fact, noting that "in the copulation of the Amazons with their neighbors, the fathers by covenant had the male children only, the mothers retaining the females."³ He describes their practices by saying, "We find in history that the *Amazons* contracted with the men of the neighboring countries, to whom they had recourse for issue, that the issue male should be sent back, but the female remain with themselves, so that the dominion of the females was in the mother."⁴ In Hobbes's taxonomy, the contract he references here would count as a *temporary covenant of copulation only*.

While Hobbes makes reference to the Amazons in all three of his major works, only the 1994 edition of the *Leviathan*, edited by Edwin Curley, remarks on their inclusion in a short footnote to the text.⁵ Curley maintains that Hobbes likely read about the Amazons in classical sources such as *History of Alexander* by Quintus Curtius. A close look at the original story is revealing. Curtius describes a meeting between the Amazon queen Thalestris and Alexander the Great. Thalestris, intent on procreating with Alexander, arrives at his camp surrounded by three hundred women dressed in armor and carrying spears. He agrees to her terms: she will give him the male offspring and take the female as her own. We can see what so deeply influenced Hobbes only when we consult the relevant passage in full.

On the border of Hyrcania . . . lived a tribe of Amazons. They inhabited the plains of Themiscyra in the area of the river Thermodon, and their queen, Thalestris, held sway over all those between the Caucasus and the river Phasis. Passionately eager to meet Alexander, she journeyed from her realm and when she was not far off she sent messengers ahead to announce that a queen had come who was longing to see him and make his acquaintance. Granted an immediate audience, she ordered her company to halt while she went forward attended by 300 women: as soon as she caught sight of the king she leaped unaided from her horse, carrying two spears in her right hand. The dress of Amazons does not entirely cover the body: the left side is bare to the breast but clothed beyond that, while the skirt of the garment, which is gathered into a knot, stops above the knee. One breast is kept whole for feeding children of female sex and the right is cauterized to facilitate bending the bow and handling weapons. Thalestris looked at the king, no sign of fear on her face. Her eyes surveyed a physique that in no way matched

his illustrious record—for all barbarians have respect for physical presence, believing that only those on whom nature has thought fit to confer extraordinary appearance are capable of great achievements. When asked if she had a request to make she unhesitatingly declared that she had come in order to share children with the king, since she was a fitting person on whom to beget heirs for his empire. A child of the female sex she would keep, she said, but a male she would give to his father. Alexander asked if Thalestris wished to accompany him on his campaigns, but she declined on the grounds that she had left her kingdom unprotected, and she kept asking him not to let her leave disappointed in her hopes. The woman's enthusiasm for sex was keener than Alexander's and she pressed him to stop there for a few days. Thirteen days were devoted to serving her passion, after which Thalestris headed for her kingdom and Alexander for Pathiene.⁶

The extent to which Amazon women are portrayed as fierce, fearless, and the embodiment of sexual autonomy is striking. Thalestris not only initiates the encounter, but she is also described as more enthusiastic for sex than Alexander, and they spend thirteen days "serving her passion." In the end, she declines to accompany him on his campaigns "on the grounds that she had left her kingdom unprotected." The sexual independence and power attributed to the female Thalestris is reflected in the physical description of their encounter. She appears half-naked but armed, and even her breasts—so often seen as the physical manifestations of gentle, maternal femininity—have been repurposed for the strength of the female line. One is tasked for nurturing female children, and the other removed to facilitate warfare. The picture is completed by the two weapons she carries in her right hand, above her bared legs. Alexander is apparently astounded and smitten—Thalestris, less so. Instead, she faces "a physique that in no way matched his illustrious record." This is hardly a picture-plate of natural male sexual domination, or indeed prowess at all. Instead, it is a radically powerful depiction of female sexuality.

Hobbes's retelling of the story is revealing insofar as he shows no particular reaction to it. The image of women's power and sexuality conveyed by Curtius was deeply at odds with standard portrayals of female sexuality as dangerous or unclean. Hobbes takes an example that is clearly remarkable—even astounding—to his contemporary audience (and arguably to ours as well) and repeats it without a hint of surprise or

even remarking upon it. Not only does Hobbes seem to find nothing strange or out of line in representations that would have been offensive or even sacrilegious in his culture, but he cites these autonomous, sexually liberated warrior women as evidence for his claims about both maternal right and the various plausible structures of relationships between men, women, and children.⁷ This serves, in an important way, to legitimate the "experience" of the Amazon women; in using them as evidence, he is crediting them with a certain legitimacy that many of his contemporaries would not have granted.

Hobbes's reaction to this story is also revealing: he was sufficiently impressed with this literary encounter to make it the basis of his conclusions about the variation of child custody arrangements, and yet he apparently sees no need to comment on, or even repeat, the rather astounding physical details that contribute to its memorability. At the very least, it reveals how absolute his commitment to covenant is: none of the other details of the story are relevant. It also suggests that he firmly embraces a form of cultural relativism regarding sexuality. Insofar as individual covenants will emerge within and reflect the values of a particular culture or people, so too will the sexual and family practices these covenants enact and legitimize. This is not problematic or even remarkable in a Hobbesian picture: *all* social and moral norms function this way. I will return to this point shortly.

