

MORAL DEALING

Contract, Ethics,
and Reason

David Gauthier

DAVID GAUTHIER

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AND REASON

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Contents

Introduction	1
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HISTORICAL ESSAYS

1. Thomas Hobbes: Moral Theorist	11
2. Why Ought One Obey God? Reflections on Hobbes and Locke	24
3. David Hume, Contractarian	45
4. The Politics of Redemption	77
5. The Unity of Reason: A Subversive Reinterpretation of Kant	110

JUSTICE

6. Three against Justice: The Foole, the Sensible Knave, and the Lydian Shepherd	129
7. Justice and Natural Endowment: Toward a Critique of Rawls's Ideological Framework	150
8. Justice as Social Choice (<i>in part</i>)	171
9. Bargaining and Justice	187

RATIONALITY

10. Reason and Maximization	209
11. The Incomplete Egoist	234
12. Coordination	274
13. Deterrence, Maximization, and Rationality	298

IDEOLOGY

14. The Social Contract as Ideology	325
Bibliography of Works Cited	355
Author's Bibliography, 1963–1988	360
Index	365

Moral Dealing

Introduction

The essays in this collection are intended to complement the systematic development of a contractarian moral theory undertaken in my book *Morals by Agreement*. All were written during the years in which the argument of that book took shape. Some examine the thinkers that provide a historical background for my contractarian thought. Others explore issues in rationality and morality that are either not pursued, or are pursued differently, in my book. The earlier essays reveal doubts about the contractarian project that I should not want to be ignored, even if, as I hope, *Morals by Agreement* shows how they may be allayed.

Before I consider in more detail the work collected here, a few remarks relating to my approach to moral theory may be helpful. The contractarian brings good news—there is a touchstone for moral practices and political institutions. Neither a skeptic nor a dogmatic, the contractarian finds in rational agreement the test of moral and political validity. He invites us to contemplate a state of nature, in which each individual must rely on her own strength, exercised in accordance with her own judgment, in her endeavor to survive and flourish. He asks us to reflect on the inconveniences of such a state and to consider, were any of us to find herself suffering those inconveniences, whether she would not be willing to agree with her fellows to institutions and practices that, directing each person's strength to mutual advantage, would transform the state of nature into society. What rational persons would agree to, were they by their agreement to determine the terms and conditions of their future interactions, constitute the requirements of morals and politics. Thus the contractarian finds the basis of morality neither in our fellow feelings (al-

though he does not deny that we have such feelings), nor in any purportedly objective duty independent of our individual concerns, but in the intelligent ordering of our mutual affairs in ways that benefit each, and so are rationally acceptable to each.

The contractarian is not a utilitarian. If he were to accept a slogan, it would not be “the greatest good of the greatest number” but perhaps “the greatest good of each, compatible with the like good of everyone else.” Borrowing two immensely useful phrases from John Rawls, he addresses his arguments to persons “conceived as not [necessarily] taking an interest in one another’s interests” but who recognize one another as potential partners in “a cooperative venture for mutual advantage.”¹ That such persons not only need, but have reason to accept, the mutual constraints of moral practices and political institutions is the contractarian’s good news.

These remarks may help to dispel a crude misunderstanding of contractarianism. Neither I nor, to my knowledge, any other theorist who would accept the contractarian label would suppose that our existing moral practices and social institutions are to be explained or justified by our actually having agreed to them. It is the agreement of rational persons, choosing in advance the terms and conditions of their interaction, that is at the center of my account. Not only is actual agreement unnecessary, but it would clearly be insufficient to bear the weight of justifying a moral and political order. Indeed, whether persons are bound by their actual agreement must itself be established by considering the conditions in which rational individuals choosing their terms of interaction would consider agreement binding. The contractarian must show why it would be rational for persons to agree to moral practices and social institutions and, at least in broad outline, to what practices and institutions it would be rational for them to agree. And then he must show why such hypothetical agreement is relevant to us—why it is rational for us to comply with the practices and institutions that are its object—provided, of course, we may expect our fellows also to comply. For the contractarian, morality must be mutual.

The first group of essays reveals the historical antecedents of contractarian thought in the seventeenth and eighteenth centuries. I present Hobbes, not as the defender of a vanished political absolutism, but as the first modern moral theorist, conceiving reason as instrumental to nonrational (but not irrational) ends, and value as determined for each person by her desires and interests. Hobbes is the true

¹Rawls [1], pp. 13, 4.

parent of contractarian morality, expressing its core when he says, "Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. These Articles, are they, which otherwise are called the Lawes of Nature."² I interpret Hume neither as the last major exponent of moral sentiment nor as the forerunner of utilitarianism but as the advocate of a contractarian account of justice. And I reveal Kant as offering, in his account of speculative reason, a parallel for understanding practical reason in a way that would undermine his own categorical imperative with the assertoric imperatives of a rationally agreed morality. In each case my account is, to a greater or lesser extent, consciously and intentionally revisionary in attempting to create the historical dimension for a contractarian understanding of our moral life.

What I find in Hobbes, Hume, and Kant, I deny in Locke. I contrast Hobbes's anthropocentric secularism with Locke's theism, recognizing in the patron saint of the Whigs the last of the great theorists of divine natural law. But I note that although Hobbes gives us, in his view of reason and value, those foundations for morality which we can accept, Locke offers us the richer moral conclusions that we wish. The loss of traditional moral and social bonds in a society rationalized by a contractarian appeal to mutual advantage is a recurring theme in several of the earlier essays collected here. That loss, and even more the loss of a sense of self, underlies the thought of Rousseau, who is still, to my mind, the most profound critic of the individualistic social order foreseen by Hobbes. In "The Politics of Redemption" I trace Rousseau's diagnosis of, and failed solution to, our personal and social ills. Implicitly if not explicitly, I argue that the author of *Du contrat social* views neither individuals nor society with the eye of a contractarian. With Locke and Rousseau, then, my account is also revisionary, in emphasizing the implicit criticisms of secular individualism that are concealed within and tend to undermine their overt acceptance of contractarian ideas.

The second set of essays adds historical, critical, and formal dimensions to the discussion of justice in *Morals by Agreement*. Throughout, my concern is with the reconciliation of justice with rationality. Hobbes's Foole, Hume's sensible knave, and Glaucon's Lydian shepherd claim reason as ally in their assault on justice; I consider how that alliance may be broken and the assault resisted. But in "Justice and Natural Endowment," I argue that Rawls fails to achieve the desired reconciliation; his conception of justice fails to be supported adequately by the maximizing view of rationality he endorses. The

²Hobbes [4a], ch. 13, p. 188.

conclusion to my discussion of Rawls suggests a road not taken—the reconsideration of that conception of rationality. Instead, in the next essay I develop explicitly the idea of justice as social choice, treating principles of justice as the basis for rational social decisions. I develop the contractarian view that these principles should be conceived as the outcome of a rational bargain or agreement among all of the members of society, who consider how they would adopt *ex ante*, from the perspective of the state of nature, their fundamental terms of association. “Bargaining and Justice” relates this argument to the context of that part of the mathematical theory of games known as bargaining theory, setting out what I take to be the correct formal resolution of the bargaining problem and applying it to the account of justice.

The essays grouped together under the heading “Rationality” are a somewhat heterogeneous lot. “Reason and Maximization” contains the first statement of what I consider my most significant contribution to understanding and reconciling morality and rationality: the defence of the rationality of what I call *constrained maximization*. There are circumstances, illustrated by the example of the Prisoner’s Dilemma in section V of “Reason and Maximization,” in which, if each person succeeds in carrying out his best response to the actions chosen by the others, then everyone does worse than if each carries out an agreed action that is not his best response to the agreed actions of the others. In such circumstances a constrained maximizer performs her agreed action providing she expects the others to do so as well; a straightforward maximizer carries out his best response. The key to my argument for the rationality of standing to one’s agreement is that a person who is believed to be a constrained maximizer will be accepted as a participant in ventures advantageous to her from which a person who is believed to be a straightforward maximizer will be excluded. The expectations of others about her behavior lead them to interact with the constrained maximizer in such a way that she enjoys superior opportunities, and so does better overall, than the straightforward maximizer. Therefore, I claim, it is rational to be a constrained maximizer.

