

UNIVERSIDADE FEDERAL DO RIO GRANDE DO SUL
PROGRAMA DE PÓS-GRADUAÇÃO EM FILOSOFIA

Mariana Kuhn de Oliveira

ALÉM DA LEGITIMIDADE: AS CONDIÇÕES DA ESTABILIDADE DO CORPO
POLÍTICO FRENTE À AMEAÇA DAS EMOÇÕES DISRUPTIVAS.

Porto Alegre
2019

MARIANA KUHN DE OLIVEIRA

ALÉM DA LEGITIMIDADE: AS CONDIÇÕES DA ESTABILIDADE DO CORPO
POLÍTICO FRENTE À AMEAÇA DAS EMOÇÕES DISRUPTIVAS.

Trabalho apresentada como requisito parcial para
obtenção de grau de Doutora em Filosofia pelo
Programa de Pós-Graduação em Filosofia da
Universidade Federal do Rio Grande do Sul.

Orientador: Prof. Dr. Paulo Baptista Caruso
MacDonald.

Porto Alegre
2019

CIP - Catalogação na Publicação

de Oliveira, Mariana Kuhn
Além da legitimidade: as condições da estabilidade
do corpo político frente à ameaça das emoções
disruptivas.. / Mariana Kuhn de Oliveira. -- 2019.
118 f.
Orientador: Paulo Baptista Caruso MacDonald.

Tese (Doutorado) -- Universidade Federal do Rio
Grande do Sul, Instituto de Filosofia e Ciências
Humanas, Programa de Pós-Graduação em Filosofia, Porto
Alegre, BR-RS, 2019.

1. Estabilidade política. 2. emoções políticas. 3.
Thomas Hobbes. 4. John Rawls. I. MacDonald, Paulo
Baptista Caruso, orient. II. Título.

MARIANA KUHN DE OLIVEIRA

ALÉM DA LEGITIMIDADE: AS CONDIÇÕES DA ESTABILIDADE DO CORPO
POLÍTICO FRENTE À AMEAÇA DAS EMOÇÕES DISRUPTIVAS.

Trabalho apresentada como requisito parcial para
obtenção de grau de Doutora em Filosofia pelo
Programa de Pós-Graduação em Filosofia da
Universidade Federal do Rio Grande do Sul.

Defesa em 07 de agosto de 2019.

Prof. Dr. Paulo Baptista Caruso MacDonald
Orientador

Profa. Dra. Maria Isabel de Magalhães Papaterra Limongi

Prof. Dr. Luciano Venezia

Prof. Dr. Felipe Gonçalves Silva

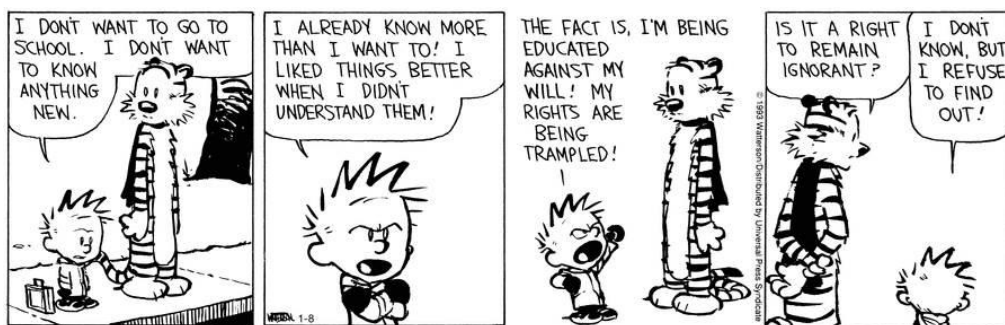
Prof. Dr. Nikolay Steffens Martins

AGRADECIMENTOS

Começo agradecendo ao meu orientador, Prof. Paulo MacDonald, que foi meu leitor mais crítico, me forçando a desenvolver argumentos mais bem fundamentados, mas que também me auxiliou a ver os pontos fortes do meu texto. Recebi ainda, excelentes comentários, críticas e sugestões dos Professores Wladimir Barreto Lisboa e Nikolay Steffens, que não apenas participaram da minha banca de qualificação, mas têm oferecido já há algum tempo apoio para o meu desenvolvimento enquanto pesquisadora. Soma-se a eles, o Professor Alfredo Storck, cujo auxílio na pesquisa não se resume a essa tese. Agradeço ainda ao Professor Kinch Hoekstra por ter me recebido na Universidade da Califórnia- Berkeley por um ano letivo e orientado meu trabalho no período e a ele e ao Professor Daniel Lee por terem me proporcionado aulas importantes para minha formação sobre a história do pensamento político ocidental.

Agradeço ainda aos meus colegas e, muitas vezes leitores, Augusto Sperb Machado, Fernando Campos, Gerson Tadeu Astolfi, Patricia Graeff, Rodrigo Mendonça Shterna Friedman, Samuel Zeitlin, Thomas Lee e Thomaz Spolaor. Agradeço também ao meu segundo leitor mais crítico, Ricardo Crissiuma, pelas parcerias diversas e à minha família pelo apoio durante essa trajetória.

Por fim, agradeço à Coordenação de Aperfeiçoamento de Pessoal de Nível Superior- CAPES e à Fundação Fulbright pelo fomento essencial à confecção dessa tese, assim como ao Centro Universitário Ritter dos Reis por ter me proporcionado licença para cursar o doutorado sanduíche.



January 8, 2013

[...] being a man of great power both for his dignity and wisdom, and for bribes manifestly the most incorrupt, he [Pericles] freely controlled the multitude; and was not so much led by them, as he led them. Because, having gotten his power by no evil arts, he would not humor them in his speeches, but out of his authority durst anger them with contradiction. Therefore, whensoever he saw them out of season insolently bold, he would with his orations put them into a fear; and again, when they were afraid without reason, he would likewise erect their spirits and embolden them. It was in name, a state democratical; but in fact, a government of the principal man. But they that came after, being more equal amongst themselves, and affecting every one to be the chief, applied themselves to the people and let go the care of the commonwealth.

Tucídides, *The History of the Grecian War*.

(tradução de Thomas Hobbes, ver *English Works*, vol. 8, 1629/1843, II.65, p. 220-221).

RESUMOS

A POLÍTICA DA INVEJA E DO CIÚME

Palavras-chave: distribuição, instabilidade, inveja, ciúme.

Resumo: A relação entre a distribuição de bens e a estabilidade em uma sociedade é um tema recorrente na teoria política. John Rawls, como muitos antes dele, assume corretamente que uma distribuição equitativa de bens primários está no centro de uma sociedade legítima e estável. Ele propõe uma distribuição equitativa em termos liberais, respeitando o pluralismo. Rawls falha, entretanto, em discutir emoções disruptivas conectadas à distribuição: inveja e ciúme. Ele reivindica que os cidadãos em uma sociedade guiada pelos princípios de justiça, uma sociedade bem ordenada, não terão razões para sentir essas emoções. Seu engano está em pensar que, em nome da neutralidade, essas emoções não deveriam concernir diretamente as instituições políticas. As pessoas, entretanto, podem sentir inveja e ciúme mesmo quando a propriedade é bem distribuída, tornando a sociedade instável. Seres humanos nunca param de ser ambiciosos e, dado sua pouca capacidade de julgamento sobre o que merecem, seu sentimento pode se tornar um problema político. O objetivo do artigo é mostrar que essa lacuna previne o liberalismo político de Rawls de atingir seu fim.

HOBBS SOBRE O DESACORDO E O DEBATE CONTEMPORÂNEO SOBRE PLURALISMO

Palavras-chave: desacordo, pluralismo, educação civil, liberalismo.

Resumo: Valorizar o pluralismo significa não apenas celebrar a liberdade, mas também impedir que ela emerja como intolerância. Pluralismo e liberdade verdadeira, por exemplo, são enfraquecidos pelo discurso que advoga alguma intolerância religiosa. Portanto, se o liberalismo deseja verdadeiramente promover a liberdade, ele precisa tratar de forma séria a questão do desacordo moral e político. Thomas Hobbes não era um liberal; ele era, entretanto, um filósofo político profundamente interessado em como superar o desacordo. A solução de Hobbes, a educação civil dos cidadãos, não envolve o aprimoramento moral das pessoas. Hobbes justifica a educação civil em termos políticos e em uma estrutura de consentimento, na qual a liberdade é limitada com intuito de aprofundar a liberdade – um argumento discutido no artigo e que é de interesse dos liberais contemporâneos, especialmente John Rawls.

A ALMA DA REPÚBLICA: HOBBS SOBRE A SOBERANIA.

Palavras-chave: teoria do poder, *potentia*, *potestas*, Thomas Hobbes.

Resumo: A teoria do poder política de Thomas Hobbes é mais completa e consistente do que normalmente pensada. A chave para resolver algumas das supostas inconsistências está na percepção de que Hobbes, na verdade, conta com duas concepções distintas de poder que frequente estão fundidas em uma expressão em Inglês: “poder.” A versão latina do *Leviatã* nos permite ver esses tipos distintos de poder no vocabulário hobbesiano, pois lá ele se utiliza de dois termos: *potentia* e *potestas*. *Potentia* é o meio que alguém possui para um bem aparente – um poder real, *de facto*. Para Hobbes, *potentia* é um poder relativo a cada indivíduo e depende de “sinais” de poder para se manter. Por ser um poder relativo, a *potentia* é também instável: alguém pode ser poderoso apenas se outros possuírem menos poder e, portanto, haverá competição constante por sinais de poder. Em contraste, *potestas* é um poder normativo com uma obrigação equivalente e é constituído quando os súditos renunciam ao seu direito natural, isto é, à sua liberdade de usar sua *potentia*. É também um poder absoluto, diferentemente da *potentia*, que é poder relativo. *Potestas* é um poder supremo que não depende do reconhecimento de outros. É possível pensar que, quando a República instituída, a *potestas* absoluta e *de iure* substitui a *potentia* relativa, *de facto*. Para Hobbes, elas são, contudo, complementares. O poder para gerar obrigações e comandos não é suficiente para manter a integridade da República: a *potentia* é também necessária. Isso levanta algo como uma encruzilhada: como pode o poder da República ser estável se ele não é apenas absoluto (*potestas*), mas também relativo (*potentia*)? Naquilo que concerne a *potentia*, os sinais de poder do Estado são as imagens políticas que ele propaga sobre si, que são poderosas apenas até o ponto que seus súditos as veem com tal. Portanto, a *potestas* da República pode ser mantida apenas se ela possui também *potentia*: uma República é tão grande quanto seus súditos acreditam que ela seja.

ABSTRACTS

THE POLITICS OF ENVY AND JEALOUSY

Keywords: distribution, instability, envy, jealousy.

Abstract: The relationship between distribution of goods and stability in a society is a recurrent theme in political theory. John Rawls, as did many others before him correctly assumes that a fair distribution of primary goods is at the core of a legitimate and stable society. He proposes a fair distribution in liberal terms, respecting pluralism. Rawls fails, however, to address politically disruptive emotions connected to distribution: envy and jealousy. He claims that citizens in a society guided by his principles of justice, a well-ordered society, will have no reason to feel these emotions. His mistake is in thinking that, in the name of neutrality, these emotions should not directly concern political institutions. People, however, may feel envious or jealous of others even when property is well distributed, making society unstable. Human beings never stop being ambitious and, given their poor judgment of what they deserve, their sentiment may become a political problem. My objective in this article is to show how this gap hinders Rawls's political liberalism from achieving its ends.

HOBBS ON DISAGREEMENT AND THE CONTEMPORARY DEBATE ON PLURALISM

Keywords: disagreement, pluralism, civil education, liberalism.

Abstract: Valuing pluralism means not only cherishing freedom, but also preventing the last from emerging as intolerance. Pluralism and actual freedom are undermined, for instance, by speech advocating religious intolerance. Thus if liberalism wishes to truly promote freedom, it needs to seriously address the issue of moral and political disagreement. Thomas Hobbes was not a liberal himself; he was, however, a political philosopher deeply interested in how to overcome disagreement. Hobbes's solution, civil educating citizens, does not involve improving people morally. Hobbes justifies civil education in political terms and within a framework of consent, where freedom is limited in order to further freedom – an argument discussed in the article which is of interest to contemporary liberals, especially John Rawls.

THE SOUL OF A COMMONWEALTH: HOBBS ON SOVEREIGNTY.

Keywords: theory of power, *potentia*, *potestas*, Thomas Hobbes.

Abstract: Thomas Hobbes's theory of political power is more complete and consistent than is normally thought. The key to resolving some of the supposed inconsistencies in Hobbes's theory of power lies in noticing that Hobbes actually relies on two distinct conceptions of power that are often conflated in one English expression, "power." The Latin version of the *Leviathan* enables us to see these distinct types of power in the Hobbesian vocabulary, because there he uses two expressions: *potentia* and *potestas*. *Potentia* is the means one has to an apparent good – an actual, *de facto* power. For Hobbes, *potentia* is a relative power: it is relative to each individual, and depends upon "signs" of power to maintain itself. Because it is a relative power, it is also unstable: one may be powerful only if others are less powerful, and thus there will be constant competition for signs of power. In contrast, *potestas* is a normative power with an equivalent obligation, and it is constituted when subjects renounce their natural right, that is, their liberty to use their *potentia*. It is also an absolute power, unlike *potentia*, which is a relative power. *Potestas* is a supreme power that does not depend on its acknowledgment by others. One might think that when the commonwealth is instituted, absolute, *de jure potestas* completely replaces relative, *de facto potentia*. To Hobbes, they are however complimentary. The power to generate obligations and commands is not sufficient to maintain the integrity of a commonwealth: it also requires *potentia*. This raises somewhat of a conundrum: how can a commonwealth be stable if its power is not just absolute (*potestas*), but also relative (*potentia*)? In what regards *potentia*, its signs of power are the political images it propagates about itself, which are powerful only to the extent which its subjects see those images of power as equivalent to power itself. Thus, the *potestas* of the commonwealth can be maintained only if it also has *potentia*: a commonwealth is only as great as its subjects believe it to be.

SUMÁRIO

APRESENTAÇÃO	11
INTRODUÇÃO	12
I. THE POLITICS OF ENVY AND JEALOUSY	24
1. INTRODUCTION	24
2. DISTRIBUTION, ENVY AND JEALOUSY	26
a. Rawls on envy and jealousy.....	26
b. Justice as Fairness' rivals.....	31
3. CONTEMPORARY NOTES	42
a. Martha Nussbaum	42
b. Chantal Mouffe	47
c. Liberal Political Conception	52
4. A BRIEF CONCLUSION.....	53
II. HOBBS ON DISAGREEMENT AND THE CONTEMPORARY DEBATE ON PLURALISM.....	55
1. INTRODUCTION	55
2. POLITICAL CONSENSUS	57
a. Disagreement, or the multitude.....	58
b. Artificial agreement	62
c. Burdens of judgement and overlapping consensus	65
3. EDUCATION, REASONING AND EMOTIONS	71
a. Freedom of thought and the love of obedience.....	72
b. The role of religion	76
c. Politics and truth	79
4. HOBBS AND STABILITY IN CONTEMPORARY DEMOCRACIES	82
III. THE SOUL OF A COMMONWEALTH: HOBBS ON SOVEREIGNTY.	

1. INTRODUCTION	86
2. THE DYNAMICS OF POWER.....	88
a. Potentia and Potestas	89
b. Punishment and resistance	93
c. Consent, obligation and potentia	96
3. THE FICTION OF UNITY	98
a. The institutional will of a commonwealth	100
b. Symbolic power	104
4. CONCLUSION	108
CONSIDERAÇÕES FINAIS.....	109
REFERÊNCIAS	113

APRESENTAÇÃO

A presente tese, conforme possibilita a Resolução n. 093/2007 da Câmara de Pós-Graduação da UFRGS, é constituída por três artigos escritos em língua inglesa. Para teses nesse formato, a Resolução citada exige que haja Introdução, assim como Considerações Finais e Resumo escritos em língua portuguesa – o que se cumpre no trabalho. As referências bibliográficas aparecem nas notas dos artigos, mas estão reunidas também ao final. Não há uma lista inicial de abreviaturas, sendo essas expressas nos artigos, quando da primeira citação do autor que terá o título de sua obra abreviado. Textos clássicos são citados conforme se convencionou pelos comentadores ou, quando ainda não há uma convenção, se oferece o maior número de informações possíveis para que o leitor encontre a referência em qualquer edição.

As normas da Associação Brasileira de Normas Técnicas (ABNT), apesar de tradicionais (porém não vinculantes), são seguidas quando não prejudicam a apresentação do texto. Na maior parte das citações é seguido outro padrão, mais parecido com o corrente em publicações de artigos em língua inglesa, em que se fornece, quando da primeira aparição no artigo, a citação completa da obra em nota de rodapé. Há também notas explicativas além daquelas que indicam referências, o que não se permite na NBR 10520, mas é especialmente comum em textos da área de filosofia.

INTRODUÇÃO

As questões políticas, principalmente aquelas vinculadas à legitimidade, têm algo que transcende as instituições políticas. Deve haver uma preocupação de justificação racional dessas instituições. Contudo, os afetos, além das razões, também fazem parte do jogo político. As emoções interessam não apenas para as relações políticas entre os cidadãos na comunidade, mas também entre cidadãos e Estado. Sem que haja uma crença no poder das instituições, essas acabam por não ter poder algum.

Não há qualquer novidade nessas reivindicações. A retórica, na antiguidade, já vislumbrava sua importância. Tucídides, na citação que apresentei como epígrafe, por exemplo, fala das habilidades de Péricles para lidar com as emoções dos cidadãos atenienses. Mas Tucídides não é nem o principal autor tratando do tema. A Retórica aristotélica e, talvez com importância na prática política ainda maior, o conjunto da obra de Cícero sobre o tema são exemplos clássicos da preocupação com os afetos a partir dos discursos. Quando esses textos são retomados no Renascimento, vemos também uma volta da preocupação em lidar com as emoções. Nicolau Maquiavel, por exemplo, presta atenção na forma de se portar do príncipe também porque está interessado nas paixões que ele desencadeia com seus atos. Já Thomas Hobbes, que também teve acesso a diversas obras de retórica antiga, incorpora uma análise das paixões em sua obra política, mostrando o desacordo por elas gerado e que nelas também está o caminho para a paz.

Parte desse debate se perde na contemporaneidade na medida em que o liberalismo coloca a legitimidade da preocupação política-estatal com as paixões em xeque. O liberalismo dos federalistas norte-americanos está preocupado com as facções, mas acredita que o controle das emoções disruptivas dispensa a interferência estatal. Os Federalistas contam apenas com o arranjo institucional. John Rawls, também um liberal norte-americano, mas muito mais recente e o autor mais influente do liberalismo

político contemporâneo, trata da motivação humana com enfoque nas justificações racionais. Reivindico, nos artigos que seguem, que a tradição liberal se volte a esse problema.

A relação entre cidadão e Estado vai além do segundo controlando as emoções disruptivas dos primeiros com intuito de manter a paz. Há um nível de legitimidade do próprio Estado que se remete ao plano das emoções (que, afinal, são uma fonte das nossas crenças e atos) - e que não se descola da manutenção da estabilidade. Uma forma diferente de abordar essa questão é a partir de um problema clássico para a teoria do direito: o da normatividade do sistema jurídico. H. L. A Hart nos explica que a normatividade do direito depende do ponto de vista interno dos agentes, que devem tomar o sistema como normativo. O ato de tomar algo como normativo pode se dar por diversas razões. Explorá-las não está no âmbito da teoria de Hart, mas parece fácil ir além. Eu posso tomar o Estado como tendo poder porque acredito que as instituições agem de forma justa, ou porque eu participei do processo eleitoral que elegeu aquele governo - justificativas racionais para tomada de um sistema como normativo. Não é, contudo, infrequente que se tenha relações emotivas para se estar motivado a acreditar no Estado.¹ Cidadãos em democracia normalmente têm uma relação de apreço pela constituição - mesmo que muitas vezes tenham dificuldade até mesmo de compreendê-la. É possível também que uma pessoa desenvolva um sentimento de pertencimento relativamente à comunidade da qual faz parte. A estabilidade política pode, em muitos casos, depender desse tipo de relação de atribuição de poder ao Estado. Quando muitos param de ver o Estado como legítimo e passam a não mais tomar suas normas como guias para ação, a segurança antes garantida não mais existe.

John Rawls percebeu essa relação entre cidadão e Estado. Em sua teoria da justiça, Rawls afirma que os termos de cooperação social são estabelecidos por “um acordo alcançado por cidadãos livres e iguais engajados na cooperação realizado com vistas ao que eles veem como vantagem ou bem recíprocos.”² A relação dos cidadãos com as instituições políticas é o que define a justiça na comunidade. Rawls fornece excelente argumentação para que adotemos seus princípios de justiça para moldar as

¹ Os três tipos de autoridade legítima de que trata Max Weber estão intimamente ligadas a isso. Ele afirma, em *Politics as Vocation*: “If the state is to survive, those who are ruled over must always acquiesce in the authority that is claimed by the rulers of the day” (p. 34) Logo após, divide os tipos de autoridade de acordo com as razões internas dos governados. Ver “Politics as Vocation” in Max Weber. *The Vocation Letters*. Tradução de Rodney Livingstone (Hackett Publishing Company, 2004, pp. 32-94).

² JF.I.§6.1:15: “an agreement reached by free and equal citizens engaged in cooperation, and made in view of what they regard as their reciprocal advantage, or good.”

instituições mais legítimas possíveis tendo em vista comunidades reais. Ele nos mostra, a partir de uma sociedade ideal (que possui, contudo, pessoas com as mesmas faculdades e limitações morais que pessoas reais), como seria uma sociedade regida pelos princípios de justiça que ele apresenta. A justificação teórica da escolha desses princípios é fundamentada em uma ideia de imparcialidade: na posição original, pessoas racionais que conhecem as características gerais da sociedade em que vivem, mas que não sabem seu lugar nela e nem seus atributos pessoais, adotariam os princípios de justiça.

Rawls, contudo, não dá devida atenção para as motivações humanas que fogem da racionalidade: aquelas ligadas às emoções. Para ele, o Estado deve se abster de oferecer motivações desse tipo em nome da liberdade privada.³ Ele, portanto, quer se afastar de uma educação voltada para as virtudes e da exigência de participação política, sob o argumento de permitir máxima liberdade aos cidadãos. No entanto, se as motivações dos seres humanos advêm também de suas emoções, a questão da instabilidade política exigiria incorporação das emoções nas preocupações da teoria rawlsiana. Esse ponto será discutido no primeiro artigo a partir do único sentimento disruptivo destacado por Rawls: a inveja.

Rawls parece considerar a inveja como sendo a emoção mais apta a ameaçar uma sociedade democrática liberal, decidindo examiná-la, em *Uma Teoria de Justiça*, com maior detalhe. Para Rawls, há dois tipos de inveja: uma escusável e uma não-escusável. A primeira se dá em uma situação de distribuição de bens primários injusta. Mesmo escusável, ela ainda é, contudo, caracterizada como um vício. Isso pelo fato de os sujeitos não saberem justificar seu sentimento e nem de agir frente à injustiça. Para Rawls, uma sociedade moldada pelo princípio da diferença, conforme ele o desenvolve em sua teoria, não daria lugar a esse tipo de inveja, causadora de instabilidades. A distribuição de bens na sociedade bem ordenada, acredita Rawls, retiraria as bases mesmo deste tipo de inveja.

A inveja não-escusável, por sua vez, se daria em uma situação de justiça em que o sujeito acredita ser de injustiça. Apesar de possível em uma sociedade com distribuição justa de bens e posições, a inveja não-escusável não seria, defende Rawls,

³ Parece haver ao menos uma exceção à posição. Quando trata do caso de crianças que vivem em comunidades religiosas isoladas de outras pessoas e da tecnologia, Rawls afirma que deve haver uma educação que permita que as crianças se tornem cidadãos que honrem os termos equitativos de cooperação social (JF.IV.47.4:156-157). Discutirei temas relativos a essa questão nos dois primeiros artigos.

um problema para a sociedade bem-ordenada: o desenho institucional garantiria que as pessoas desenvolvessem a capacidade de serem razoáveis. Ou seja, a razoabilidade da estrutura da sociedade bem-ordenada por si só levaria os cidadãos a perceberem a justiça da sociedade em que vivem. Há, contudo, uma lacuna na teoria. Mesmo que vivam em um esquema equitativo e, portanto, não possuam qualquer justificativa para sentirem inveja, os cidadãos poderão, ainda assim, expressar esse sentimento. A psicologia moral rawlsiana parece não encontrar lugar para conceber os seres humanos maus julgadores da nossa própria situação, podendo se sentir justificados a querer aquilo que foi distribuído a outro – um problema relaciona à distribuição que Rawls não enfrenta.

As teorias que Rawls considera rivais à sua, contudo, tratam da questão. Aristóteles e Nicolau Maquiavel, representantes, em ordem, do que Rawls chamou de humanismo cívico e republicanismo clássico, teorizam sobre emoções disruptivas causadas pela distribuição de bens em sociedades políticas. Ainda nesse primeiro artigo, pretendo explorar as soluções desses autores e também de versões contemporâneas que a elas se conectam. Tanto Chantal Mouffe, que fundamenta sua teoria em Maquiavel, quando Martha Nussbaum, cuja teoria tem inspiração aristotélica, oferecem argumentos sobre como lidar com emoções políticas disruptivas em democracias liberais contemporâneas. Ambas as autoras são críticas de Rawls e visam a oferecer opções frente à teoria rawlsiana. As soluções das duas autoras não guardam, entretanto, a característica de serem concepções políticas, extrapolando os limites do político e interferindo, de formas diferentes, na vida privada dos cidadãos. Essa ingerência no espaço de liberdade privada afeta o valor do pluralismo, tão caro à tradição liberal. No entanto, como se faz necessário propor alguma solução para as emoções disruptivas, se quisermos apostar em uma solução liberal, precisamos encontrar uma forma de resolver o problema sem deixar o âmbito da concepção política.

Nesse artigo indico que uma possível solução para a teoria rawlsiana está em algo que o autor mesmo trata, mas não desenvolve: na educação a partir de uma concepção política. O texto não tem como objetivo, contudo, explorar essa possibilidade, apenas apresentando o problema - que não parece estar ainda posto, em sua complexidade, no debate. É no segundo artigo que discuto um caminho de solução - porém a partir de uma perspectiva e de um aparato teórico bastante diferentes. O

problema rawlsiano expresso no primeiro artigo ainda está no centro, mas Thomas Hobbes passa a ocupar uma posição de destaque na sua compreensão e possível solução.

O segundo artigo visa a estabelecer um diálogo entre Hobbes e Rawls quanto ao ponto da educação das emoções para manutenção do acordo político entre cidadãos. O tratamento da educação por Hobbes é, de certa forma, surpreendente, pois reconhece a legitimidade do Estado em promovê-la por razões exclusivamente políticas. Esta justificação de Hobbes de uma educação civil em termos políticos (sem buscar melhorar ninguém moralmente, por exemplo), parece um caminho aberto também para uma concepção política da justiça como a rawlsiana.