The rest of Hobbes's discussion of the origin of parental right in the state of nature is equally intriguing, and it provides further support for the picture of natural female sexuality as liberated and powerful that, I have argued, underlies Hobbes's use of the Amazon story. It is clear that there is natural female sexual independence and autonomy; and, furthermore, that casual, promiscuous, and perhaps even indiscriminate sex seems to be the norm. The prevalence of nonmonogamy is implied by remarks such as "In the state of nature, it cannot be known who is a *child's father* except by the *mother's* pointing him out."⁸ "Force and fraud" might be cardinal virtues in the state of nature,⁹ but virginity and sexual fidelity are not.

Taken as a whole, the picture of sexuality that starts to emerge from a close reading of Hobbes's repeated discussions of "copulation" in the state of nature would find a favorable reception in theories of sexual liberation. Historian James Turner takes this to the extreme, claiming that Hobbes's discussion of natural maternal right reveals libertine strains in his

thought and qualifies him to be considered as a “feminist theorist,” presumably of the sex-positive stripe.¹⁰ Perhaps Turner goes a bit too far in this reading, suggesting that the picture of radically liberated female sexuality was what Hobbes thought *would* happen in the absence of the constraints of civil society. That strong claim does not follow from what Hobbes says, even at a maximal reading. Rather, all that can be inferred is that radically liberated and empowered female sexuality *could* happen. Even so, this is still a fairly innovative and contentious claim.

The Hobbesian Theory of Sexuality

A radical theory of sexuality also emerges from consideration of various other remarks that Hobbes makes as well as from consideration of the implications of his more general philosophical commitments. There are at least four pieces of text that deserve comment in this regard. First, consider Hobbes’s statement that “in the natural state . . . all sexual unions were licit.”¹¹ Second, he remarks upon male homosexuality in ancient Greece without excessive (or in fact any) judgment or condemnation, calling it merely the “use of the time.”¹² Third, he insists that what constitutes adultery in one context could constitute marriage in another; what would be illicit under one set of laws could be entirely appropriate under another. In this context he suggests that indissolubility is not a necessary feature of marriage when he claims that “the pagans sexual relations [which were presumably temporary in nature] were by their laws legal marriages.”¹³ Finally, he recognizes the acceptability of social arrangements that grant the “liberty” to marry more than one person at a time. He remarks without comment that “in some places of the world men have the liberty of many wives; in other places such liberty is not allowed.”¹⁴ The first of these comments concerns the state of nature, while the other three remark on the different sexual mores of other cultures. These points are importantly connected: it is *because* nothing sexual is naturally forbidden that various contradictory sexual norms are acceptable within differing contexts. This permissive understanding of sexuality seems stable across his corpus: two of these claims are found in *De Cive*, one in *The Elements of Law*, and one in *Leviathan*. Notice that when these texts are taken together, we see Hobbes rejecting the naturalness and goodness of three of the structuring pillars of heteronormativity:

(1) heterosexuality, (2) monogamy, and (3) lifelong partnerships. Homosexuality, multiple partners, and temporary arrangements are equally as valid as heterosexual, monogamous, lifelong partnerships.

That Hobbes makes such apparently radical claims regarding sexuality, sexual unions, and sexual partnerships is not merely coincidental: his remarks are consistent with—and in fact entailed by—the philosophical underpinnings of his approach to law and morality. Hobbes is famous for insisting that natural right and natural law are reducible to an individualistic pursuit of self-preservation. Very briefly, in the absence of government, people are not required to follow any normal rules of morality, such as refraining from injuring one another or keeping their promises. They are only required to follow those rules once they live in civil society. Moreover, the content of morality is determined by the civil law; providing common standards, definitions, or “measures” is one of the main, if not *the* main, functions of the sovereign. The sovereign determines, for example, what counts as “mine” and “thine”—those things do not exist in nature; they do not have determinate content until given it by the civil law of a particular state. The sovereign determines proper religious worship in the same way. In a telling example, Hobbes considers what to say about deformed births—that is, whether they count as human. He concludes that, because there is no objectively true and knowable right answer, the sovereign must set the criteria and make the judgment.¹⁵ It is not surprising, and in fact is to be expected, that he would treat issues of sexual morals in much the same way. It follows from his wholesale rejection of teleological or divinely ordained morality.¹⁶

Thus, Hobbes’s metaethics serve to deny any claim to found sexual normativity in a conception of “nature,” and his philosophy of law and political philosophy serve to legitimate the differing ways of structuring sexuality among cultures. His overriding commitment to moral conventionalism and legal positivism explains his insistence on the validity of polygamy in societies that authorize it, for example, despite the fact that he must have known this would be an unpopular view.¹⁷

This suggests a rather coherent picture: Hobbes says that people are required to “avoid intercourse forbidden by the [civil] laws,”¹⁸ but his point is to insist that it is entirely up to the civil laws to determine what kinds of intercourse should be forbidden or permitted! There is nothing *in nature* that can make those determinations. No independent, objectively knowable answers to questions about sexual ethics exist. To put the point

strongly: according to Hobbes's moral conventionalism and legal positivism, the decision to permit one form of sexual union while prohibiting another is, in important ways, analogous to the decision to adopt the metric or the imperial system of measurement or even to the decision to drive on the right- or left-hand side of the road.