Constrained maximization of course plays the central role in chapter 6 of *Morals by Agreement*. One might suppose that the discussion there supercedes that in “Reason and Maximization.” But there are sufficient differences between the two accounts, and sufficient doubt (in my own mind) that either is the best way of presenting the key ideas, that I think it worthwhile to let the two coexist. To be sure, the discussion in *Morals by Agreement* removes some of the crudity in the earlier account, in particular the implicit supposition that constrained and straightforward maximizers must both appear to their fellows in

their true colors. But in the book I leave to one side the idea, central to “Reason and Maximization,” of a person’s choosing his conception of rationality, which is one that invites further exploration.

In “The Incomplete Egoist” I explore two quite different concerns about the rationality of egoism—that it is inconsistent and that it is self-defeating. The latter is my old problem about the rationality of morality, in a slightly different guise. The former is a quite different problem, and leads to such curious conclusions as that while *anyone* can do his best, *not everyone* can. This essay discusses egoism’s failures; “Coordination” might be interpreted as exhibiting one of egoism’s successes. Even for straightforward maximizers, rudimentary practices of truthfulness and promise-keeping can be defended, as resolving their coordination problems. But these problems are not addressed only to egoists; I seek to incorporate a general principle for successful coordination into a maximizing account of rational choice.

In “Deterrence, Maximization, and Rationality” I show how the idea, central to the defense of constrained maximization, that one’s opportunities depend on others’ expectations about one’s behavior may be used in a very different context, to support the rationality of some deterrent policies, despite the costs of adhering to them should one’s adversary not be deterred. That keeping one’s agreements and carrying out one’s threats may be given parallel rational support may seem a very mixed blessing. It seems, therefore, only fair to acknowledge that this essay in particular represents work still in progress, the exploration of particular issues that must be treated in a general theory of practical rationality. In working toward such a theory, one of my current projects focuses on the differences, rather than the similarities, between the rationale for keeping agreements and the rationale for carrying out threats. Here then I should stress the tentativeness of my defense of the rationality of deterrence.

The reader will find, in the conclusions of most of the earlier essays—those published up to 1980—expressions of unease. These differ in their emphasis and focus, but they suggest the inadequacy of a rational contractarian morality to support the bonds among persons needed for a stable society. There are two somewhat different concerns. One is stated most directly in “Why Ought One Obey God?” where I endorse Locke’s insistence that the Hobbist will not admit “a great many plain duties of morality.” Contractarian morality—the morality of mutual advantage—is a minimal constraint on the pursuit of one’s own interest; the charge is that it is too minimal. The other concern forms the theme of the final essay, “The Social Contract as Ideology,” in which I examine the corrosive effect of taking all our

social relationships to be contractually based. Here I take economic man to provide the contractarian paradigm of the human individual and argue that his directly self-interested, appropriative motivation undercuts his adherence even to minimal constraints on the pursuit of his own interest. Not the scope of contractarian morality, but its motivational adequacy, is found wanting.

The appearance of these concerns in my papers led some persons to interpret me as a critic rather than a defender of contractarianism. (Such an interpretation could hardly survive the publication of *Morals by Agreement!*) But although the scope and motivational basis of the morality that a contractarian can defend are undoubtedly issues that demand attention, I have become increasingly convinced that they do not provide compelling objections to the contractarian position. My first reason for this conviction is mentioned in section VI of “Justice as Social Choice” and developed in chapter 7 of *Morals by Agreement*. By focusing on what is required for social stability, the contractarian can provide a rational defense of stronger moral constraints than would be suggested by a purely Hobbesian account. As I stated above, principles of justice may be conceived as the outcome of a rational bargain or agreement among all of the members of society, who consider how they would adopt *ex ante*, from the perspective of the state of nature, their fundamental terms of association. I argue that if the terms of association are to gain voluntary and enduring recognition, and so provide a stable basis for society, they must be accepted from the perspective of a Lockean rather than a Hobbesian state of nature—that is, a state of nature already constrained by a form of the Lockean proviso, which forbids a person from benefiting herself by interaction that worsens the situation of others.

The introduction of the Lockean proviso extends the scope of contractarian morality. I address doubts about its motivational adequacy by dethroning economic man as the contractarian paradigm and replacing him with the liberal individual. This is the theme of the final two chapters of *Morals by Agreement*. Rather than chafe unwillingly under the constraints of justice, the liberal individual recognizes that an essentially just society provides the conditions necessary to realize her own good through free participation in fair cooperation with her fellows. To the liberal individual, human relationships in a just society are not exclusively or even primarily contractual, but they offer the respect for each individual’s good, the assured mutuality of benefit, and the freedom from exploitation that voluntary, rational agreement would guarantee.

But my deepest reason for endorsing a contractarian grounding of morality, despite worries about scope and motivation, is that no other

account seems compatible with the maximizing conception of practical rationality, and I no longer find plausible the view, suggested in both "Justice and Natural Endowment" and "Reason and Maximization," that this conception is merely part of the particular ideology of our modern, Western society. Instead, I find myself increasingly persuaded by a view of rationality that might be part of a naturalized Kantianism. I began "The Unity of Reason" as a *jeu d'esprit*, an attempt to draft an unwilling Kant into the contractarian army, but in writing it I found myself focusing on the Kantian understanding of reason as unifying our beliefs, desires, and feelings into the experience of a single self—an individual. And this, it now seems to me, provides the deep basis of the maximizing conception of practical rationality, transcending those aspects of our self-understanding that might be considered socially relative.

These remarks are not intended as argument; rather, they point to a research program. An account of rationality as the socially invariant basis of the unity of the self, if it can be developed, will show whether I am right to think that contractarian thought can be freed from the concerns that haunt "The Social Contract as Ideology."

All of the papers in this collection have been published previously; for details consult the Author's Bibliography. They are reprinted here with corrections and editorial changes, and a few clarifications, but without substantive alterations. Most were first offered in symposia or conferences. "Thomas Hobbes: Moral Theorist" was presented at a symposium of the Eastern Division of the American Philosophical Association in 1979, with Bernard Gert as commentator. "Why Ought One Obey God? Reflections on Hobbes and Locke" was presented at a symposium of the Canadian Philosophical Association in 1976, with John King-Farlow as commentator. "David Hume, Contractarian" was presented at a conference at Dalhousie University in 1976, commemorating the joint bicentennial of the death of Hume and the first publication of Adam Smith's *Wealth of Nations*, with Virginia Held as commentator. "The Politics of Redemption" was presented at the Rousseau Bicentennial Conference at Trent University in 1978. "The Unity of Reason: A Subversive Reinterpretation of Kant" was presented at the Oberlin philosophy colloquium in 1984, with Stephen Darwall as commentator.

"Bargaining and Justice" was presented at a conference at the University of Waterloo in 1984. "Reason and Maximization" and "The Social Contract as Ideology" were first presented at the Canadian Philosophical Association Institute on Moral and Social Philosophy at the University of Toronto in 1974. The two papers that comprise

“The Incomplete Egoist” were presented as the Tanner Lectures on Human Values at Stanford University in 1983, with Kenneth Arrow, Allan Gibbard, and Gregory Kavka as commentators. “Deterrence, Maximization, and Rationality” was presented at a conference sponsored by the University of Maryland Center for Philosophy and Public Policy on “Nuclear Deterrence, Moral and Political Issues” in 1983, with Gregory Kavka as fellow symposiast and David Lewis as commentator. And, as is customary, versions of several of the papers were read to philosophy departments at universities in Canada, the United States, and England.

To the commentators mentioned above, and to all who have participated in the discussion of my work, I am most grateful. But I especially want to acknowledge the two persons who, in addition to discussing my work, persuaded me to publish this selection from it—Christopher Morris and Geoffrey Sayre-McCord. Although I will accept blame for faults in the arguments, they must accept blame if their publication is a further fault.

HISTORICAL ESSAYS

[1]

Thomas Hobbes: Moral Theorist

That Thomas Hobbes is the greatest of English political philosophers is a commonplace claim. That he is the greatest of English moral philosophers is not a commonplace. But it is true.

I

The problematic of modern moral theory is set by three dogmas which philosophy receives from economics. The first is that value is utility—a measure of subjective, individual preference. The second is that rationality is maximization: the rational individual “will maximize the extent to which his objective is achieved.”¹ The third is that interests are non-tuistic: interacting persons do not take “an interest in one another’s interests.”² Modern moral theory determines the possibility of morality in relation to these dogmas.