Mesmo que estejamos determinados em avançar uma teoria liberal, os problemas por ela enfrentados devem estar o mais claro possível. Essa é uma das contribuições do segundo artigo para o primeiro. Enquanto a teoria de Rawls nos permite valorizar a liberdade tida como um direito, ele, em alguns momentos, não se ocupa satisfatoriamente da liberdade que gera os conflitos ou da dimensão simbólica do poder – o que Hobbes destaca. Ainda, enquanto a teoria rawlsiana nos traz uma visão ideal e contemporânea de uma sociedade, o realismo hobbesiano nos fornece uma perspectiva da condição natural humana que explica a permanência e a seriedade dos conflitos humanos. Embora essa seja uma perspectiva aparentemente pessimista da natureza humana, Hobbes acredita que, além dos arranjos institucionais corretos (o Estado absoluto), as pessoas podem ser ensinadas sobre a importância da vida em uma sociedade política. Apesar de reforçar o ponto do primeiro artigo, o segundo lança mão de uma análise diferente. O foco do segundo está no desacordo de forma mais geral, além de explorar a solução apenas apontada no primeiro.

Devemos ter em mente que, se o desacordo é parte da condição humana, ele será um problema constante nas sociedades políticas. O desacordo, como bem nos lembra Hobbes, não é apenas epistêmico (no âmbito das justificativas racionais), mas causado pelas paixões humanas. É por essa razão que Hobbes propõe que os cidadãos sejam educados em dois níveis: eles devem conhecer as razões para obediência e, além disso, ter suas paixões disruptivas controladas, o que ocorre por meio da educação que se utiliza também da retórica. Assim como Péricles na citação de Tucídides já mencionada, que tem Hobbes como tradutor, o soberano hobbesiano, além de se preocupar em governar a república, deve também ter um papel na motivação dos cidadãos, o que se dá

principalmente por meio dos discursos.⁴ Só assim é possível que o contrato funde um Estado verdadeiramente estável.

Rawls não desenvolve um projeto de educação civil. A liberdade dos sujeitos é, afinal, essencial para sua teoria. O cuidado principal de Rawls, nesse caso, está em não produzir mais uma doutrina abrangente de bem, pois isso significaria adentrar em um domínio da vida do cidadão que deve permanecer privado na sua concepção liberal. Deixar de lidar com as emoções dos cidadãos, contudo, compromete a liberdade individual ao invés de promovê-la. A proteção inadequada das opiniões privadas pode gerar intolerância, o que afeta aquilo mesmo que se está querendo proteger. Por mais que Hobbes sugira o ensino de uma doutrina abrangente de bem aos súditos, a justificção que ele providencia para a educação civil é reivindicada em termos políticos em que a liberdade perdida, relativa ao direito natural e que não é realizável, dá lugar a mais liberdade do que se tinha antes. Esse parece ser um caminho disponível também para Rawls. Educar para o respeito mútuo, por exemplo, não limita as crenças privadas a não ser naquilo em que permite mais liberdade a todos.

É no terceiro artigo que esses pontos são tratados em uma perspectiva mais genérica e abstrata. Não se trata mais apenas de identificar o caminho para solucionar o problema das paixões disruptivas e mostrar a importância da educação das paixões para a estabilidade política, mas sim de analisar de uma maneira geral as condições de manutenção do corpo político que estão além das questões de legitimidade. Essa é uma questão atemporal, mas que fica muito clara no *Leviatã* de Hobbes. Se o Estado é uma ficção, conforme nos ensina Hobbes, então é necessário que creditemos poder a ele. O contrato fornece legitimidade, a qual de nada vale se os cidadãos não continuarem demonstrando, por meio de suas ações e opiniões, seu assentimento.

Hobbes, na obra referida, defende que as pessoas desejam viver em sociedade, mas não acredita que elas possam fazer isso sem que haja um poder comum. Há, entretanto, muito por trás dessa afirmação que parece ser repetida muito frequentemente quando se fala da necessidade do Estado segundo sustentada por Hobbes. Um poder comum só pode ser completamente compreendido, no *Leviatã*, quando avaliado de duas

⁴ Hobbes tinha uma leitura particular de Tucídides, na qual o segundo recomendava o governo monárquico em efeito (porém democrático no nome) de Péricles, pois ele era um homem honrável. Ver Hobbes, "Preface" in Tucídides. *The History of the Grecian War*. Tradução de Thomas Hobbes. (*English Works*, vol. 8, 1629/1843) p. xvi.

perspectivas distintas: a de um poder ao mesmo tempo de fato e relacional e a de um poder de direito.

A diferença está marcada no uso de dois termos diferentes para designar poder no *Leviatã* latino: *potentia* e *potestas*. Assim, a busca pela *potentia* realizada por todos os indivíduos, a qual, quando acompanhada de liberdade, caracteriza a guerra de todos contra todos, só pode ser superada pela instituição de uma pessoa artificial que tenha poder de fato, mas não apenas isso. A ameaça e a coerção teriam que ser muito grandes para manter o poder estatal apenas pela força. O Estado possui também a *potestas* de criar obrigações e uma relação com o súdito por meio de um poder simbólico – a outra faceta da *potentia*. O consentimento dos cidadãos gera para o Estado um poder institucional e autoritativo, que é a *potestas*. O soberano deve ainda, contudo, lidar com a percepção que os súditos têm de seu poder. Hobbes vence o próprio desafio propondo um poder político, que tem como fundamento um ato de vontade e uma relação com as opiniões dos súditos.

Esse poder é também, contudo, absoluto, sem respeito ao pluralismo – uma solução irreconciliável com os valores das democracias contemporâneas. Esse artigo, entretanto, apesar de não tratar do desafio ao liberalismo, fornece as bases para pensarmos como seria possível vencer o desacordo nos termos de uma teoria política pensada exatamente com esse foco.

A tese propõe um diálogo entre Hobbes e Rawls. Embora ambos os autores só sejam tratados em conjunto no segundo artigo, o primeiro texto identifica uma limitação do liberalismo político de Rawls com respeito ao problema da estabilidade política, enquanto que o último artigo apresenta o pensamento de Hobbes como um modelo de filosofia política que soube explicitar as relações entre questões de legitimidade e de eficácia na manutenção da estrutura estatal de poder. Não quero argumentar por uma completa ligação entre os autores, mas por uma conexão forte na consideração sobre a política como fornecendo um acordo possível entre cidadãos de um mesmo Estado. É essa conexão que permite que esses textos sejam lidos em conjunto.

Hobbes e Rawls desejam encontrar um ponto de consenso, que permita, cada um em seus termos, alcançar um equilíbrio político. Rawls, por exemplo, nos diz:

[...] uma tarefa da filosofia política – seu papel prático, digamos – é focar em questões profundamente disputadas e ver se, apesar

das aparências, algum fundamento encoberto de um acordo filosófico e moral pode ser descoberto. Ou se tal fundamento do acordo não puder ser encontrado, talvez a divergência de opiniões políticas e morais que se encontra na raiz das diferenças políticas divisoras possa ao menos ser reduzida para que a cooperação social com apoio do respeito mútuo entre os cidadãos possa ainda ser mantida.⁵

Na página anterior de *Justice as Fairness*, Rawls menciona, entre outros da mesma época, Thomas Hobbes como um autor que busca resolver o problema do desacordo. Tanto Hobbes quanto Rawls foram influenciados por momentos de profunda instabilidade, o que repercutiu em seus escritos políticos. Hobbes escreveu rodeado pela inconstância política do governo de sua terra natal, tendo inclusive que se exilar por um período.⁶ Rawls, antes de se dedicar à vida acadêmica, foi um soldado na Segunda Guerra Mundial. Além disso, Rawls escreveu boa parte de *Uma Teoria da Justiça*, sua principal obra, enquanto ocorria a guerra do Vietnã.⁷ O cenário de instabilidade parece

⁵ JF.I.§1:2. No original, lê-se: “[...] one task of political philosophy – its practical role, let’s say – is to focus on deeply disputed questions and to see whether, despite appearances, some underlying basis of philosophical and moral agreement can be uncovered. Or if such a basis of agreement cannot be found, perhaps the divergence of philosophical and moral opinion at the root of divisive political differences can at least be narrowed so that social cooperation on a footing of mutual respect among citizens can still be maintained.”

⁶ O exílio se deu em Paris devido à iminência de uma guerra civil na Inglaterra. Hobbes partiu em 1640 e retornou apenas 11 anos depois. Uma fonte interessante da influência da instabilidade política em sua obra teórica é a autobiografia em verso que Hobbes escreveu no fim de sua vida e que está hoje publicada na edição do *Leviathan* de responsabilidade de Edwin Curley (Hackett, 1994, pp. liv-lxvi). Além disso, as obras políticas de Hobbes são recheadas de atrozidades caracterizadas da guerra como a famosa frase do *Leviathan* que qualifica a vida humana na guerra como “poor, nasty, brutish, and short” (L.13.9:192). Ainda, Hobbes explicitamente afirma que sua obra busca oferecer uma solução para a desordem causada pela guerra civil: “the science of natural justice, is the only science necessary for sovereigns, and their principal ministers; [...] and that neither Plato, nor any other philosopher hitherto, hath put into order, and sufficiently, or probably proved all the theorems of moral doctrine, that men may learn thereby, both how to govern, and how to obey; I recover some hope, that one time or other, this writing of mine, may fall into the hands of a sovereign, who will consider it himself, (for it is short, and I think clear,) [...] and by the exercise of entire sovereignty, in protecting the public teaching of it, convert this truth of speculation, into the utility of practice.” (L.31.41:574).

⁷ Rawls não era dado a pronunciamentos públicos, mas condenou publicamente o lançamento da bomba pelos EUA em Hiroshima no final da guerra e também o envolvimento do país na guerra do Vietnã. Sua opinião sobre a bomba no Japão foi publicada sob o título “50 Years After Hiroshima” e pode ser lida na edição de verão do ano de 1995 da revista *Dissent* (disponível em: <https://www.dissentmagazine.org/article/50-years-after-hiroshima-2>). De acordo com um perfil de Rawls, ele participou de uma conferência contra a guerra do Vietnã em Washington e lecionou em Harvard uma disciplina sobre direito internacional aplicado ao caso. Sobre isso ver “‘Behind the Veil’ John Rawls’s Revival of Liberalism,” perfil escrito por Ben Rogers, *Lingua Franca*, vol. 9, n. 5 (1999). Outro perfil interessante é de autoria de Martha Nussbaum, intitulado “Making Philosophy Matter to Politics” e publicado no *The New York Times* dia 2 de dezembro de 2002, uma semana após o falecimento do autor. A prova mais importante de que os eventos políticos de seu tempo influenciaram a filosofia rawlsiana está, contudo, na “Introduction to the Paperback Edition” de seu *Political Liberalism*. No final dessa introdução, Rawls discute o papel da elite na queda da República de Weimar e afirma que “[t]he wars of this century with their extreme violence and increasing destructiveness, culminating in the manic evil of the Holocaust, raise in an acute way the question whether political relations must be governed by power

se repetir hoje: o diálogo político tem se dado a partir de extremos não conciliáveis e que são carregados de intolerância. Podemos pensar que a instabilidade tem fontes diversas em momentos diferentes da história, mas é sempre uma manifestação diferente do mesmo fenômeno, o do desacordo. A administração da vida em comum em uma sociedade não se dá sem desacordo. Dada a iminência atual do tema, o estudo de uma tradição que buscou resolver problemas parecidos parece indispensável.

Ambos os autores acima mencionados acreditavam que a solução da instabilidade estava na política. A política, para Hobbes e Rawls, deve ter um papel de primazia na resolução de conflitos. Os dois não negam a existência de verdades morais, mas não atribuem a superação dos desacordos em uma sociedade a um conteúdo moral abrangente. Para eles, uma verdade moral não resultaria no fim do desacordo porque há mais em jogo do que um desacordo puramente epistemológico, em que provas e argumentos podem gerar convencimento. Para eles, uma solução política, descolada das crenças individuais, deve ser construída.

Hobbes aborda essa questão a partir da ideia de que um Estado que proteja os indivíduos é uma verdade necessária demandada pela filosofia. É o soberano, detentor do poder político, que deverá, principalmente por meio de leis civis, pôr fim ao desacordo que ameaça a estabilidade política, não havendo, contudo, uma doutrina moral verdadeira a ser aplicada por esse soberano. A Rawls não interessa que uma doutrina liberal abrangente seja adotada, apenas uma concepção política liberal, pois é esse tipo de concepção que abre espaço para diferentes verdades. Segundo Rawls, precisamos de uma concepção política que deixe espaço para as diferentes doutrinas abrangentes de bem, religiosas ou não, que os cidadãos desejam professar. Ele, assim como Hobbes, fundou sua teoria na constatação do fato do desacordo, mas, diferentemente do filósofo inglês, acreditou estar construindo uma teoria da justiça: a melhor concepção política tendo em vista as limitações da motivação humana e da escassez de recursos em sociedades contemporâneas e democráticas.

À primeira vista, parece que a qualidade de ser política é a única característica que as soluções de Hobbes e Rawls teriam em comum para a questão da instabilidade no Estado. Temos razões para assim pensar: somado às considerações completamente

and coercion alone.” (p. lx). Rawls faz ainda alusão a Martin Luther King Jr. quando discute desobediência civil em *A Theory of Justice* – ver TJ.VI.55:320, 19n.

distintas sobre o valor da liberdade,⁸ ainda temos o fato de Rawls não ver sua teoria como próxima à teoria de Hobbes.⁹ A questão é que ele não considera a teoria hobbesiana tão apta a fornecer caminhos de resposta aos problemas contemporâneos quanto aquela desenvolvida por John Locke, a qual propõe uma noção mais interessante de justiça a partir da perspectiva da cooperação social.¹⁰ Rawls, acredito, não estava errado ao posicionar sua teoria como mais próxima às teorias lockeana ou kantiana. Assim como Locke e Kant, Rawls busca oferecer uma teoria fundada na ideia de direitos. O desafio que todos estão buscando resolver parece, contudo, ter nascido em Hobbes. O desacordo, conforme caracterizado por Hobbes, desafiou seus opositores nos séculos XVII e XVIII e continua a desafiar autores contemporâneos. Para visualizar as semelhanças entre as respostas de Hobbes e de Rawls para o desafio proposto pelo primeiro precisamos dar um passo para trás: o conteúdo do acordo que expressa a solução para o desacordo em ambos os autores é completamente diferente, o tipo de acordo, por sua vez, não o é. No que concerne à solução do desacordo, Hobbes e Rawls fazem parte de uma mesma tradição: ambos acreditam que o desacordo entre os indivíduos não deve ser resolvido através de um aprimoramento moral do cidadão, devendo ser solucionado a partir de um acordo político. A similaridade é, portanto, maior do que apenas um foco na solução política, há o reconhecimento de que isso se dá por meio de um acordo artificial.

A tradição compartilhada pelos dois autores pode ser identificada por meio da dicotomia *sociedade e comunidade* criada por Ferdinand Tönnies¹¹ (com inspiração no *The Elements of Law* de Hobbes)¹² e desenvolvida por Max Weber.¹³ De um lado, estão

⁸ Alguns veem em Hobbes um possível fundador do liberalismo. Essa ideia, contudo, não parece condizer com diversas posições defendidas por ele. Sobre isso, ver Noel Malcolm, “Thomas Hobbes: Liberal illiberal,” *Journal of the British Academy*, vol. 4 (2016, pp. 113-36).

⁹ Rawls menciona Hobbes em *A Theory of Justice*, mas apenas para distanciar-se dele. Ver TJ.I.3:10, 4n.

¹⁰ Nas *Lectures on the History of Political Philosophy* (Harvard University Press, 2007), Rawls mostra sua preferência pela teoria lockeana que, ao contrário da hobbesiana, é capaz de “provide not merely a perspective from which political institutions can be seen to be collectively rational, but a framework within which the content of the notions essential to social cooperation – reasonable self-restraint and fairness – can be defined or outlined” (p. 88, ver também TJ.I.3:10, 4n).

¹¹ A versão referenciada nessa introdução é uma tradução da segunda edição da obra. Ver Tönnies: *Community and Civil Society*, editado e traduzido por Jose Harris (Cambridge University Press, 2001).

¹² A inspiração é a definição hobbesiana de união artificial conforme apresentada em *The Elements of Law* (I.12.7-8:72) – um texto que Tönnies editou (Cambridge University Press, 1889). Istvan Hont argumenta que Tönnies deriva ambos os conceitos da teoria de Hobbes, mais especificamente da dupla de conceitos união e concórdia. Ver Istvan Hont, *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith* (Harvard University Press, 2015), p. 6.

¹³ De acordo com Weber, uma “social relationship will be called ‘communal’ (*Vergemeinschaftung*) if and so far as the orientation of social action – whether in the individual case, on the average, or in the pure type – is based on a subjective feeling of the parties, whether affectual or traditional that they belong

os autores preocupados com a ideia de comunidade, buscando a solução do desacordo em relações tradicionais. Do outro, estão aqueles que, como Hobbes e Rawls, acreditam que uma resposta que não rompa com as relações naturais, vinculadas às crenças privadas religiosas ou não, não é capaz de superar o desacordo, e propõem um acordo político que é fundamentado principalmente nos interesses dos cidadãos.

O conceito de sociedade, mesmo enquanto um tipo ideal, expressa uma noção de interesse voltada para uma concepção do *homo economicus*.¹⁴ No Hobbes que lemos em *The Elements of Law* e no *De Cive*, essa noção é mais forte, mas no *Leviathan*, há uma mudança. Hobbes passa, na obra de 1651, a afirmar a existência de um desejo pela vida em comum. A solução precisa ser política não porque os indivíduos não desejam a vida em comunidade, o caso é que esse não é o único desejo que eles possuem: há também paixões humanas politicamente disruptivas. Como o desacordo é natural, apenas um acordo artificial pode dar conta do problema. O agente racional, dessa forma, não é, para Hobbes, aquele centrado no seu autointeresse – a não ser que autointeresse seja entendido de forma tautológica.¹⁵ O desacordo permanece na sociedade se o contrato que a funda não funda também uma razão pública que é diferente da soma das razões particulares.

No contexto do liberalismo, Rawls muda o debate quando deixa de lado a concepção abrangente utilitarista, como a de John Stuart Mill, que tinha dificuldades em acomodar interesses e direitos, e cria uma teoria política capaz de lidar com ambos. A justiça em uma sociedade não pode, para Rawls, ser medida em função da utilidade geral. Os interesses individuais devem ser considerados em termos de acesso a bens

together”. Por outro lado, um “social relationship will be called ‘associative’ (*Vergesellschaftung*) if and insofar as the orientation of social action within it rests on a rationally motivated adjustment of interests or a similarly motivated agreement, whether the basis of rational judgment be absolute values or reasons of expediency” (p. 40-41). Weber acrescenta que, em um relacionamento associativo, é comum ter um acordo racional criado por consentimento “oriented either to a value-rational belief in one’s own obligation, or to a rational (*zweckrationale*) expectation that the other party will live up to it.” (p.40-41). Ver: Max Weber, *Economy and Society*, vol. 1, edited by Guenther Roth and Claus Wittich (University of California Press, 1922/1978).

¹⁴ Ao menos inicialmente, Tönnies não estava tentando criar tipos ideais, mas sim tentando compreender um contexto histórico. Para ele, enquanto comunidade se referiria a um sentimento de camaradagem existente em comunidades medievais (p. 33-34), sociedade era tida como um artefato mecânico, no qual as pessoas eram unidas por vínculos comerciais (p. 19, 52). Nesse caso, elas são indivíduos antes de serem membros do grupo social e agem na sociedade apenas naquilo que concerne seus interesses econômicos (p. 52). Grupos sociais unidos por esse tipo de vínculo são resultado da competição que se torna coalizão (p. 65).

¹⁵ Ou seja, no *Leviathan*, o agente racional só pode ser descrito como autointeressado se concebermos como autointeresse tudo aquilo que o indivíduo julgar como um bem – o que pode ser até mesmo dedicar a vida à caridade. Sobre isso ver F. S. McNeilly. Egoism in Hobbes, *The Philosophical Quarterly*, vol. 16, n. 64 (1966, pp. 193-206).

primários, sem constituir aquilo que será considerado justo. Há outro lado humano em que é possível fundamentar uma teoria. Em Rawls, o sujeito não pode ser apenas racional, ele também deve ser razoável. Cidadãos com duas faculdades morais preferem viver sob o valor da liberdade mais do que eles preferem, por exemplo, uma renda média mais alta. Essas preferências são expressas por dois princípios de justiça que fazem parte de uma concepção política.

Modificando um pouco o tipo ideal, parece que a ideia de interesse racional entendido de forma restrita não é fundamental para que possamos falar em sociedade. Sociedade pode ser entendida como o resultado do reconhecimento de que o desacordo entre seres humanos impossibilita qualquer comunidade mantida por crenças sobre o que é o bem. Esse é o ponto que nos servirá de guia comum para discutir a solução liberal de Rawls para o problema do desacordo conforme posto por Hobbes. Serão as diferenças entre os dois autores, entretanto, que nos permitirão preencher lacunas quanto à possibilidade e à manutenção de uma sociedade civil nos termos colocados por eles.

No final desta tese, pretendo ter mostrado a importância para os Estados de que, em termos de estabilidade política, a aparência ou a crença na legitimidade é tão importante quanto a justificação racional dos atos políticos. A estabilidade não é um resultado que pode ser obtido apenas recorrendo à racionalidade humana, as emoções políticas precisam também ser cultivadas. Esse cultivo, entretanto, não precisa se tratar de uma doutrinação, servindo ao estabelecimento dos fundamentos de uma sociedade verdadeiramente democrática.

I. THE POLITICS OF ENVY AND JEALOUSY

1. Introduction

The relationship between distribution of goods and stability in a society is a recurrent theme in political theory. John Rawls,¹ as did many others before him, correctly assumes that a fair distribution of primary goods² is at the core of a legitimate and stable society. He proposes a fair distribution in liberal terms, respecting pluralism. Rawls fails, however, to address politically disruptive emotions connected to distribution: envy and jealousy. He claims that citizens in a society guided by his principles of justice, a well-ordered society, will have no reason to feel these emotions. His mistake is in thinking that, in the name of neutrality, these emotions should not directly concern political institutions. People, however, may feel envious or jealous of others even when property is well distributed, making society unstable. Human beings never stop being ambitious and, given their poor judgment of what they deserve, their sentiment may become a political problem. My objective here is to show how this gap hinders Rawls's political liberalism from achieving its ends.

I will start by discussing Rawls's difference principle, the second part of his second principle of justice, in connection with how justice as fairness deals with envy and jealousy, which are emotions related to (but not caused by) distribution. I then

¹ *A Theory of Justice* (Harvard University Press, 1971/1999 – here cited as TJ and followed by chapter, section and page); *Political Liberalism* (Columbia University Press, 1993/2005, cited as PL and followed by number of lecture, section, subsection and page) and *Justice as Fairness, A Restatement* (Harvard University Press, 2001, cited as JF followed by section, subsection and page).

² Rawls defines primary goods as the “various social conditions and all-purpose means that are generally necessary to enable citizens adequately to develop and fully exercise their two moral powers, and to pursue their determinate conceptions of the good.” (JF.II.§17.1:57).

introduce some criticism Aristotle and Machiavelli could offer to Rawls's claims.³ Rawls mentions by name both these authors as representing justice as fairness' rival traditions.⁴ Both Aristotle's and Machiavelli's discussions make explicit what Rawls lacks: a concern with the disruptive effects of some of our emotions.

As Rawls's difficulty did not pass unnoticed by contemporary theorists, I later explore Martha Nussbaum's⁵ and Chantal Mouffe's⁶ theories, for both point out this difficulty and accordingly present alternative theories on how to deal with politically disruptive emotions. They do not make use of Aristotle or Machiavelli to demonstrate their criticism, but interestingly resort to exactly these authors when offering their alternative theories. Nussbaum, I will argue, gets too close to civic humanism and Mouffe to classical republicanism, which makes their solutions incompatible with Rawls's intended project. Even though my claim does not entail any internal problems to their theories,⁷ we might still ask if a liberal political conception of justice could tackle the problem of politically disruptive emotions such as envy and jealousy. I believe it might, but only if we can find a way educating citizens from the perspective of a political conception – something Rawls seems to suggest in a passage but does not integrate in his theory.

³ Aristotle presents a comprehensive theory according to Rawls and Machiavelli a political conception (which is incompatible with liberalism in Rawls's interpretation). I will explore these matters in what follows. I will not, however, offer a more detailed comparison between Aristotle's and Machiavelli's projects. Fortunately, Pierre Manent approaches this theme in chapter II of *Histoire Intellectuelle du Libéralisme* (Pluriel, 2012).

⁴ See PL.V.§7.5:205-206 and JF.IV.§43.3-5:143-145. Note that in *Justice as Fairness* Rawls discusses this topic just after arguing for property-owning democracy as the regime that could better realize the two principles of justice. The good of political society helps determine important aspects of the regime.

⁵ See Martha Nussbaum, *Political Emotions: why love matters for justice* (Harvard University Press, 2013). Even though Nussbaum has continued to research on some of the topics discussed in the book just quoted, my aim here will not be to investigate the changes in her theory. The reason for choosing *Political Emotions* is that it presents Nussbaum's full and systematic account of public love.

⁶ See Chantal Mouffe, *For a Left Populism* (Verso, 2018). This book is Mouffe's intervention on what she characterizes as a crisis of the neoliberal system which started in 2008. Despite being a more pragmatic work, it is the most recent exemplar of her ideas on how emotions should be dealt with in democratic liberal societies.

⁷ It should be however mentioned that this approach places Nussbaum's liberalism as a comprehensive theory thus denying the possibility of her theory filling the gap left by Rawls – as she claims she is doing. I will come back to this when discussing her theory.

2. Distribution, envy and jealousy

In *A Theory of Justice*, Rawls discusses whether a well ordered society would be susceptible to the feelings of envy and jealousy among its citizens. This was before he considered his theory as exposed in 1971 to be a comprehensive doctrine and changed it into a political conception.⁸ Despite not making any new appearances in Rawls's following works,⁹ the discussion around envy matters even more for a political conception of justice than to a comprehensive doctrine, for any emotional issue becomes harder to deal with without a bolder moral theory, which penetrates in more aspects of citizens' lives. In addition to being a persistent problem, the discussion on envy and jealousy is the only moment Rawls evaluates the role of potentially disruptive emotions for political society. Yet, although important, Rawls's discussion does not go all the way down. After indicating the important role of self-respect understood from the perspective of fundamental rights and liberties, Rawls chooses not to deal with the emotional aspect of justice, working only with justification founded on reasons.

a. Rawls on envy and jealousy

Rawls, in *A Theory of Justice*, starts his argument on envy by ascertaining the difference between a general and a particular instance of the emotion. Particular envy, which does not jeopardize political stability¹⁰ and on which Rawls will not focus accordingly, is rooted in competition – being normally caused by the success of other.¹¹ On the other hand, general envy, which interests Rawls, is “experienced by the least advantaged towards those better situated” who are “envied for their greater wealth and opportunity; those envying them want similar advantages for themselves”.¹² Rawls is concerned with general envy because its consequence is a sub-optimal political framework. This is so inasmuch as, according to the difference principle, the advantage of one in a better position should, in a well-ordered society, be an improvement also for

⁸ Among other things, a political conception, unlike a comprehensive doctrine, does not impose on citizens a way of life. Rawls, for instance, in his political conception, does not claim all individuals should have an autonomous life. See his Introduction to the Paperback Edition in *Political Liberalism*.

⁹ Still, in *Justice as Fairness*, Rawls makes reference to the discussion in *A Theory of Justice*. See JF.V.§55.1:184.

¹⁰ According to him, any society will display private envy for it is to a certain measure endemic to human life. See TJ.IX.81:471.

¹¹ See TJ.IX:80:466.

