

Thomas Hobbes, 1588-1679

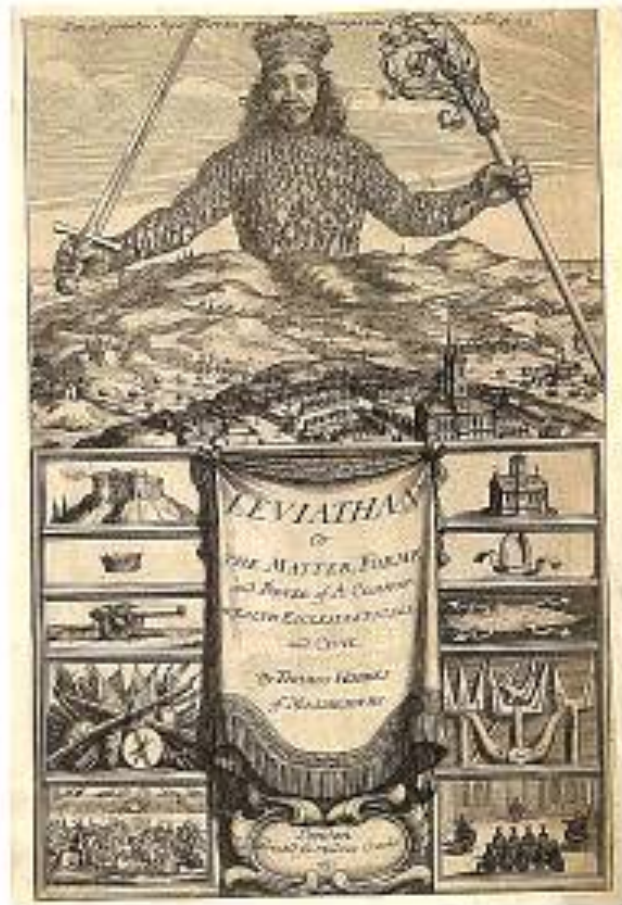
**The Absolute State** on the  
Foundation of **Radical**  
**Individualism**

以*De Cive* 為本

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## Life

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- 1. Affiliate with Cavendish, Earl of Devenshire
  - 2. Three trips to Continent (1610-13, 29-30,34-37)
  - 3.Exile in France (1640-1651)
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## Background

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- o English Civil War
  - o 1640 Long Parliament
  - o 1653-58 Cromwell as Lord Protector
  - o 1660 Restoration
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## Major Themes

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- (1) Between Two Fundamental oppositions in political philosophy:
  - **Liberty vs. Constraint**
  - **Anarchy vs. Order**
  - Hobbes cherish ***Security*** and ***Unity*** more than any other value.
  - (2) The greatest evil for Hobbes is not oppression (excess of power) but ***insecurity*** (lack of power)
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- (3) “Civil War” as the central concern of Hobbes
  - (4) False opinions (received from evil teachers and false prophets) regarding justice and rights of sovereigns are causes of civil strife.
  - (5) **Scientific** construction a state by human “art”
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## DC:5 The use of Science

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- whose power rests on the false opinions of the common people about right and wrong, would be disarmed, and the human race would enjoy such secure peace that (apart from conflicts over space as the population grew) it seems unlikely that it would ever have to fight again.
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## DC:6, Hobbes's 2 Postulates

- I obtained two absolutely certain postulates of human nature, **one**, the postulate of **human greed** by which each man insists upon his own private use of common property;
- **the other**, the postulate of **natural reason**, by which each man strives to ***avoid violent death as the supreme evil in nature.***

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## DC:6, Hobbes's Intention

- From these starting points I believe I have demonstrated by the most evident inference in this little work ***the necessity of agreements and of keeping faith, and thence the Elements of moral virtue and civil duties.***
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## Chapter 1 State of man without Civil Society (不是某種原始狀態)

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- **Natural Equality**: Those who have equal power against each other, are equal; and those who have the greatest power, the power to kill, in fact have equal power. Therefore ***all men are equal to each other by nature***. Our actual inequality has been introduced by civil law. (DC. I:4)
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## Natural Right