The majority of moral theorists have, of course, sought to establish the possibility of morality by rejecting one or more of the economists’ suppositions. They have offered alternative accounts of value, or reason, or interest. But the dogmas remain, and the bolder course is to embrace them. This is what Hobbes does, establishing a place for morality as a conventional constraint on our natural behavior. The *tour de force* in his theory is the reconciliation of maximizing rationality with constraining morality. How can one be rational in accepting the constraints of the laws of nature, and so not exercising one’s full right of nature? The answer requires Hobbes’s account of right reason. For

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¹Winch, p. 16.

²Rawls[1], p. 13.

his true moral theory is a dual conventionalism, in which a conventional reason, superceding natural reason, justifies a conventional morality, constraining natural behavior. And this dual conventionalism is Hobbes's enduring contribution to moral theory.

Or so I shall claim. First I shall establish Hobbes's acceptance of positions essentially equivalent to the three dogmas. Next I shall trace the argument from nonmoral nature to moral convention. Then I shall raise the objection of Hobbes's Foole, who "hath said in his heart, there is no such thing as Justice" (*L* 15).³ To this point I shall traverse familiar and, in my view, uncontroversial although not uncontroverted ground. But I shall then strike out in a new direction, bypassing my former comments on the subversion of Hobbes's moral theory by his psychology⁴ and his rather lame response to the Foole. For Hobbes has a better response, although, one must admit, he seems unaware of it. The elements of my presentation are all to be found in Hobbes, but what I shall present is the theory he never gave.

II

Hobbes's conceptions, although embodying the core of the economists' dogmas, lack the precision of contemporary formulations. He speaks, not of utility and preference, but of good and desire. But his position is clear:

Whatsoever is the object of any mans Appetite or Desire; that is it, which he for his part calleth *Good*: And the object of his Hate, and Aversion, *Evill*; And of his Contempt, *Vile*, and *Inconsiderable*. For these words of Good, Evill, and Contemptible, are ever used with relation to the person that useth them: There being nothing simply and absolutely so; nor any common Rule of Good and Evill, to be taken from the nature of the objects themselves. (*L* 6)

Where the contemporary value subjectivist says that utility is the measure of individual preference, Hobbes says rather that "private Appetite is the measure of Good, and Evill" (*L* 15), thus exchanging measure and measured. But it is evident that both treat value as dependent on choice or appetite.

Hobbes's general conception of reason identifies it with "*Reckoning* (that is, Adding and Substracting) of the Consequences of generall names agreed upon, for the *marking* and *signifying* of our thoughts" (*L*

³References to *Leviathan* are shown by *L* with the chapter number; similarly for *De Cive*, with *C*, chapter number, and paragraph number.

⁴In Gauthier [10], esp. pp. 93–98.

5). We reason so that we may do what we will. Thus deliberation, which terminates in the will to do or omit some action, is but reasoning about particulars, based on desires and values (*L* 6). The instrumental role of practical reasoning in Hobbes's account is thus emphasized in his discussion of the reasonableness of justice, in which he identifies what is "against reason" with what is "against . . . benefit" (*L* 15). The measure of the reasonableness of an action is the extent to which it conduces to the agent's ends. What is this but the maximizing conception of rationality?

That persons are conceived to take no interest in one another's interests is implicit in Hobbes's account of the value of a man, which is "his Price; that is to say, so much as would be given for the use of his Power: and therefore is not absolute; but a thing dependant on the need and judgement of another" (*L* 10). A man's concern with his fellows is with their power. He takes pleasure in being valued highly by them, for this is a sign of his superiority. If their powers stand in the way to his goals, he considers them enemies (*L* 13). He may have to accommodate their interests to attain his own, but in themselves their interests are not his concern.

III

The natural condition of mankind, Hobbes insists,

is called Warre; and such a warre, as is of every man, against every man. . . . To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. . . . Force, and Fraud, are in warre the two Cardinall vertues. Justice, and Injustice are none of the Faculties neither of the Body, nor Mind. . . . They are Qualities, that relate to men in Society, not in Solitude. (*L* 13)

Natural relationships among human beings are determined entirely by might, not right, and the consequence is unlimited conflict.

That Hobbes denominates force and fraud as the cardinal virtues of man's natural condition in no way contradicts his insistence that right and wrong have there no place, for force and fraud are simply those qualities of greatest value to their possessors. Their goodness is purely subjective. What may be thought a greater problem is Hobbes's ascription to each person of the right of nature—"the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature." That Hobbes does ascribe this right to men in the state of nature is made clear by his insistence that "in such a

condition, every man has a Right to every thing; even to one another's body" (L 14).

But the right of nature is not in itself a moral conception. Consider first Hobbes's definition of 'right' in *De Cive*:

It is . . . neither absurd nor reprehensible, neither against the dictates of true reason, for a man to use all his endeavours to preserve and defend his body and the members thereof from death and sorrows. But that which is not contrary to right reason, that all men account to be done justly, and with right. Neither by the word *right* is anything else signified, than that liberty which every man hath to make use of his natural faculties according to right reason. (C I.7)

This passage makes very clear the two main features of Hobbes's conception of right, only one of which is mentioned in *Leviathan*. What is right is what accords with reason, and the connection between right and reason is found in the crucial conception of *right reason*. We shall return to this conception; here we need note only that, in the natural condition of mankind, each man must take his own reason for right reason, and so each considers acts according with his own reason to be right. The right of nature is thus introduced as a rational, not a moral, conception.

The second feature, stated explicitly both in *De Cive* and in *Leviathan*, is that the right of nature is a *liberty*. It is not correlative with duty; my right of nature constitutes a license for me, and not a fetter on you. It determines what I *may* do. Now Hobbes holds that one may do whatever accords with reason, which implies, as we have seen, that one may do whatever conduces to one's ends. He asserts this explicitly in *De Cive*—"in the state of nature profit is the measure of right" (C I.10). Since in this natural condition anything may be conducive to one's ends, "Nature hath given to *every one a right to all*." The right of nature is an unlimited permission, a blank check.

An unlimited permissive right implies the absence of all obligation or duty—of all moral constraint. In taking profit as the measure of right, Hobbes treats right as redundant; there are no *moral* distinctions within the state of nature. To suppose that men in their natural condition possess the right of nature is to view that condition from a different vantage point—from the social condition of mankind. In society right is not unlimited; it is neither what accords with each person's own natural reason, nor what is measured by consideration of each person's profit. Viewed from society, the state of nature appears as the effect of removing all limitations on right, and so as a condition of entire liberty. But it is the perspective of society, and not the condition of nature itself, which determines this appearance.

IV

The natural condition of mankind is a state of war, and this war is licensed by the right of nature. But this war is unprofitable; it lessens each person's prospect of maintaining his own life, which is his principal end. Of course, this does not show war to be irrational; the natural condition of mankind exemplifies the well-known Prisoner's Dilemma, in which individual maximizing behavior, which is by definition rational, leads to a mutually disadvantageous, sub-optimal outcome.

But if man's natural condition is unprofitable, then the unlimited right of nature, which licenses this condition of war, is equally unprofitable. Thus Hobbes insists that "as long as this naturall Right of every man to every thing endureth, there can be no security to any man, . . . of living out the time, which Nature ordinarily alloweth men to live" (L 14). And so we come to the second law of nature, the cornerstone of Hobbes's account of morality:

That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe. (L 14)

To lay down some portion of one's originally unlimited right, is to introduce a constraint on what one may do. A permissive right creates no obligation, but the laying down of such a right is the assumption of an obligation, so that a man is

said to be OBLIGED, or BOUND, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: . . . and that such hindrance is INJUSTICE, and INJURY, as being *Sine Jure*; the Right being before renounced, or transferred. (L 14)

To lay down a right is to distinguish between what is done with right and what is done without right, between acts that are right and acts that are wrong. At this point morality enters Hobbes's account. In laying down right, man transforms his condition.

The laws of nature are the grounds of this morality. But they are not themselves moral principles:

A LAW OF NATURE, . . . is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. (L 14)

The very word 'law' is misleading, as Hobbes himself admits (*L* 15). But the laws of nature differ from mere advice, in their necessity and generality; they state what one *must* do, in the pursuit of one's chief end, preservation, and they state what *each* must do, since each seeks the same end, self-preservation, in the same conditions, a war in which all have equal hope of success. So conceived, the laws of nature provide for the rational introduction of a morality that is neither individual nor natural, but mutual and conventional.

