

Hobbes on Rights

1 Rights: analytical distinctions

A has a right	Meaning	Hobbes
Claim	B has obligations	Susceptibility to injury
Liberty	A lacks obligations	Definition of “right”
Power	A can change relationship with B	Implicit
Immunity	B can’t change relationship with A	Implicit

Table 1: Rights

2 Hobbes: definition of “right” as liberty

The RIGHT OF NATURE ... is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature ...

By LIBERTY, is understood, according to the proper signification of the word, the absence of external impediments: which impediments, may oft take away part of a man’s power to do what he would ...

A LAW OF NATURE, (*lex naturalis*.) is a precept, or general 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 ... 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.¹

3 Power to lay down rights: transfer or renunciation

From this fundamental law of nature, by which men are commanded to endeavour peace, is derived this second law; *that a man be willing, when others are so too, as far-forth, as for peace, and defence of himself he shall think*

¹*Leviathan* ch. 14, par. 1-3.

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 himself. ...

To *lay down* a man's right to any thing, is to *divest* himself of the liberty, of hindering another of the benefit of his own right to the same. For he that renounceth, or passeth away his right, giveth not to any other man a right which he had not before; because there is nothing to which every man had not right by nature: but only standeth out of his way, that he may enjoy his own original right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another man's defect of right, is but so much diminution of impediments to the use of his own right original.²

3.1 Another example of power: forgiveness

Men are freed of their covenants two ways; by performing; or by being forgiven. For performance, is the natural end of obligation; and forgiveness, the restitution of liberty; as being a retransferring of that right, in which the obligation consisted.³

4 The social contract

The only way to erect such a common power ... is ... to appoint one man, or assembly of men, to bear their person; and every one to own, and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety This is ... made by covenant of every man with every man ... as if every man should say to every man, *I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner.* This done, the multitude so united in one person, is called a COMMONWEALTH ... And in him consisteth the essence of the commonwealth; which (to define it,) is *one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.*⁴

²Leviathan ch. 14, par. 5-6.

³Leviathan ch. 14, par. 26.

⁴Leviathan ch. 17, par. 13.

5 What is authorization?

Of persons artificial, some have their words and actions *owned* by those whom they represent. And then the person is the actor; and he that owneth his words and actions, is the AUTHOR: in which case the actor acteth by authority. For that which in speaking of goods and possessions, is called an *owner* ... speaking of actions, is called author. And as the right of possession, is called dominion; so the right of doing any action, is called AUTHORITY. So that by authority, is always understood a right of doing any act: and *done by authority*, done by commission, or licence from him whose right it is.

From hence it followeth, that when the actor maketh a covenant by authority, he bindeth thereby the author, no less than if he had made it himself; and no less subjecteth him to all the consequences of the same.⁵

	A transfers a right to B	A authorizes B
A's liberty ...	decreases	does not change
B can now ...	forgive A's obligations	create A's obligations
Control ...	B, always	A, sometimes

Table 2: Transfer and Authorization

5.1 Are authorization and transfer incompatible?

Compare this [I authorise you to govern myself and I give up my right of governing myself] with "I, A, authorize you B to represent me in buying a house and I give up my right of buying a house." Well, which is it? If B comes back with a contract for A, A might say, "Don't you recall? I gave up my right to buy a house."⁶

Right is laid aside, either by simply renouncing it; or by transferring it to another. By *simply* RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons.⁷

⁵*Leviathan* ch. 16, par. 4.

⁶Martinich, *Hobbes*, p. 119.

⁷*Leviathan* ch. 14, par. 7.