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- What is not contrary to right reason, all agree is done justly and of Right. For precisely what is meant by the term **Right** is ***the liberty each man has of using his natural faculties in accordance with right reason.*** Therefore the first foundation of ***natural Right*** is that ***each man protect his life and limbs as much as he can.*** (DC.I:7)
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- Since each man has the ***right of self-preservation***, he has also the right to use any means and to do any action by which he can preserve himself.
  - ***One is oneself the judge*** whether the means he is to use and the action he intends to take are necessary to the preservation of his life and limbs or not. (DC.I:7)
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- If to the natural tendency of men to exasperate each other, the source of which is the passions and especially an empty self-esteem, you now add the ***right of all men to all things***, by which one man rightly attacks and the other rightly resists. (DC.I:12)
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## State of War

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## State of Nature (outside commonwealth)

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- To sum up: outside the commonwealth is ***the empire of the passions, war, fear, poverty, nastiness, solitude, barbarity, ignorance, savagery***; within the commonwealth is the empire of reason, peace, security, wealth, splendour, society, good taste, the sciences and good-will. (DC. 10:1)
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## 自然狀態討論

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- o Hypothetical, Fictional, or Real?
  - o Anti-teleological
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  - o Deprived everything of an well-ordered commonwealth (lack of sovereign power)
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  - o 2. Scarcity of Goods
  - o 3. 無限的自然權利
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## Chap.2 **Natural Law**

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- Law is a certain right reason, which is also said to be natural. The Natural law therefore (to define it) is ***the Dictate of right reason about what should be done or not done for the longest possible preservation of life and limb.***
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## 1st NL (DC.II:2)

- The first law of nature (the foundation) is: ***to seek peace when it can be had; when it cannot, to look for aid in war.*** ... It is the first law, because the rest are derived from it; they are instructions on the means of securing either peace or self-defense.

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## 自然權利的讓渡與放棄(DC.II:3)

- The first of the Natural Laws derived from this fundamental natural law is that the right of all men to all things must not be held on to; certain rights must be ***transferred*** or ***abandoned***.
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## 什麼是「讓渡」？(DC.II:4)

- The argument that transfer of right consists solely in **non-resistance** is that the recipient already had a right to all things before the transfer of the right; hence the transferor could not give him a new right. **Justified resistance**, however, on the part of the transferor, which previously prevented the recipient from enjoying his right, is now extinguished.

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## 不可讓渡之權利(DC.II:18)

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- **No one is obligated by any agreement he may have made not to resist someone who is threatening him with death, wounds or other bodily harm.**
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## 不可讓渡之權利 原因(DC.II:18)

- For there is in every man a kind of supreme stage of fearfulness, by which he sees the harm threatening him as the worst possible, and by natural necessity does his best to avoid it; and is understood not to be able to do otherwise.
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## 9th NL (DC. III:14)      權利之保留

- Just as it was necessary for each man's preservation that he should ***relinquish*** certain of his rights, so it is no less necessary to his preservation that ***he retain certain rights, namely the Right of protecting his person, the right of enjoying the open air, water, and all other things necessary for life.***
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## 15th NL (DC. III:20)

### 第三方仲裁者

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- o Men may agree to all these laws of nature and whatever others there may be, and try hard to observe them, yet doubtful points and disputes will arise every day about their application to actions, namely whether something that has been done is contrary to law or not (this is called a question of right).
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- It is therefore necessary to the preservation of Peace that both parties agree on ***some third party***, whose verdict on the matter in dispute they oblige themselves by mutual agreement to respect. The person on whom they agree is called an ***Arbitrator***.
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## Natural Laws總結(DC. III:26)

- The only rule he needs is that when he is in doubt whether what he proposes to do to someone is in accordance with *natural right* or not, he should think himself into the other person's place. Immediately the passions which were prompting him to act will now discourage him from action, as if transferred to the other pan of the scales.