I shall define a *convention* as a regularity *R* in the behavior of persons *P* in situations *S*, such that part of the reason that most of these persons have for conforming to *R* in *S* is that it is common knowledge among *P* that most persons conform to *R* in *S*, and that most persons expect most (other) persons to conform to *R* in *S*.⁵ We may distinguish between *descriptive* and *normative* conventionality; the former concerns the explanation of behavior, the latter concerns the justification of behavior. It is of course in the normative sense that Hobbesian morality is conventional. Thus my claim is that obligations, or restrictions on right, constitute regularities, and that the rationale for adherence to these regularities includes the common knowledge that most persons both adhere to and expect others to adhere to them.

The regularities in question are spelled out in the detailed list of the laws of nature which Hobbes provides. If the rationale for adherence to them is to rest on the knowledge that adherence is both usual and expected, then two conditions must be satisfied. First, each person must have reason to prefer that most persons adhere to the laws of nature, rather than that most ignore the laws; otherwise the convention would be *pointless* for those who lacked such reason. And second, each person must have reason to prefer that he or she ignore the laws of nature, given that most others ignore them; otherwise the convention would be *redundant*, since each would have reason to adhere whether others did so or not. The laws of nature are not pointless, since mutual adherence to them is necessary to bring men from a condition of war to one of peace. And they are not redundant as conventions, since, as Hobbes insists, no one has reason to adhere to them unless others do (*L* 15).

Since in Hobbes's view the laws of nature afford the only means to peace, we may say that morality constitutes a uniquely dominant set of conventions, or regularities of behavior, for men who, seeking their own preservation, must seek peace. Thus "the Science of them [the laws of nature], is the true and onely Moral Philosophy. For Morall

⁵My account of convention owes much to David Lewis, although there are differences which I shall not seek to justify here. See Lewis [1], esp. pp. 42, 78.

Philosophy is nothing else but the Science of what is *Good*, and *Evill*, in the conversation, and Society of mankind" (L 15).

Values are subjective, but peace is a common instrumental good, since it is a necessary means to each man's chief good, his own preservation. Reason is instrumental, but the laws of nature, which prescribe the means of peace, are addressed equally to each man's reason, and so are rational for all. Interest is non-tuistic, yet each man must give up some of the right with which he pursues his own interests, since this is the basis of the laws of nature. Thus morality, a set of conventions constraining each man's maximizing activity, and distinguishing right from wrong, is established.

V

But a major difficulty confronts Hobbes's conception of morality. The laws of nature provide a set of conventions which is dominant, and neither pointless nor redundant. But is this set *stable*? That is, given common knowledge that most persons conform to the laws of nature and expect others to conform, does each prefer that he or she also conform rather than ignore the laws? Or may not each person reason that, since peace is assured by the constraints on right accepted by others, he does best for himself by accepting no such constraints?

Hobbes faces both a *rational* and a *motivational* problem. A convention is rationally stable if and only if each person has reason to adhere to it, provided others do; it is motivationally stable if and only if each is usually moved to adhere to it, provided others do. Motivational stability is the central problem of Hobbes's political theory; our concern is rather with rational stability. And Hobbes is well aware of this concern.

The device by which we effect the mutual laying down of right required by the second law of nature is *covenant*, a "mutuall transferring of Right" in which at least one party is to perform in the future "and in the mean time be trusted" (L 14). The third law of nature then requires "*That men performe their Covenants made*: without which, Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre" (L 15). Adherence to this law is justice. The question of rational stability is then the question whether justice is always rational, and this is what Hobbes's Foole denies:

The Foole hath sayd in his heart, there is no such thing as Justice; and sometimes also with his tongue; seriously alleaging, that every mans conservation, and contentment, being committed to his own care, there

could be no reason, why every man might not do what he thought conduced thereunto: and therefore also to make, or not make; keep, or not keep Covenants, was not against Reason, when it conduced to ones benefit. He does not therein deny, that there be Covenants; and that they are sometimes broken, sometimes kept; and that such breach of them may be called Injustice, and the observance of them Justice: but he questioneth, whether Injustice, . . . may not sometimes stand with that Reason, which dictateth to every man his own good; . . . This specious reasoning is neverthelesse false. (*L 15*)

Why is the Foole's reasoning false? He need not deny that the natural condition of mankind exemplifies the Prisoner's Dilemma, so that universally peaceable behavior is better, for everyone, than universally warlike behavior, but warlike behavior is nevertheless each person's best reply to the others, whether they be warlike or peaceable. What the Foole maintains is that the Dilemma recurs in considering whether to adhere to the laws of nature. In the natural condition of mankind, anticipatory violence—seeking to forestall others by dominating them—is licensed by the right of nature. Since mutual anticipation creates war, Hobbes holds that it is rational for each person to lay down the right to anticipate, provided others do so as well. But however true this may be, it does not change the advantage inherent in anticipation, which still maximizes each person's prospect for survival and so is rational. If violating one's covenant enables one to anticipate one's fellows, then it is rational. Hence, if the rational man seems to lay down some portion of his right, it can only be to take it up again as the occasion may suggest. But then morality is indeed in vain. Each may pretend peace, but only the better to anticipate his fellows. The laws of nature in themselves offer no escape from the ills of our natural condition. The Foole's reasoning seems sound.

In his reply to the Foole, Hobbes claims that the rationality of an act depends not on its actual outcome, but on its expected outcome, that the rational reaction of others to the covenant-breaker is to cast him out of society, and that, although others may err in letting the covenant-breaker live in peace, such error cannot be rationally expected (*L 15*). However, Hobbes does not challenge the Foole's contention that, could covenant-breaking be expected to be advantageous, then it would be reasonable, however unjust one might call it.

Is this reply adequate? To answer this question, we must first distinguish three ways in which, in contractual situations, the respective advantages of mutual adherence and unilateral violation may be related. First, mutual adherence may be in itself better than unilateral violation for each person. Second, mutual adherence may be in itself

worse than unilateral violation for some persons, but better for each in virtue of external enforcement. And third, mutual adherence may be worse than unilateral violation for some parties, all things considered.

Now Hobbes does not suppose, and it is surely not plausible to suppose, that making only those covenants in which mutual adherence is better in itself for everyone than unilateral violation will prove sufficient to enable men to escape from the natural condition of war. He does, however, suppose that men can escape by making covenants in which external enforcement renders mutual adherence better for everyone than unilateral violation. If he is wrong about this, then his reply to the Foole is clearly inadequate. If he is right, then although he may claim that the Foole's objections do not show peace to be unattainable, yet he may not deny that in the attainment of peace real benefits must be forgone. External enforcement is necessarily costly;⁶ so the parties to a beneficial covenant in which mutual adherence is not in itself better for each person than unilateral violation, would do better were they nevertheless to adhere without external enforcement. Hobbes must ignore this because he does not challenge the Foole's insistence that covenant-breaking, to be irrational, must be expected to be disadvantageous. And he thereby sacrifices the real point of his, or of any, conventional moral system, as introducing a constraint on taking the maximization of advantage to be the aim of rational individual behavior.

But could Hobbes avoid this sacrifice? The Foole's reasoning contains an argument seemingly fatal to moral conventionalism. If morality is to be a rational and conventional constraint on natural behavior, then it must be rationally stable, and this requires that each have reason to follow it provided others do. Since reason enjoins the maximization of advantage, morality is rationally stable only if it is most advantageous for each to follow it provided others do. But if this holds, then in what sense is morality a *constraint*? If each person's good is best furthered by some course of action, then each, rationally exercising his or her unlimited right of nature, will follow that course of action. No laying down of right is needed. The role of so-called moral conventions can then be not to constrain our behavior, but rather to enable us to coordinate that behavior to maximal advantage, effecting, like the perfectly competitive market, the harmony of non-

⁶As Hobbes recognizes, "But a man may here object, that the Condition of Subjects is very miserable; as being obnoxious to the lusts, and other irregular passions of him, or them that have so unlimited a Power in their hands. . . . not considering that the estate of Man can never be without some incommodity or other" (L 18).

tuisms. The conception of morality as a rational and conventional *constraint* has thus no place. On the other hand, if each does worse, in terms of advantage, to follow morality provided others do, then, although morality constitutes a constraint on our natural behavior, the constraint is irrational. And so again, the conception of morality as a *rational* and conventional constraint has no place.