Furthermore, Hobbes's commitment to the primacy of covenants in establishing normativity—sexual or otherwise—distinguishes him from the natural law tradition that dominates discussions of sexuality in the history of philosophy. The tradition against which Hobbes argued took it for granted that norms governing human sexuality were somehow built into nature, either directly through the divine ordinance of God or from the (God-given) natural order of the universe. Aquinas and Augustine both had well-developed theories of human sexuality that gave strict guidance about which particular sexual acts were permissible and which were intrinsically evil.¹⁹ Even Grotius (an important influence on Hobbes) purported to find evidence in natural law that women's virginity was not only morally salient but actually a virtue.²⁰ We can see the degree to which Hobbes stands in stark contrast to this tradition with his unconditional rejection of any notion that nature could provide such guidance.

The radical potential of Hobbes's scattered remarks on sexuality has been noted by other scholars, though for the most part only in passing.²¹ A more extensive analysis of Hobbes on sexuality reveals two important insights, however. First, there is an underlying philosophical unity to these apparently unconnected comments; Hobbes's description of sexuality in the state of nature serves both to ground his approach to sex in other cultures and to reveal his philosophical commitments to moral conventionalism and legal positivism. At the same time, close attention to textual detail complicates the story of Hobbes as an undiscovered sexual radical.

Countervailing Textual Evidence

Unfortunately, Hobbes cannot so easily be read as a forerunner of sexual liberation and free love. The relatively small amount of text on the subject of sex cannot all be read as straightforwardly as I have presented it above. For example, there is a tension between Hobbes's explicit acknowledgment of male homosexuality in ancient Greece and the way

that he (sometimes) defines "LUST" as the "indefinite desire of the different sex, as natural as hunger."²² But Hobbes could not have thought that human lust was exclusively heterosexual, because then the acknowledged cases of homosexuality would be inexplicable. I suggest that the appearance of contradiction may emerge from the understandable influence of Hobbes's own cultural background. In fact, whatever the empirical observation he seems to be making about lust, it is clear that nothing normative follows from it. In short, Hobbes can make comments about "natural" heterosexual lust alongside tolerant remarks about Greek homosexuality because, for him, the "naturalness" of heterosexuality (as he apparently saw it) does not have the same normative overtones it would have for a sexual foundationalist or natural law theorist. In fact, "natural" heterosexual desire can have no normative overtones at all on Hobbes's account, because, as we will see below, Hobbes's metaethics deny such a possibility. When push comes to shove, Hobbes will always give absolute normative primacy to the conventions and laws of a given society.

It is less easy to explain the problematic view of women that underlies many of Hobbes's remarks in his discussion of marriage and elsewhere. For example, while he does deny that any sexual behavior is by nature illicit, his reasoning behind this claim deserves scrutiny. He explains that, in the state of nature, "first, nothing was another's (because nature gave all things to all men), and it was consequently not possible to encroach on what was another's; where, secondly, all things were in common, for which reason also all sexual unions were licit."²³ He reasons that all sexual unions are licit in the state of nature because everything is held in common, and it is apparent from the passage that he means *women* are held in common. The sexual unions that he means to pick out as "licit," then, seem to be the sexual unions of one man with another man's woman. There is no adultery in the state of nature for the same reason that there is no theft in the state of nature; as he says, "It was . . . not possible to encroach on what was another's." The implication is that it is women who were the *objects* of "encroachment" in the state of nature. There is a reference to the same effect in chapter 13 of *Leviathan*, where Hobbes makes reference to people (presumably men) in the state of nature invading one another for the purpose of stealing wives, as noted above.

The worrisome ambivalence toward women and female agency (sexual and otherwise) in these remarks has not gone unnoticed in the secondary literature on Hobbes. Canonical criticisms of Hobbes on this count are

offered by Carole Pateman and Susan Moller Okin, and more (though not entirely) sympathetic readings are provided by Joanne Wright, Gabriella Slomp, Nancy Hirschmann, Karen Green, and others.²⁴ There are important differences between the criticisms of Hobbes in this regard, as well as between the various defenses or rereadings; but my concern is not to engage with this debate regarding Hobbes on gender. Given that my project is to develop a (reconstructed) Hobbesian theory of sexuality, I will only point out that while the troublesome nature of at least some of what Hobbes says about women is undeniable, his basic philosophical assumptions and claims about human nature are neither irredeemably nor even consistently misogynistic.