¹² TJ.IX.80:466.

those in a worse position. According to the author, when we envy the people in a superior situation, “we are willing to deprive them of their greater benefits even if it is necessary to give up something ourselves.”¹³ We are, further, “downcast by their good fortune and no longer value as highly what we have; and this sense of hurt and loss arouses our rancor and hostility.”¹⁴

General envy is disadvantageous also considering how people in a better situation may react. When acquainted with the envy expressed by the rest, people in a better place may feel jealous and then take precautions against those in a worse situation.¹⁵ For Rawls, feeling jealous implies that one, in order to protect some good he owns, is ready to belittle the person which is the source of the threat. The consequence is even worse when benefits are denied out of spite, for the person in a better situation does not need and cannot use the benefits herself.¹⁶ An individual with more access to goods in society, when jealous, may, for instance, hinder opportunities from another in a worse situation just to keep his more comfortable place. This seems to be the case of a great number of Caucasians in relation to descendants of slaves all over the American Continent, for even due process is not fully enjoyed by them in many occasions.¹⁷

It is difficult to precise nonetheless whether Rawls thinks that the jealousy a person in a better position feels may result from her imagination – or from anything other than the perception of the envy showed by those in a worse position in society.¹⁸ Envy, on the other hand, clearly works with the imagination, being a desire for something that one imagines (but in fact does not) deserve. An envious person “believe[s] that the existing inequalities are founded on injustice.”¹⁹ Further, envy not always produces jealousy, for “someone sure of the worth of his plan of life and his ability to carry it out is not given to rancor nor is he jealous of his good fortune.”²⁰ If what one owns is the result of his legitimate expectations in a society where the

¹³ TJ.IX.80:466.

¹⁴ TJ.IX.80:467.

¹⁵ TJ.IX.80:466.

¹⁶ See TJ.IX.80:467-8.

¹⁷ Ava DuVernay’s documentary, *13th* (Netflix, 2016), for instance, discusses many real examples of African Americans being unfairly treated by society.

¹⁸ It seems implicit in Rawls’s treatment that jealousy has envy as its necessary cause. His only assertion in the matter says: “When others are aware of our envy, they may become jealous of their better circumstances and anxious to take precautions against the hostile acts to which our envy makes us prone.” (TJ.IX.80:466)

¹⁹ TJ.III.25:124.

²⁰ TJ.IX.81:469.

difference principle guides distribution, this person sees no risk of being deprived of his goods.

Envy seems to be, according to Rawls, a bigger issue when compared to jealousy. Unlike jealousy, however, envy may, in special circumstances, be forgiven. Rawls claims that “[w]hen envy is a reaction to the loss of self-respect in circumstances where it would be unreasonable to expect someone to feel differently,” “it is excusable.”²¹ The least advantaged tend to feel more envious “the less secure their self-respect and the greater their feeling that they cannot improve their prospects”²² is. Rawls hence claims that “when necessary the expectations of the less advantaged can be understood so as to include the primary good of self-respect.”²³

Envy, however, should never, to Rawls, be had as a morally approved attitude. It is always a vice – a trait of character a rational person does not wish her associates to have.²⁴ Moral attitudes, differently, “involve the acceptance of specific moral virtues; and the principles which define these virtues are used to account for the corresponding feelings.”²⁵ Envy is nothing but a sense of loss: sometimes excusable, but without any virtue underlying it. Resentment is the word Rawls uses to refer to the moral attitude caused by an unjust social framework. If the sense of loss, when excusable, is accompanied by an effort of justification and a claim for reparation, it is called resentment. Individuals resenting a specific social framework are “prepared to show why certain institutions are unjust or how others have injured them.”²⁶

Rawls decides to face the problem of envy because he believes his theory cannot be justified unless he can show this feeling will not hinder political stability. The first time he discusses envy in *A Theory of Justice*, Rawls is setting one of his most famous arguments for the adoption of the principles of justice, a situation of decision under impartiality: the original position. There he tells us that the parties in this initial situation are rational individuals and as so do not suffer from envy.²⁷ As I mentioned, by definition the sentiment of envy is not accompanied by any rational justification – exactly what interests Rawls in this argument. Even so, Rawls assures his readers that

²¹ TJ.IX.80:468.

²² TJ.IX.81:469.

²³ TJ.IX.82:479.

²⁴ See TJ.IX.80:468.

²⁵ TJ.VIII.73:425.

²⁶ TJ.IX.80:467.

²⁷ See TJ.III.25:124.

he will deal with envy later. His reasoning is plain: he wishes to derive the principles of justice and just then test them against the real circumstances where envy exists.²⁸ The final point is to show that, in a well-ordered society, “envy and other destructive feelings are not likely to be strong,” for “the conception of justice eliminates the conditions that give rise to disruptive attitudes.”²⁹

When Rawls, some sections later, goes back to the issue of envy, he decides to focus on excusable envy. He asserts that we, people concerned with justice as fairness, “shall only discuss this case, since our problem is whether the principles of justice are a reasonable undertaking in view of the propensities of human beings, in particular their aversion to disparities in objective goods.”³⁰ Rawls is concerned with justice produced by institutions. If the basic structure in a well-ordered society does not give rise to excusable envy, it is at least not hindering the citizens’ self-respect and may be promoting it. To him, “the question is whether a basic structure which satisfies the principles of justice is likely to *arouse* so much excusable envy that the choice of these principles should be reconsidered.”³¹

Rawls further identifies three conditions that “encourage hostile outbreaks of envy” and argues for its inexistence in a well-ordered society. The first condition is psychological: “persons lack a sure confidence in their own value and in their ability to do anything worthwhile”.³² Even though it is a psychological state, it may be instigated by the institutional framework and so Rawls believe an answer should be offered. In a well-ordered society basic rights are promoted and inequality is allowed only when they work for the good of the less advantage, there is no reason to the less advantaged to consider themselves as inferior.³³ The second and the third conditions are social. Because the social structure and the individuals’ lifestyle make inequality visible, less fortunate citizens are often reminded of the discrepancy between themselves and others, which is “painful and humiliating”. Also, those in a disadvantageous position see “no constructive alternative to opposing the favored circumstances of the more advantaged” and “believe they have no choice but to impose a loss on those better placed even at

²⁸ See TJ.III.25:124-125.

²⁹ TJ.III.25:125.

³⁰ TJ.IX.81:468-9.

³¹ TJ.IX.80:468. My emphasis.

³² TJ.IX.81:469.

³³ See TJ.IX.81:469-70.

some cost to themselves.”³⁴ In a well-ordered society, the cause of the second and thus of the third conditions are absent, for the difference in income and wealth is not excessive.³⁵

Rawls is probably right in his analysis. The institutional framework in a well-ordered society tends not to incite envy. Not only that, his difference principle is able to promote equality without hindering freedom, for fulfillment of the first principle of equal basic liberties takes priority over his proposed distribution. Rawls puts forth a theory of justice that realizes the importance of equality while also addressing efficiency and allowing people to freely develop their talents. By securing self-respect, justice as fairness should, in Rawls’s perspective, be able to cope with envy. He believes that “with the appropriate background arrangements,” envy and jealousy “should not be excessive.”³⁶

The argument concurs in his later works. In *Political Liberalism*, the primary goods answer to the citizens’ basic needs, including the “social bases of self-respect” which are “explained by the structure and content of just institutions together with features of the public recognition and acceptance of the principles of justice”.³⁷ The well-ordered society not only provides a fair distributions of goods it should also enable its citizens to acknowledge the distribution as fair. “The psychology of people who grow up and live in a society in which the two principles of justice [...] effectively regulate the basic structure and in which this fact is publicly recognized”³⁸ – says Rawls in *Justice as Fairness*. And he adds: “[t]he more they see their political society as good for themselves [...], the less they will be prompted by the special attitudes of envy, spite, the will to dominate, and the temptation to deprive others of justice.”³⁹

Rawls’s approach to envy is, however, too narrow. He does not think it is his theory’s role to discuss what should be part of the “appropriate background arrangements.” In real societies motivation may be more important than rational justification. Even if we assume Rawls is right in thinking that a sense of self-respect is enough for citizens not to feel envious or jealous, he would still need to explain how his

³⁴ TJ.IX.81:469.

³⁵ See TJ.IX.81:470-1.

³⁶ TJ.IX.82:478.

³⁷ PL V.3.3:181.

³⁸ JF.III.25.5:88.

³⁹ JF.V.60.4:202.

theory might build such a sentiment. It is not enough that a rational justification is available; people should be emotionally motivated as well. This is a big gap.

b. Justice as Fairness' rivals

According to Rawls, the sense of self-respect, in a well-ordered society depends on “the public recognition of just institutions, together with the full and diverse internal life of the many free communities of interests that the equal liberties allow.”⁴⁰ In Rawls’s well-ordered society, the basis for self-respect is “the publicly affirmed distribution of fundamental rights and liberties”⁴¹ – an idea that must continually be built into the background culture. For one to be attached to the public conception of justice and to think of it as the basis for her self-respect, she needs to share this same idea with the rest of the community. Rawls does not tell us how to build such a culture among citizens. What he tells his readers is that, in the name of non-interference, motivation towards the conception of justice depends almost only on the reasonable comprehensive doctrines citizens hold.⁴² The wide role the political conception plays in public culture relies only rationally justifying the political conception instead of emotionally connecting citizens to it.⁴³ This makes political institutions almost completely dissociated from motivation.

It is possible to imagine institutions as just as designed by Rawls and people who do not feel they receive as much as they should in the distribution of primary goods. The citizen’s perspective of themselves depends on more factors than distribution: it depends on their family, their religion, their tastes on entertainment etc – which may grow to be unreasonable. Imagine a child with no special talents raised by parents who are among the most talented and who occupy positions of prestige. It is hard to think that these parents will easily accept their son or daughter to be among the less advantaged. They may feel jealous for their child and might, as did many in the United States, look for side and back doors to get their child admitted to an elite college or university.⁴⁴ Motivation is a persistent and latent problem even to a well-ordered

⁴⁰ TJ.IX.82:477.

⁴¹ See TJ.IX.82:477.

⁴² The overlapping consensus is built through citizens’ comprehensive views. See PL.IV.§4.1-4:150-154.

⁴³ See PL.II.§4.1:66-67 and PL.II.§4.4:70-71.

⁴⁴ I am referring to the college admissions scandal unveiled by the Justice Department in 2019 which indicted parents and university staff for fraud. The use of back doors in this case may not be a problem to

society. The citizens' emotions must be educated if this shared sentiment should be built. The State should have a part in this.

Aristotle's criticism of Phaleas of Calcedon,⁴⁵ who thought moderate distribution could bring about political stability fits, in part, as a criticism of Rawls's theory. To Aristotle, philosophy should educate citizens' emotions. Although Rawls's idea of primary goods is obviously more complex and better suited than the distribution of property criticized by Aristotle, the most important part of his criticism fits. Aristotle wishes, in his *Politics*, to point out the mistake of some of the private individuals, philosophers or statesmen who proposed constitutions before he did and for whom "the most important thing is to have property well organized," for "it is over property that everyone creates faction."⁴⁶ Aristotle does not deny the importance of distribution: after going through some examples, he claims that "it is not enough for the legislator to make property equal, he must also aim at the mean,"⁴⁷ conveying that the legislator should aim at a fair instead of an equal distribution. He, however, has a different approach to the subject of faction, which interests us here.

For Aristotle, even a moderate amount of property for everyone – as suggested by Phaleas of Calcedon – would not solve the problem of faction. "One should," according to Aristotle, "level desires more than property," which will not happen unless "people have been adequately educated by the laws."⁴⁸ Phaleas' mistake is in connecting injustice and necessity and thus thinking that equality in property will prevent people from committing injustices.⁴⁹ Yet "no one becomes a tyrant to escape the

Rawls as they are seen as illegal and thus dealt with in the legislative level. Side doors, as donations, for instance, are part of culture and depend only on motivation.

⁴⁵ A contemporary of Plato with whom Aristotle discusses in *Politics*, II, 7.

⁴⁶ *Politics*, II, 7, 1266a, 36-38.

⁴⁷ *Politics*, II, 7, 1266b, 27-28.

⁴⁸ *Politics*, II, 7, 1266^b, 28-30.

⁴⁹ A similar point is made later by Polybius when describing Sparta in *The Histories* (Translated by Robin Aterfield. Oxford University Press, 2010). In this case, however, the emotions were (maybe successfully) directed to their neighbors. Polybius believed that Sparta was a stable society because Lycurgus was able to create excellent legislation that ensured equality of landed possessions and simplicity in their everyday life. The consequences of Lycurgus's measures were, according to Polybius, "inculcating personal self-discipline" in the Spartan people and "eliminating political turmoil". Lycurgus, however, criticized Polybius, made "nothing to stop them acting towards their fellow Greeks with extreme aggression, out of self-seeking ambition and the lust for power" (*Histories*, 6.48, p. 406). Francis Bacon, on his turn, seems to embrace a solution that aims at transferring envy. Bacon believes that there is some good in public envy, for it is "an ostracism, that eclipses men when they grow too great" (Francis Bacon. *The Essays*. [Mozambook, 1625/2001], p. 38). Most of the time, envy acts, however, like a disease, for "when envy is gotten once into a state, it traduces even the best actions thereof, and turns them into an ill odor" (p.38). Even though not putting forth a solution for public envy specifically, Bacon claims that for one to get rid of envy, like in witchcraft, it is necessary to "remove the lot [spell] (as they call it) and to lay it upon

cold”⁵⁰ teaches Aristotle. His point is that, in addition to necessity, people commit injustices to “get enjoyment and assuage their desires.”⁵¹ This is so because “human greed is an insatiable thing.”⁵²

The only matter moderate property settles, believes Aristotle, is the cure to injustices rooted in the failure to satisfy basic needs, such as hunger and cold. As will Rawls many centuries later, Aristotle recognizes that leveled property does not mean a just result. Their reasoning is, however, different. Aristotle does not present anything resembling the proportion presented in Rawls’s difference principle. The Philosopher believes instead that “cultivated people would get dissatisfied, on the grounds that they do not merit equality.”⁵³ Aristotle, however, goes further than Rawls regarding disturbing emotions related to distribution.⁵⁴ While Rawls thinks a just environment will provide citizens with the capacity of being reasonable,⁵⁵ Aristotle believes citizens must be actively educated.

Envy appears in Aristotle’s *Politics* as a sentiment had by the poor when the rich govern. Aristotle affirms that the population in all city-states is divided in three parts according to the property of goods of luck: the very rich, the very poor and those in between these two. The ruling of a society by the moderate is, for Aristotle, important to achieve political stability. While those in the extremes will develop vices attached to their position, the individuals in the middle are not prone to desire other people’s property or have their property desired by others. This is so because “whatever is exceedingly beautiful, strong, well born, or wealthy, or conversely whatever is exceedingly poor, weak, or lacking in honor, has a hard time obeying reason.”⁵⁶

The very rich neither wish to be ruled nor know how to be ruled, for since childhood they are not used to being governed.⁵⁷ The very poor do not know how to

another.” That is the reason why “the wiser sort of great persons bring in ever upon the stage somebody upon whom to derive the envy that would come upon themselves; sometimes upon ministers and servants; sometimes upon colleagues and associates.” (p. 37). In this sense, the ruler, if he can, must try to transfer the people’s envy to someone else.

⁵⁰ *Politics*, II, 7, 1267^a, 13-14.

⁵¹ *Politics*, II, 7, 1267^a, 4-5.

⁵² *Politics*, II, 7, 1267^a, 41.

⁵³ *Politics*, II, 7, 1267^a, 39-40.

⁵⁴ Rawls’s ideas of self-respect and primary goods are more comprehensive than the distribution that concerns Aristotle. Yet the criticism remains, for Rawls believes that self-respect may be built in a society even if there is no addressment of emotion.

⁵⁵ See PL.IV. §2.1:141, PL.II. §7:84-86, PL.IV. §4.4:153, JF.V. §58.3:194 and JF.V. §59:195-198.

⁵⁶ *Politics*, IV.11.1295^b, 6-8.

⁵⁷ *Politics*, IV.11.1295^b, 14-18

rule, but know how to be ruled. People in the middle, on their turn, are not likely to see other as enemies and do not pursue ruling – nor avoid it.⁵⁸ That is why they are, according to Aristotle, prone to serve as good rulers, like Solon was in Athens and Lycurgus in Sparta.⁵⁹ Without the ruling of the moderate, society is ruled by those extremely rich – people whose vice is arrogance. The poor, on the other hand, because the rich rule without the spirit of friendship, acting as the poor’s enemies, become *envious*.⁶⁰ The consequence of such setting is unmixed oligarchy (if the few rich stay in power and try to control the poor), extreme democracy (if the poor act in their envy and rule according to their will), or, when both excesses are present, tyranny (for there is a prolific environment for corruption).⁶¹

Aristotle does not define envy [*phthonos*] in *Politics*, only in *Rhetoric*. It is, accordingly, “a certain kind of distress at apparent success on the part of one’s peers in attaining the good things”.⁶² Envy, like the feeling of being indignant, is described as opposed to pity, which is “a certain pain at an apparently destructive or painful event happening to one who does not deserve it and which a person might expect himself or one of his own to suffer”.⁶³ While both envy and indignation are the pain one has of somebody else’s fortune, the first is directed at the “success, but of an equal and a like, not of one who is unworthy”⁶⁴ and the second at “undeserved *good* fortune.”⁶⁵ Unlike envy, the feeling of indignation deals with claims for goods one justly merits. The envious poor judge themselves equal to the rich and thus also meritorious of what the rich have (and which the poor actually do not justly deserve).

⁵⁸ See *Politics*, IV.11.1295^b, 11-12 and 29-33.

⁵⁹ *Politics*, IV.11.1296^a, 19-20.

⁶⁰ *Politics*, IV.11.1295^b, 20-24.

⁶¹ See *Politics*, IV.11.1296^a, 1-2. Aristotle seems here to be addressing the lawlessness of extreme democracy and the hereditary rule of the extremely rich (see *Politics*, IV.6.1293^a, 1-10 and 26-32). In addition, he understands democracy and oligarchy as divided tyrannies and tyrannies as more susceptible to take place where these regimes exist (see *Politics* IV.10.1310^b, 2-3 and 1312^b, 34-36).

⁶² *Rhetoric*, II.10.1387^b, 22-25.

⁶³ *Rhetoric*, II.8.1385^b, 14-17.

⁶⁴ *Rhetoric*, II.9.1387^a, 18-20. Aristotle asserts too that a person feels envy toward people like herself in terms of “birth, relationship, age, disposition, reputation, possessions, as well as those who just fall short of having all of these on equal basis” (*Rhetoric*, II.10.1387^b, 26). What Aristotle means by equality here is not an often discussed topic. When commenting the *Rhetoric* chapter on envy, Edward Cope, for instance, claims that “envy is not confined, as Aristotle seems to say, to these classes of people as objects; nor even to those with whom we are likely to come into competition; it seems rather that there is no limit, within the circle of humanity, to the objects on which it may be exercised.” My interpretation seems to be in accordance with his even though Cope does not fully justify his claim. For Cope’s commentary, see Aristotle. *Rhetoric*, vol. 2, Edward Meredith Cope and John Edwin Sandys (ed.). Cambridge University Press, 1877/2009, p. 124.

⁶⁵ *Rhetoric*, II.9.1386^b, 11-12.

The rule of the moderate places a different emotional setting, for it brings about friendship. The moderate are able to create balance between the very rich and the very poor, for “enemies do not wish to share even a journey in common.”⁶⁶ According to R. Mulgan, political friendship may be, in Aristotle oeuvre, understood as unanimity.⁶⁷ It is the agreement citizens have of important political matters, a shared commitment to political institutions. Mulgan does not place political friendship as based on a prior concern of citizens to help each other. He believes “[f]ellow citizens may agree on the justice of shared political and legal arrangements and to that extent may be prepared to yield to each other’s interests and to support particular institutions and decisions which favour others rather than themselves.”⁶⁸ Friendship is, in this sense, essential to avoid faction (*stasis*), being an important requisite of political stability. Friendship does not, however, develop spontaneously: it depends on the “inculcation of political values through the legal system and the political culture of the political community.”⁶⁹ Ruling of the moderate combined with education of emotions, as indicated before, generates stability.

To Aristotle, education is the way to temperance and to enjoying “things because of themselves”⁷⁰ – which he thinks philosophy may teach. Education to temperance cures injustices caused by immoderate desires and philosophy teaches to avoid injustices related to searching for pleasures in instrumental goods. Aristotle thinks the city, in order to last, should educate the young according to its constitution: an oligarchic spirit should be taught to youth in an oligarchy and so forth.⁷¹ A citizen, to Aristotle, should not be considered as “belonging to himself alone, but as all belonging to the city-state.”⁷² One needs prior education and habituation to perform activities of virtue.⁷³ And virtue, in addition to alliance, is essential to create a city-state.⁷⁴

Even though Aristotle is able to go further than Rawls in exploring the problems related to the way humans deal with property and ambition, Rawls provides us with good reasons not to adopt Aristotle’s civic humanism for contemporary societies: Rawls

⁶⁶ *Politics*, IV.11.1295^b. 23-24. See also *Politics*, IV.11.1295^b, 34-39.

⁶⁷ See R. Mulgan, “The role of friendship in Aristotle’s political theory” *Critical Review of International Social and Political Philosophy*, vol. 2, n. 4 (2007, pp 15-32), especially p. 24-25.

⁶⁸ Mulgan, *The role of friendship*, p. 26.

⁶⁹ Mulgan, *The role of friendship*, p. 29.

⁷⁰ *Politics*, II, 7, 1267^a, 11.

⁷¹ See *Politics*, V, 9, 1310^a, 12-14 and VIII, 1, 1337^a, 7-14.

⁷² *Politics*, VIII, 1, 1337^a, 28-29. See also *Politics*, I, 2, 1253^a, 2-35.

⁷³ See *Politics*, VIII, 1, 1337^a, 18-20.

⁷⁴ See *Politics*, III, 9, 1280^b, 1-8.

affirms this theory to be a comprehensive doctrine of the good.⁷⁵ According to Rawls, “as a form of Aristotelianism,” civic humanism “is sometimes stated as the view that man is a social, even a political, animal whose essential nature is most fully realized in a democratic society in which there is widespread and vigorous participation in political life.”⁷⁶ Civic humanism demands the adoption of a specific way of life. Liberalism, on the other hand, has much more to offer pluralistic contemporary democracies. It must, however, find a way to deal with peoples’ disruptive emotions.

Aristotle’s civic humanism is, as mentioned, one among the two traditions Rawls presents as justice as fairness’ rivals when discussing the good of a political society. Machiavelli’s republicanism is the other rival theory described by Rawls.⁷⁷ Like Aristotle, Machiavelli offers the conclusion that political institutions should deal with disruptive emotions connected with the perception of distribution. Differently from Aristotle, however, Machiavelli’s suggestion lies on institutionalizing conflict and making it part of a republic.⁷⁸

In his discussion on political stability, Machiavelli insists on the necessity of keeping, in a republic, “the public rich and their citizens poor”.⁷⁹ Sparta, which may seem like a conventional example of an equal society in ancient times, is not Machiavelli’s choice.⁸⁰ He recognizes that equality in property was fundamental for stability in Sparta, but attributes the success of this republic also to its few inhabitants in addition, surprisingly, to the inequality of ranks (which kept the people far from power)

⁷⁵ See PL.V.§7.5:206.

⁷⁶ PL.V. §7.5:206. Mulgan, in *The role of friendship*, qualifies this kind of assertion and argues that a *vigorous participation in political life* is a necessary element of Aristotle’s theory. He argues for a different notion of society. Albeit Mulgan’s divergent interpretation, Rawls is not wrong in pointing a different approach to sociability between his theory and Aristotle’s.

⁷⁷ Rawls expressly cites Machiavelli (see PL.V.§7.5:205, 36n and JF.IV.43.5:144, 13n), but adds, only on *Political Liberalism*, that not always Machiavelli is interpreted in such a way and claims that Tocqueville’s *Democracy in America* would be a “more appropriate example” (PL.V.§7.5:205, 36n).

⁷⁸ Quentin Skinner also compares Machiavelli’s project to Rawls’s theory in “Machiavelli on the maintenance of liberty” (*Politics*, vol. 18, n.2, pp. 3-15), p. 10-11). His focus is, however, on the institutional framework suggested by the authors. While Machiavelli, in his search for historical examples, concludes that the best legal basis to maintain freedom consists of a republic founded on a bicameral legislative, for it converts private vices into public benefits, Rawls advocates, from an analytical position, a similar system for a different reason: equal access to power. According to Skinner, Machiavelli, unlike Rawls, claims that law is a “liberating agency, one that serves to constrain us – if our legislators have been wise – in just such a way that we are released from the bondage which our natural selfishness would otherwise impose on us, and are granted our freedom by means of being coerced.” (p. 13). My approach here does not need Skinner’s conclusion, but may profit from it.

⁷⁹ Niccolò Machiavelli. *Discourses on Livy*. (Translated by Harvey C. Mansfield and Nathan Tarcov. The University of Chicago Press, 1996.) I.37.1:137. See also II.19 and III.25.

⁸⁰ For a comparison among Athens, Sparta and Machiavelli’s approach to Rome, see John P. McCormick’s “‘Keep the Public Rich, but the Citizens Poor’: Economic and Political Inequality in Constitutions, Ancient and Modern.” *Cardozo Law Review*, vol. 34, (2012-2013, pp. 879-892).

and the nobility's commitment to defend the people from injury (which made the last not fear or desire to rule).⁸¹ Republics like Rome, which was more populated and accepted foreigners, would not profit from following Sparta's example.

Poverty, for Machiavelli, is a condition opposed to ambition,⁸² justifying the importance of having poor citizens in a rich Republic. Poverty was, in Rome, matched with another forms of controlling ambition: expansion, the tumults and, later, the tribunes of the plebs. Ambition, to Machiavelli, can only be fully controlled with confrontation. To him, distribution of goods is part of the solution, but controlling disruptive emotions demands a greater effort from the Republic. As put by John McCormick, "socioeconomic and political conflict may," for Machiavelli, "breed stronger allegiance than the active pursuit of a consensually derived common good."⁸³ Distribution of land and the location of power (among social classes), we will see, seem to be Machiavelli's main concern regarding stability. These, I intend to show, are the approaches he believes to work when controlling ambition – an evil to social stability.

Machiavelli, as mentioned, does not conceive poverty in the sense of low income for all. Following the example of Venice, a republic may have nobles. It is essential, however, that they "do not have great incomes from possessions" or castles nor jurisdiction over other individuals, but that they find their fortunes in "trade and movable things."⁸⁴ Machiavelli seems to be going against more perennial modes of maintaining and attaining wealth at the time. He acknowledges land as the most important symbol of power, being thus ambitioned and needing to be controlled by the republic. This is the reason why despite yielding "honors to the plebs without extraordinary scandals," "when it came to property, so great was its [the Roman nobility's] obstinacy in defending it that the plebs had recourse to the extraordinary" means, the tumults, "to vent its appetite".⁸⁵ A republic like Rome, seems to think Machiavelli, should control the land so that it may centralize political power and ensure freedom.

⁸¹ Machiavelli, *Discourses*, I.6.2.1:21.

⁸² Julie L. Rose provides an interpretation of poverty in Machiavelli as an *attitude*, the attitude of not despising poverty, of being more concerned with the aggrandizement of the public good than of private wealth and of not being distracted from public concerns by pleasures provided by material goods. See "Keep the Citizens Poor": Machiavelli's Prescription for Republican Poverty," *Political Studies* (2015), pp. 1-14).