VI

But “this specious reasoning is neverthelesse false.” Hobbes has another, and better, reply to the Foole, in his account of right reason. To pass between the horns of the apparent dilemma set by stability—that morality is either not a constraint or else an irrational constraint on individual behavior—we must embrace a further element of conventionalism. Not only morality, but rationality as well, must come within its ambit. And Hobbes shows us what is required:

And as in Arithmetique, unpractised men must, and Professors themselves may often erre, and cast up false; so also in any other subject of Reasoning, the ablest, most attentive, and most practised men, may deceive themselves, and inferre false Conclusions; Not but that Reason it selfe is always Right Reason, as well as Arithmetique is a certain and infallible Art: But no one mans Reason, nor the Reason of any one number of men, makes the certaintie; no more than an account is therefore well cast up, because a great many men have unanimously approved it. And therefore, as when there is a controversy in an account, the parties must by their own accord, set up for right Reason, the Reason of some Arbitrator, or Judge, to whose sentence they will both stand, or their controversie must either come to blowes, or be undecided, for want of a right Reason constituted by Nature; so is it also in all debates of what kind soever: And when men that think themselves wiser than all others, clamor and demand right Reason for judge; yet seek no more, but that things should be determined, by no other mens reason but their own, it is as intolerable in the society of men, as it is in play after trump is turned, to use for trump on every occasion, that suite whereof they have most in their hand. (*L* 5)

In this passage we find the germ of Hobbes’s real answer to the Foole, as well as his fundamental argument for the necessity of a civil Sovereign, not as absolute enforcer, but rather as arbitrator, whose primary task is to provide the conventional standard of right reason required to uphold the laws of nature. The Foole, in appealing to natural reason in support of injustice, falls into inconsistency, through his failure to appreciate the tight conceptual connection between

right and reason which is necessary to Hobbes's thought. The right of nature expresses right reason. If one lays down some portion of that right, then one also renounces the rationality that was the basis of the right laid down. If one lays down some portion of one's right to do whatever seems conducive to one's preservation and well-being, so that one may find peace, then one renounces preservation as the standard of reason, in favor of peace. The Foole appeals to that reason which dictates to every man his own good—to natural reason, so that he may show injustice to be rational. But injustice is a violation of covenant, and, in covenanting, in laying down one's right, one has renounced natural reason as the court of appeal, in favor of a reason that dictates to every man what all agree is good.

When Hobbes considers the need for a conventional standard of reason, he argues from our susceptibility to error. In the practical affairs of men, it is not error, but the subjectivity of our natural end, which renders natural reason inadequate. Each man takes his own conservation for trump, rather than peace. But this grounds the unlimited right of nature, and so the natural condition of war. Only insofar as each man takes peace as trump are the laws of nature upheld, so that war gives way to peace.

One may paraphrase Hobbes's argument for the second law of nature, as an argument for replacing natural reason, directed to individual preservation, with a conventional reason directed to peace. As long as each person appeals solely to his natural reason, there can be no security to any man of living out the time that nature ordinarily allows. Thus a man must be willing, when others are so too, as far as he shall think it necessary for peace, to lay down natural reason, and be contented with a standard of reason which allows him so much liberty against other men, as he would allow other men against himself.

That this standard is conventional follows from the fact that each person has ground for accepting it only insofar as it is common knowledge that most persons both accept and expect others to accept it. Basing reason on peace, rather than on individual preservation, is mutually beneficial, but against each person's interest should others not accept it. Thus the convention is neither pointless nor redundant. And it is rationally stable; adherence to a standard of reason based on peace is itself rationally required as a means to peace.

The problem of motivational stability is, of course, not resolved by replacing natural with conventional reason. We may grant the Foole that each person would prefer to violate the laws of nature, given that others adhere. Since men tend to be ruled by passion rather than reason, Hobbes requires the Sovereign, not only as arbiter, whose

reason, accepted by all as right reason, prescribes the means to peace, but also as enforcer, whose power, authorized by all, is exercised to maintain peace. But this problem of motivation is not peculiar to Hobbes' conception of morality and does not threaten to undermine his conventionalist theory.

VII

I have now made good my initial claims. Hobbes's moral theory is a dual conventionalism, in which a conventional reason, superceding natural reason, justifies a conventional morality, constraining natural behavior. Hobbes has succeeded in demonstrating the possibility of morality, while accepting the three dogmas of the economists which define the modern moral problematic—the subjectivity of value, the instrumentality of reason, and the non-tuism of interest. If he is not only the first, but, as I believe, the only moral philosopher to have accomplished this task, then he is surely the greatest of English moral philosophers.

But if, on this three-hundredth anniversary of his death, we can recognize that Hobbes constitutes a permanent part of the heritage of moral theory, we can also recognize the difficult tasks his theory leaves us. The morality that Hobbes establishes is minimal; it represents the weakest of constraints on natural maximizing behavior—that set by considerations of mutual advantage. It is only because each person has an interest in peace that each has grounds to accept the conventional reason and morality which together override the straightforward maximization of subjective value. Much of traditional morality will not be accommodated by Hobbes's theory; must it be sacrificed? Or may we establish a stronger morality by a well-grounded relaxation of one or more of the economic dogmas assumed by Hobbes?

The most promising candidate for relaxation is the dogma of non-tuism. Not that we should abandon it, for it surely holds in many of the contexts in which persons interact. Indeed, it makes possible economic life as we know it. But we may insist that it does not constitute the whole truth about human beings, and that where it does not hold sway, a richer morality may be established on the basis of sympathetic interests—not, of course, a fictitious universal sympathy, but real particular sympathies. Most important, we may suppose that without these sympathies, and the richer morality and genuine sociability which they make possible, human society as we know it would disintegrate into something approaching Hobbes's nightmare vision of the natural condition of mankind.

Hobbes shows us that moral and social relationships are possible

among persons in contexts in which they take no interest in one another's interests. Properly understood, this is one of the great liberating insights on which a free and democratic society is based. But Hobbes's absolute Sovereign stands as an awful warning to those who, like Hobbes himself, suppose that human society needs *no* basis in sympathetic interests. The task left to the moral and social theorist today is to establish the proper bounds of the moral and rational conventionalism that was first conceived by Thomas Hobbes.

[2]

Why Ought One Obey God? Reflections on Hobbes and Locke

I

Lastly, those are not at all to be tolerated who deny the being of God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all.

These words, from Locke's *Letter concerning Toleration*, ring unconvincingly in our ears. They affirm that the bonds of human society hold only those who believe in God. This affirmation breaks into two propositions:

- (1) The bonds of human society are promises, covenants, and oaths.
- (2) Promises, covenants, and oaths hold only those who believe in God.

Much might be said about the first proposition, but not here.¹ Whether it rings unconvincingly in our ears, surely the second does, and it is this which I shall address. The supposition that moral conventions depend on religious belief has become alien to our way of thinking. Modern moral philosophers do not meet it with vigorous denials or refutations; usually they ignore it.² If the dependence of

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¹The first proposition suggests a rather literal version of social contractarianism. Substituting hypothetical contractarianism, as defended by John Rawls, or as dissected in several of my recent papers, would not affect Locke's affirmation.

²The phrase "modern moral philosophers" is intended to evoke G. E. M. Anscombe's paper "Modern Moral Philosophy." Anscombe's discussion of the "law conception of ethics" and her suggestion that the status of the notion of "obligation" in recent moral thought is "the interesting one of the survival of a concept outside the framework of

moral conventions on religious belief was necessary for Locke, it is almost inconceivable for us.

"The taking away of God, *though but even in thought, . . .*" It is with thought that we are concerned, with man's conceptions, and most especially his moral conceptions. What lies beyond thought may be relevant to the validation of these conceptions, but validation falls outside my inquiry. Whether there is a God does not affect the argument of this paper, although it may affect the consequences to be drawn from this argument. Here we are concerned with the conception of God, and the role which this conception plays in moral thought. And Locke insists that this role is central.

"The taking away of God . . . *dissolves all.*" These are measured words, which convey Locke's exact intent. They express the core of his moral and political thought. Much of the time they are not in the forefront of that thought, for Locke largely addresses those who share his conviction. But some of the time they come to the fore, since Locke was aware, uncomfortably, of those who did not share that conviction. In particular, Locke was aware of Hobbes.