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## Natural Laws 的效力

- One should not therefore suppose that men are obliged by nature, i.e. by reason, to keep all the laws in a state of mankind in which they are not practised by others. At such times we are obliged to try to keep them, whenever keeping them seems likely to achieve the end for which they were made.

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## Natural Laws的效力：良心 (vs. 外在行為)

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## Commonwealth as a Union

- o the practice of *natural law* is necessary for the preservation of peace, and **security is necessary for the practice of *natural law***. We must therefore consider what it is that can afford such security. (DC. V:3)
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- o An **accord** [*consensio*] between several parties, i.e. an **association** [*societas*] formed only for mutual aid, does **not** afford to the parties to the accord or association the security which we are looking for, to practise, in their relations with each other, the *laws of nature* given above.

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- o But something more is needed, an ***element of fear***, to prevent an accord on peace and mutual assistance for a ***common good*** from collapsing in discord when a *private good* subsequently comes into conflict with the *common good*. (DC. V:4)
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- This can only happen if each man subjects his *will* to the *will* of a *single* other, to the *will*, that is, of one *Man* or of one *Assembly*, in such a way that whatever one *wills* on matters essential to the common peace may be taken as the *will* of all and each.
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- This *submission* of all their wills to *the will of one man* or of *one Assembly* comes about, when each of them obligates himself, **by an Agreement with each of the rest, not to resist** the *will* of the *man* or *Assembly* to which he has submitted himself.

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## 國家的生成：社會契約 基源民主

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- If the move towards formation of a commonwealth is to get started, each member of a crowd must agree with the others that on any issue anyone brings forward in the group, ***the wish of the majority shall be taken as the will of all***; for otherwise, a crowd (multitude) will never have any will at all,
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- Two things, then, constitute a *Democracy*, of which one (an uninterrupted schedule of meetings) constitutes a **δεμοξ**, and the other (which is majority voting) constitutes **κρατοξ** or authority [*potestas*].
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- Each of the citizens makes an agreement to submit his will to the will of the majority, on condition that the others also do likewise; as if each man said: ***I transfer my right to the people, for your benefit, on condition that you transfer your right to the people for my benefit.*** (DC.VII:7)

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## 國家本質

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- A Union so made is called a **commonwealth** [civitas] or **civil society** [societas civilis] and also a **civil person** [persona civilis]; for since there is *one will* of all of them, it is to be taken as *one person*.
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## Commonwealth Defined

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- o A **COMMONWEALTH**, then, (to define it) is *one person, whose will, by the agreement of several men, is to be taken as the will of them all; to make use of their strength and resources for the common peace and defence.* (DC. V:9)
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## Sovereign Power Defined

- In every commonwealth, the *Man* or *Assembly* to whose will individuals have subjected their will is said to hold **SOVEREIGN AUTHORITY** [*SUMMAM POTESTATEM*] or **SOVEREIGN POWER** [*SUMMUM IMPERIUM*] or **DOMINION** [*DOMINIUM*].

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## Sovereign Power Defined

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## Two Swords of Sovereign Power

- It must therefore be recognized that the individual citizens have transferred the whole of this *Right of war and peace* to one *man* or *assembly*. And this right (which we may call the ***Sword of war***) belongs to the same *man* or *assembly* as the ***Sword of justice***.
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- For the only one who can rightly compel the citizens to arms and the expenses of war is the one who has the right to punish anyone who disobeys. Both swords, therefore, the *Sword of war* and the *Sword of justice* are inherent in sovereign power, essentially and from the very nature of a commonwealth.(DC.VI:7)
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## The “Marks” of sovereign power

- The marks of *sovereign power* are: *to make and repeal laws; to make decisions of War and peace; to hear and decide all disputes* either in their own persons or through *judges* whom they appoint; *and* to choose all *Magistrates, Ministers* and *Counsellors*. (DC.V:17)
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- The commonwealth itself is not obligated by the *civil laws*; for the civil laws are the laws of a commonwealth, and if it were obligated by them, it would be obligated to itself. (DC. VI:14)
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## Duties of Sovereign Power