⁸³ "Machiavellian Democracy: Controlling Elites with Ferocious Populism," *The American Political Science Review*, vol. 95, n. 2 (2001, pp. 297-313), p. 310.

⁸⁴ Machiavelli, *Discourses*, I.55.6:112-113.

⁸⁵ Machiavelli, *Discourses*, I.37.3:80. Word "means" in brackets was introduced by the translator.

The belief that ambitious people who desire wealth and therefore power are the ruin of a republic underlies Machiavelli's thinking on stability. Ambition (and that is why it interests here) is, in Machiavelli's view, intimately related to envy – even though this word does not appear as often in his writings. Machiavelli claims ambition as a cause of envy, for instance, when he affirms that a man leaves envy behind when “some strong and difficult accident [...] puts aside every ambition and runs voluntarily to obey him who he believes can free him with his virtue.”⁸⁶ Even though ambition is a greater political problem than envy, the latter seems to be a more vicious emotion. Envy, more than willing something, seems to involve, for Machiavelli, a sentiment of indifference to others. He asserts, for instance, that “there is no remedy other than the death” to the envy of those who, in order to “obtain their wish and to satisfy their perversity of spirit,” “would be content to see the ruin of their fatherland.”⁸⁷ In a corrupt republic, envy may produce people in positions of power who “wish for the favor rather than the good of the collectivity.”⁸⁸

Envy makes people feel hate⁸⁹ and comes about when one cannot stand the glory⁹⁰ or the excellence⁹¹ of other, making individuals “more ready to blame than to praise the actions of others.”⁹² Machiavelli believes that history shows us “how easily men are corrupted and make themselves assume a contrary nature”.⁹³ “[S]o great is the ambition of man that to obtain a present wish he does not think of the evil that in a brief time is to result from it,”⁹⁴ it is like human beings are “blinded by a little ambition.”⁹⁵

Envy only exists where there is uncontrolled ambition. Ambition, however, is an aspect of human nature: “desire is always greater than the power of acquiring,” resulting in “discontentment with what one possesses and a lack of satisfaction with it,” which makes individuals “come to enmities and to war”.⁹⁶ Ambition “never abandons them [human beings] at whatever rank they rise to,”⁹⁷ for “the fear of losing generates in him

⁸⁶ Machiavelli, *Discourses*, III.30.1:279.

⁸⁷ Machiavelli, *Discourses*, III.30.1:280.

⁸⁸ Machiavelli, *Discourses*, II.22.1:179.

⁸⁹ See Machiavelli, *Discourses*, II.Preface.1:123 and II.14.1:156.

⁹⁰ See Machiavelli, *Discourses*, I.8.1:26.

⁹¹ See Machiavelli, *Discourses*, II.22.1:179.

⁹² Machiavelli, *Discourses*, I. Preface.1:5.

⁹³ Machiavelli, *Discourses*, I.42:90.

⁹⁴ Machiavelli, *Discourses*, II.20:176. See also III.21.4:263-264.

⁹⁵ Machiavelli, *Discourses*, I.42:90.

⁹⁶ Machiavelli, *Discourses*, I.37.1:136.

⁹⁷ Machiavelli, *Discourses*, I.37.1:136.

the same wishes that are in those who desire to acquire.”⁹⁸ As a natural feature, ambition cannot be eliminated and must be effectively controlled. Not only persistent, ambition is more dangerous in those who already possess. This is so for two reasons: they want always more⁹⁹ and are “able to make an alteration with greater power and greater motion.”¹⁰⁰ Rome’s excellence was, among other things, due to the virtue of the order established by “the tribunes of the plebs, the censors, and all the other laws that went against the ambition and the insolence of men.”¹⁰¹

A minor contribution to controlling ambition in Machiavelli’s perspective was in territorial expansion. Expansion, in addition to protecting a republic from its neighbors, was also a way of saving society from itself. The absence of “an enemy outside” leads people to find “one at home, as it appears happens to all great cities.”¹⁰² Expansion, it seems, directed the Roman’s ambition to other peoples. This, as mentioned, was, however, secondary for stability in a republic. Distribution of land and locations of political power are instruments of greater importance to Machiavelli.

In what concerns the distribution of land in the Roman republic, the Agrarian law determined a maximum extent of land each citizen might own.¹⁰³ According to Machiavelli, it was an attempt to return to the foundational principles of Rome – an important topic concerning Republics in his writings.¹⁰⁴ Further, the distribution of land for colonies was, in Machiavelli’s interpretation of Livy, guided on principle by the idea that the people should not live in abundance, since at home, in Rome, they lived poorly and “not very much land but that which was well cultivated was enough.”¹⁰⁵ Believed Machiavelli, however, that, despite proper, this legislation was enacted too late and could not save the republic.

Those that were deprived of some property and that were kept from becoming richer were not pleased with the change introduced by the Agrarian law. These powerful nobles, who “as it appeared to them, were defending the public in opposing it,” when reminded of their duty to the law, would let “the whole city turned upside down.”¹⁰⁶ The

⁹⁸ Machiavelli, *Discourses*, I.5.4:19.

⁹⁹ See Machiavelli, *Discourses*, I.5.4:19.

¹⁰⁰ Machiavelli, *Discourses*, I.5.4:19.

¹⁰¹ Machiavelli, *Discourses*, III.1.3:210.

¹⁰² Machiavelli, *Discourses*, II.19.1:173.

¹⁰³ Machiavelli, *Discourses*, I.37.2:79.

¹⁰⁴ Machiavelli, *Discourses*, III.1:209.

¹⁰⁵ Machiavelli, *Discourses*, II.7:142.

¹⁰⁶ Machiavelli, *Discourses*, I.37.2:79.

nobles were witty when attaining their interests, tempering with the legislation¹⁰⁷ and finally causing the ruin of Rome. Machiavelli is categorical when stating that these idle *gentlemen* should be eliminated from a republic.¹⁰⁸ According to him, those who “live in abundance from the returns of their possessions without having any care either for cultivation or for other necessary trouble in living” are “pernicious in every republic and in every province.”¹⁰⁹

The most important institutional solution to ambition was yet another: disunion [*disunione*]. Disunion is Machiavelli’s favored method for conducting public life and for achieving better policy as well as military success.¹¹⁰ Even though at some point it was not enough anymore, it worked for many years, for “a wicked citizen cannot work for ill in a republic that is not corrupt.”¹¹¹ By disunion he meant that the plebs should control the Senate and the Senate, the plebs. The Senate, which was the place of those with more possessions, should be controlled much more frequently. Their ambition stimulated ambition in the people and thus, stability.¹¹² It is a good thing that the “incorrect and ambitious behavior” of those who possess “inflames in the breasts of whoever does not possess the wish to possess so as to avenge themselves against them by despoiling them or to be able also themselves to enter into those riches and those honors that they see being used badly by others.”¹¹³ The disunion of the plebs and the Senate not only created “all the laws [...] in favor of freedom,”¹¹⁴ but made of Rome a powerful republic, for it contributed to, among other things, the shared effort of expansion.¹¹⁵

Yet, it is important to channel popular ambition institutionally. Machiavelli’s “republic is,” according to John McCormick, “a mixed regime that holds within the popular element a further mixing – a mixing between representation and direct expression.”¹¹⁶ For Machiavelli, “every city ought to have its modes with which the people can vent its ambition, and especially those cities that wish to avail themselves of

¹⁰⁷ Machiavelli, *Discourses*, I.37.2:79.

¹⁰⁸ See Machiavelli, *Discourses*, I.55.5-6:112-113.

¹⁰⁹ Machiavelli, *Discourses*, I.55.4:111.

¹¹⁰ See McCormick’s *Machiavellian Democracy*, especially p. 302.

¹¹¹ Machiavelli, *Discourses*, III.8.1:237. See also I.18:49-52; I.55:109-113 and III.6.19:232.

¹¹² Machiavelli provides us with two examples of republics brought to ruin because the people was unable to vent its ambition. See *Discourses*, I.7.3-4:24-25.

¹¹³ Machiavelli, *Discourses*, I.5.4:19. See also I.46:95-96.

¹¹⁴ Machiavelli, *Discourses*, I.4.1:16.

¹¹⁵ See Machiavelli, *Discourses*, I.4.1-2:16-17.

¹¹⁶ McCormick, *Machiavellian Democracy*, p. 310.

the people in important things.”¹¹⁷ The plebs’ power is essential for stability, for their desires are “rarely pernicious to freedom because they arise either from being oppressed or from suspicion that they may be oppressed.”¹¹⁸ *Popular ferocity*, as described by McCormick, is a legitimate response.¹¹⁹ The Roman republic “would perhaps have been led into servitude much sooner if the plebs had not always checked the ambition of the nobles, both with this law and with its other appetites.”¹²⁰ Machiavelli believed that it was the control exercised by the tribunes of the plebs on the ambition of the nobility in Rome that prevented its earlier ruin. The Roman republic was destroyed when this framework failed to work.

Machiavelli’s institutionalization of conflict is also an unavailable solution to Rawls. Rawls, in the name of individual freedom, cannot demand the kind of political participation necessary to solve the problem by adopting Machiavelli’s way out. If Rawls is correct in assuming that there are three main political traditions (Liberalism, Humanism and Republicanism), Liberalism as put forth by him is the only one to present a gap regarding the emotional frame of political motivation.

Rawls’s failure in dealing with emotions did not pass unnoticed by his contemporaries. Martha Nussbaum and Chantal Mouffe – authors with different perspectives – both realize the problem and try to offer theories to replace Rawls’s liberalism. It will be interesting to note the tendency both Nussbaum and Mouffe have towards the theories Rawls considered the rivals of justice as fairness: civic humanism and classical republicanism. Even though from a contemporary liberal account, Martha Nussbaum follows Aristotle’s path. She criticizes Rawls for not discussing disruptive emotions and believes liberal democracies should rely on patriotic love (or friendship) as a solution to stability regarding politically disruptive emotions. Chantal Mouffe, although departing from the same criticism to Rawls, decides to rely on conflict instead of agreement as a key approach to generate political stability – like Machiavelli did in his *Discourses*. In the next part, I will discuss Nussbaum and Mouffe on their solutions to the problem of politically disruptive emotions.

¹¹⁷ Machiavelli, *Discourses*, I.4.1:17.

¹¹⁸ Machiavelli, *Discourses*, I.4.1:17. The people’s ambition was controlled, for instance, by some law regulating electoral corruption. See I.18.2:49-50.

¹¹⁹ McCormick, *Machiavellian Democracy*, p. 309.

¹²⁰ Machiavelli, *Discourses*, I.37.3:80. See also *Discourses*, III.11.1:244.

3. Contemporary notes

a. Martha Nussbaum

In *Political Emotions*, Nussbaum affirms she is filling a gap in Rawls's theory of justice. According to her, albeit abstract, Rawls's theory has, in *A Theory of Justice*, "a fascinating treatment"¹²¹ of emotions, which includes "the emotions of love and gratitude" treated as "valuable parts of an ideal of the citizen".¹²² In relation to Rawls's later arguments for a political conception, which are assembled in *Political Liberalism*, she believes there is, otherwise, a need for a solid "reasonable moral psychology,"¹²³ which she aims to provide.¹²⁴ She is, in her own words, arguing that

the principle-dependent emotions envisaged by Rawls, if not complemented and infused by love of this [public] sort, will remain too calm and will lie too near the surface of the mind to do the job he has in mind—which requires access to the quirky, fraught, in some sense erotic relationship we all have, in a variety of forms (both comic and tragic), to the meaning of our lives.¹²⁵

On her account, political stability depends on a certain cultivation of emotions, which should (i) "engender and sustain strong commitment to worthy projects that require effort and sacrifice" and (ii) "keep at bay forces that lurk in all societies and, ultimately, in all of us: tendencies to protect the fragile self by denigrating and subordinating others."¹²⁶ Her focus is individual motivation, not institutional justice – even though she acknowledges the necessity of the latter.¹²⁷ Nussbaum is interested in the political culture of a society (Rawls's basic structure): its songs, literature, art, architecture, public ceremonies and rituals and the shaping of emotions in public

¹²¹ Nussbaum, *Political Emotions*, p. 9.

¹²² Nussbaum, *Political Emotions*, p. 392.

¹²³ Nussbaum, *Political Emotions*, p. 8-9 and p. 392. The vocabulary is Rawls's. After presenting Nussbaum's account I will discuss the relation between both theories.

¹²⁴ Nussbaum, *Political Emotions*, p. 9. She claims to be just one difference of focus: she is willing to think about societies aspiring to justice (which she calls decent societies and then proceeds to offer examples from both the United States of America and India). See also, p. 221 and 225.

¹²⁵ Nussbaum, *Political Emotions*, p. 15. On Rawls's theory, see also p. 220-222, p. 225 and p. 164. On the need of love in matters of justice and stability, see also p. 319-320.

¹²⁶ Nussbaum, *Political Emotions*, p. 3.

¹²⁷ See Nussbaum, *Political Emotions*, p. 20, p. 135 and p. 316.

education.¹²⁸ These are the instruments she believes a country needs to develop and sustain public love in its citizens.

Public love is, in Nussbaum's conception, particular. It must be centered in one's country: its history, physical features and specific aspirations that inspire devotion.¹²⁹ Nussbaum grounds her treatment of public love in the reasonable moral psychology she uncovers:¹³⁰ a psychology fundamentally grounded on compassion.¹³¹ She defines this emotion as "a painful emotion directed at the serious suffering of another creature or creatures."¹³² Compassion is composed by three necessary parts: thought of seriousness (the suffering of other is realized as important and nontrivial), thought of nonfault (guilt is not attributed to whom one feels compassion for)¹³³ and eudaimonistic thought – the latter being a novelty introduced by Nussbaum, which is "a judgment or thought that places the suffering person or persons among the important parts of the life of the person who feels the emotion."¹³⁴ It is the eudaimonistic thought that will, in Nussbaum's theory, shape public love as patriotism, which is particular.

Nussbaum acknowledges that compassion may be an unstable sentiment and does not wish to use it as an uncriticized base of her theory. The role attached to the moral psychology she presents is a part in a dialogue – a conversation established between moral psychology and impartial principle. Her theory aims at connecting single vivid cases to impartiality.¹³⁵ Nussbaum claims that even though people feel compassion for others who went through natural disasters, they are easily deflected from it by their everyday life. A political use of compassion will need to link one's current concerns to political concerns – it will need to develop eudaimonistic thoughts on people.¹³⁶ Based on Aristotle's notion of particularized love (or friendship),¹³⁷ Nussbaum concludes that it is impossible to have any love and thus also public love for

¹²⁸ Nussbaum, *Political Emotions*, p. 16-17.

¹²⁹ See, for instance, *Political Emotion*, p. 207.

¹³⁰ Nussbaum believes that people of many overall views may endorse the core of her reasonable political psychology as basis for political discussions. Her research is based on empirical studies, clinical studies on child development and the capacity for empathy and concern. See p. 163 for this general claim and Chapter Six and Seven for the papers and books she cites.

¹³¹ Nussbaum sees empathy only as a possible way to compassion. While empathy is simply the ability to take the perspective of other, compassion is a more profound sentiment.

¹³² Nussbaum, *Political Emotions*, p. 142.

¹³³ Nussbaum, *Political Emotions*, p. 142-3.

¹³⁴ Nussbaum, *Political Emotions*, p. 144.

¹³⁵ Nussbaum, *Political Emotions*, p. 157.

¹³⁶ Nussbaum, *Political Emotions*, p. 145.

¹³⁷ See Nussbaum, *Political Emotions*, p. 219. This expression is Nussbaum's. See also Aristotle's *Politics*, 1262^b:13-23:31.

general things. As mentioned, public love must be patriotic love, for there cannot exist love for humanity or for all members of a society. People can only feel attached to things they see as theirs and no general thing can be conceived in such a way. In her words, “to make people care, you have to make them see the object of potential care as in some way ‘theirs’ and ‘them.’”¹³⁸ Patriotic love is, for her, the only emotion that (given the moral psychology she develops) can cultivate a just society.

Envy is one of the tendencies people have in order to protect themselves by belittling others. It is thus a cause of political instability that the cultivation of patriotic love should be able to face. According to Nussbaum, both envy and jealousy are characterized as hostility toward other motivated by the possession or enjoyment of a valued good. Differently from envy, however, jealousy is a fear of a specific loss for a rival – and once this person stops being seen as a rival, the emotion fades away. Envy is felt when a desired good is absent. It is a need difficult to satisfy, for one’s superiority is never assured.¹³⁹ For Nussbaum, love is able to deal with envy because it provides “a sense of a common fate, and a friendship that draws the advantaged and less advantaged into a single group, with a common task before it.”¹⁴⁰

Nussbaum’s theory develops some interesting aspects and others that are, in my view, problematic especially from a Rawlsian point of view.¹⁴¹ I wish to claim that Nussbaum ends up putting forth a comprehensive doctrine which should not be considered a political conception and might be considered non liberal. Nussbaum believes her conception to be a form of political liberalism: narrow and non-totalizing. Her theory according to her “leaves spaces for citizens to have particular relationships

¹³⁸ Nussbaum, *Political Emotions*, p. 219. Nussbaum acknowledges and thinks it suffices that not everyone will develop such a love. Her approach “wants enough people to feel enough, enough of the time” (p. 394).

¹³⁹ Nussbaum, *Political Emotions*, p. 339-340.

¹⁴⁰ Nussbaum, *Political Emotions*, p. 345.

¹⁴¹ From a more general point of view, one problem with Nussbaum’s conception is an almost certain disrespect for other cultures that comes with patriotism. She anticipates such an objection and tries to deal with it (p. 212-219) but I believe the problem persists. I do not wish to go further on this topic here, but one passage that shows how unrealistic her interpretation is concerns how a country deals with immigrants. She thinks it is possible to ground a national narrative on “a set of political ideals that can embrace all citizens, including new immigrants” “as both the United States and India have done, but most of the nations of Europe have not,” for it “helps avoid the danger of ethnocentrism.” Both the US and India have concerning issues with immigration. It may be true that the US was a more open country for some time, but non-white individuals have always suffered discrimination.

with people and causes they love, in the part of their lives that is carried out apart from politics, under the aegis of whatever comprehensive view of life they favor.”¹⁴²

Despite asserting that her theory allows for individual freedom, she claims that patriotic love is able to transcend narcissism.¹⁴³ Narcissism is, to her, “a tendency to subordinate other people to one’s own needs.”¹⁴⁴ It is opposed to compassion – as are fear, envy and shame,¹⁴⁵ but seems to be more basic than these three, being found in our behavior since babies.¹⁴⁶ It is political love that should deal with narcissism, fear, envy and shame in society.¹⁴⁷

In decent societies, core political values such as racial equality should be coercively enforced and citizens should be persuaded in order to show support for legal norms.¹⁴⁸ In a situation of great injustice, she believes one is legitimized to make use of religious imagery – as did Gandhi, George Washington and Martin Luther King Jr.¹⁴⁹ Nussbaum believes that patriotic love is able to reduce the demands of political liberalism “by imagining emotions that do not presuppose full agreement on principles and institutions or even agreement that these lack major flaws.”¹⁵⁰ Following such assertion she claims that as love allows two people from different religions, with different political conceptions and different goals in life to become friends and even lovers, so public love can lead citizens to experience life together.¹⁵¹

Nussbaum’s theory may not be as comprehensive as some religious doctrines since private freedom is maintained,¹⁵² but necessarily relating public life with love reminds us more of Aristotle, who presents the political community as establishing a connection between justice and love [or friendship, *philia*], than of a theorist trying to offer a political conception. Although presenting a different notion of friendship,

¹⁴² Nussbaum, *Political Emotions*, p. 386.

¹⁴³ See Nussbaum, *Political Emotions*, p. 313 and also p. 181-182.

¹⁴⁴ Nussbaum, *Political Emotions*, p. 172.

¹⁴⁵ See Nussbaum, *Political Emotions*, p. 315.

¹⁴⁶ See part III of Chapter Seven in Nussbaum’s *Political Emotions*.

¹⁴⁷ See Nussbaum, *Political Emotions*, p. 315.

¹⁴⁸ See Nussbaum, *Political Emotions*, p. 132.

¹⁴⁹ See Nussbaum, *Political Emotions*, p. 132-133 and p. 355.

¹⁵⁰ Nussbaum, *Political Emotions*, p. 393.

¹⁵¹ See Nussbaum, *Political Emotions*, p. 393.

¹⁵² She wishes to provide a public supplement to religion, not a religion of humanity (discussed in chapters 3 and 4 of *Political Emotions*) – which goes back to John Stuart Mill, Auguste Comte and, more importantly, Rabindranath Tagore, all of whom influence her work. A great part of *Political Emotions* is dedicated to the study of the foundations of a liberal account of political emotions. For a brief summary see p. 129-131. On Nussbaum’s relation to the idea of a religion of humanity see also p. 74 and p. 112 or Part I of the book.

Nussbaum is also trying to build a consensus similar to the envisaged by Aristotle. In a different approach, even her attention to discourses, songs and public figures remounts to Aristotle in their rhetorical importance. I am not willing to assert that partnership and a common feeling to the city are enough to place Nussbaum as a civic humanist, but the influence is clear. She not only prefers the first version of Rawls's theory, she goes beyond it in affirming a theory where citizens should develop a specific kind of sentiment – love – towards their country.

For these reasons, it may be possible, I believe, to affirm her theory as a liberal heir of civic humanism. It is a comprehensive liberal doctrine with a focus on patriotic love.¹⁵³ In a way, Nussbaum's theory places good above right. If we should all love our decent societies, it is hard to guarantee that disagreement on policies and governmental actions will be taken seriously. Stability should not be an aim placed above individual freedom. Criticism of government or of a determined practice in society should not be taken as an act of betrayal on the part of that person offering her opinion. Free speech, contrarily to what suggested Nussbaum,¹⁵⁴ is not enough to guarantee freedom to disagree. People's contrary opinions must be taken seriously by others and the government. Moreover, if someone has a concern for humanity and wishes to dedicate her life, for example, to humanitarian matters, citizens motivated by patriotic love in Nussbaum's terms may criticize this choice of life: they may think it to be irrational to dedicate one's life to a different country.¹⁵⁵

Love for one's country may become an ideological consciousness, illusions and delusions people may have – things that, according to Rawls, may only be overcome by the full publicity condition which demands, among other things, a space for citizens to evaluate the institutions according to the principles of justice.¹⁵⁶ In other words, in a society following Nussbaum's ideas, it would be hard to gain distance enough for one to

¹⁵³ I do not wish to claim that Gandhi or MLK Jr. are illiberal, but I do not think their position should be the official stand of a state. They value pluralism, but, as any political leader, they have their own agenda. Even if they were part of government, a society (who is in a sense sovereign) cannot be its government and depend on it above all. A political conception cannot be neutral, but it should not be justified in terms of one comprehensive doctrine.

¹⁵⁴ See Nussbaum, *Political Emotions*, p. 389-390. She claims: "Any good society has definite ideas of what is good and bad: for example, that racism is bad and equal respect is good. There is nothing illiberal about that definiteness— so long as the free speech of dissenters is protected." (p. 389).

¹⁵⁵ Amy Gutmann's approach is, in this sense, interesting as it puts patriotism as one possible way to develop equal concern. Her account of education takes, I think, pluralism seriously. See, for instance, "Civic Minimalism: Cosmopolitanism, and Patriotism: Where Does Democratic Education Stand in Relation to Each?" in S. Macedo and Y. Tamir, eds., *Nomos: Moral and Political Education*, vol. 43 (New York University Press, 2002, pp. 23-57), especially p. 44-53.

¹⁵⁶ See JF.III.§35:120-122. Rawls is grounding the concept of ideological consciousness in Marx's work.

offer criticism. It is hard to criticize that what we love and, even if manage to realize our country should be criticized, the rest would not listen. We do not need to explore here the efficacy of Nussbaum's ideas in a real political scenario – which I unfortunately doubt – to know that it is not a political conception and that it cannot thus fit the Rawlsian project. Nussbaum's theory should not therefore be seen as advancing Rawls's political liberalism.

Nussbaum, nonetheless, is not the only one who realizes Rawls's difficulty. Chantal Mouffe is precise in her criticism. Mouffe, however, has a different way of approaching a solution: she wants to radicalize democracy. If Nussbaum is an heir to civic humanism in these matters, Mouffe follows Machiavelli's steps and wishes to bring conflict back into politics, more specifically, in her case, to liberal democracies.¹⁵⁷ We should take a look on their approach.

b. Chantal Mouffe

A different institutional approach discussing political emotions is¹⁵⁸ Chantal Mouffe's Populism.¹⁵⁹ Rawls believes there is no fundamental opposition between justice as fairness and classical republicanism, only "certain differences," "not by any means trivial," "on matters of institutional design and the political sociology of democratic regimes."¹⁶⁰ Yet, classical republicanism claims a certain degree of political virtue and a will to take part in public life from citizens.¹⁶¹ Without widespread political participation from the people, classical republicanism predicts the poor will be dominated by those in a privileged position. All citizens of a republican society have a common origin, but not necessarily a common objective – which becomes clear in the conflicts they engage. It interests us here a specific quest concerning conflict: is it an option for controlling, among other things, ambition? Mouffe, like Machiavelli, seems to rely on such an ideal.

¹⁵⁷ Mouffe, *For a Left Populism*, p. 65.

¹⁵⁸ See PL.V.§7.5:205 and JF.IV.43.5:144. Rawls cites civic humanism as being an Aristotelian comprehensive doctrine (PL.V.§7.5:205). On the difference between Machiavelli's republicanism and the idea that one can only be free by participating in political life, see also Quentin Skinner's

¹⁵⁹ The label *Populism* is misleading here. Mouffe's Populism, I will show, is a very peculiar kind of populist theory. She believes in conflict and in the power of a popular leader to help direct the energy of the people to a common objective.

¹⁶⁰ See PL.V.§7.5:205 and JF.IV.43.5:144.

¹⁶¹ See PL.V.§7.5:205.

In the lines of a Machiavellian methodology, Mouffe is concerned both with the political and the social conjunctures.¹⁶² *For a Left Populism*, as is not uncommon to her, is a political intervention accompanied by a theoretical reflection. She focuses on what is happening now, which she calls the populist moment,¹⁶³ and suggests that there should exist an agonistic tension¹⁶⁴ between the people and the oligarchy if we wish the principles of liberty and equality to be effective. In order to do so, she claims that we need to radicalize democracy by means of a left populist movement.

Rawls is not cited in her book from last year – it is after all more of an intervention than a work written within a specific theoretical debate –, but it is in this work that Mouffe points at what she thinks should exist instead of his liberalism: agonistic confrontation. The indication is especially in an article called *The Limits of John Rawls Pluralism*,¹⁶⁵ where Mouffe reasserts her criticism of Rawls's theory and points in the direction of the argument she has been developing and which results in *For a Left Populism*. In the article, one of her claims is that in justice as fairness “[p]assions are erased from the realm of politics, which is reduced to a neutral field of competing interests.”¹⁶⁶ One argument Mouffe offers for this claim is Rawls's exclusion of envy from his model.¹⁶⁷ According to her, by excluding from the model everything that is not reasonable, Rawls eliminates the antagonistic dimension of politics. Mouffe presents Rawls's use of rationality as an instrument for eliminating adversaries while remaining neutral.¹⁶⁸ Rawls, according to Mouffe, by implicating that some doctrines of the good are unreasonable based on what he sees as an impartial reasoning is only masking a political decision. Mouffe does not think neutrality to be possible. She pictures

¹⁶² Mouffe, *For a Left Populism*, p. 9-10. Mouffe is analyzing a specific conjuncture, that of Western Europe. Despite being important to mention so, this fact does not hinder my analysis in any way. It actually places Mouffe even closer to Machiavelli.