Locke can be read, and often is read, from our presumptively superior vantage point. We know where his argument leads, and thus can discern its true significance. Hence we suppose that Locke was not really trying to justify individualistic contractarianism by tying it to the natural law of God, but rather that he was defending capitalistic appropriation.³ Having ourselves abandoned God for Mammon, we read that abandonment back into Locke, and then find, not only that he is the grandfather of the ideology of capitalism, but also that he is the wolf, Hobbes, in sheep's clothing.⁴

Locke would have been unsurprised. Having taken away God, we have dissolved all—all of what Locke understood as morality. And the result is precisely Hobbism. Locke shares his individualism, his emphasis on self-preservation, his subjectivist, hedonic value theory, with his predecessor. And if these are all, then morality fails: "an Hobbist with his principle of self-preservation whereof him self is to be judge, will not easily admit a great many plain duties of morality."⁵

thought that made it a really intelligible one" are directly relevant to the underlying argument of the present enquiry.

³Macpherson [2] is of course the classic statement of this view of Locke. According to Macpherson, Locke's achievement is that he "provides a positive moral basis for capitalist society" (p. 221). It is interesting to find that Macpherson is alive to complaints about ahistorical interpretations of Locke; he objects on this ground to those who read "modern liberal-democratic beliefs" back into Locke.

⁴Cox offers the most extended statement of this view; see esp. pp. 18–28, 136–147. He is following in the footsteps of Leo Strauss; a typical statement is "It is on the basis of Hobbes's view of the law of nature that Locke opposes Hobbes's conclusions" (p. 231).

⁵Locke MS, quoted in Dunn, pp. 218–219.

If Locke minus God equals Hobbes, then Hobbes plus God equals Locke. And if among our modern commentators are some who read God out of Locke, there are also some who read God into Hobbes. Hobbes tells us that “the true Doctrine of the Lawes of Nature, is the true Morall Philosophie” (*L* 15).⁶ Howard Warrender then says, “If it is denied that God plays an essential role in Hobbes’s doctrine, the laws of nature in the State of Nature cannot be taken to be more than prudential maxims for those who desire their own preservation.”⁷ Again, the taking away of God dissolves all morality.

Warrender’s comment, directed to Hobbes, has for us a further significance. We are concerned with the alleged dependence of moral conventions on religious belief. If we accept Warrender’s argument, then it would seem that this dependence is required, at least for that framework of thought, shared by Hobbes and Locke, within which the science of the laws of nature is identified with moral philosophy. If we find it difficult even to understand Locke’s insistence that the taking away of God dissolves all, then surely we must find it difficult to understand this framework. And yet, modern moral and political philosophers still appeal to Hobbes and Locke. Kurt Baier compares his conception of morality with that of Hobbes.⁸ Robert Nozick revises the doctrine of natural law in a form which he traces to Locke.⁹ Baier, of course, does not interpret Hobbes in the theistic manner of Warrender, and Nozick deliberately avoids querying the underpinning of the Lockean system. But perhaps God is lurking there, unwanted and even unconceived, yet not unneeded.

My first concern in this paper is to place the role of God in the thought of Hobbes and Locke. I shall argue that they differ in a manner which I consider characteristic of the difference between secular and religious outlooks. My next concern is to explore the implications of this difference for our understanding of morality. I shall agree with Locke that moral convention depends on religious belief, given his conceptual framework. But I shall argue that Hobbes, within his different framework, is quite able to construct a purely secular morality.

This is not all. If it were, then we might dismiss Locke as holding an outworn theism, and embrace Hobbes’s secularism. But I want at least to suggest that Locke is correct about two further matters. First, he is right to insist that “a great many plain duties” cannot be accommo-

⁶Quotations from Hobbes’s *Leviathan* are indicated by *L*, followed by the chapter number.

⁷Warrender, p. 99.

⁸Baier, pp. 308–315.

⁹Nozick, p. 9.

dated within the secular morality available to Hobbes and those who share Hobbes's outlook. Second, Locke is right to insist that the taking away of God does indeed dissolve those duties. The morality available to Locke is thus not only conceptually different, but also materially different, from that of a Hobbist.

All this is important if we are to understand more recent moral thought. There is a Hobbist, secular morality, and there is a Lockean, religious morality. But what modern moral philosophers have wanted is a Lockean, secular morality, beginning with the individualism which Hobbes and Locke share with us, and leading, without introducing God, to the "many plain duties" which Locke affirms.¹⁰ If my suggestions are correct, such a morality is not to be found.

II

Locke's thought contains a set of tight conceptual connections among morality, law, God, nature, and reason.

- (1) *Morality and law*: a "moral relation" is defined as "the conformity or disagreement men's voluntary actions have to a rule to which they are referred, and by which they are judged of." "*Morally good and evil*, then, is only the conformity or disagreement of our voluntary actions to some law, whereby good or evil is drawn on us from the will and power of the law-maker" (*E* II.28.4).¹¹
- (2) *Morality, law, and God*: of three kinds of law distinguished by Locke, "The *divine law* . . . is the only true touchstone of moral rectitude" (*E* II.28.8).
- (3) *Law, God, and nature*: the divine law is "promulgated to them [men] by the light of nature, or the voice of revelation" (*ibid.*). So promulgated, the divine law is the law of nature. "The *Rules* that they [men] make for other Mens Actions, must, as well as their own and other Mens Actions, be conformable to the Law of Nature, i.e. to the Will of God, of which that is a Declaration" (*2T* 135).¹²
- (4) *Law, nature and reason*: the law of nature is identified with the law of reason (*1T* 101; *2T* 96) and with Reason itself: "The *State of Nature* has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law" (*2T* 6).
- (5) *Reason and God*: reason is "*the Voice of God in him* [man], . . .", (*1T* 86),

¹⁰Modern moral philosophers do not actually say that this is what they want. But I believe that it is illuminating to read them from this assumption. John Rawls erects the most impressive edifice.

¹¹Quotations from Locke's *Essay concerning Human Understanding* are indicated by *E*, followed by the book, chapter, and paragraph numbers.

¹²Quotations from Locke's *Two Treatises of Government* are indicated by *1T* or *2T*, followed by the section number.

“the common Rule and Measure, God hath given to Mankind” (2T 11), that “which God hath given to be the Rule betwixt Man and Man, and the common bond whereby humane kind is united into one fellowship and societie” (2T 172).

From these interconnected conceptions we may move in two directions: to the content of the law of nature, and to its binding force. I shall make brief reference to the first presently. Since the law of nature is the expression of the will of God, the second concern directly raises the question which serves us for a title: why ought one obey God?

Locke answers this question, which must be crucial given the structure of his moral and political thought, very briefly. His answer is formulated first in the sixth of the *Essays on the Law of Nature*,¹³ but we may focus on his later and essentially similar formulations in the *Essay concerning Human Understanding* and the second *Treatise on Government*:

That God has given a rule whereby men should govern themselves, I think there is nobody so brutish as to deny. He has a right to do it; we are his creatures. He has goodness and wisdom to direct our actions to that which is best; and he has power to enforce it by rewards and punishments, of infinite weight and duration, in another life: for nobody can take us out of his hands. (*E* II.28.8)

The *State of Nature* has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will

¹³*Essays on the Law of Nature* VI: “Are men bound by the law of nature? Yes.” The crux of Locke’s argument is in this passage:

We say that the law of nature is binding on all men primarily and of itself and by its intrinsic force, and we shall endeavour to prove this by the following arguments:

(1) Because this law contains all that is necessary to make a law binding. For God, the author of this law, has willed it to be the rule of our moral life, and He has made it sufficiently known, so that anyone can understand it who is willing to apply diligent study and to direct his mind to the knowledge of it. The result is that, since nothing else is required to impose an obligation but the authority and rightful power of the one who commands and the disclosure of his will, no one can doubt that the law of nature is binding on men.

For, in the first place, since God is supreme over everything and has such authority and power over us as we cannot exercise over ourselves, and since we owe our body, soul, and life—whatever we are, whatever we have, and even whatever we can be—to Him and to Him alone, it is proper that we should live according to the precept of His will. God has created us out of nothing and, if He pleases, will reduce us again to nothing: we are, therefore, subject to Him in perfect justice and by utmost necessity.

In the second place, this law is the will of this omnipotent lawmaker, known to us by the light and principles of nature; the knowledge of it can be concealed from no one unless he loves blindness and darkness and casts off nature in order that he may avoid his duty (Locke [2], pp. 187, 189).

but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one anothers Pleasure. (2T 6)

Locke distinguishes three aspects of the obligation to obey God in these passages. First, he refers to God's power, indeed to his omnipotence, as the basis for the enforcement of the law of nature. Locke insists that sanctions are necessary if law is to be binding (E II.28.6), but he does not argue that sanctions alone create obligation; power, without right, may compel, but does not obligate.