Conventionalism—A Double-Edged Sword?

I contend that these occasional, and even offensive, textual inconsistencies are not damning for a progressive theory of Hobbesian sexuality. But unfortunately a second and much stronger objection operates on the philosophical level. The same factors that make a Hobbesian theory of sexuality attractive to feminists and sex radicals also threaten to make it profoundly *unattractive*. Above, I distinguished Hobbes from the natural law tradition in sexual ethics on the grounds of his conventionalism and positivism, the view that moral norms are grounded in human law, not natural law. This position is a valuable weapon against attempts to enshrine heteronormative patriarchy in God and Nature, but this weapon is equally effective at guarding against attempts to ground universal rights to life, liberty, and sexual equality in the aforementioned God and Nature. In *Leviathan*, Hobbes refers to the right of nature as “a right to everything, even to one another’s body.”²⁵ It is generally understood from the text that this describes the right to kill, hurt, and enslave one another, but it could just as easily be extended to rape and sexual violence. On a natural reading of Hobbes’s arguments, he seems to have no resources for grounding any claims that one form of sexuality is inherently better than another.

It is true that, on Hobbes’s account, there is nothing inherently valuable about consent that would make sex without consent inherently objectionable. From a Hobbesian perspective, a law requiring that women who have sex outside of marriage (voluntarily or involuntarily) be stoned

to death is unimpeachable and no different in kind from a law that requires people to pay income tax and specifies a penalty for failing to do so. If the law requires that sexual acts occur only in the context of monogamous, heterosexual marriage, then sexual acts between persons of the same sex or between persons of different sex who are not married are not just illegal but also immoral. Thus, the progressive potential of a Hobbesian theory of sexuality seems to be lost, as his positivism eliminates far too much; while Hobbes drains the force from arguments that purport to establish the inherent superiority of heterosexual monogamy, and arguments for the natural justification of “family values,” this theory also undercuts arguments for sexual equality and diversity as well as a moral requirement that sex be consensual. Of course, theorists in contemporary sexual ethics have many resources available to them, besides those of the natural law tradition, for arguing that certain sexual behaviors and practices are immoral or unacceptable. The worry here is that those resources are not available to a Hobbesian, because, for Hobbes, what is right or good is simply *given* by the content of the civil law.

A Possible Way Out: The Hobbesian Basis for Public Policy

At this point, the sympathetic, progressive reader of Hobbes finds herself facing a dilemma. On the one hand, Hobbes is to be credited for denying any “natural” basis for normative sexuality, but, on the other, his reasons for denying a natural basis for normative sexuality are far from helpful and potentially dangerous—especially if the only candidate to fill the vacuum left by natural law is the contingent and arbitrary whim of the sovereign (or, in contemporary terms, the state). In this final section of this chapter, I wish to suggest that a modest solution to this dilemma can be found in Hobbes’s public policy recommendations—that is, in his discussion of how a good (effective) sovereign would rule.

My solution emerges from an analysis of his rarely discussed recommendation in *The Elements of Law* that the sovereign ensure the “multitude” of the populace. In all three of his major political works, he includes a chapter on the duties of the sovereign. Even though the Hobbesian sovereign is not contractually bound to provide for his subjects or to enact reasonable and fair policy, he is bound to do so by the dictates of Hobbesian laws of nature,²⁶ and Hobbes spends a good amount of time explaining what this duty requires. In *The Elements of Law*,

Hobbes introduces the discussion of the duties of sovereigns by stating that he has just finished detailing the causes of the weakening and destruction of commonwealths, and he will now lay out what is necessary for their preservation. He states that the duty of the sovereign is to procure the temporal good of the people and stipulates that this good consists of four elements: "1. Multitude. 2. Commodity of living. 3. Peace amongst ourselves. 4. Defence against foreign power." It is in his discussion of the first, multitude, that we find the interesting and important material for our purposes. Let us look at the crucial passage in detail.

Concerning multitude, it is the duty of them that are in sovereign authority, to increase the people, in as much as they are governors of mankind under God Almighty, who having created but one man, and one woman, declared that it was his will they should be multiplied and increased afterwards. And seeing this is to be done by ordinances concerning copulation: they are by the law of nature bound to make such ordinances concerning the same, as may tend to the increase of mankind. And hence it cometh, that in them who have sovereign authority: not to forbid such copulations as are against the use of nature; not to forbid the promiscuous use of women; not to forbid one woman to have many husbands; not to forbid marriages within certain degrees of kindred and affinity: are against the law of nature. For though it be not evident, that a private man living under the law of natural reason only, doth break the same, by doing any of these things aforesaid; yet it is manifestly apparent, that being so prejudicial as they are to the improvement of mankind, that not to forbid the same, is against the law of natural reason, in him that hath taken into his hands any portion of mankind to improve.²⁷