¹⁶³ The first chapter of *For a Left Populism* is dedicated to characterizing this moment. In sum, it is marked by the anti-establishment movements brought about by the 2008 economic crisis which revealed important contradictions of the neoliberal model.

¹⁶⁴ See Mouffe, *For a Left Populism*, p.90-93 and further discussion here.

¹⁶⁵ Mouffe, “The limits of John Rawls's pluralism,” *Politics, Philosophy & Economics*, vol. 4, n. 2 (2005, pp. 221-231). See also from the same author, “Le politique et la dynamique des passions,” *Politique et Sociétés*, vol. 22, n. 3 (2003, pp. 143-154).

¹⁶⁶ Mouffe, *The Limits of Pluralism*, p. 226.

¹⁶⁷ Mouffe, *The Limits of Pluralism*, p. 227.

¹⁶⁸ See Mouffe, *The Limits of Pluralism*, p. 227. In here, Mouffe seems to overlook the complexity of Rawls's argument. Mouffe's criticism, however, is not without fundament, for Rawls sees his political conception as seeking a common ground among the comprehensive doctrines. Citizens, actually, do not take the conception of justice they share as political, for they support it through their comprehensive doctrines (I discuss this matter further – see the last section).

liberalism as a political decision which as such consciously excludes something (in his case what is not reasonable according to the principles of justice).

Abandoning the idea of neutrality is, however, to her, a good path to follow. In *For a Left Populism*, she wishes to build on the founding principles of contemporary liberal democracies: liberty and equality¹⁶⁹ (which she considers to be always in tension).¹⁷⁰ Yet, she does so from a non-essentialist approach: to her societies are divided and discursively built through hegemonic practices.¹⁷¹ A hegemonic formation is, according to Mouffe, a “configuration of social practices of different natures: economic, cultural, political, and juridical, whose articulation is secured around some key symbolic signifiers which shape the ‘common sense’ and provide the normative framework of a given society.”¹⁷² Her objective is to change the current hegemonic formation by radicalizing democracy through left populism. And this is a political decision – to her the best Western Europe can take now.

We should not be misled by the *populist* label Mouffe claims to herself. She is giving it a different design. Instead of an aimed regime, populism is, to her, a strategy¹⁷³ within a nation state.¹⁷⁴ She follows Ernesto Laclau’s definition of populism: a discursive strategy for mobilization of one part of society, the people, against the other, the oligarchy.¹⁷⁵ “What is important [...] is the recognition that ‘democracy’ is the hegemonic signifier around which the diverse struggles are articulated and that political liberalism is not discarded.”¹⁷⁶ The articulation is populist, not the government. The figure of a leader may be present as an articulating principle, a role that can also be performed by a specific democratic demand which symbolizes the common struggle.¹⁷⁷

As the notion of a people is central, there must also be a “we” and a “they”. One important part of the populist strategy is the formation of the “we,” the people, in a pluralistic society.¹⁷⁸ The people are capable of collective action, but it is not, in

¹⁶⁹ See Mouffe, *For a Left Populism*, p. 66.

¹⁷⁰ See Mouffe, *For a Left Populism*, p. 14-15.

¹⁷¹ See Mouffe, *For a Left Populism*, p. 10.

¹⁷² Mouffe, *For a Left Populism*, p. 44. See also p. 87-90.

¹⁷³ See Mouffe, *For a Left Populism*, p. 79-80.

¹⁷⁴ As does Nussbaum, Mouffe believes political emotions and political culture should be dealt within the state. See Mouffe, *For a Left Populism*, p. 71.

¹⁷⁵ See Mouffe, *For a Left Populism*, p. 10-11.

¹⁷⁶ Mouffe, *For a Left Populism*, p. 51.

¹⁷⁷ See Mouffe, *For a Left Populism*, p. 70.

¹⁷⁸ Both Nussbaum and Mouffe are concerned in constructing a group identity, which happens by the contraposition of a “we” and a “they”. The notion of people is, however, completely different in their theories. As Nussbaum relies on an agreement to conceive a political society, “we” encompass all citizens

Mouffe's conception, homogeneous. The people, "us," are a discursive political construction.¹⁷⁹ "They" are those who negate all democratic differences.¹⁸⁰ "They," however, still accept the consensual conflict, meaning that they play the institutional game of conflict. "[T]he fundamental question is not how to arrive at a consensus reached without exclusion, because this would require the construction of a 'we' that would not have a corresponding 'they'."¹⁸¹ She manages to reconcile the we/ they distinction with pluralism by presenting it under the perspective of adversaries, not of enemies. Conflict takes the form of agonism, not of antagonism, for "the opponent is not considered an enemy to be destroyed but an adversary whose existence is perceived as legitimate."¹⁸²

Mouffe's approach deals with political emotions in an interesting way. She points out the affective unconscious dimension in the constitution of political identities¹⁸³ and concludes that, in order to change the hegemonic formation, populism should aim at shaping the common sense by working on the citizens affects:

A left populist strategy aims at the crystallization of a collective will sustained by common affects aspiring for a more democratic order. This requires the creation of a different regime of desires and affects through inscription in discursive/affective practices that will bring about new forms of identification. Those discursive/affective practices are of various natures, but the cultural and artistic fields constitute a very important terrain for the constitution of different forms of subjectivity.¹⁸⁴

of a state and "they" are people living elsewhere. In opposition, Mouffe relies on conflict to conceive a political society. For her, both "we" and "they" are citizens of the same community who live in an agonistic relation.

¹⁷⁹ See Mouffe, *For a Left Populism*, p. 62-63.

¹⁸⁰ See Mouffe, *For a Left Populism*, p. 63.

¹⁸¹ Mouffe, *For a Left Populism*, p. 91.

¹⁸² Mouffe, *For a Left Populism*, p. 91. Mouffe, however, is not claiming that no one gets excluded: "The category of *enemy* does not disappear, however, for it remains pertinent with regard to those who, because they reject the conflictual consensus that constitutes the basis of a pluralist democracy, cannot form part of the agonistic struggle." (p. 91-92).

¹⁸³ She grounds her theory on Spinoza, Freud, Wittgenstein and Gramsci. From Spinoza she takes advantage of the idea that actions are ultimately motivated by affects and that affects are only changed by other affects (*For a Left Populism*, p. 73-74). From Freud, she learns of the inexistence of essential identities: a person's identity lies within her identification and cannot be uncovered beyond it. Also from Freud, Mouffe retains the idea that affection is what holds a group together (p. 72-73). Still, Mouffe believes allegiance to democracy comes from participation in specific forms of life – it involves what Wittgenstein called language games (p. 75). Finally, Mouffe learns from Gramsci about the centrality of the culture domain to the formation of the common sense (p. 77).

¹⁸⁴ Mouffe, *For a Left Populism*, p. 76-77.

This strategy, contrarily to liberalism and similarly to civic republicanism, demands an active participation of the citizens.¹⁸⁵ Agonistic conflict demands collective engagement. “Identifying as citizens whose political objective is the radicalization of democracy is what would unite social agents.”¹⁸⁶ This allows a pluralist society to exist for there is no content added to participation, but it demands that all agree on playing by the rules of the democratic game. To her,

the agonistic confrontation, far from representing a danger to democracy, is in reality the very condition of its existence. Of course, democracy cannot survive without certain forms of consensus relating to allegiance to the ethico-political values that constitute its principles of legitimacy, and to the institutions in which these are inscribed. But it must also enable the agonistic expression of conflict, which requires that citizens genuinely have the possibility of choosing between real alternatives. A well-functioning democracy calls for a confrontation of democratic political positions.¹⁸⁷

Mouffe centers her concerns in a different level when compared to Rawls. For both of them, there must be an initial agreement on the main values a society should share. Yet, while he provides an abstract theory for contemporary democracies, she is focusing on what specific democratic states need now. Still, there is space for a dialogue: they both put forth political conceptions and share a concern for liberty and equality. Her Machiavellian heritage, however, prevent us from seeing her theory as a continuation of justice as fairness (something she never claimed, but that would interests us here if an option). By contrast, the possibility of not being politically engaged is important to liberalism in the Rawlsian sort. Any individual should have autonomy to choose her plan of life, which does not have necessarily to account for active political participation. A liberal solution to the problem of disruptive emotions such as envy must not necessarily rely on more participation from citizens, but on certain degree of consensus regarding the political conception of justice.

¹⁸⁵ See Mouffe, *For a Left Populism*, p. p. 77-78.

¹⁸⁶ Mouffe, *For a Left Populism*, p. 66.

¹⁸⁷ Mouffe, *For a Left Populism*, p. 93.

c. *Liberal Political Conception*

Let us assume that Rawls is right and the three traditions presented – Liberalism, Humanism and Republicanism – are the best way to characterize political theory. Let us assume too that any solution to the problem of politically disruptive emotions connected to distribution until now ends up going towards Republicanism or Humanism. That said, we might ask: can political liberalism offer an answer? Liberalism, especially as presented by Rawls, is the tradition which mostly cherishes freedom and respects pluralism – values which are the core of contemporary democracies. It is however Rawls’s notion of non-interference that might have prevented him from developing a theory which, in addition to justificatory reasons for the adoption of a public conception of justice, deals also with emotional motivators.

Rawls, however, might be pointing to an important solution in *Justice as Fairness* when he discusses how his theory could deal with citizens living in religious sects apart from modern world. He believes their choice should be respected, but also that children should learn about “their constitutional and civic rights.” And, more importantly, that their education should “prepare them to be fully cooperating members of society and enable them to be self-supporting” and that it “should also encourage the political virtues so that they want to honor the fair terms of social cooperation in their relations with the rest of society.”¹⁸⁸ Children should thus be educated to acquire “the capacity to understand the public culture and to participate in its institutions” and to develop “the political virtues.”¹⁸⁹

We might think he is going in the direction of Aristotle’s suggested education. But this not the case, for Rawls affirms that he is trying to “answer the question of children’s education entirely within the political conception.” This is so for the “state’s concern with their education lies in their role as future citizens.”¹⁹⁰ This is a very interesting path to follow. Rawls, however, only mentions it in a section of *Justice as Fairness* and never connects it to the rest of his oeuvre.¹⁹¹

¹⁸⁸ JF.IV. §47.4:156.

¹⁸⁹ JF.IV. §47.4:157.

¹⁹⁰ JF.IV. §47.4:157.

¹⁹¹ Axel Honneth actually criticizes Rawls for not claiming education to be a public matter. According to Honneth, “The crucial contribution that school education can make to the regeneration of democracy lies not in teaching individual rules of right action but in a communicative practice that fosters moral initiative and the ability to take up the perspective of others.” (p. 28). If we take into consideration this brief part of *Justice as Fairness* both authors seem to be vindicating the same thing. See “Education and the

When discussing the allegiance of citizens to the political conception in this book, Rawls asserts that “as citizens come to appreciate what a liberal conception achieves, they acquire an allegiance to it, an allegiance that becomes stronger over time.”¹⁹² In *Political Liberalism*, the same idea appears: the public framework is able both to offer reasons and motivation to citizens. When dealing with stability, he claims that people living under just institutions develop a sense of justice.¹⁹³ People are “educated to that ideal [of citizenship] by the public culture and its historical traditions of interpretation.”¹⁹⁴ There is no direct role attributed to the state.

Educating citizens to be aware of their own reality is essential for creating a society that not only is fair, but also feels this way. A political conception will not become a comprehensive theory if citizens are educated to internalize the principles underlying democracy. The aim should not be to create virtuous citizens, but instead citizens with a critical view of their own relationship with the community.

4. A brief conclusion

Rawls’s political liberalism is an essential theory to discuss justice in liberal pluralist democracies. He demonstrates a deep concern for individual liberty which is not disconnected from a fair distribution of goods. Yet, in order to respect liberty, Rawls believes the political institutions should not interfere with motivation for the adoption of the principles of justice. To him, as showed, support for the political conception of justice should ultimately depart from each citizen’s comprehensive doctrine.¹⁹⁵ If my arguments here are correct, a concern with motivation should be among political

Democratic Public Sphere: A Neglected Chapter of Political Philosophy” in Jonas Jakobsen and Odin Lysaker *Recognition and Freedom: Axel Honneth’s Political Thought*, Social and Critical Theory Series, vol. 17 (Brill, 2015, pp. 17-32),

¹⁹² JF.V. §58.3:194. See also: JF.V. §59:196-197.

¹⁹³ See PL.IV. §2.1:141, PL.II. §7:84-86.

¹⁹⁴ PL.II. §7:85-86.

¹⁹⁵ Gerald F. Gaus criticizes the distinction between “comprehensive” and “political” liberalism. He thinks we are using the label “comprehensive” to theories that have little in common. John Dewey’s liberalism, which encompasses a philosophy of the good life, should not, for instance, according to Gaus, be placed under the same insignia as Rawls’s liberalism in *A Theory of Justice* which is itself a distinctive theory of justice. Gaus is correct in his observation. I chose, however, to maintain the distinction here not only because it is widely used in the debate, but also because it is still possible to separate a political conception from the other liberal conceptions. See Gaus, “The Diversity of Comprehensive Liberalisms” in Gerald F. Gaus and Chandran Kukathas, *Handbook of Political Theory* (Sage Publications, 2004, pp. 100-114).

institutions' direct role. Both Aristotle and Machiavelli argue for the centrality of the problem – as do Nussbaum and Mouffe, all in different theoretical contexts. Rawls seems to think motivation is connected to justice only from a justificatory level while it should be seen as an issue on its own. Political Liberalism should go beyond and present ideas on how to motivate people to be citizens who can fully enjoy the freedom of a democratic society (which is, in its turn, free of disruptive emotions).

II. HOBBS ON DISAGREEMENT AND THE CONTEMPORARY DEBATE ON PLURALISM

1. Introduction

Liberal concern with pluralism should be twofold. While liberal democratic theory valorizes freedom enjoyed by people with diverse modes of living and different ways of expressing their ideas, liberty that allows pluralism may sometimes undermine itself – like speech advocating religious intolerance. Actual freedom, it seems, can only be obtained if diversity is not undercut by intolerance. In this sense, in order to truly promote its core value – i.e. freedom –, liberalism ought to offer an answer to the challenge posed by pluralism while also respecting heterogeneity among citizens. John Rawls, one of the most prominent liberals, I will argue, fails to do so. Rawls thinks that by living in a fair society, citizens will learn to recognize one another as free and equals. Because no procedure, even a democratic one, can by itself result in tolerance, a good answer should take moral and political disagreement seriously. Civil education, a more plausible solution than limiting speech, is often displayed as indoctrination, a limitation on freedom that no liberal can accept. I wish to show that if even Thomas Hobbes is able to address education by demonstrating reasons and engaging political emotions instead of indoctrinating citizens of a commonwealth, this path is also open to liberal consideration. The key idea in Hobbes's thinking is that of the primacy of the political. If education can be limited to teach citizens how to live well with someone who is different, freedom would be limited only for its own sake.

It might seem a counterintuitive idea to consider Thomas Hobbes's thoughts on this topic since he does not celebrate difference of opinions among citizens. Yet, in addition to offering a political answer to disagreement, arguably no other author in the

history of political philosophy engaged in an equivalently sustained reflection on the question of human disagreement. Hobbes offers a theory of political order because he came to realize that human beings would never, in virtue of their nature, overcome disagreement without political artifice. While sedition is marked by him as the principal cause of the civic death of the commonwealth, political consensus artificially obtained is Hobbes's recommendation to keep the political community in health.¹

Not being a liberal or a democrat himself,² Hobbes is not willing to place individual liberties as the main value of civil society. He is, however, able to present a bold and consistent theory that emphasizes the fact of freedom of thought and is based on political rather than moral agreement. Hobbes explains that political order cannot be obtained and maintained unless individuals recognize the authority of the legal system under which they live. Because he knows that individuals will not naturally recognize the importance of such an assertion, Hobbes claims they should be educated to do so. Of interest to contemporary liberals, Hobbes justifies the need for education not to improve people morally, but in political terms within a framework of consent, and by limiting freedom in order to further freedom.

My argument is divided into two parts. The article starts by providing an account of Hobbesian anthropology, for Hobbes claims disagreement as well as consensus (and thus stability) depend on an understanding of human psychology. It is essential that we first understand what Hobbes means by these concepts before facing the difficulties that his ideas may offer to contemporary readers. By the end of the first part, I establish a dialogue between Hobbes's political theory and John Rawls's

¹ See L.Intro:16. Citations to Hobbes's works refer to the title of the work ("L" refers to *Leviathan*, "DCi" for *De Cive*, "EL" to *Elements of Law*, "Beh" to *Behemoth*, "DCo" to *De Corpore* and *Dialogue to A dialogue between a philosopher and a student of Common Laws of England*) followed by part (if applicable), chapter, paragraph and page in the format just provided. Editions used for citation are as following: *Leviathan*, The English and Latin Texts. The Clarendon Edition of the Works of Thomas Hobbes. Ed. Noel Malcolm, vol. 2 and 3 (Oxford University Press, 1651/1668/2012); *On the Citizen [De Cive]*, Cambridge Texts in the History of Political Thought, eds. Richard Tuck and Michael Silverthorne (Cambridge University Press, 1642/1647/1998); *Human Nature and De Corpore Politico [The Elements of Law]*. Oxford World's Classics, ed. J. C. A. Gaskin (Oxford University Press, 1640/1994); *Behemoth*, in Thomas Hobbes, *The English Works of Thomas Hobbes of Malmesbury [EW]*, ed. Sir William Molesworth, vol. 6 (1840, pp. 161-418); *Translation of Elements of Philosophy, parts I-IV: Concerning Body [De Corpore]*, in EW, vol. 1 (1655/1839) and *A dialogue between a philosopher and a student of Common Laws of England*, in EW, vol. 6 (1681/1840, pp. 1-160). Spelling is modernized in quotations.

² While Hobbes's theory may be presented as having aspects that are important to liberalism, it also advances illiberal claims. See, e.g., Noel Malcolm, "Thomas Hobbes: Liberal illiberal," *Journal of the British Academy*, vol. 4 (2016, pp. 113-36). Moreover, Hobbes should also not be interpreted as supporting democratic government; see, e.g., Kinch Hoekstra, "A Lion in the House: Hobbes and Democracy," in Annabel Brett, James Tully, and Holly Hamilton-Bleakley. *Rethinking the Foundations of Modern Political Thought* (Cambridge University Press, 2006).

liberalism. In so doing Hobbes is demonstrated to be a valuable resource for thinking about education as a tool for valuing pluralism – an idea directly connected with his account of political psychology. The second part of the article is dedicated to arguing why, even though it is not intrinsically liberal, Hobbes’s idea of education is, maybe surprisingly, suitable to being adopted not only by an absolute sovereign but (some considerations added) also by a liberal society. Demonstrating that Hobbes has a political conception of education is the central issue of this challenge, which will take us through Hobbes’s conceptions of freedom of thought, religion and human benefit. When we reach the conclusion, I expect to have shown that because Hobbes demonstrates the possibility of educating citizens without taking away from them more freedom than they already consented to by living in a political society, civil education may also be an instrument for contemporary liberals to think about the promotion of tolerance in societies that value pluralism.

2. Political consensus

Hobbes’s anthropology does not define humans as lone wolves that surrender to social life because of its utility. A solitary life is something Hobbes adds to the oft quoted list of doleful adjectives he uses in *Leviathan* to qualify human life during war in *Leviathan*, which also displays the attributes of being: “poor, nasty, brutish, and short”.³ According to Hobbes, however, being part of society is a matter not only of desire, but an acquired ability – what may happen through civil education. His understanding of human nature leads him to argue that society can be stable only if it is based on an artificial agreement. Hobbes goes to some lengths to demonstrate this. His political ideas are thus not complete without an analysis of human nature – which he develops throughout his political writings, and richly explores in the first part of *Leviathan*. The way he portrays the origins of disagreement will be examined in the following paragraphs. Shortly after, what kind of political consensus is possible in such circumstances will be considered. With these arguments in mind it will be possible to engage Hobbes’s theory with contemporary debates.

³ L.13.9:192.

a. *Disagreement, or the multitude.*

For Hobbes, factual disagreements exist alongside human nature. These differences, we will see generate instability. Hobbes understands all human beings as experiencing desire, love, fear, and other passions, but also as having different objects of their passions: some love what others hate. Despite their different tastes and disagreement, it is possible for humans to understand the similitudes of their passions and thoughts by learning how to read one another in themselves.⁴

Hobbes wants his readers to become aware of their common rationality in order to build a framework capable of influencing people's reasoning in order to maintain peace – the main goal of his political writings. This task, however, does not need to be performed by all persons. *Leviathan*, for instance, is, in this sense, directed to those who should read “not this, or that particular man; but mankind”⁵ because in charge of governing a nation. A sovereign not only has to learn about human passions and opinions in order to create good laws, but also so that she is able to teach her subjects about the importance of the commonwealth – a point we will discuss later in this article. Hobbes thus spends the first chapters of *Leviathan* presenting an account of human nature.

Hobbes begins chapter one of *Leviathan* by showing that all human beings experience similar motions existing in the world – such as light or sound or heat –, but that the same movement does not produce the same thought in all. When listening to the same song, what goes through the mind of one person is normally different from what passes through the mind of another. In addition to the dissimilarities caused by the different constitutions of the human body, other differences are due to the passions and opinions of individuals. Thus, different thoughts may also arise in different persons because the same song may bring back happy memories for one person but not for another; or because a more experienced listener may notice aspects of the music that others do not.

Accordingly, external motion as experienced by human beings is the origin of all their thoughts⁶ and of the diversification of their passions.⁷ To Hobbes, thoughts

⁴ See L.Intro.7:18.

⁵ See L.Intro.8:20.

⁶ See L.1.2:22.

⁷ See L.6.1-4:78-80 and L.6.13:84.

cannot be separated from passions. We can see this clearly in his criticism of Descartes's *Meditations*. According to Hobbes, if someone spots a lion running in their direction, their fear is identical to "the thought of the thing the person fears."⁸ Fear, in this case, is constitutive of the thought of the lion. Complex thoughts are a mixture of fancies (i.e., images on the mind), passions and opinions. Which passion will be connected to which thought is ultimately determined by whether the movement received by the body helps or harms the vital movement of a specific person.⁹ Fear will always be "*Aversion*, with opinion of *Hurt*, from the object,"¹⁰ but what is feared may be something loved by somebody else as people react differently to similar – and sometimes to exactly the same – external movement.

Language tends to reflect these differences existing in thought. For this reason, disagreement can be acknowledged by all. Words, Hobbes tells us, "have a signification also of the nature, disposition, and interest of the speaker." And thus "[O]ne man called *wisdom* what another called *fear*; and one *cruelty* what another *justice*; one *prodigality* what another *magnanimity*; and one *gravity* what another *stupidity*, etc."¹¹ Therefore, as people disagree on "what is to be called right, what good, what virtue,"¹² dissension transcends its epistemological origin, ascending also to a moral disagreement.

The lack of agreement generated by the plurality of opinions is generally poisonous to human life in common. Disagreement is the main characteristic of Hobbes's account of the natural condition. Hobbes's state of nature might be seen as an instrument designed to make vivid to his readers what human nature is really like. He therefore does not begin by discussing the complex political world that we can build, but starts, rather, with its smallest part: individuals separated from political institutions.¹³ It is where there is no commonwealth that "these words of good, evil, and contemptible, are ever used with relation to the person that uses them: there being nothing simply and absolutely so."¹⁴ Only the commonwealth can offer the moral unification necessary for life in society. In Hobbes's theory, one of the crucial roles of

⁸ This is part of the sixth challenge offered by Hobbes to Descartes's *Meditations* in his more comprehensive set of criticisms displayed in the "Third Objections," In René Descartes's *Meditations on First Philosophy With Selections from the Objections and Replies*, trans. Michael Moriarty (Oxford University Press, 2008, pp. 107-124), p. 114.

⁹ See L.6.1-2:78.

¹⁰ L.6.16:84.

¹¹ L.4.24:62.

¹² EL.II.29.8:180.

¹³ See DCi.*Preface to the readers*.9:10 and L.Intro:16-18.

¹⁴ L.6.7:80. See also L.11.19:158.

the sovereign in providing consensus rests in acting as the source of interpretations for what she considers strategic moral concepts – a task she accomplishes by interpreting the laws of nature. By providing enough linguistic ground,¹⁵ she enables the continuity of a political agreement.

A common vocabulary, however, is not enough to tackle disagreement. It is necessary that subjects are motivated to abide by a common morality. Disagreement, as described above, results also from the passions. Competition for the means of survival associated with diffidence and the search for glory are the principal causes of quarrel. Competition leads to conflict because of the scarcity associated with the desire held by all human beings to preserve their vital movements. From the fear of losing what one has already achieved, comes diffidence and also what is considered the best way to protect one's possessions, anticipation. The diffident person feels secure only if he possesses adequate power – understood as “present means, to obtain some future apparent good.”¹⁶ The desire for power¹⁷ is inherent to the nature of human desire since each person does not wish to “to enjoy once only, and for one instant of time; but to assure forever, the way of his [or her] future desire.”¹⁸ If competition and diffidence were the only causes of conflict, peace might be attainable whenever we could satisfy people's current needs and assure them that their future needs would be met, too. Yet, for Hobbes, the real impediment to resolve disagreement lies in the desire for glory. While the competitive and the diffident are concerned with safety, the glory-seeker aims, rather, at the pleasure arriving from the acknowledgement of their power. For them, “the heart's joy and pleasure lies in being able to compare oneself favorably with others and form a high opinion of oneself.”¹⁹

Accordingly, despite the generous nature of some,²⁰ Hobbes tells us that pride (i.e., vainglory)²¹ is part of human nature. Human beings “will hardly believe there be

¹⁵ These are moral grounds. It does not mean, however, that Hobbes is claiming for any sort of moral unity or aim. What interests Hobbes is a specific moral uniformity existent on the subjects' acquiescence to civil law, which allows for the political commonwealth to exist. See DCi.5.4:70-71.

¹⁶ L.10.1:132.

¹⁷ See L.11.2:150.

¹⁸ L.11.1:150.

¹⁹ DCi.1.5:26.

²⁰ See L.27.19:464.

²¹ See L.8.18-19:112.

many so wise as themselves.”²² Individuals are inclined to think of themselves as already knowing what is necessary for their lives.²³ Therefore, when two individuals hold different opinions, they think of dissenting as a sign of dishonor.²⁴ And if the opinion they held was a “vehement opinion of the truth of anything” and is “contradicted by others,” they not only feel dishonored but enraged.²⁵ Confident in their natural capacities, they refuse to settle their disagreement by appealing to an impartial arbitrator and “seek no more, but that things should be determined, by no other men’s reason but their own.”²⁶ Human beings react like that because they are naturally provided with “notable multiplying glasses (that is their passions and self-love,)”²⁷ This feature of human nature is the reason why the dynamic of glory-seeking is so dangerous for society. We do not need great dissent to start a conflict, for “trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons or by reflection”²⁸ may cause political instability. Thus, even an affluent society that meets individuals’ present and future needs might be unstable so long as there are even a few glory-seekers – unless a superior authority, greater than everyone else’s, changes the dynamics of power and educates citizens regarding the laws of nature. If subjects learn how to act in accordance to the golden rule of the laws of nature, reciprocity,²⁹ they will be keen to recognize their equality – an act opposed to displaying of pride.³⁰

While the account of human nature thus far suggests that Hobbes thinks that we are naturally disposed to war, he does allow that aspects of our nature may also incline us towards life in society. In *De Cive*, Hobbes proposes that we have a desire to profit from what society offers.³¹ In *Leviathan*, though, he allows that we may attach genuine value to the company of others. Leaving the language of profit behind, Hobbes structures the elucidation of certain passions – such as kindness (love for society)³² and

²² L.13.2:188. Another similarity among humans and a sign of equal distribution according to Hobbes is also related to this idea. According to him, it is a sign of equality that everybody is happy with what they own – in this case, wisdom.