Second, Locke refers to God's wisdom, and indeed to his omniscience, in directing our actions to what is best. What is best would seem to be determined by the interests, the pleasures and pains, of mankind. Law, Locke says, is "the direction of a free and intelligent Agent to his proper Interest, and prescribes no farther than is for the general Good of those under that Law" (2T 57). "Good and evil . . . are nothing but pleasure or pain, or that which occasions or procures pleasure or pain to us" (E II.28.4). But Locke does not suggest that God's wisdom and goodness, in directing our actions to what is best, provide the basis of our obligation to obey the law of nature. He admits that "Could they [men] be happier without it, the Law, as an useless thing would of it self vanish" (2T 57), yet it is not the usefulness of the law which makes it binding.

Rather, third, the obligation to obey God, and so the law of nature, Locke clearly derives from the right of God, the Creator, over his creation. We are obliged to obey him because we are all his creatures, his workmanship, his property.

It is as creator that God provides law for all his creation. In the first of the *Essays on the Law of Nature* Locke says:

The third argument [which proves the existence of a law of nature] is derived from the very constitution of this world, wherein all things observe a fixed law of their operations and a manner of existence appropriate to their nature. For that which prescribes to every thing the form and manner and measure of working, is just what law is. . . . This being so, it does not seem that man alone is independent of laws while everything else is bound. On the contrary, a manner of acting is prescribed to him that is suitable to his nature; for it does not seem to fit in with the wisdom of the Creator to form an animal that is most perfect and ever active, and to endow it abundantly above all others with mind, intellect, reason, and all the requisites for working, and yet not assign to it any work, or again

to make man alone susceptible of law precisely in order that he may submit to none.¹⁴

All creation is subject to law, each creature in that manner appropriate to its nature. We find an equivocation in the application of the concept of law both to descriptions of the workings of things and to prescriptions for the workings of men; Locke finds no equivocation. Man being rational, his law is the command of reason, so that man is given law in a prescriptive manner, but the law he is given, like the law given all other things, is the directive appropriate to his created nature.

From our standpoint the derivation of man's obligation to obey God from God's creation of man requires argument. Creation and obligation are not intrinsically or necessarily connected. But this is the fundamental measure of the difference between Locke's conceptual framework and our own. His framework is theocentric; everything depends on God, for its being, for its nature, and so for its rule. And each thing depends on God in the manner appropriate to its nature, so that man, as rational, depends rationally on God. Reason is God's voice in man, the rule God has given to mankind. No argument from creation to obligation is needed from Locke's perspective. Creation establishes man's dependence on God, and so his dependence on God's rule; man's created nature establishes the mode of this dependence. Rationality establishes rational dependence, which is obligation to prescriptive law.

The binding force of the law of nature is thus found in man's relation to God, as creature to creator. The fundamental content of this law is preservation. Locke insists that "the *fundamental Law of Nature* being the *preservation of Mankind*, no Humane Sanction can be good, or valid against it" (2T 135). Preservation of the individual is subordinated to preservation of the species; "the *first and fundamental natural Law . . . is the preservation of the Society*, and (as far as will consist with the publick good) of every person in it" (2T 134).

Each individual's primary concern is to preserve himself. The positive obligation that each has to do "as much as he can, to *preserve the rest of Mankind*," depends on the condition that "his own Preservation comes not in competition" (2T 6). But concern with one's own preservation is not a license to destroy others; Locke never suggests, as does Hobbes, that "every man has a Right to every thing; even to one another's body" (L 14). Indeed, self-preservation is fundamentally not a right but a duty. "Every one . . . is *bound to preserve himself*"; Man "has not Liberty to destroy himself" (2T 6). When Locke speaks of my

¹⁴Locke [2], p. 117.

“Right to destroy that which threatens me with Destruction,” he derives this right from “*the Fundamental Law of Nature, Man being to be preserved*” (2T 16). Law and duty, not right, is the foundation of Locke’s ethics.

III

Turning from Locke to Hobbes, we must consider how far Hobbes’s thought exhibits a parallel set of conceptual connections among morality, law, God, nature, and reason.

- (1) *Morality, law and nature*: “the Science of them [the laws of nature], is the true and onely Moral Philosophy” (L 15).
- (2) *Law, nature and reason*: “A LAW OF NATURE . . . is a Precept, or generall Rule, found out by Reason” (L 14). “The laws mentioned in the former chapters, as they are called the laws of nature, for that they are the dictates of natural reason.”¹⁵
- (3) *Reason and God*: “God Almighty hath given reason to a man to be a light unto him.”¹⁶
- (4) *Law, nature and God*: “there may be attributed to God, a two-fold Kingdome, *Naturall*, and *Prophetique*: *Naturall*, wherein he governeth as many of Mankind as acknowledge his Providence, by the naturall Dictates of Right Reason” (L 31).

These passages may suggest a framework of thought very similar to that of Locke. But they do not adequately represent Hobbes’s position. We need also to consider these further excerpts:

- (5) *Reason*: “REASON . . . is nothing but *Reckoning* . . . of the Consequences of generall names agreed upon, for the *marking* and *signifying* of our thoughts” (L 5); “All the voluntary actions of men tend to the benefit of themselves; and those actions are most Reasonable, that conduce most to their ends” (L 15).
- (6) *Reason, law and God*: “These dictates of Reason, men use to call by the name of Lawes; but improperly: for they are but Conclusions, or Theoremes concerning what conduceth to the conservation and defence of themselves; whereas Law, properly is the word of him, that by right hath command over others. But yet if we consider the same Theoremes, as delivered in the word of God, that by right commandeth all things; then are they properly called Lawes” (ibid.).
- (7) *Law, God and nature*: “there being no Court of Naturall Justice, but in the Conscience onely; where not Man, but God raigneth; whose Lawes . . . in respect of God, as he is the Author of Nature, are

¹⁵Hobbes [2], 1.5.1.

¹⁶Ibid., 1.5.12.

Naturall; and in respect of the same God, as he is King of Kings, are *Lawes*" (L 30).

Taking all of these passages together, we may suppose that two, quite different positions are present in Hobbes's thought. On the one hand, moral philosophy is the science of rational precepts concerning preservation or conservation, within a natural order created but not otherwise affected by God. On the other hand, moral philosophy is the science of those precepts commanded by God as King of Kings. Does Hobbes hold both, or indeed either, of these views?

To answer this, let us return to our initial question: why ought one obey God? This question is never raised in *Leviathan*, where Hobbes considers only God's right to rule:

The Right of Nature, whereby God reigneth over men, and punisheth those that break his Lawes, is to be derived, not from his Creating them, as if he required obedience, as of Gratitude for his benefits: but from his *Irresistible Power*. I have formerly shewn, how the Sovereign Right ariseth from Pact: To shew how the same Right may arise from Nature, requires no more, but to shew in what case it is never taken away. Seeing all men by Nature had Right to All things, they had Right every one to reigne over all the rest. But because this Right could not be obtained by force, it concerned the safety of every one, laying by that Right, to set up men . . . by common consent, to rule and defend them: whereas if there had been any man of Power Irresistible; there had been no reason, why he should not by that Power have ruled, and defended both himselfe, and them, according to his own discretion. To those therefore whose Power is irresistible, the dominion of all men adhaereth naturally by their excellence of Power. (L 31)

But this argument is insufficient for Hobbes's purposes. The right of nature, as he defines it, is merely permissive, a liberty, determining what one may do, but implying no obligation or duty on others. But God's right to rule must surely be a claim right, with a consequent obligation on the part of men to obey.

In *De Cive* Hobbes proceeds to establish an obligation, to obey the holder of the natural right to rule. I have argued elsewhere that Hobbes deliberately omitted this account of man's obligation to obey God from *Leviathan*,¹⁷ but since no alternative account is open to him, we may consider the argument of *De Cive* here:

Now if God have the right of sovereignty from his power, it is manifest that the *obligation* of yielding him obedience lies on men by reason of

¹⁷Gauthier [10], pp. 188–199.

their weakness. . . . there are two species of *natural obligation*. . . . [The first is irrelevant.] The other, when it [liberty to resist] is taken away by hope or fear, according to which the weaker, despairing of his own power to resist, cannot but yield to the stronger. From this last kind of obligation, that is to say, from fear or conscience of our own weakness in respect of the divine power, it comes to pass that we are obliged to obey God in his natural kingdom; reason dictating to all, acknowledging the divine power and providence, *that there is no kicking against the pricks*.¹⁸

Although no covenant is introduced, Hobbes's account of our obligation to obey God parallels his introduction of the covenanted obligation to obey a conqueror. In both cases we yield from weakness, rationally accepting an obligation of obedience in the interest of our preservation.