Here, we see that Hobbes specifies that the sovereign should enact certain "ordinances concerning copulation," which, for example, forbid incest, "the promiscuous use of women," and women taking more than one husband at the same time (i.e., polyandry). He describes these as "copulations that are against the use of nature." However, his motivation and reasoning for making these claims are highly revealing. The goal is, as Hobbes says, to "increase the people." His first move is to say that it is not "evident" that "a private man living under the law of natural reason alone" (i.e., the state of nature) violates the law of nature by engaging in

any of these practices (incest, promiscuity, and, presumably, being one man among others attached to the same woman). But, he reasons, because such practices are "prejudicial to the improvement of mankind" (by which he means increase in numbers), the sovereign is bound by the law of nature to forbid them.

The main steps in Hobbes's argument thus seem to be as follows. The good of the commonwealth depends on a healthy and growing population. The duty of the sovereign is to ensure the good of the commonwealth (he is bound by the law of nature to do so). So the duty of the sovereign is to promote population growth. Population growth is best achieved by enacting certain legislation that regulates sexual behavior in certain ways, specifically by prohibiting certain behaviors that might well have been acceptable in the state of nature. Therefore, the sovereign has a duty to enact that legislation. So, for Hobbes, the ultimate aim of population control via sexual regulation is the healthy, economic growth of the state. Adultery and polyandry are thus not seen as natural abominations; they are treated more like the wrong that you commit in not paying your taxes. Hence, Hobbes's discussion of possible "ordinances concerning copulation" confirms his distance from the natural law tradition discussed above; the only grounds for regulating and prohibiting sexual behaviors are to be found in the dictates of civil law, not in anything inherent in the behaviors themselves. Even the requirement that sex acts be procreative is contingent upon the demands of civil society, contra Aquinas and those in the natural law tradition.

This point disappears in Hobbes's later iterations of the same discussion. In *De Cive*, chronologically the next work, the four duties of sovereigns are "1) defence from external enemies; 2) preservation of internal peace; 3) acquisition of wealth, so far as that is consistent with public security; 4) full enjoyment of innocent liberty."²⁸ Population control and copulation have disappeared entirely. He mentions the commonwealth's (and so the sovereign's) interest in having a strong populace, fit to serve; and this is not unrelated to the point in *The Elements of Law*. But his first point of business in *De Cive* is to discuss the necessity of having "intelligence agents" or spies; then he talks about raising money for armies and the problems with the universities (though the last two were present in *The Elements of Law*, they were toward the end of the discussion). Fecundity is simply no longer a matter of concern in the mature statements of his political philosophy.

The concern with a strong populace (both in numbers and in health) was familiar to those of Hobbes's era. Historians have remarked that the significantly smaller populations of European countries often led to imperatives to increase fertility.²⁹ This broader context of concern offers a better explanation for Hobbes's interest in multitude than the rather puzzling biblical reference at the beginning of the passage in *The Elements of Law*. Given that population numbers were a matter of great concern in seventeenth-century England, it is more likely that Hobbes's pronatalism was an expression of that existing sentiment rather than a concern to take the words of Genesis seriously. After all, if he really had found the impetus to recommend multitude in the injunctions of the Bible, it does not make sense that this requirement drops out of his later discussions. Moreover, the logic of this passage as a whole is inconsistent with an appeal to scripture. If a country were overpopulated, by his own reasoning, Hobbes would have to recommend measures that would limit population growth.³⁰ So, though he appeals to scripture here, it is absolutely superfluous to the argument.

It is important to note that the justifications for these ordinances are entirely *pragmatic* and *consequentialist*. If population growth is not necessary for the "improvement of mankind," then it is not against reason for the sovereign to allow the behaviors Hobbes lists in the passage above. The common good is the only measure by which the sovereign's actions are to be guided and evaluated.

It is equally significant that Hobbes follows his discussion of multitude with the claim that the sovereign should not limit the "harmless liberties" of subjects any more than necessary for the common good. He does not explicitly connect the limit on harmless liberties to sexual behavior, but understanding the ramifications of his juxtaposition of the two points is crucial to understanding the Hobbesian view on sexual morality. He reiterates the point regarding harmless liberties in later works; if anything, it becomes more of a centerpiece in his discussion of the duties of sovereigns. Combined with the requirement that public policy be grounded in rational, empirically defensible analyses, we have very good reason to think that, when applied to sexuality, Hobbes would recommend policies that are devised to promote the common good (rather than to serve some particular moralistic camp at the expense of the liberty of other citizens).