²³ See EL.I.10.8:62-63.

²⁴ See L.10.27:136 and L.10.30:138.

²⁵ See L.8.19:112.

²⁶ L.5.3:66.

²⁷ L.18.20:282. See also EL.I.10.8:62-63.

²⁸ L.13.7:192.

²⁹ See L.15.35:240 and DCi.3.26.

³⁰ See L.15.21:234.

³¹ See DCi.1.2.annotation:24, as well as DCi.2.19:40 and DCi.6.13:83.

³² See L.6.30:86.

benevolence, or its more general form, good nature (desire of good not to a particular person, but to people generally)³³ – to be defined with no allusion to self-interest.³⁴ Here, instead of denying that we may be naturally sociable, he suggests, rather, that such sociability is relatively impotent at creating social and political stability. At most, it can underpin the voluntary basis of the covenant.³⁵

Hobbes's primary concern thus lies on the artificial apparatus that will also direct citizens to what is necessary for life in society. Hobbes tells us that in order to have not only provisional peace, but stable societies, humans must “confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will [...] and therein to submit their wills, every one to his will, and their judgments, to his judgment.” This reduction of wills into one will, Hobbes tells us, “*is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man.*”³⁶

b. Artificial agreement

Hobbes's formulation of the one will that is able to represent many is one of the greatest conceptual innovations in *Leviathan*.³⁷ The general idea is that the artificial will of the commonwealth is the product of a covenant made by a plurality of private wills and is represented by the person of the sovereign, who commands through law.

As mentioned, the natural condition is the aggregate of a plurality of individuals. In the absence of a commonwealth, we have a “confusion of a disunited multitude.”³⁸ Having no natural political bond, “the multitude naturally is not *one*, but *many*” and

³³ See L.6.22:84.

³⁴ On Hobbes's change of approach from *De Cive* to *Leviathan* regarding self-interest, see F. S. McNeilly's “Egoism in Hobbes,” *The Philosophical Quarterly*, vol. 16, n. 64 (1966, pp. 193-206) and Bernard Gert, “Hobbes and Psychological Egoism” (*Journal of the History of Ideas*, vol. 28, n. 4 (1967, pp. 503-520).

³⁵ Annabel Brett claims that this is the significant distinction Hobbes is able to offer when compared to Aristotle – whom he criticizes for considering human sociability as a natural phenomenon. *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton University Press, 2011), 115-122.

³⁶ L.17.13:260.

³⁷ Even though the idea of representation is not present in *De Cive* as it is in *Leviathan*, there Hobbes also claims the need of an artificial unity (“*civil Societies are more than gatherings; they are Alliances, which essentially require good faith and agreement for their making*” [DCi.1.2, annotation: 24-25]) and thinks of the unity as centered on the sovereign's will (“[...] the *people* wills through the will of *one man*. [...] In a *Democracy* and in an *Aristocracy* the citizens are the crowd and the *council* is the people, in a *Monarchy* the subjects are the *crowd*, and (paradoxically) the *King* is the *people*” [DCi.12:8:137]).

³⁸ L.18.3:264.

“cannot be understood for one; but many authors”³⁹ who, in order to create union, perform “a covenant of every man with every man.”⁴⁰ And by “reduc[ing] all their wills, by plurality of voices, unto one will,” “the multitude so united in one person, is called a COMMONWEALTH.”⁴¹ As an artificial person, the commonwealth does not have a naturally unified will. It is thus only through representation that a “multitude of men, are made *one* person.” That is, “it is the *unity* of the representer, not the *unity* of the represented, that makes the person *one*.”⁴² Union is thus created by covenant because there is an office⁴³ – the sovereign – representing the artificial person and caring for its continuity. Once this framework is set, sovereignty is established.

The role of the sovereign in the institution of a commonwealth is secondary compared to the role of each citizen. There is no covenant between the people as a unified party and its ruler. That is impossible by definition – since there is no people if there is no one will.⁴⁴ This account of the creation of a commonwealth allows Hobbes to affirm that the sovereign is not responsible *to* its subjects (as opposed to *for* them). That is, in the establishment of a commonwealth, the sovereign is something like the beneficiary of a contract she (or he or they) did not make (since future citizens contract only amongst themselves).⁴⁵

The sovereign’s position, however, does not allow it to do just anything. The office of the sovereign has a well-designed aim: the safety of the people.⁴⁶ This requires the persistence of the commonwealth. As any artifice, civil society will not maintain itself and “therefore it is no wonder if there be somewhat else required (besides

³⁹ L.16.14:250.

⁴⁰ L.17.13:260.

⁴¹ L.17.13:260. See also DCi.5.9:73 and EL.I.12.7-8:72.

⁴² L.16.13:248.

⁴³ See L.35.15:646.

⁴⁴ The way Hobbes presents the covenant that creates a commonwealth has great significance for the debate on representation he is addressing. In sum, once the people, in opposition to the multitude, is characterized as represented by the sovereign, Hobbes denies that any private interest is being reproduced in political power. This idea is also part of his criticism of parliamentary theories where the representatives of the multitude contract and are then obligated to represent a specific branch of the population who elected them. Quentin Skinner discusses these issues in “Hobbes on Representation,” *European Journal of Philosophy*, vol. 13, n. 2 (2005, pp. 155-184).

⁴⁵ See L.18.4:266. Sovereignty by acquisition, despite presenting a special kind of obligation fulfilled by the sovereign when she preserves the life of the conquered when he becomes a subject, shall also be conceived as not creating a people without sovereign or generating any obligation to the sovereign. See L.20.1:306.

⁴⁶ See L.30.1:520. EL.II.28.1:172; and DCi.13.2:143.

covenant) to make their agreement constant and lasting; which is a common power, to keep them in awe, and to direct their actions to the common benefit.”⁴⁷

The limits to the power of the sovereign are thus established by the structure of sovereignty itself.⁴⁸ The sovereign should be able to overcome the multiplicity of private interests, uniting everyone’s truest interest, safety, in one public civil doctrine. Hobbes is offering his readers a theory that prioritizes the idea of a lasting commonwealth where the common good is envisioned. For that to happen, the interest of the office of the sovereign cannot be mistaken with those of private persons. It means that while expressing the one will of the sovereign, the members of the sovereign assembly have an official duty and should only incidentally procure their private interests. Hobbes thus traces a line between private interests and public administration of the person of the commonwealth.

The ideal of political autonomy reflects in the main method of exercising the sovereign power: the sovereign as a public person acts through public commands, laws.⁴⁹ Civil law is an artifice born within the covenant. The laws of a commonwealth are “artificial chains” created by humans to fasten “the lips of that man, or assembly, to whom they [the subjects] have given the sovereign power” to “their own ears.”⁵⁰ Thus, in a commonwealth, “not the appetite of private men, but the law, which is the will and appetite of the state is the [common] measure.”⁵¹ If the civil law is not respected, “in such diversity, as there is of private consciences, which are but private opinions, the commonwealth must needs be distracted, and no man dare to obey the sovereign power, further than it shall seem good in his own, eyes.”⁵² The law is the domain of the sovereign and is considered authoritative not because the subjects judge it to be just, but because its source is the power of the sovereign, which originated in the consent of all. Hobbes thus attempts to free civil law from private opinion. If the law depended on

⁴⁷ L.17.12:260.

⁴⁸ The power of the sovereign is absolute, that is a literal claim in Hobbes (see, for example, L.20.14:314). The limitations to it (rightly conceived) are, from a perspective, self-imposed (the sovereign’s obligation is something like an imperfect moral duty that can only be enforced by God’s judgement in the afterlife). Hobbes is only suggesting that in order to retain power, the sovereign should conceive her or himself as bearing some duties regarding the safety of the people. It is a factual demand that – should, at least, – generate self-imposed duties. Compared to the limitation of power in contemporary democracies, this is not much, but it is interesting to realize that legitimacy is also important to sovereignty once Hobbes acknowledges a duty regarding the benefit of the people.

⁴⁹ See L.26.2:414.

⁵⁰ L.21.5:328.

⁵¹ L.47.32:1122.

⁵² L.29.7:502.

different sources not united by the sovereign will, “there would be as much contradiction in the laws, as there is in the Schools.”⁵³ And contradiction means disagreement – a characteristic of the natural condition. The sovereign’s commands are norms created by political power, and should be obeyed regardless of any judgement concerning their content.⁵⁴ The point is not *what* the law says, but that the law functions to keep the community one.

c. *Burdens of judgement and overlapping consensus*

Thus far we have discussed two aspects of Hobbes’s thought: what human nature *is* like – characterized by a wish for common life, but inclined to disagreement – and how society *should be* structured to provide a safe and stable life to citizens – through the edification of a commonwealth. We now need to open the conversation to how Hobbes’s claims can be read with contemporary eyes. John Rawls’s theory,⁵⁵ we will see, enables us not only to establish an insightful dialogue with Hobbes’s ideas⁵⁶ but also allows us to realize in what Hobbes may contribute to the debate. It turns out, as already hinted above, Hobbes has an interesting argument on *how* to convert the fact

⁵³ L.26.11:422.

⁵⁴ See L.25.2:398.

⁵⁵ Rawls’s ideas are portrayed here as stated in what seems to be his final thoughts on the theory he called *justice as fairness*. Despite maintaining the core of justice as fairness intact, many important issues went through changes after the publication of *A Theory of Justice*, in 1971 (Harvard University Press, revised edition in 1999 – here cited as TJ and followed by chapter, section and page). The main texts used here are, for this reason, *Political Liberalism* (Columbia University Press, 1993/2005, cited as PL and followed by number of lecture, section, subsection and page) and *Justice as Fairness, A Restatement* (Harvard University Press, 2001, cited as JF followed by section, subsection and page).

⁵⁶ It is important to point out that Rawls mentions Hobbes in *A Theory of Justice* and that we have access to a more detailed interpretation Rawls made of Hobbes in his *Lectures on the History of Political Philosophy* (Harvard University Press, 2007). Rawls shares, in the *Lectures*, for instance, his opinion regarding the *Leviathan*. He believes that this is the “greatest single work of political thought in the English language,” but not the best theory. According to Rawls, John Locke’s oeuvre, for instance, is “more reasonable, more sensible’ than Hobbes’s, “and one might think closer to being accurate, or true” (*Lectures on History*, 23). Rawls thinks Hobbes’s social contract theory should be rejected in favor of a theory that “provide[s] not merely a perspective from which political institutions can be seen to be collectively rational, but a framework within which the content of the notions essential to social cooperation – reasonable self-restraint and fairness – can be defined or outlined,” what Rawls believes we can find in Locke’s work (*Lectures on History*, p. 88, in TJ see I.3:10, 4n). One reason for Rawls to draw such a conclusion is his understanding of moral and political obligation as lacking any connection in Hobbes’s writings, a link justice as fairness, in its turn, succeeds in establishing (see TJ.VIII.76:435-6). Because of this conception, Rawls concludes that the sovereign has no part in educating his subjects to understand the importance of obeying the civil law. The sovereign in Rawls interpretation of Hobbes only plays a role in “alter[ing] the background conditions against which people reason and against which they are going to make contracts and decide to honor them and to adhere to the other precepts of reason or laws of nature” (*Lectures on History*, 78, in TJ see IV.38:211 and VI.52:304-5).

of disagreement on stability through education which contemporary societies may profit from.

Both Hobbes and Rawls take as their starting point (what today is referred as) the fact of pluralism and its hindrances to political stability. Additionally, neither of them sees the suppression of pluralism as a solution to stability.⁵⁷ Rather they both think that unity depends on citizens engaging in the public sphere for unity to exist. While Hobbes saw pluralism as a fact that was neither desirable nor undesirable, Rawls considers pluralism a fact – a product of human nature⁵⁸ – although a valuable one, so long as the pluralism is of reasonable viewpoints. That is, he allows that even reasonable persons would still disagree on important issues because of the burdens of judgement – epistemological, conceptual, or value-related differences that are intrinsic to human nature.⁵⁹ These persons would, however, recognize and accept the burdens of judgement while, at the same time, expressing the will to affirm fair terms of cooperation,⁶⁰ producing an overlapping consensus. Rawls's idea of a stable society thus also lies in an artificial⁶¹ agreement⁶². Both authors believe there must be a political decision, which is different from the sum of citizen's interests, requiring an artifice in order to be justified. In contrast with Hobbes, however, Rawls's agreement is founded on an ideal of justice, even if it also produces political unity.

Hence Hobbes and Rawls share a similar starting point, and also reach similar conclusions about what is necessary to achieve political stability: as life in society needs consensus and nature cannot provide it, they both rely on an artificial agreement to preserve society over time. But similarities do not end there: they both identify the need to supplement society with a substantive public doctrine that shall guide their union. The differences are on the content of the public doctrine they are putting forth. Rawls focuses on a political doctrine whose core lies primarily in freedom, and, secondly, in

⁵⁷ The case of Hobbes will be discussed in subsection 3.a. It seems that Hobbes sees pluralism as a fact impossible to be overcome while Rawls values pluralism when it is reasonable – a major difference that should be acknowledged, but one that does not prevent a comparison.

⁵⁸ See JF.I.§11.3:34-35 and PL.I.§6.2:36-38.

⁵⁹ See PL.II.§2:54-58 and JF.I.§11.4:35-36.

⁶⁰ See PL.II.§2.1:54 and JF.V.§57:4:191-192.

⁶¹ In Rawls's case, it means that he does not wish first to consider the comprehensive doctrines that in fact exist and then design a political conception of justice that would suit different interests and easily gain their support. Rawls considers this to be the wrong way of being political. See PL.I.§6.4:39-40, JF.I.§11.5-6:36-37, JF.V.§56.1-2:188-189 and JF.I.§11.2:33.

⁶² However important to reconstruct a tradition, we should not attribute importance to the label of contractualism in here, for the device serves different purposes in their theories. The word *agreement* does not here thus refer to contract, but to overlapping consensus. Justifying the adoption of the principles of justice however demands the argument of the Original Position.

equality – which are established by the principles of justice. Unlike Rawls, Hobbes believes the sovereign might convey more than a political doctrine: a comprehensive moral doctrine may be the only way to provide as much social uniformity as it is necessary for the goal of peace.⁶³ Such a moral doctrine may allow more or less freedom, depending on the characteristics of the society being governed and on the public will. To Hobbes, everything that causes politically meaningful disagreement should be regulated.

Even though the criteria and aim of Hobbes's choice are political, Rawls does not go as far, for he wishes to respect pluralism. Rawls believes citizen's comprehensive moral doctrines should be respected even if they are the cause of disagreement. What matters, for Rawls, is the existence of an overlapping consensus among these doctrines. That is, a "consensus of reasonable (as opposed to unreasonable or irrational) comprehensive doctrines" that is "presented as independent of comprehensive religious, philosophical, and moral doctrines."⁶⁴ According to Rawls, an overlapping consensus is more than a happenstance or a balance of forces,⁶⁵ it enables stability.⁶⁶ In both cases, as mentioned, the substantive doctrine is an artificial one.

Underlying the idea of an overlapping consensus in Rawls's thinking, there is a strong claim for freedom: the political framework does not need to have nor should have an active role regarding the teaching of the desired moral capacities a citizen should develop to cooperate under the agreed terms.⁶⁷ The comprehensive doctrines of the citizens are an independent source of motivation for them to support the political conception. These doctrines develop themselves to perform such a task mostly due to

⁶³ In this scenario, Hobbes is not, at least from the perspective where he presents his arguments, developing a comprehensive doctrine himself. He is instead claiming a sovereign should shape a doctrine of this kind in the society it governs, which means that Hobbes is allowing for different moral or political conceptions to be equally important as long as they are placed in different societies. Also, Hobbes does not seem to place any hindrances on such a doctrine, allowing for it to be even what Rawls calls a political conception if that fulfils the condition of attaining the aim of peace. To Hobbes, what matters the most is that a doctrine established by the sovereign is able to generate minimum agreement for the political institutions to work.

⁶⁴ PL.IV. §3.1:144. See also JF.I. §11.1:32.

⁶⁵ This is how Rawls characterizes a *modus vivendi*. See PL.IV. §3.4:148 and JF.V §58.1:192-193.

⁶⁶ See PL.IV. §2:140-144 and JF.V. §55.5:187. Justice as fairness, because it is a political conception and appeals to people while respecting their comprehensive doctrines, does not originate itself in the overlapping consensus (see note 61). On the contrary: it is able to *gain* the support of a reasonable overlapping consensus.

⁶⁷ These moral powers are a capacity for a sense of justice and for a conception of the good (PL.I. §3.3:19).

historical contingencies and can be adjusted with time by the political conception.⁶⁸ Rawls claims that a liberal theory should respect individual freedom⁶⁹ and that living in a well-ordered society is sufficient to enable one to be a reasonable citizen.^{70/71}

Hobbes differs from Rawls on how it is possible for a political consensus to be produced and maintained. While there could be some sort of Hobbesian overlapping consensus when there are different moral doctrines within a commonwealth and all demand obedience to civil power; this framework, in Hobbes's theory, would have to be allowed⁷² and maintained by those with political power. In a sense, Hobbes attributes greater achievements to the political structure than does Rawls. This is due to Hobbes's view of disagreement. Socially disruptive discord, according to Hobbes, will never cease to exist unless people are taught how to behave as part of society. Hobbes hence conceives of the sovereign as playing a crucial role in civil education. In fact, Hobbes believes that a moral education which addresses not only subjects' rational thinking but also their passions is a duty of the sovereign. Hobbes does not think people will have difficulties following the reasoning on the need to obey the sovereign power, but knows that some of their passions might prevent them from incorporating these ideas while reasoning for action.⁷³

⁶⁸ See PL.IV.§62:160 and JF.V.§58.2:193. According to Rawls, this is a second step on generating an overlapping consensus. First there has to be a constitutional consensus around basic political rights and liberties.

⁶⁹ He did not think a liberal theory should go as far as establishing something like a comprehensive doctrine of liberalism, and gave up a more substantive theory about civil education after *A Theory of Justice*. See PL.Intro.:xv-xxviii and JF.V.§55.4-5:186-188.

⁷⁰ See PL.IV.§2.1:141, PL.II.§7:84-86, PL.IV.§4.4:153, JF.V.§58.3:194 and JF.V.§59:195-198. The maximum interference that Rawls allows, as mentioned above, is that, with time, the political conception can help shape the comprehensive doctrines to better cohere with it. The lack of influence of a political conception on comprehensive doctrines, however, does not mean the existence of the opposite interference. A direct consequence of Rawls's view of the relation between comprehensive doctrines and the political conception is that, in matters of constitutional essentials and of questions of basic justice, the values endured by the political conception should always override any other value (see JF.V.§54.4:183 and PL.IV.§1.4:137-138). A possible exception may be found in JF.IV. §47.4:156-157 where Rawls discusses the education of children living in religious sects apart from modern world and claims they should be educated to become politically virtuous citizens. He, however, never expands this idea and keeps mentioning in the rest of the book that education in the well-ordered society comes from the background culture, with no direct involvement of the state.

⁷¹ Rawls, in the Introduction to his *Lectures on History*, asserts that one role of political philosophy is that of "educating citizens to certain ideal conceptions of person and political society before they come to politics, and in their reflective moments throughout life" (p. 7). This is related to the second role of political philosophy, which is the role of orientation as presented in *Justice as Fairness* (JF.I.1:2-3, see also *Lectures*, p. 10). A well-ordered society, however, according to Rawls's treatment of the topic of education, does not need an active philosophical debate to be stable. Rawls was, I believe, discussing the roles of political philosophy instead of claiming that his theory needed political philosophy performing all those roles in order for justice as fairness to be possible.

⁷² See L.18.9:272.

⁷³ See DCi.3.26:53 and L.15.35:240.

Hobbes's sovereign may seem intrusive in educating its citizens, and yet Rawls, who did not think such education was necessary, faces a problem that Hobbes does not. Chantal Mouffe argued that Rawls "gets caught in a circular form of argumentation," for "political liberalism can provide a consensus among reasonable persons who by definition are persons who accept the principles of political liberalism."⁷⁴ According to such a view, Rawls not only does not offer clues on how to reach a political consensus – something that was not an aim of his theory –, but does not offer enough tools to help societies, which have already reached consensus, to remain stable.

Mouffe sees these defects as arising from Rawls' neglect of the passions in politics.⁷⁵ Martha Nussbaum goes further, arguing that Rawls should have addressed the issue of civil education. His solution to the problem of toleration, she claims, "leaves liberalism in what history shows us is a dangerously fragile condition" because Rawls "is reluctant to commit himself to anything more than a very thin political psychology as the basis for moral education," and also because "he focuses only on principle-based and conception-based moral sentiments as the main psychological sources of stability in the well-ordered society."⁷⁶ Therefore, Rawls, from Mouffe's and Nussbaum's points of view, fails to consider that citizens' emotions can be an obstacle to creating a stable society.⁷⁷

We can reassert this conclusion by comparing the motivations needed for entering into Hobbes's social contract and for choosing justice as fairness in the Original Position. The role played by contract is different in each author's theory, but we may learn about individuals' motivations in both arrangements. The contract performed in the Original Position as idealized by Rawls can only exist in conjunction with the veil of ignorance, an instrument designed to guarantee that people make only

⁷⁴ Chantal Mouffe, "The limits of John Rawls's pluralism," *Politics, Philosophy & Economics*, vol. 4, issue 2, (August 2016, pp. 221-231), p. 224.

⁷⁵ See Mouffe, *Limits of pluralism*, p. 226.

⁷⁶ Nussbaum, "Introduction," in Thom Brooks and Martha C. Nussbaum (eds). *Rawls's Political Liberalism*. (Columbia University Press, 2015, pp. 1-56).

⁷⁷ Rawls considers, in *A Theory of Justice*, how justice as fairness deals with excusable envy. His treatment of it, however, only reaffirms the argument that he is not concerned with irrational and unreasonable emotions. Envy is defined by Rawls as being "propensity to view with hostility the greater good of others even though their being more fortunate than we does not detract from our advantages" (TJ.IX.§80:466) and it is excusable only when it is "a reaction to the loss of self-respect in circumstances where it would be unreasonable to expect someone to feel differently" (TJ.IX.§80:468). Rawls asserts that only excusable envy, because it is a rational and reasonable feeling, should be tested against the basic structure of a well-ordered society (see TJ.IX.§80:468). In sum, he concludes that the framework of a well-ordered society not only is unlikely to arouse this feeling, it also works to mitigate and prevent conditions that generate it (see TJ.IX.§81:468-471). This is an argument Rawls considers to be consistent with the view he adopts after *A Theory* (see JF.V.§55.1:184).

rational and impartial calculations, as opposed to personal and emotional ones. It is a good argument as it proves the rationality within the choice of the principles of justice, but it can only go this far. Purely rational and impartial reasoning is not available to real people – or the veil would be of no use at all. In such a context, if we are to understand the individuals in a well-ordered society as being conditioned by their environment to accept the established political order, citizens should be able to go through the reasoning by themselves through what Rawls calls reflective equilibrium. This appears to be a very hard task, for people should choose the principles of justice while not in a situation of impartiality accompanied by all their emotions.⁷⁸

Hobbes, on the other hand, shows how his contract can be kept by addressing what the veil of ignorance leaves behind. Examining Hobbes's work on the issue of education should be interesting for readers with contemporary concerns. Hobbes's approach to contract and his concern with stability, when presented in accordance with his methodological claim, especially in what regards the natural condition and the motivation to perform the covenant that creates the commonwealth, are able to produce great insights on how to build stability. In Hobbes's theory, as showed, emotions have a significant role on disagreement. Also, disagreement is the disease to which he wants to offer a cure. This is the immediate practical concern Hobbes wishes to address, with the aim of effecting a practical difference. He says he is writing *Leviathan* with the hope it “may fall into the hands of a sovereign” who will “convert this truth of speculation, into the utility of practice.”⁷⁹

We should hence think of Hobbes's argument for the creation of civil society through common agreement as demonstrating something about social stability. If opinion and the passions of competition, diffidence and glory are causes of war;⁸⁰ reason, fear of death, and desire of such things as are necessary to commodious living

⁷⁸ Luc Foisneau in his article “Que reste-t-il de l'état de nature de Hobbes derrière le voile d'ignorance de Rawls?” (*Les Études philosophiques*, n. 79 [2006, pp. 439-460]) also considers the difference between Hobbes's social contract and Rawls's Original Position in their regard for the role of the passions, especially that of envy. Foisneau's conclusion (which, however, is based on *A Theory of Justice*) is the opposite from the one presented here. According to him, Rawls shows that the distribution of primary goods in a well-ordered society is able to refrain *excusable* general envy from taking place and demonstrates that social passions, such as rivalry for honor and positions, are not sufficient to disrupt a fair society. As stated in the note above, the problem I wish to point out is that individuals often act unreasonably and may express passions that are not excusable. Real persons, because of their emotions, will most certainly not be as consistent as they should be in order to adopt even the most elevated principles of justice.

⁷⁹ L.31.41:574.

⁸⁰ See L.13.6:192.

with a hope to obtain them by industry incline human beings to peace.⁸¹ We may conclude then that subjects in a commonwealth should be provided with those things that incline them to peace. This is the route Hobbes provides to the aim of peace: obedience to civil law, for this is what guarantees stability. Hence “the *grounds* of these rights [of the sovereign], have the rather need to be diligently, and truly *taught*.”⁸² A command to obey the sovereign is not effective if the subjects do not abide by it, “[f]or a civil law, that shall forbid rebellion, [...] is not (as a civil law) any obligation, but by virtue only of the law of nature, that forbids the violation of faith; which natural obligation if men know not, they cannot know the right of any law the sovereign made.”⁸³ Subjects must learn to endeavor peace as demanded by the fundamental law of nature⁸⁴ in order to obey the sovereign. The sovereign must thus affect the subjects’ reasoning as well as their passions to create in them the appropriate attitude for obedience.

At first, Hobbes’s claim may seem exactly what liberal theorists wish to avoid, i.e. undercutting freedom by teaching a comprehensive doctrine. To contemporary liberal theorists, stability should not prevail over freedom. Although Hobbes does not share the same concerns, if we concentrate in his conclusions that are not historically contingent (like his account on religion), we will see that the justification he offers for claiming the need of civil education does not necessarily result in the teaching of a comprehensive doctrine. The argument for civil education is, in Hobbes’s theory, built only on political grounds and thus it accepts the teaching of political values, such as tolerance. If education is set in this basis, stability would not only be demanding the same restrictions to liberty as living in a society, but it would also be allowing freedom that comes with the protection of the private sphere.

3. Education, reasoning and emotions

Order is, in Hobbes’s philosophy, overall dependent on persuading citizens to obey the civil law. The reasoning performed by human beings when obeying a

⁸¹ See L.13.14:196.