The laws of nature are *laws* insofar as God is King of Kings, that is, insofar as he is omnipotent. They are laws because they are his commands, and we, insofar as we are rational, cannot but yield obedience to them. But none of this matters to the structure of Hobbes's moral and political theory.

Hobbes is no atheist. He accepts the existence of God as a fact. But what is the practical or moral relevance of this fact? God is omnipotent, and so threatens our existence. We must, to maintain ourselves as best we can, accept his rule and oblige ourselves to obey him. This is to act in accordance with the second law of nature, insofar as it enjoins a man "*as farre-forth, as for Peace, and defence of himselfe he shall think it necessary, to lay down . . . [his] right to all things*" (L 14), to lay down, that is, some portion of his initially unlimited permissive right of nature. Thus the second law of nature, as the command of God, obliges us only because the same second law, as a dictate of reason, requires us to oblige ourselves to obey God. The ultimate validity of the second law therefore turns on its status as a rational precept, not on its status as a divine command.

Moral obligation does not depend on God. It arises whenever, in accordance with the rational requirements of the laws of nature, we grant away some portion of our initially unlimited right. We do this in our relationship with God, but we do it also in our relationships with our human fellows, to secure ourselves against their power.

Hobbes's presentation of his argument parallels its logical structure. The laws of nature are introduced as theorems of reason, and only afterwards as commands of God. The obligation to obey the temporal sovereign is established in terms of these theorems of reason, and only at the conclusion of Hobbes's political argument is man's rela-

¹⁸Hobbes [1], XV.7.

tionship with the spiritual sovereign introduced. Although Hobbes is no atheist, he is what we may call a practical atheist—as indeed we, his successors, all are. God makes no difference to the structure of Hobbes's moral and political system, and indeed, since God in his commands simply reinforces the laws of nature, God makes no difference even to the content of Hobbes's system.

But, we may ask, does Hobbes even present a moral system? If the laws of nature are but rational requirements for preservation, then is not Warrender right to insist that they are mere maxims of prudence? If they are not truly laws, then as Locke says, “Man would not be able to act wrongfully, since there was no law issuing commands or prohibitions, and he would be the completely free and sovereign arbiter of his actions.”¹⁹ Locke insists that the binding force of the laws of nature cannot be explained if every man's own interest is taken to be their basis.²⁰

Hobbes's laws of nature are more than principles which prescribe the necessary means to self-preservation. They are precepts which each man is rationally required to follow, provided every other man does so. And this double generality—that the laws apply to every man but to each only insofar as they apply to every other man—distinguishes the laws of nature from mere principles of prudence, and establishes their moral significance. In a crucial passage Hobbes explains:

The Lawes of Nature oblige *in foro interno*; that is to say, they bind to a desire they should take place [which we may gloss as a desire they be accepted by all]: but *in foro externo*; that is, to the putting them in act, not alwayes. For he that should be modest, and tractable, and performe all he promises, in such time, and place, where no man els should do so, should but make himselfe a prey to others, and procure his own certain ruine, contrary to the ground of all Lawes of Nature, which tend to Natures preservation. And again, he that having sufficient Security, that others shall observe the same Lawes towards him, observes them not himselfe, seeketh not Peace, but War; & consequently the destruction of his Nature by Violence. (*L* 15)

To follow the laws of nature is not to act directly in accord with immediate interest. Mutual adherence to the laws is the “cooperative” outcome of a multilateral Prisoner's Dilemma, optimal, better for each than mutual violation, which is the “competitive”, directly self-in-

¹⁹Locke [2], p. 121.

²⁰Locke [2], VIII: “Is every man's own interest the basis of the law of nature? No,” p. 205.

terested outcome.²¹ I have argued elsewhere that what distinguishes this type of morality is that each person benefits more from the cooperative behavior of others than he loses by refraining from competitive behavior.²² Hobbist moral principles are thus those maxims which it is in the interest of each to adopt, as overriding the direct pursuit of the objects of his own appetites, provided his adoption is both the necessary and the sufficient condition of their adoption by others.

Hobbist morality is entirely conventional, and strictly instrumental in relation to each individual's ends. Hobbes and Locke agree that men exist within the order of nature, but for Locke, although not for Hobbes, the order of nature is a moral order. For Hobbes, men must create a moral order, because without it they are unable to achieve security. Morality is then neither an expression of man's nature, nor an expression of the natural order within which he finds himself, but rather the product of his rational capacity to impose costs on himself, for the sake of greater benefits. And these benefits relate only to individual conservation and delectation; they do not, and cannot, themselves possess any moral significance. For Locke, morality confers value on man's non-moral ends; preservation is a duty. For Hobbes, morality takes its entire value from these non-moral ends, having no value of its own to confer upon them.

Locke, like many more recent thinkers, never grasps the real nature of Hobbism. For him, the only possibilities are recognition of the laws of nature as divine commands, or pursuit of immediate advantage. Hobbes does not adequately clarify his "middle way," partly because his defective psychology forces him to the implausible claim that morality is directly, rather than indirectly, advantageous to each individual.²³ But the real structure of his argument reveals a conception of morality which addresses the condition of the self-interested, secular individual who faces the conflicts of naked egoism.

IV

To confirm the differences between Locke's theocentrism and Hobbes's anthropocentrism, I propose now to ask them another question: what considerations provide reasons for acting? The conception of a reason for acting is, of course, not to be found in their writings,

²¹The Prisoner's Dilemma is by now well established in philosophical literature. For a very brief account, see my "Reason and Maximization," below, p. 221.

²²Gauthier [4], pp. 461-464, 468-470.

²³Hobbes is thus led to his discussion of "the Foole" (*L* 15). See my account in Gauthier [10], pp. 61-62, 76-98.

but we may nonetheless consider how each would understand it, consistently with what is found in those writings.

By a reason for acting, I denote a consideration with practical force which directly affects the rationality of action. To speak of practical force is to insist that the consideration must be capable of playing an explanatory role; reasons for acting must be capable of being reasons why one acts. The reverse does not hold; explanatory reasons may be irrelevant to, or may even detract from, the rationality of action. Reasons for acting are thus a proper subset of reasons why one acts.

If a consideration is capable of being an explanatory *reason*, then it must be possible to act on it intentionally. Otherwise it would not belong to that subset of causes which are also reasons. One may say that what one does intentionally, one wants to do; hence to act on a reason is to want so to act. One may then be tempted to suppose that one can have a reason to do only what one wants, or in other words, that reasons why one acts, and so reasons for acting, must be or be derived from the wants and desires of the agent.

But this is not so. One need not have a reason to do anything one wants to do, except that in treating a consideration as a reason for acting, one *thereby* wants to act on it. We must sharply distinguish the view that we have certain wants, which thereby become or may become our reasons for acting, from the quite different view that we find certain considerations to be reasons for acting, which thereby become, or may become, what we want.

I shall say that a reason for acting is *internal* to an agent, insofar as its status as a reason depends on its prior connection with that agent. And I shall say that a reason for acting is *external* to an agent, insofar as its status as a reason is independent of, or prior to, its connection with that agent. If a person's own wants and desires provide her directly with reasons for acting, then such reasons are internal. If, on the other hand, the wants and aims of other persons provide her directly with reasons for acting, then such reasons are external. Let me state, quite dogmatically, a fundamental theorem of practical rationality: internal reasons for acting do not entail external reasons, or vice versa. I shall not attempt here to defend the view that internal reasons are perfectly acceptable.²⁴

One might suppose that the distinction between internal and external reasons corresponds necessarily to the distinction between the

²⁴The most developed attack on the acceptability of internal reasons is offered by Nagel. My terminology differs from Nagel's, but I think that my internal reasons are a subset of the reasons he classifies as subjective. Opposed to subjective reasons are objective ones, which, he concludes after an intricate argument, are "the only acceptable reasons" (p. 96).