- All the duties of sovereigns are implicit in this one phrase: ***the safety of the people is the supreme law***. For although those who hold sovereign power among men cannot be subject to laws properly so called, i.e. to the will of men,..., it is nevertheless their *duty* to obey right reason in all things so far as they can;

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- o And just as the people's safety dictates the law by which Princes come to know their *duty*, it also teaches them the art by which they look after their own interest. For the power [*potentia*] of the citizens is the power of the commonwealth, that is, his power who holds the sovereignty in the commonwealth. (DC.XII:2)

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## 國家中人民福祉之具體內涵

- Regarding this life only, the good things citizens may enjoy can be put into four categories: 1) defence from external enemies; 2) preservation of internal peace; 3) acquisition of wealth, so far as this is consistent with public security; **4) full enjoyment of innocent liberty.**

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## 「自由」(Liberty) 新意

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- What is the difference, someone will ask, between a *free man* or a *citizen* on the one hand and a *slave* on the other? For, so far as I know, no writer has explained what *liberty* and *servitude* are. *Liberty* is commonly thought of as doing everything of our own freewill and with impunity; not to be able to do so is reckoned to be *servitude*. (這是霍布斯反對的觀點)
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- But this cannot be so in a commonwealth, or coexist with the peace of the human race; because there is no commonwealth without the power of government [*imperium*] and the right to coerce. **LIBERTY** (to define it) is simply *the absence of obstacles to motion*. (DC.IX:9) (這是霍布斯的觀點)
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## 批判共和自由

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- Some think that *Monarchy* has fewer advantages than *Democracy*, because it has less liberty than *Democracy*. If by *liberty*, they mean exemption from the subjection due to the laws, i.e. the commands of the *people*, there is no *liberty* anywhere, either in a *Democracy* or in any other form of commonwealth.
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- For even if *liberty* is inscribed on the gates and towers of a city in the largest possible letters, it is not the *liberty* of the individual *citizen* but of the *city*; and there is no better right to inscribe it on a *popularly* governed than on a *Monarchically* governed city.
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## 霍布斯的「消極自由」觀

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- Liberty for citizens does **not** mean exemption from the laws, **or** that those who hold sovereign power may not make whatever laws they please. **But since all the movements and actions of the citizens have never been brought within the scope of law, and cannot be because of their variety,**
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## 人民不能通過社會契約解除主權權威

- Although power is constituted by the agreements of individuals with each other, that is not the only obligation on which the right of government rests. There is also the obligation towards the holder of power.
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- Thus by the agreements made between individuals which bind them to each other and by the gift of right which they are obliged to the ruler to respect, the power of government is secured by a **double obligation** on the part of the citizens, an obligation to their fellow citizens and an obligation to the ruler.
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- Therefore no number of citizens can rightly strip the ruler of his power unless he gives his own consent as well. (DC.VI:20) :
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- In the motion of natural bodies we have three things to consider: the *internal disposition* by which bodies are capable of making motion; the *external Agent*, by which a certain, specific motion is actually produced; and the *action itself*.
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## 國家解體的主要原因

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## 思考議題

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- 為何用「契約論」討論國家生成？
  - 「基源民主」和馬基維利所主張，君主善於創建、人民長於維繫？
  - 在commonwealth中人民不能rightful resistance。但權利的讓渡與放棄只是non-resistance，又有保留的自然權利，當主權者不能善盡保護people' safety時，情況會如何？
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- Non-resistance只能產生「暫訂協議」，而沒有真正的道德性政治義務。  
在*Leviathan*中，霍布斯通過授權理論（authorization）加以修正，使得主權者具備更強的人民之「代理人」性格，人民要將主權者之作為，當作是自己的作為，*De Cive*中「基源民主」理論也被放棄。但是，*De Cive*仍是當時非英文世界讀者（史賓諾莎、盧梭）理解霍布斯的主要文本。
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