⁸² L.30.4:522 – my emphasis. See also DCi.13.9:146-147.

⁸³ L.30.4:522.

⁸⁴ See L.14.4:200.

command is very specific in Hobbes's theory. After being convinced of their duty of obedience to the sovereign, the citizens are not supposed to judge the equity or iniquity of the sovereign's laws. If everyone obeys the law, stability is maintained. Consequently, the sovereign does not need to change all of his citizens' substantive beliefs. Rather, it is enough if citizens learn how crucial obedience to civil law is.

Although Hobbes includes moral and religious claims when designing civil doctrine, how morally extensive this doctrine should be to fulfill its task depends on the sovereign's judgement. The only artificial agreement necessary to produce unity is regarding obedience to civil law. Hobbes thus acknowledges that stability is possible so long as people agree on who the sovereign is and that it has authority, even though there is no universal substantial agreement on important questions. That is, Hobbes does not think that unity requires the complete eradication of disagreement, but only the erasure of disagreement about certain crucial topics. To support this contention, in the second part of this paper, I will address Hobbes's understanding of freedom of thought (section III.a) and the primacy of the political in his theory (sections III.b and III.c). Discussing these two issues is essential for considering Hobbes's arguments in favor of civil education in contemporary societies. In Hobbes writings, the first topic comprises the relation of human reasoning with law and education. The second comprehends the role of religion and that of true doctrine, which, in his theory, I will argue, do not prevent a political approach.

a. Freedom of thought and the love of obedience

According to Hobbes, civic teaching works by persuading people's passions and their opinions. It is thus possible "to teach them [the subjects, ...], and leave it to them to consider, whether they shall embrace, or reject the doctrine taught."⁸⁵ That happens "because thought is free."⁸⁶ Although this approach may resemble a contemporary notion of freedom of thought or even of conscience, Hobbes is not attributing any value to it. He is probably just acknowledging what he regards as an immutable fact of nature: that it is not possible to simply form other people's minds. We can thus only influence

⁸⁵ L.42.82:868.

⁸⁶ L.37.13:696.

thoughts. What Hobbes probably wants to offer his readers is a way of producing convergent political behavior despite freedom of thought.

Hobbes's lack of interest in what is nowadays considered freedom of thought is clarified in the same paragraph he affirms thought is free. He writes that "when it comes to confession of that faith, the private reason must submit to the public; that is to say, to God's lieutenant [the sovereign]."⁸⁷ By *confession* or *profession of faith* Hobbes means external obedience, as opposed to *faith*, which requires "internal assent" or "internal mental conviction."⁸⁸ That is, Hobbes has no problem with allowing freedom of thought⁸⁹ – so long as it remains in thought; what he curtails is freedom to express any thought or belief that is not in accordance with civil doctrine.⁹⁰ So, "if we be commanded by our lawful prince to say with our tongue, what we believe not; must we obey such command? Profession with the tongue is but an external thing, and no more than any other gesture whereby we signify our obedience."⁹¹

External obedience seems to require fear or the acceptance of the command internally because (i) one agrees with its content or (ii) it is the authoritative command of a sovereign. Hobbes thinks that only the last can produce stability. Sovereign power exercised through force may cause fear enough to prevent some wrongful actions,⁹² but it is not sufficient to maintain peace. Hobbes's main arguments are grounded on consent

⁸⁷ L.37.13:696.

⁸⁸ DCi.18.4:237-238.

⁸⁹ Richard Tuck, contrary to this interpretation, asserts that despite some passages in the opposite direction, Hobbes was actually saying that the sovereign should demand not only external acts but also internal assent. According to Tuck's reading, however, there were two exceptions: Jews and Christians could benefit from freedom of thought. Tuck claims this is due to the pacts made between Abraham and God and between Christ and all Christians – the last regarding the Kingdom of God yet to come, but which demands guidance in its direction (DCi.17.6:208). Although Tuck's interpretation of Jews' and Christians' relation to their faith goes without hindrances, he is missing an important distinction Hobbes makes in what regards the obligation a subject has to her sovereign. When Hobbes introduces his conception of command (L.25.2:398), he is saying that a command is some sort of second order reason. It is not that a subject is not allowed to have access to her conscience, only that she has a reason not to access it. When she receives a command from the sovereign she has a reason that should arrogate her private considerations in the matter being commanded. It does not mean that the subject abandons her conscience and neither that she cannot choose between obeying or not. What she has instead is a preemptory reason to obey the sovereign command. See Tuck, "Hobbes, Conscience, and Christianity" in A. P. Martinich and Kinch Hoekstra (eds.). *The Oxford Handbook of Hobbes* (Oxford University Press, 2016).

⁹⁰ See the next section for a discussion on uniform public worship.

⁹¹ L.42.11:784. See also L.40.2:738. One topic that may be seen as analogous to this distinction of *faith* and *confession of faith*, and thus showing the coherence in Hobbes's thinking is the conception of *sin* and *crime*. According to him, it is a *sin* to wish to commit a crime, but a *sin* and a *crime* when it becomes a fact – moment in which it should be punished (L.27.1-2:452-454). Despite possible inequity, human intentions are not to be punished by the commonwealth. Nonetheless when intentions are related to disobedience, the sovereign should access them through civil education.

⁹² See L.30.23:542. L.17.2:254; L.28.1:482; L.27.7:456.

and on a moral attachment to the commonwealth, something fear alone cannot deliver.⁹³ Moreover, the idea that sovereignty depends on internal assent is also problematic. In order to produce political stability, Hobbes wants to exclude private judgement in essential political matters. Allowing subjects to reason on the correctness of each civil law would be a reaffirmation of the natural condition.⁹⁴ Hobbes's reliance on the obedience to a command matters because only if he can show a political (and thus normative) link between sovereign and subject can he create a political society.

There is, nonetheless, a moral decision involved in the idea of obedience to the political authority and it is, in a sense, also internal – although preexistent to the political system, because responsible for its creation.⁹⁵ Obeying a command, for Hobbes, means to perform an action “without expecting [any] other reason than the will of him that says it.”⁹⁶ Once a subject is convinced that abiding by the authority of the commonwealth is in her benefit, there should be no more considerations on the correctness of the system on her part. Convincing people of the benefit of the political system is thus the focus of Hobbes's ideas on education.

“Love of obedience”⁹⁷ is the main topic to be taught by the sovereign.⁹⁸ People do not realize their true interest unless they *feel compelled* to perform a more complex reasoning.⁹⁹ The best way to enable subjects to do it is by eloquently teaching them about the importance of obedience to the commonwealth for their own lives. Hence

⁹³ L.30.4:522; L.30.2:520; L.20.10-11:312; DCi.13.9:146 and Beh.I:237.

⁹⁴ See DCi.5.1:69, as well as Dialogue:3 and DCo.26.1:307-9. On the idea that Hobbes himself was not judging the political system he lived under while presenting his theory, see Kinch Hoekstra's “Tyrannus Rex vs. Leviathan,” *Pacific Philosophical Quarterly*, vol. 82 (2001, pp. 432-435).

⁹⁵ See L. 15.1-2:220.

⁹⁶ L.25.2:398. In *The Elements of Law*, Hobbes addresses how the conscience should be understood regarding obedience. He says: “For the conscience being nothing else but a man's settled judgment and opinion, when he hath once transferred his right of judging to another, that which shall be commanded, is no less his judgment, than the judgment of that other, so that in obedience to laws, a man doth still according to his conscience, but not his private conscience. And whatsoever is done contrary to private conscience, is then a sin, when the laws have left him to his own liberty, and never else” (EL.II.25.12). See also DCi.14.1:153-4.

⁹⁷ Beh.I:237.

⁹⁸ The entire list of topics the subjects should learn is provided by Hobbes in chapter 30 of *Leviathan* and it revolves around this theme. See L.30.7-13:524-530.

⁹⁹ Bejan interprets Hobbes as putting forth an idea of education where there is a concern not with the “cultivation of personality,” but with imprinting “conformity to true civil doctrine, designed and systematically imposed from without by the sovereign power upon the ‘clean paper’ of men's minds” (“Teaching the *Leviathan*: Thomas Hobbes on Education,” *Oxford Review of Education*, vol. 36, n. 5 [2010, pp. 607-626], p. 620-621). While Hobbes is definitely not interested in the cultivation of personality, he might be doing something different than simply directing people's minds to profession of faith.

obedience requires not only teaching through demonstration, but persuasion as well¹⁰⁰ – a method Hobbes commends when “adorning and preferring of truth.”¹⁰¹ This is how it is possible to deal both with individuals’ passions while also presenting arguments. As mentioned, peace can only be maintained if, in addition to the laws of nature, the proper passions are also in the minds of citizens. Eloquence allows for it to happen as those who persuade “have in their speeches, a regard to the common passions, and opinions of men, in deducing their reasons; and make use of similitudes, metaphors, examples, and other tools of oratory, to persuade their hearers of the utility, honor, or justice of following their advice.”¹⁰²

Unquestioning obedience is how the idea of a public will is translated into the practical life of citizens. “Take away in any kind of state, the obedience, (and consequently the concord of the people,) and they shall not only not flourish, but in short time be dissolved.”¹⁰³ Obedience to the same set of laws creates the most fundamental of social bonds that can guarantee stability in political societies. Agreement on the authority of the legal and political system is as much concord as Hobbes thinks is necessary for stability.¹⁰⁴

Hobbes, however, in *Leviathan*, goes further and tells us that education should be carried through religion. Hobbes argues that the sovereign, as the head of the Church, should appoint the pastors¹⁰⁵ whose “calling is [...] to teach them [the subjects], and persuade them by arguments,”¹⁰⁶ not of their own laws, “but to obey, and teach obedience to laws made [by the sovereign].”¹⁰⁷ Education should thus take place “by a general providence, contained in public instruction, both of doctrine, and example; and in the making and executing of good laws, to which individual persons may apply their own cases.”¹⁰⁸ This seems to be a suitable method for teaching when Hobbes was writing. Yet we should investigate if besides suitable, religion is a necessary vehicle for

¹⁰⁰ L.42.82:868.

¹⁰¹ L.R&C:4:1132-1134. Hobbes also stresses the importance of exhortations in *sweetening* commands, which he considers as an encouragement, sometimes as a necessary attitude and as the humane thing to do (see L.25.9:402).

¹⁰² L. 25.6:400.

¹⁰³ L.30.7:524.

¹⁰⁴ See L.40.6:740 and Beh.I:184.

¹⁰⁵ See L.42.67:850 and L.42.102:892.

¹⁰⁶ L.4.82:868.

¹⁰⁷ L.42.44:824.

¹⁰⁸ L.30.2:520.

teaching obedience to the law. The primacy attributed to the political by Hobbes will thus be the focus of the two last sections.

b. The role of religion

Social agreements may have different densities. A more substantial moral agreement seems to be part of an idea of community where people embrace the same moral code – a design that does not allow much space for diversity. On the opposite side of this framework there would be a more formal view, a thin political agreement that wishes to leave as much space as possible for individual freedom. Hobbes is mostly concerned with the political aspect of individuals' lives, but at the same time he believes it is important for citizens to be morally attached to the commonwealth within they live. The ethical basis of Hobbes's doctrine is not a large one, especially in contrast to ancient theories that proposed more substantial rules on how life should be lived. This account of morality seems also to be reflected in the role of religion in his theory.

In Hobbes's time, religion was an issue difficult not to address when dealing with civil order. Yet the most important feature of this political use of religion is that Hobbes does not think there is only one specific religious doctrine that should be adopted. He believes that since the "most frequent pretext of sedition, and civil war [...] hath a long time proceeded from a difficulty, not yet sufficiently resolved, of obeying at once, both God and man,"¹⁰⁹ it was necessary to establish a substantive moral code through state religion. To Hobbes, the consequences of multiple faiths are devastating. If there is no uniformity flowing from a person governing the church and the state, what follows is "faction and civil war in the commonwealth, between the *Church* and *State*; between *spiritualists* and *temporalists*; between the *sword of justice*, and the *shield of faith*: and (which is more) in every Christian man's own breast, between the *Christian*, and the *man*."¹¹⁰ According to him, "because there is no power on earth, to which all other commonwealths are subject," "there is on earth, no such universal Church." Even though "there are Christians, in the dominions of several princes and states," "every one of them is subject to that commonwealth."¹¹¹

¹⁰⁹ L.43.1:928.

¹¹⁰ L.39.5:734; L.44.5:960 and DCi.1.5:26.

¹¹¹ L.39.5:732.

Religious doctrine is, along these lines, contingent, depending on the sovereign's judgement.¹¹² The religion established by the sovereign, however, Hobbes thinks, should be differentiated from true religion.¹¹³ Hobbes believes true religion is that of the Christian God and that the laws of nature are His divine commands. "The laws of God therefore are," according to Hobbes, "none but the laws of nature, whereof the principal is, that we should not violate our faith, that is, a commandment to obey our civil sovereigns, which we constituted over us, by mutual pact one with another."¹¹⁴ Hence, the sovereign is the head of the church and the only interpreter of the Bible.¹¹⁵ In this sense then, within a given commonwealth, established religion becomes identical with true religion as long as peace is kept.¹¹⁶ To Hobbes, it does not matter the particulars of what the sovereign will consider as religion in the society she governs as long as the offered interpretation of the laws of nature fulfills the end assigned to it, peace.¹¹⁷

In this context, Hobbes believes there is need for uniformity of *public worship*. Worship is always an external sign of the "opinion of the power, and goodness of another," "appearing in the words, and actions of men."¹¹⁸ Public worship of God is the one performed by a commonwealth "as one Person" – the private, in its turn, is the one exhibited by a private citizen¹¹⁹ and is, in secret, free, but, "in the sight of the multitude,

¹¹² Although some claim that he is an atheist, Hobbes believes a Christian commonwealth is preferable and seems to advance Christianity in his own way. On this, see Sarah Mortimer, "Christianity and Civil Religion in Hobbes's *Leviathan*," in A. P. Martinich and Kinch Hoekstra (eds.), *The Oxford Handbook of Hobbes* (Oxford University Press, 2016).

¹¹³ See L.26.42:448.

¹¹⁴ L.43.4:930.

¹¹⁵ See L.33.1:586,588, L.42.17:790, L.42.44:824, L.42.70:852,854; L.42.102:862; L.43.4:930, and DCi.17.27-28:230-233. Scripture, despite establishing the need to observe civil law (see See L.40.7:742-746; L.42.10:782; DCi.XI:127-130 and EL.I.18:99-103) is "only law, where the civil sovereign had made it so; and in other places, but counsel" (L.43.4:930.).

¹¹⁶ Salvation of subjects, for Hobbes, is also related to the subject's role in maintaining peace, for it depends on their obedience to civil law. According to Hobbes, there is "but one way imaginable" for "gaining the secure and perpetual felicity of heaven," which is "keeping of covenant" (L.15.6:224, and also L.43.22-23:952-954).

¹¹⁷ See, for instance, L.12.20-21:176-178 and DCi.Preface:9.

¹¹⁸ L.31.8:560.

¹¹⁹ In the English version of *Leviathan*, Hobbes writes "private person" and in the Latin text, as pointed out by Malcolm, Hobbes's words are "*Hominis Privati*," or private man (L.31:565 and 46n). The meaning of private worship is difficult to apprehend from Hobbes's texts. Based on two main arguments and with support from the political and religious context on Hobbes's time, Abizadeh claims a wide understanding of private worship that would assist us in comprehending Hobbes's support of independency ("Publicity, privacy, and religious toleration in Hobbes's *Leviathan*," *Modern Intellectual History*, vol. 10, issue 2 [2013, pp. 261-291]). Abizadeh asserts that *private* in private worship should be understood as different from what is on one's conscience and also as opposed to public worship. According to Abizadeh, the distinction Hobbes makes between honor as an inward appraisal and worship as an outward expression of it creates a private scope different from that of the conscience, one that should be *visible*. Moreover,

it is never without some Restraint.”¹²⁰ Because the commonwealth is one person it must exhibit a unique and uniform worship.¹²¹ If it does not, the commonwealth is of no religion.¹²² Public worship is a way of expressing of the union present in the person of the commonwealth. There is a double sense for why this is important in his doctrine: it helps to prevent significant disagreements among subjects concerning religion, and also assists the strengthening of the artificial person of the commonwealth. The Church is, on this account, the most important instrument for political unity.

As no religious argument is needed to affirm the sovereign power, Hobbes is establishing the autonomy of politics, but at the same time connecting religion with politics in a way that blurs the separation. Yves-Charles Zarka reminds us that this “dissolution of the religious in the political” affirmed by Hobbes “is not neutral, it confers, on the contrary, a religious tincture to the entire political edifice.”¹²³ Zarka concludes that such theory of the state is “compromised in its essential aspiration of claiming the autonomy of the political.”¹²⁴ That is not, however, a necessary conclusion.

Abizadeh links the idea of private worship with that of the *representation* of private will, concluding that private worship may be performed by private system/body mentioned by Hobbes on Chapter 22 of *Leviathan*. That would mean, according to Abizadeh, that Hobbes was allowing worship by private bodies in public. Hobbes’s version of the expression “private person” in Latin (and also some other passages quoted in this text) may indicate he was not attributing such a wide meaning to private worship. Neither of the interpretation is, however, definitive. One passage that creates difficulty for the interpretation offered by Abizadeh is the following: “where many sorts of worship be allowed, proceeding from the different religions of private men, it cannot be said there is any public worship, nor that the commonwealth is of any religion at all” (L.31.37:570). On independency, see note 121.

¹²⁰ L.31.12:564.

¹²¹ One argument that might be raised against the reading that claims Hobbes’s advocacy of the absence of freedom to profess any religion except the official is Hobbes’s claim on chapter 47 of *Leviathan* where he says: “the independency of the primitive Christians to follow Paul, or Cephas, or Apollos, every man as he likes best: which, *if* it be without contention, and without measuring the doctrine of Christ, by our affection to the person of his minister, [...] is perhaps the best” (L.47.20:1116 – my emphasis). Malcolm, in his introduction to the Clarendon Edition of *Leviathan*, supplies us with the idea that this passage was influenced by the political framework at Hobbes’s time. According to Malcolm, Hobbes was probably just trying to align his theory to that of the Independents who were in power at the moment (“Introduction,” in Thomas Hobbes, *Leviathan*, The English and Latin Texts. The Clarendon Edition of the Works of Thomas Hobbes. Ed. Noel Malcolm, vol. 1 [Oxford University Press, 2012], p. 61-65). In addition, as argued by Hoekstra (“*Leviathan* and Its Intellectual Context,” *Journal of the History of Ideas*, vol. 76, n. 2 [April 2015, pp. 237-257]), despite saying something the Independents would probably like to read, Hobbes is not asserting anything contrary to his own ideas. The two conditions Hobbes establishes for this Christian liberty (see passage above in this note) renders it extremely unlikely to take place.

¹²² See L.31.37:570 and DCi.15.15:181.

¹²³ “On peut, certes, dire que cette unification terminale se traduit par une dissolution du religieux dans le politique, mais cette dissolution n’est pas neutre, elle confère au contraire une teinture religieuse à tout l’édifice politique.” Zarka, “Pour une critique de toute théologie politique,” in Yves-Charles Zarka and Luc Langlois. *Les philosophes et la question de Dieu* (PUF, 2006), p. 396.

¹²⁴ “Le théologico-politique est donc chez Hobbes le redoublement théologique d’une théorie de l’État qui a été élaborée antérieurement et indépendamment de toute théologie, mais qui se trouve dès lors

The relation between politics and religion as established by Hobbes does not undermine the primacy of the political in his theory. Religion should be seen in Hobbes's theory as a political tool. The motive Zarka offers for his conclusion is the double identification between sovereign and head of the church and also between church and commonwealth.¹²⁵ The reason Hobbes provides for such identification is not, however, religious, but political: dealing with disagreement that prevents citizens to live under a stable commonwealth.

Hobbes's explanation of the grounds of the commonwealth is a big step to take in the direction of a politically founded view of the state. Hobbes himself seems to realize the separation he created and also how the political grounds precede the religious foundation of the commonwealth: "I HAVE derived the rights of sovereign power, and the duty of subjects hitherto, from the principles of nature only; such as experience has found true, or consent (concerning the use of words) has made so; that is to say, from the nature of men, known to us by experience, and from definitions (of such words as are essential to all political reasoning) universally agreed on." Immediately thereafter, he then tells us he will discuss a different matter: "But in that I am next to handle, which is the nature and rights of a CHRISTIAN COMMONWEALTH, whereof there depends much upon supernatural revelations of the will of God; the ground of my discourse must be, not only the natural word of God, but also the prophetic." ¹²⁶

Despite all the attention Hobbes dedicated to the topic, religion is a historical contingency for the lack of agreement and, it seems, a good prudential choice for an instrument to serve as the unifying public doctrine and the means for teaching the subjects in his lifetime. Instead of being established by a religious motivation, civic education is, in this sense, a political mean to a moral aim – just like Rawls's theory of justice, where the main objective is justice. The best argument that Hobbes's theory succeeds in establishing for political autonomy is, notwithstanding, the aim he presents for his writings and, in particular, how he believes the sovereign should handle inconvenient truths.

c. Politics and truth

compromise dans son aspiration essentielle à affirmer l'autonomie du politique." Zarka, "Pour une critique," p. 397.

¹²⁵ See Zarka, "Pour une critique," 396.

¹²⁶ L.32.1:576.

Hobbes acknowledges that when any true doctrine causes “disorder in government, as countenancing rebellion, or sedition” or is “contrary to the religion established”; civil power may command the “suppression of true philosophy.” This suppression must occur not “because such opinions are contrary to true religion” as they “cannot be, if they be true,”¹²⁷ but because the main consideration when deciding whether or not to censor a given doctrine should be not whether it is true, but whether it is beneficial or detrimental to maintaining peace. Hobbes is thus saying that, in a commonwealth, suppression of doctrines, true or not, when necessary to peace, should be a consequence of a decision considering benefit. Some among Hobbes scholars, though, contest this conclusion, arguing that Hobbes is more interested in truth, than in what is beneficial.¹²⁸ Yet, Hobbes himself is quite clear that the overriding aim of philosophy is to provide human benefit. It may do so by providing us with truth, but truth, on this view, is valuable only insofar as it is instrumental in improving our human lot.¹²⁹

Philosophy, to Hobbes, has the benefit of humanity as its end. It is “*the knowledge acquired by reasoning*” to “*produce, as far as matter, and human force permit, such effects, as human life requires.*”¹³⁰ Hence, “though in matter of doctrine, nothing ought to be regarded but the truth; yet this is not repugnant to regulating the

¹²⁷ L.46.42:1100-1102.

¹²⁸ I would like to mention here papers by Sharon Lloyd’s and Jeremy Waldron’s on the matter (Lloyd, “Coercion, Ideology, and Education in Hobbes’s *Leviathan*,” in Andrews Reath, Barbara Herman and Christine Korsgaard (eds). *Reclaiming the History of Ethics: Essays for John Rawls* [Cambridge University Press, 1997, pp. 36-65]/ Waldron, “Hobbes and the Principle of Publicity,” *Pacific Philosophical Quarterly*, vol. 82 [2001, pp. 447-474]). Sharon Lloyd places Hobbes as caring for truthfulness above benefit. She tells us that Hobbes believes truthfulness and falsity should be judged through a combination of an analysis made within a formal scientific framework without losing sight from the goal of human interest. In this sense, Hobbes’s system of education, according to Lloyd, could be described as teaching “*evidently true doctrines that conduce to the satisfaction of basic human interests*” (45). Waldron, in his turn, presents a closer version to the primacy of benefit, but understands beneficence in a mild way, making Hobbes’s assertions more plausible to contemporary readers. He distinguishes, within Hobbes’s theory, “deliberate suppression of truth” from “deliberate dissemination of a falsehood,” and considers the first sometimes to be necessary to keep citizens from discord (465). Accordingly, in his view, what is allowed to be taught in a commonwealth is a matter of who is the official spokesperson of the commonwealth, the sovereign. To Waldron, Hobbes is regulating the source of what should be made public because true doctrines may cause social disorder, but not conceding “a license for the sovereign or anyone else to lie for the public good” (p.465). The reading presented here shows a more immoderate Hobbes. For consistent considerations on what underlies the general claim made in favor of a more liberal reading of Hobbes put forth by Lloyd and Waldron, see Teresa Bejan in *Teaching the Leviathan*, p. 615-616 and 618-620.

¹²⁹ Much of the argument presented here concerning the aim Hobbes posits in his political works was inspired by Kinch Hoekstra, “The End of Philosophy (The Case of Hobbes),” *Proceedings of the Aristotelian Society*, vol. 106 (2006, pp. 25-62).

¹³⁰ L.46.1:1052. See also: L.5.20:74; L.17.1:254; L.R&C.17:1141; DCi.Preface:15 and DCo.I.6:5.

same by peace.”¹³¹ Such an idea seems to be inconsistent with Hobbes’s treatment of method in philosophical reasoning. Calculations with definitions, if correctly performed, should provide us with universal truths.¹³² One truth provided by this method is, however, that “there are no authentic doctrines of just and unjust, good and evil, except the laws established in each commonwealth.” And “nothing can be imagined more useful than” demonstrating the veracity of such a claim, because it “reveal[s] not only the royal road to peace but also the dark and shadowy ways of sedition.”¹³³

Hobbes does consider truth to be an important matter and wants his readers to see, as he does, his theory of civil science as true. Truth alone, however, is insufficient to anchor peace in a real society. This condition is seen by Hobbes both as a universal truth and what human life requires. What Hobbes might be claiming when we take into consideration all the passages cited up to now is that although truth should matter in what regards the means as well as the ends of political activity, politics may sometimes demand – in the name of a greater and true end, peace – that truth be disregarded in relation to what concerns the means. Hobbes does not seem to be completely satisfied with such adjustment when he qualifies it as “not repugnant”¹³⁴. Or, in other words, he seems to think that it is not ideal to ignore the truth, but it is nevertheless morally preferable for human beings to live peacefully, ignorant of the fact that the earth revolves around the sun, than to know that it does, if this knowledge may cause serious disagreement.

Moreover, peace will never depend *only* on the teaching of truth for a different reason. To Hobbes, even if everyone were able to follow his philosophical demonstration, war would not cease. As mentioned in the beginning of this paper, disagreement is not only epistemological. Hence, Hobbes thought that “[*t*]*here is virtually no dogma either in religion or the human sciences, from which disagreements may not arise and from them conflicts, quarrelling and eventually, war. This is not because the dogma is false, but because of human nature: men want to believe themselves wise and appear so to others.*” Disagreement is a part of human nature and consequently “[*o*]*ne cannot prevent such disagreements from occurring.*” Hobbes

¹³¹ L.18.9:272.

¹³² See L.5.1-4:64-66.

¹³³ DCi.Preface:9-10.

¹³⁴ See paragraph above for the full quotation.

believes nevertheless that through the use of a centralized public power, it is possible that disagreements can at least “*be kept from interfering with the public peace.*”¹³⁵ Teaching, in this sense, is only effective if it comprehends not only reason but passion as well. Hobbes therefore not only develops a theory that allows for political autonomy and thus pluralism, he does so while taking disagreement seriously as well as providing a consistent answer to it: civic education.

4. Hobbes and stability in contemporary democracies

Nowadays, when conflict generated by intolerance threatens valuable liberal principles, finding ways to deal with genuine, although harmful disagreement should be a priority to those who value pluralism. It was the aim of this article to show that, through an interpretative effort, Hobbes, because of his political approach to disagreement, is able to shed light on our present situation. Despite directing his solution to a specific historical moment, Hobbes’s objective was to offer a universal political theory of stability. He is able to show us that only political order and education can overcome harmful disagreement – a framework that is effective without demanding more than he believes is required by living in a political society: agreement on the political authority.

