

Hobbes, Rights, and Authorization

1 Rights as liberties, absence of obligations

“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

2 Laying down rights

“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. ...

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.

And when a man hath in either manner abandoned, or granted away his right; then is he 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 he *ought*, and it is his DUTY, not to make void that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being *sine jure*; the right being before renounced, or transferred.”²

2.1 That isn’t liberty

1. Lack of obligation isn’t sufficient.
2. Can gain ability to transfer without gaining liberty.

¹ *Leviathan* [1651] *EW* III ch. 14, par. 1-3.

² *Leviathan* ch. 14, par. 5-7.

“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

2.2 Proposed theoretical additions: rights are ...

1. Relational (always)
2. Powers (at least sometimes)

3 Analytical distinctions

A has a right	Meaning	Hobbes
Claim	B has obligations	B can <i>injure</i> A
Liberty	A lacks obligations	Definition
Power	A can change relationship with B	Implicit
Immunity	B can't change relationship with A	Implicit

Table 1 Our vocabulary compared with Hobbes's

4 Social contract

Authorization: A acts on B's rights. **Alienation:** B gives up rights to A.

“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 authorise and give up my right**

³ *Leviathan* ch. 14, par. 26.

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

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

	B transfers a right to A	B authorizes A
B's liberty ...	decreases	does not change
A can now ...	forgive B's obligations	create B's obligations
Control ...	A, always	B, sometimes
Answers ...	what is B permitted to do?	who is A acting for?

Table 2 Transfer and authorization

⁴ *Leviathan* ch. 17, par. 13.

⁵ *Leviathan* ch. 16, par. 4.

5.1 Are authorization and alienation compatible?

“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

⁶ A.P. Martinich, *Thomas Hobbes* (Routledge, 2005), p. 119.