How does this help answer the worry about the philosophical emptiness of his moral conventionalism and legal positivism? Recall the examples above: conventions regarding which side of the road to drive on and

the imperial and metric systems of measurement. Both policies concern problems of coordination: it is better for the commonwealth that everyone drive on the same side of the road and that everyone use the same system of measurement. In some cases, it is an entirely arbitrary decision—it is no better or worse to drive on one side versus the other. The sovereign cannot go wrong in choosing one of these options, as a single enforced decision is all that is needed. But in other cases, there can be advantages and disadvantages to picking one option over the other (it is not merely a solution to a coordination problem). It is better for the commonwealth that everyone use either the imperial or the metric system than if there is general confusion in measurement, but there may also be grounds for recognizing one as more rationally defensible than the other. And it is reasonable to think that, at least in many cases, public policies regarding sexuality fall into the latter camp rather than the former (especially if the default is to allow harmless personal freedoms).

When we think of the decisions in sexual ethics that face us today, applying Hobbes's reasoning yields useful outcomes. For example, if we take seriously the idea that we should not limit people's "innocent" liberties any further than necessary to ensure a peaceful, prosperous commonwealth, then it seems that sodomy laws, for example, are unjustifiable. The judicious sovereign is unlikely to find a rational, empirically defensible analysis of how private, consensual acts of sodomy jeopardize the good of the state. The moralistic assumptions required to substantiate such policies are rendered bankrupt by Hobbes's analysis. Moreover, if we take seriously the idea that the sovereign (or state) should employ a rational basis for public policy, we get compelling grounds for critiquing, for example, Don't Ask Don't Tell (DADT), which most experts agree does not have a beneficial effect on the army's ability to do its job—in fact, quite the reverse, as it undermines morale, harms individual service people, and leads to significant numbers of discharges during times of war and need.³¹ The presumption in favor of innocent liberty and the demand for rational, empirical evidence on which to base policy decisions will act (all other things being equal) to the benefit of sexual minorities and liberation. The point is that a well-functioning sovereign who follows the general principles of governing that Hobbes lays out is likely to have a relatively "good" sexual policy (or public policy on matters of sexuality).

One attractive feature of this argument is that it makes no appeal to contentious notions of "right" or "equality." The Hobbesian approach

radically undercuts the moralistic basis for so much of what is offensive and unattractive in sexual ethics without replacing problematic concepts with equally controversial ones. In their place, Hobbes offers suggestions that start from a position of neutrality regarding the moral status of various practices and develop from there, using only appeals to rational evidence and the common goods of peace and safety.

Nevertheless, enthusiasm for this approach can only be moderate. Note that appeals to fairness and justice have no place in Hobbes's account. Specific recommendations will always depend on a consequentialist analysis. While I am confident in assuming that, in most cases, rational consequentialist thinking will result in good policy from the perspective of sexual liberation, this is by no means guaranteed across all societies. In the case of a stable but sexually repressive society, such as Victorian England (which severely limited the sexual rights of women and outlawed male homosexuality), a Hobbesian approach might very well not provide particularly useful resources for criticism. In part, this is because he denies the kinds of appeals to justice and fairness that would necessarily ground such criticism.

Conclusion

My aim in this chapter has been to (re)construct a Hobbesian theory of sexuality. In doing so, it has not been my intention to speculate regarding Hobbes's actual intentions in writing what he did about sex or sexuality, or *a fortiori*, to argue that such a theory is latent in the texts. The mark of a rich, significant body of philosophical writing is that it can go beyond what was intended by—or is even acceptable to—the philosopher himself.

I have argued that Hobbes can be distinguished from the majority of those who write about sexual ethics in the philosophical tradition, because of his staunch resistance to notions of natural or divinely ordained sexual prohibitions, his consistent commitment to moral conventionalism and legal positivism, and his willingness to entertain visions of diverse sexual practices and mores, marriage contracts, and relationships of dominance—not to mention his distinct lack of alarm at portrayals of strong, commanding female sexuality (as evidenced in his discussion of the Amazons). Moreover, the approach to public policy decisions that is

articulated in Hobbes's ordinances concerning copulation offers an appealing alternative to the ways in which discourses of sexual policy are framed in contemporary debates. Someone hoping to argue that legal questions of sexual ethics should be determined by appeals to the common good, based on rationally defensible grounds, rather than the morality of a few at the expense of the rights of the many, will find in the writings of Hobbes—if not the man himself—a surprising ally. Given his aversion to political dissent and any actions that could result in civil unrest, however, the Hobbesian perspective will be a better friend to the progressive nation-builder than to the progressive reformer. Perhaps this explains why these particular aspects of Hobbes's corpus have received little or no attention in contemporary discussions of sexual ethics—we live in societies where we need reform. Nonetheless, even the reformer can draw inspiration from the rational, liberated form of sexuality Hobbes (or Hobbes reconstructed) seems to offer.

Notes

1. This is puzzling, as Nancy Hirschmann argues in this volume, because it is clearly a misnomer: there is no marriage in the state of nature (as Hobbes himself insists), so there cannot be “wives” in the state of nature. Presumably, Hobbes assumes the natural agents in question to be male and there to be womenfolk who are associated with or attached to them, much as a wife might attach herself to a husband.

