

Hobbes on Liberty

I Aristotle on Liberty

The basis of a democratic state is liberty; which, according to the common opinion of men, can only be enjoyed in such a state — this they affirm to be the great end of every democracy. One principle of liberty is for all to rule and be ruled in turn, and indeed democratic justice is the application of numerical not proportionate equality; whence it follows that the majority must be supreme, and that whatever the majority approve must be the end and the just. Every citizen, it is said, must have equality, and therefore in a democracy the poor have more power than the rich, because there are more of them, and the will of the majority is supreme. This, then, is one note of liberty which all democrats affirm to be the principle of their state. Another is that a man should live as he likes. This, they say, is the mark of liberty, since, on the other hand, not to live as a man likes is the mark of a slave. This is the second characteristic of democracy, whence has arisen the claim of men to be ruled by none, if possible, or, if this is impossible, to rule and be ruled in turns; and so it contributes to the freedom based upon equality.¹

1.1 Early Hobbes on Aristotle on Liberty

the other sort of discontent which troubleth the mind of them who otherwise live at ease, without fear of want, or danger of violence, ariseth only from a sense of their want of that power, and that honour and testimony thereof, which they think is due unto them. For all joy and grief of mind consisting ... in a contention for precedence to them with whom they compare themselves; such men must needs take it ill, and be grieved with the state, as find themselves postponed to those in honour, whom they think they excel in virtue and ability to govern. And this is it for which they think themselves regarded but as slaves. Now seeing freedom cannot stand together with subjection, liberty in a commonwealth is nothing but government and rule, which because it cannot be divided, men must expect in common; and that can be no where but in the popular state, or democracy. And Aristotle saith well (lib. 6, cap 2 of his *Politics*), *The ground or intention of a democracy, is liberty; which he*

¹*Politics* Bk. 6 1317a40-1317b17.

confirmeth in these words: For men ordinarily say this: that no man can partake of liberty, but only in a popular commonwealth. Whosoever therefore in a monarchical estate, where the sovereign power is absolutely in one man, claimeth liberty, claimeth (if the hardest construction should be made thereof) either to have the sovereignty in his turn, or to be colleague with him that hath it, or to have the monarchy changed into a democracy. But if the same be construed ... according to the intention of him that claimeth, then doth he thereby claim no more but this, that the sovereign should take notice of his ability and deserving, and put him into employment and place of subordinate government, rather than others that deserve less. And as one claimeth, so doth another, every man esteeming his own desert greatest. Amongst all those that pretend to, or are ambitious of such honour, a few only can be served, unless it be in a democracy; the rest therefore must be discontent. And so much of the first thing that disposeth to rebellion, namely, discontent, consisting in fear and ambition.²

2 Hobbes on Law

2.1 Right:Law::Liberty:Obligation

they that speak of this subject, use to confound *jus*, and *lex*, *right* and *law*; yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear; whereas LAW, determineth, and bindeth to one of them: so that law, and right, differ as much, as obligation, and liberty; which in one and the same matter are inconsistent.³

2.2 Law as a command

law in general, is ... command of him, whose command is addressed to one formerly obliged to obey him. ... CIVIL LAW, *is to every subject, those rules, which the commonwealth hath commanded him, by word, writing, or other sufficient sign of the will, to make use of, for the distinction of right, and wrong; that is to say, of what is contrary, and what is not contrary to the rule.*⁴

²Hobbes *The Elements of Law* (1640) Pt. 2 Ch. 8 Sec. 3.

³*Leviathan* 14.3

⁴*Leviathan* 26.3.