2. These discussions are located in Hobbes, *The Elements of Law* 2.4.1–8, *De Cive* 9.1–8, and *Leviathan* 20.4–7. Hobbes's works are cited by part (if applicable), chapter, and paragraph number, using the following editions of his texts: Thomas Hobbes, *The Elements of Law, Natural and Politic*, ed. Ferdinand Tönnies (London: Frank Cass, 1969); Thomas Hobbes, *On the Citizen [De Cive]*, ed. and trans. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998); Thomas Hobbes, *Leviathan with Selected Variants from the Latin Edition of 1668*, ed. Edwin Curley (Indianapolis: Hackett, 1994); Thomas Hobbes, *Behemoth, or The Long Parliament*, ed. Ferdinand Tönnies (London: Frank Cass, 1969).

3. Hobbes, *Elements of Law* 2.4.5.

4. Hobbes, *Leviathan* 20.4.

5. *Ibid.*, 129n7.

6. Quintus Curtius Rufus, *History of Alexander* 6.5.24–32, quoted in J. C. Yardley and Waldemar Heckel, *Alexander the Great: Historical Sources in Translation* (Oxford: Blackwell, 2004), 197.

7. One might worry that Hobbes's appeal to the Amazons could be read as a manifestation of the xenophobic racist and sexist attitudes that often underlie portrayals of women of other cultures, especially insofar as it hypersexualizes them. But I think we should hesitate before accepting this interpretation. As I see it, there is nothing at all in the text to suggest any kind of denigration (or moralistic judgment at all) of the Amazonian women. Notably, the other example he gives of these particular kinds of contracts (i.e., contracts between men and women in the state of nature that specify the status of the children ahead of time) is the contracts between kings and queens of

different nations. It is more plausible, then, to read Hobbes's appeal to the Amazons as a disinterested move in an effort to canvass logical space. What is notable about them is the unique contracts they made, not their status as "savages" or their "other" sexual expression.

8. Hobbes, *De Cive* 9.3.
9. Hobbes, *Leviathan* 13.13.
10. James Grantham Turner, *Libertines and Radicals in Early Modern London: Sexuality, Politics, and Literary Culture, 1630–1685* (Cambridge: Cambridge University Press, 2002), xv, 86–88. Joanne Wright expresses a more moderate version of this point, saying that "in this sustained argument about the Amazons, Hobbes creates a space in his political theory for an alternative conception of women, thereby disrupting conventional views"; Joanne H. Wright, *Origin Stories in Political Thought: Discourses on Gender, Power, and Citizenship* (Toronto: University of Toronto Press, 2004), 92. Wright, unlike Turner, does not want to read Hobbes as an undiscovered feminist radical; in fact, from a feminist perspective, she is often more critical of Hobbes than not.
11. Hobbes, *De Cive* 14.9.
12. Hobbes, *Elements of Law* 1.9.17.
13. Hobbes, *De Cive* 14.10.
14. Hobbes, *Leviathan* 21.18.
15. Hobbes, *Elements of Law* 2.10.8. The full paragraph expresses the philosophical point quite well. Hobbes says, "In the state of nature, where every man is his own judge, and differeth from other concerning the names and appellations of things, and from those differences arise quarrels, and breach of peace; it was necessary there should be a common measure of all things that might fall into controversy; as for example: of what is to be called right, what good, what virtue, what much, what little, what *meum* and *tuum*, what a pound, what a quart, &c. For in these things private judgments may differ, and beget controversy. This common measure, some say, is right reason: with whom I should consent, if there were any such thing to be found or known in *rerum naturâ*. But commonly they that call for right reason to decide any controversy, do mean their own. But this is certain, seeing right reason is not existent, the reason of some man, or men, must supply the place thereof; and that man, or men, is he or they, that have the sovereign power, as hath been already proved; and consequently the civil laws are to all subjects the measures of their actions, whereby to determine, whether they be right or wrong, profitable or unprofitable, virtuous or vicious; and by them the use and definition of all names not agreed upon, and tending to controversy, shall be established. As for example, upon the occasion of some strange and deformed birth, it shall not be decided by Aristotle, or the philosophers, whether the same be a man or no, but by the laws."
 16. This is especially clear in Hobbes, *De Cive* 6.16.
 17. In fact, Edward, Earl of Clarendon, very famously disparaged Hobbes on just this point.
 18. Hobbes, *De Cive* 14.9.
 19. For example, Augustine says in *De nuptiis et concupiscentia*, "A man turns to good use the evil of concupiscentia . . . when he bridles and restrains its rage . . . and never relaxes his hold upon it except when intent on offspring, and then controls and applies it to the carnal generation of children . . . not to the subjection of the spirit to the flesh in a sordid servitude"; Augustine, *On Marriage and Concupiscentia* [written 419–20], in *The Works of Aurelius Augustine, Bishop of Hippo*, ed. Marcus Dods, trans. Peter Holmes, vol. 12 (Edinburgh: T. and T. Clark, 1874), 107. Saint Thomas Aquinas wrote extensively on sexual ethics, arguing, for example, that all nonprocreative sex was morally forbidden because "when the act of its nature is incompatible with the purpose of the sex-act [procreation] . . . we have unnatural vice, which is any complete sex-act from which of its nature generation cannot follow." Moreover, for Aquinas, such procreative sex is only permissible within the context of heterosexual monogamous marriage: "It is evident that the bringing up of a human child requires the care of a mother who nurses him, and much more the care of a father, under whose guidance and guardianship his earthly needs are supplied and his character developed. Therefore indiscriminate intercourse is against human nature. The union of one man with one woman is postulated, and with

her he remains, not for a little while, but for a long period, or even for a whole lifetime"; St. Thomas Aquinas, *Summa theologiae*, vol. 43 (2a2ae.141–54), *Temperance* [written 1265–74], ed. Thomas Gilby (Cambridge: Cambridge University Press, 2006), 213.

20. For an interesting discussion of Grotius's views on sex and gender, see Helen M. Kinsella, "Gendering Grotius: Sex and Sex Difference in the Laws of War," *Political Theory* 34, no. 2 (2006): 161–91.
21. See, for example, Turner, *Libertines and Radicals*; Simon Blackburn, *Lust* (Oxford: Oxford University Press, 2004), esp. ch. 10, entitled "Hobbesian Unity"; and Richard Hillyer, "Hobbes on Sex," *Hobbes Studies* 22, no. 1 (2009): 29–48. Hillyer notes that Hobbes's views on lust are "significantly non-judgmental . . . by the standards of his time" and that Hobbes has "an essentially uncensorious view of human sexuality [and a] critique of sexual repression" (29), but he is concerned to discuss the literary, religious, and historical context of Hobbes's views on sex as well as how those views were received. So, while Hillyer's discussion is informative, it sheds little light on Hobbes's views on sex understood as part of his philosophical project.
22. Hobbes, *Elements of Law* 1.9.15. For a discussion of Hobbes's views on love, see Haig Patapan and Jeffrey Sikkenga, "Love and the Leviathan: Thomas Hobbes's Critique of Platonic Eros," *Political Theory* 36, no. 2 (2008): 803–26. Note that, although Patapan and Sikkenga do not call attention to this fact themselves, Hobbes's views on love are distinctly nongendered.
23. Hobbes, *De Cive* 14.9.
24. For representative examples, see Gabriella Slomp, "Hobbes and the Equality of Women," *Political Studies* 42, no. 3 (1994): 441–52; Joanne H. Wright, "Going Against the Grain: Hobbes's Case for Original Maternal Dominion," *Journal of Women's History* 14, no. 1 (2002): 123–32; Karen Green, "Christine de Pisan and Thomas Hobbes," *Philosophical Quarterly* 44, no. 177 (1994): 456–75; and Nancy J. Hirschmann, *Gender, Class, and Freedom in Modern Political Theory* (Princeton, N.J.: Princeton University Press, 2008).
25. Hobbes, *Leviathan* 14.4.
26. The similarity of phrasing here is, of course, unfortunate: it is important to keep in mind just how different natural law (understood normatively, as in the Thomistic tradition) is from the Hobbesian laws of nature, which bear closer resemblance to the laws of motion, for example.
27. Hobbes, *Elements of Law* 2.9.3.
28. Hobbes, *De Cive* 13.6.
29. See, for example, Angus McLaren, *Reproductive Rituals: The Perception of Fertility in England from the Sixteenth Century to the Nineteenth Century* (London: Methuen, 1984), esp. ch. 2, entitled "'To Remedy Barrenness and to Promote the Faculty of Generation': Promoting Fertility, 1500–1800."
30. Hobbes might very well have supported China's one-child policy, for example.
31. Every report commissioned by the Department of Defense and Congress has concluded that the presence of gays and lesbians in the military does not jeopardize national security or negatively affect military readiness; for more information, see "About 'Don't Ask, Don't Tell,'" Servicemembers Legal Defense Network, <http://www.sldn.org/pages/about-dadt>. In December 2009, congressman Jim Moran and ninety-six other representatives wrote an open letter to Secretary of Defense Robert Gates outlining some of the negative effects of DADT: "This discriminatory policy results in the Department of Defense losing tens of millions each year in unrecoverable recruiting and training costs. The 2006 Blue Ribbon Commission's report on DADT found that the Pentagon wasted over \$360 million due to this policy from 1994 until 2003, the last year studied. Since its enactment in 1994, over 13,500 service members have been discharged under DADT, including 730 mission critical soldiers and over 65 Arabic and Farsi linguists vital to the war on terrorism"; the letter is available on the Palm Center website at http://www.palmcenter.org/letter_congressman_moran_and_96_other_representatives_pentagon.