How Hobbes reached his objective from a contemporary perspective may be, as argued above, better understood by reading his theory in conjunction with Rawls’s work. Both authors focus on individuals, while believing in the artificiality of the political framework – something that should be produced by an agreement (Hobbes’s contract and Rawls’s overlapping consensus). And most importantly: the aim of their theories is stability – which is, to Hobbes, generated by a doctrine created by the sovereign, and, to Rawls, established by justice as fairness. The artificiality of politics is created by agreement in their theories and is translated into society through the importance attributed to institutions to the detriment of the natural bonds created by an idea of community.¹³⁶ While Rawls relies on the establishment of a constitution and of

¹³⁵ DCi.6.11.annotation:80-81. See also L.18.9:272.

¹³⁶ The pair of concepts society and community is first described by Ferdinand Tönnies in *Community and Civil Society* (edited by Jose Harris, Cambridge University Press, 2001). In sum, society is a union created artificially as it happens in a contract while community is a natural bond established between

democratic deliberative institutions under the limits of the principles of justice, Hobbes is concerned not only with the source of law, but also with the sources of doctrine – what in a way indicates a disregard for freedom. Yet Hobbes’s recognition of the centrality of human passions and opinions to disagreement can help us, even more than Rawls’s work, to think through the phenomenon of disagreement that is endemic in contemporary societies. Therefore Hobbes’s approach provides liberalism with some tools with which may help us build a theory that promotes diversity as well as tolerance. Naturally, there are limits to Hobbes’s ideas, but his commitment to an institutional answer to problems of stability may inspire even liberals.

The most important lessons we can learn from Hobbes are the importance of crafting a public narrative that concerns the main values a society should share, and of guiding human emotions. An overlapping consensus grounded on reasonable comprehensive doctrines may not achieve sufficient unity to attain stability. In the context of Hobbes’s thought, it seems necessary to create engagement of citizens with a political core of values. For instance, the main doctrine taught in Hobbes’s commonwealth, obedience to law, should be among these values nowadays. If we have deliberative institutions and are able to engage citizens in the public debate, law may be a great point of convergence. Religion (in the way suggested by Hobbes) is definitely not the way to carry out civil education in contemporary societies, but critical thinking via an encouragement from history, literature, anthropology or human rights may foster tolerance and respect for the public framework. It is no coincidence that reciprocity is the golden rule of Hobbes’s moral system. The laws of nature require, as mentioned, that equality should be acknowledged in order to enter the contract, for it is an act opposed to displaying of pride.

One of the reasons for Rawls to exempt himself from any idea regarding a more active education for citizens is a genuine concern with liberal values. Rawls wishes to respect each individual’s personal beliefs. Both Hobbes and Rawls depart from moral and factual justifications and aim at establishing autonomous political theories. While for Hobbes this depends on what the sovereign believes is necessary to create political

people living together. One of Tönnies’ inspirations to establish what would later become ideal types (see Max Weber, *Economy and Society*, vol. 1, ed. Guenther Roth and Claus Wittich [University of California Press, 1922/1978]: 40-41) was Hobbes’s definition of artificial union as presented in *The Elements of Law* (I.12.7-8:72) – a text Tönnies edited (Cambridge University Press, 1889). Furthermore, from an approach of history of ideas, Rawls would be, as Hobbes, developing a notion of society while opposed by an idea of community (see JF.§7.3:21). Rawls is even criticized by today’s Communitarians, such as Michael Sandel (see *Liberalism and the Limits of Justice* [Cambridge University Press, 1982/1998]).

convergence,¹³⁷ Hobbes and Rawls do not necessarily disagree about how much uniformity is necessary for stability. They do have, however, different conceptions about how an agreement should be structured in a society. Hobbes does not leave space for the subject to disagree about the moral doctrine established by the sovereign. But it does not mean that the moral doctrine leaves no space to private beliefs, which depends on contingent factors. As Hobbes was interested in convincing subjects only insofar as it was needed for political stability, the involvement required by a unitary doctrine may be, when apprehended by contemporary eyes, abridged to the minimum political convergence necessary in a democracy.

In addition, as Chantal Mouffe warns us, we should not lose sight of how Rawls conceives those who dissent from his overlapping consensus: as unreasonable persons. Rawls is obviously asking for less commitment from citizens than is Hobbes, but we should realize that the sort of unity that relies on an agreement among individuals will always come with a cost to diversity.¹³⁸ In the framework proposed here, one would not be in a position to undermine the value of tolerance or the grounds of democracy.¹³⁹ Instead of harming freedom, this measure should be justified by preserving freedom in a more systematic way: providing that “each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all.”¹⁴⁰ If the challenge posed by pluralism was properly laid aside here and if political stability can only be viable through agreement, there is no way we can share life in a society without adjusting to a scheme of liberty for all, where liberty is regulated.

Even if Hobbes did not put forth a universal political theory as he advertised, his ideas are still able to dialogue with contemporary liberal theories. By engaging on this task of establishing a conversation, this paper aimed at indicating how Hobbes can contribute to rethink the role of citizens’ opinions and emotions in building political stability. Some liberty, a natural right, has, as Hobbes puts it, to be voluntarily laid aside when one wishes to live in society. Refraining from this liberty for the sake of being part of society, he argues, however, does not mean a loss to individuals. It is, according

¹³⁷ See DCi.13.15:151.

¹³⁸ Mouffe agrees with such a view, but suggests that we should be focusing on a “conflictual consensus,” where there is a possibility of serious dissent. Both Hobbes and Rawls would, however, consider such a possibility as a latent problem to stability. See “Limits of pluralism,” p. 224-8.

¹³⁹ In an unnecessarily exaggerated version of the argument, no one would be able to, in the name of another person’s freedom, criticize the way she lives. This is not, however, being defended here.

¹⁴⁰ PL.VIII.§1:291.

to Hobbes, only with a shared life and the protection offered by the commonwealth that one can live a full and free life. Because life in society depends mostly on the acknowledgement of its importance by those who voluntarily lay aside their natural right, Hobbes claim that some of citizens' opinions and emotions matter politically and that individuals should be taught about the foundational values of their society. Citizens, according to Hobbes, can only fully enjoy their position if they understand the importance of being part of a society. From this perspective, the absolute power theorist may have a contribution to liberalism: solely once citizens in contemporary liberal societies are taught that only shared liberty means true individual freedom, diversity will be accompanied by tolerance and pluralism will be truly valued.

III. THE SOUL OF A COMMONWEALTH: HOBBS ON SOVEREIGNTY.

1. Introduction

The idea of sovereignty as conceived by modern political theorists revolutionized the concept of state. Jean Bodin considered the state to be a *de jure* unity in the modern context. He also claimed that being absolute is a necessary characteristic of the sovereign power.¹ With Bodin, however, we still do not fully understand the importance of these distinctions, for, in his theory, a sovereign power can be delegated for a period of time,² with the possibility of being administered by different offices without undermining the unity of the state or the sovereign power.³ Thomas Hobbes advanced the concepts developed by Bodin⁴ and presented them, in *Leviathan*, in a more consistent theory that accounts for, among other things, the origin of the sovereign power and how it could tackle disagreement in political societies. Hobbes provides us

¹ See *Six Livres*, I.8, p. 142/p.23; I.10, p. 213-214/p. 48-49, II.1; p. 266/p. 103-4. Citations of Bodin's *Les Six Livres de la République* (Du Puys, 1583), in English as *Bodin On Sovereignty*, (translated by Julian Franklin Cambridge, 1992) and as *The Six Bookes of a Commonweale* (translated by Richard Knolles [Impensis G. Bishop, 1606) refer to the book, chapter and pagination (first in the French edition and later in English). Julian Franklin's translation has been preferred over Richard Knolles' because, despite being incomplete, it follows the French edition cited. When the chapter cited is not part of Franklin's selection, the page cited is from the 1606 English version.

² See *Six Livres*, I.8, p. 124-125/p. 4.

³ See *Six Livres*, II.2, p. 272-273/ p. 199 (from Knolles' edition).

⁴ As exemplification see EL.27.7 (where Hobbes refer to Bodin by name), DCi.6.4-18: in comparison to Chapter 6 under "What is sovereignty?" of Bodin's *Method for the easy comprehension of History* (Reynolds, B., trans., Columbia University Press, 1945), p. 172-179. Citations to Hobbes's oeuvre refer to the title of the work ("L" refers to *Leviathan*, "DCi" for *De Cive*, "EL" to *Elements of Law*) followed by chapter, paragraph and page in the format just provided. Editions used for citation are as following: *Leviathan*, The English and Latin Texts. The Clarendon Edition of the Works of Thomas Hobbes. Ed. Noel Malcolm, vol. 2 and 3 (Oxford University Press, 1651/1668/2012); *On the Citizen [De Cive]*, Cambridge Texts in the History of Political Thought, eds. Richard Tuck and Michael Silverthorne (Cambridge University Press, 1642/1647/1998); *Human Nature and De Corpore Politico [The Elements of Law]*. Oxford World's Classics, ed. J. C. A. Gaskin (Oxford University Press, 1640/1994).

with an interesting theory of why we need the idea of a sovereign power. Sovereignty is, in his thinking, not only a *de iure* and a *de facto* power, but a symbolic power⁵ as well.

A consistent Hobbesian theory of power was developed in *Leviathan* – before, in the *Elements of Law* and in *De Cive*, *de facto* power is not distinguished from *de jure* power.⁶ It is the Latin version that let us affirm the difference in *Leviathan* with certainty: Hobbes refers to power by two different words: *potentia* and *potestas*. Notwithstanding the minor attention paid to this ambiguity by commentators,⁷ Hobbes’s vocabulary in the Latin *Leviathan*, I hope to demonstrate, allows us to account for an elaborate theory of power. According to him, a commonwealth has *summa potestas*, a power instituted when a multitude of individuals creates the commonwealth. *Potestas* is a *de iure* power and depends upon the obligation that arises from the limitation of natural right, which enables the commonwealth to issue commands. The commonwealth’s persistence, however, demands also a “common power [*potentia communis*], to keep them all in awe, and to direct their actions to the common benefit”.⁸ *Potentia*, as Hobbes explains in chapter X of *Leviathan*, is actual power, original (like strength and eloquence) or instrumental and acquired (like riches and reputation), which more than anything depend on the acknowledgement of others. Such a characterization of the sovereign power can only lead us to the conclusion that, in addition to a *de iure*

⁵ This expression is used by Arash Abizadeh when discussing mythology in Hobbes’s *Leviathan* (see p. 116, for instance). Abizadeh has a very different line of argumentation, but reaches very similar conclusions to the ones presented in this text. In a very interesting article, the author draws attention to the power which a commonwealth should cultivate in its citizens’ imagination. Abizadeh offers us an explanation on how the imaginations functions and compares the power of God – as Hobbes understands it – with his idea of the power of the sovereign, both which are intimately related to the human consideration. See Arash Abizadeh, “The Representation of Hobbesian Sovereignty: *Leviathan* as Mythology,” in S. A. Lloyd *Hobbes Today* (Cambridge University Press, 2013, pp. 113-152). Noel Malcolm, in two different texts and through two different arguments, also emphasizes this idea in Hobbes. I will come back to this topic in a few pages, for references to Malcolm’s texts, see notes 72 and 107.

⁶ Sandra Field shows that Hobbes’s conception of power was not completely developed until *Leviathan*, when a distinction between *potentia* and *potestas* emerge and *potentia* is understood as relational. See “Hobbes and the Question of Power,” *Journal of the History of Philosophy*, vol. 52, n. 1 (2014, pp. 61-85).

⁷ The most substantive analyses I found are those by (in order of year of publication) Leo Strauss in *Natural Right and History* (Chicago University Press, 1953); Luc Foisneau, “Le vocabulaire du pouvoir” in Yves Charles Zarka, *Hobbes et son vocabulaire* (Vrin, 1992, pp. 83-102); Yves Charles Zarka, *Hobbes et la pensée politique moderne* (PUF, 2001, 2nd edition); Maria Isabel Limongi, “Potentia e potestas no *Leviathan* de Hobbes,” *doisfontos*, vol. 10, n. 1 (2013, p.143-166) and Sandra Field, *Hobbes and power....* Other two articles on Hobbes’s theory of power acknowledge the ambiguity but do not explore it: John Dunn, “The significance of Hobbes’s conception of power,” *Critical Review of International Social and Political Philosophy* (vol. 13, n. 2-3, 2010, p. 417-433) and Carlo Altini’s “‘Potentia’ as ‘potestas’: An interpretation of modern politics between Thomas Hobbes and Carl Schmitt,” *Philosophy & Social Criticism*, vol. 36, n. 2 (2010, pp. 231 – 252).

⁸ L.17.12:260/LL.17.12:261.

power, the commonwealth also disposes of a factual and relational power and, especially, that its power depends ultimately on the subjects' opinions.

The argument is divided in two parts. I will start by expanding upon an interpretation of the dynamics of power in *Leviathan*. Following this analysis, I will consider two apparent difficulties to Hobbes's account of sovereignty: the acts of a sovereign assembly and the separation between sovereignty and government. By doing so, I shall argue that there is more to Hobbes insistence on the unity of the artificial person of the commonwealth than it is normally imagined. My conclusion is that Hobbes's emphasis on an institutional approach matters to the continuity of the artificial person as much as the fiction of unity built into the opinions of the subjects. Sovereignty is only absolute if *potentia* and *potestas* are held together by the commonwealth.

2. The dynamics of power

Sovereignty, that is, sovereign *power*, Hobbes tells us, has its origins in the right renounced by those that by this act become subjects. A right is, according to Hobbes, the liberty one has to use a *power*, i.e. the present means to an apparent good. The difference between these two kinds of power, the one enjoyed only by the sovereign and the other sought by all persons, is marked in the Latin version of *Leviathan*, where Hobbes uses two words instead of one when referring to the English expression: *potestas* and *potentia*.⁹ *Summa potestas* (or sovereign power) arrives from the will citizens have to renounce a natural right to use their own *potentia*. *Summa potestas* is a juridical title created through contract. It has a normative status other than being a *de facto* power like *potentia*.¹⁰ The commonwealth, however, also enjoys *potentia*.¹¹ The

⁹ I have chosen not to translate these terms. In addition to Hobbes himself referring to them in English through a single word, power; there does not seem to exist a suitable translation into English. The duo potency and power would be ambiguous because of Hobbes's use of power for *potentia* as well. Potency and title, on their turn, in addition to giving the wrong impression of *potestas* as a claim right (see note 42 for a discussion on that), do not express how connected the words are by their etymology.

¹⁰ One apparent difficulty to this interpretation is in the use Hobbes makes of *potestas* on two occasions in *Leviathan*. He asserts, in chapter 3, that the train of regulated thoughts comes to an end when "we come to some beginning within our own power [*potestate nostra*]" (L.3.4:40/LL.3.4:41). The same vocabulary is used in Latin in a very similar passage in chapter 5: "when we see how any thing comes about, upon what causes, and by what manner; when the like causes come into our power [*potestate*], we see how to make it produce the like effects" (L.5.17:72/LL.5.15:73). Although leaving room for questions, this use of

difference among these two sorts of power, as will be pointed out in this section, helps us understand how the search for *potentia* in the natural condition shapes Hobbes's conception of power in a commonwealth.

a. *Potentia and Potestas*

Hobbes defines *potentia* as the “present means, to obtain some future apparent good.”¹² Because life demands that we acquire the goods we believe are necessary to survival, desiring *potentia* is a natural inclination that ceases only with death.¹³ Those people who have the means to keep fulfilling their desires are happy, for “[f]elicity is a continual progress of the desire, from one object to another; the attaining of the former, being still but the way to the latter.”¹⁴ Desire for *potentia* is thus something shared by all humans, who in the natural condition have also the liberty to use this power. The right of nature is, after all, defined as the “liberty each man hath, to use his own power [*potentia*], as he will himself, for the preservation of his own nature; that is to say, of his own Life.”¹⁵ The liberty to use *potentia* has a normative status: one is allowed to use his *potentia* with the end of protecting his life.

Potentia is, however, a complex power, for in addition to strength or intelligence to fulfill one's desires, it may also depend on different instruments of power, like

potestas does not invalidate the reading putting forward here. In the passages just quoted Hobbes seems to be emphasizing the possession of the causes by an individual.

¹¹ Although he does not explore this affirmation for more than a paragraph, Strauss had already pointed out the ambiguity in Hobbes's use of power in the *Leviathan* and acknowledged that the commonwealth had both (see *Natural Right...*, p.194-196). Strauss claims that Hobbes's theory is the “first philosophy of power” (p. 194). According to Strauss, “only if *potentia* and *potestas* essentially belong together, can there be a guaranty of the actualization of the right social order” (p. 194). Luc Foisneau believes that the connection is much weaker and alludes to the fact that Strauss should have used a plural to designate Hobbes's theories of power (*Le vocabulaire*, p. 102). Foisneau describes the different natures of *potentia* and *potestas* within Hobbes's theory (p. 87-94) and concludes that Hobbes has two theories of power that connect only through a metonym – an association from a rhetorical point of view. According to Foisneau, the totality of *summa potestas* can be designated by the *potentia communis et coercitiva* only as a figure of speech (p.95). Unlike Foisneau, Limongi agrees with Strauss and aims to offer an argument about the relation between *potentia* and *potestas* (*Potentia e Potestas*, p. 147). She understands *potestas* to be the most important idea: a normative conception of power which includes the right of nature and the sovereign's right to rule (p. 151-163). *Potentia*, in her interpretation, is only a physical capacity to act in the world (p. 148-149). According to her, the clash between the sovereign's right to punish and the subject's right to resist is a collision of *potestas* that is physically effectuated, that is, prompted by the opposition of *potentia* (158-159). My understanding differs from both Foisneau's and Limongi's interpretations. I am putting forth a different way of advancing the claim made by Strauss.

¹² L.10.1:132.

¹³ See L.11.2:150.

¹⁴ L.11.1:150. See also L.6.58:96.

¹⁵ L.14.1:198/LL.14.1:199.

reputation. Being strong may help one in a fight, but reputation of strength may cause enough fear in others for one to satisfy his desire without having to engage in the fight. *Potentia* depends also on a person's worth, i.e., on how much power the person is socially reputed to have. In this sense, the dynamics of *potentia* has a similarity to that of a market, for one's value is determined by "his price; that is to say, so much as would be given for the use of his power." Hence it is rather the buyer than the seller that the seller "determines the price."¹⁶ Demonstrating signs of power to others is thus of extreme importance. Hobbes dedicates some pages to describe the signs of *potentia*: having friends, servants, riches and good success as well as being loved or feared and seeming eloquent and prudent etc.¹⁷ The judgment others have of a person's *potentia* results in them honoring or dishonoring her.¹⁸ Honor is expressed through obedience, requests for help, shows of love, or any other signs of praise.¹⁹ If one is honored by many, he will gain the respect of many more – acquiring even more *potentia*. Interestingly, reputation of power is not only a consequence of this pattern, but also a mean to more power.

In the natural condition, people will compete not only over material goods, but also for signs of power. With the liberty one has to use their power and all the competition that arrives from the search of power, there is only one possible result: "contention, enmity and war,"²⁰ where the inequality of *potentia* can be finally discerned as a matter of fact.²¹ Once diffidence, a sign of humanity's distrustful nature, and glory, the joy of imagining one's own *potentia*,²² are added to competition, the war of all against all is actualized.²³ Hobbes describes the emergence of the condition of war that is natural to humanity as the moment when people have a natural right to the use of their *potentia* in accordance to their own reason.

The only way to organize the dynamics of *potentia* and avoid the consequences of the natural condition is if a greater power is added to the equation. "[M]en have no

¹⁶ L.10.16:134.

¹⁷ See L.10.2-12:132-134 and L.8.1-13:104-110 – where Hobbes states that virtues are also valued for eminence and depend upon comparison.

¹⁸ L.10.48:142. According to Hobbes, honor is not related to any conception of what is right. It does not "alter the case of honor, whether and action [...] be just or unjust." (L.10.48:142).

¹⁹ See L.10.17-33, 37-46:137-142.

²⁰ L.11.3:152.

²¹ See L.14.31:216.

²² See L.6.39:88/LL.6.32:89. Dejection, on its turn, is the feeling of grief a person presents when considering herself in want of power ("propriae impotentiae opinione"). See L.6.40:88/LL.6.33:89.

²³ See L.13.6-7:192.

pleasure, (but on the contrary a great deal of grief) in keeping company, where there is no power [*potentia*] able to over-awe them all.”²⁴ A common *potentia*, the “greatest of humane powers [*potentiarum*],”²⁵ can be constituted when individuals “confer all their power [*potentiam*] and strength upon one man, or upon one assembly of men,”²⁶ creating the commonwealth. A civil *potentia* seems to express itself when regulating the market of honor by installing a reference and thus creating a scale of prices. Accordingly, “as the power [*potestate*],”²⁷ so also the *honor* of the sovereign, ought to be greater, than that of any, or all the subjects. For in the sovereignty is the fountain of honor.”²⁸ By being the fountain of honor, the sovereign’s *potentia* offers not only a core parameter to the system, but may also add new signs of *potentia*, as when it distributes offices of command and titles of nobility.²⁹

Moreover, the sovereign’s *potentia* should be responsible also for the use of force and the cultivation of fear: “there must be some coercive power [*potentiam civilem*], to compel men equally to the performance of their Covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their Covenant.”³⁰ Later on, Hobbes insists that “covenants, without the sword, are but words, and of no strength to secure a man at all” and further claims that “if there be no power erected [*potentiae cogentis*], or not great enough for our security; every man will, and may lawfully rely on his own strength and art, for caution against all other men.”³¹

Although we should thus not underestimate the importance of *potentia*, Hobbes’s conception of a *de jure* power in *Leviathan* should be taken as the most important innovation in his theory of power. Stability in a commonwealth is the consequence of the creation of a sovereign *potestas*, which allows for a common and

²⁴ L.13.5:190/LL.13.4:191.

²⁵ L.10.3:132/LL.10.3:133.

²⁶ L.17.13:260/LL.17.13:261.

²⁷ Here the Latin version is not exactly equivalent to the text of the English book, but the texts share the same idea and the vocabulary used in Latin is that of *potestas*. In Latin we read: “Sicut autem Postestas Summa, Civis cujuscunque Potestate maior est, ita & Honor ipsa debitus Honore, qui debetur cuicunque Civibus major est” – a passage which Malcolm translates as: “sovereign power is greater than the power of any citizen, so too the honour due to it is the fountain of all honours and dignities.” (LL.18.18:281 and note 68 on page 280).

²⁸ L.18.19:280, my emphasis. See also L.18.15:276 and L.15.21:234.

²⁹ See L.10.17:136 and L.10.52:146.

³⁰ L.15.3:220/LL.15.3:221. See also L.15.5:224/LL.15.5:225.

³¹ L.17.2:254/LL.17.2:255. In the preceding paragraph, Hobbes also mentions the need of a “visible Power to keep them in awe,” which in *Latin* he refers to as “*Potentiae coactive passionibus naturalibus*” – a power to restrain passions.

public will to overcome disagreement.³² A commonwealth can only exist through fixed distinctions of right and wrong established by civil law.³³ Without any obligation to obey the civil law, the subjects' reasoning is condemned to the consequentialist reckoning performed in the natural condition: they will continue to trust almost only their own opinions. Obedience to the civil law helps to emancipate civil society from private opinion. When an individual obeys a command, he does not weigh all the consequences of acting as commanded. Instead, he obeys "without expecting other reason than the will of him that says it."³⁴ If people do not weigh on the law all the time and feel they have an obligation to the sovereign's laws, they will easily follow her commands. Conformity to the law, in Hobbes's system, does not depend on violent oppression. *Potestas*, which represents the obligational bond between sovereign and subjects, allows for civil society to be structured and maintained.

The normative bond between sovereign and its subjects cannot have its source in *potentia*. It is different when one obeys a gunman and a judge.³⁵ A general³⁶ obligation to the commonwealth is created when the subjects' natural right is limited through consent.³⁷ "From this Institution of a Common-wealth are derived all the *Rights*, and *Faculties* of him, or them, on whom the Sovereign Power [summam habentis Potestatem,] is conferred by the consent of the People assembled."³⁸ Accordingly, "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".³⁹ Unlike a *de facto* power which results from signs of power, sovereignty can only be created as a result of a voluntary act limiting liberty.

³² Hobbes does not think that a common objective can maintain peace for a long time, for people sooner or later will disagree. See L.17.5-12:258-260 and L.13.11:194.

³³ See L.29.6:502 and L.26.3:414.

³⁴ L.25.2:398. See also L.20.17:320.

³⁵ This is H. L. A. Hart's argument against John Austin in Chapter 2 of *The Concept of Law* (Oxford University Press, 1961/1994/2012). Also, Hart acknowledges Hobbes as not presenting this kind of argument and, instead, thinking of the law as a peremptory reasons for action. See Hart, *Essays on Bentham: Jurisprudence and Political Theory* (Oxford University Press, 1982), p. 253-4.

³⁶ See L.26.2:414 and L.26.43:450. This obligation is different from the obligation due to each particular law.

³⁷ When Hobbes discusses the concepts of liberty and *potentia* in chapter 21 of *Leviathan* the idea of a right as a liberty to use *potentia* and the idea of obligation as limitation of right do not appear to be as precise as they previously had been. The change in the use of vocabulary is more evidently expressed when Hobbes claims that "all actions which men do in commonwealths, for *fear* of the law, are actions, which the doers had *liberty* to omit." (L.21.3:326). Liberty seems to be the lack of restraint to do everything that is in one's power in both cases. What changes is what is considered a restraint: if only physical or both physical and normative limitations.

³⁸ L.18.2:464/LL.18.2:465.

³⁹ L.14.7:200. This obligation, on its turn, is backed by the obligation subjects have under the law of nature to abide by the contract they perform. See L.15.1:220; L.30.4:522 and L.20.10-11:312.

A commonwealth does not flourish because “one man has the right to rule them [the subjects], but because they obey him.”⁴⁰ *Potestas* is thus a power that exists because of an equivalent obligation.^{41/42}

b. Punishment and resistance

The apparently easy distinction between *potentia* and *potestas* seems, nevertheless, to get obscured once we start to consider the right of punishment possessed by the sovereign. Punishment in itself cannot be an act of *potestas* as there is no obligation on accepting it. It is “*an evil inflicted by public authority, on him that had done or omitted that which, is judged by the same authority to be a transgression of the law.*”⁴³ In addition, Hobbes claims that, unlike acts of hostility inflicted outside of the legal system,⁴⁴ the sovereign’s *potentia* to coerce, when turned to the subjects, is not unrestrained.⁴⁵ Punishments, thus, can only happen in a commonwealth. But if *potentia* is not created by contract, how can there be a *potentia* that only exists in the

⁴⁰ L.30.7:524

⁴¹ The normative status of *potestas*, in Zarka’s interpretation, is due to *potestas* amounting to *potentia* with right (*ius*). See *Hobbes et la pensée*, p. 91, p. 117 and p. 174- note 4. From this, we could say that both natural right and right to rule are *potestates*. This position, however, does not seem compatible with Hobbes’s use of *potestas* (if not always, at least in *Leviathan*), for the term is employed in this work only in reference to the right of the sovereign in a commonwealth.

⁴² From this, if we wish to be true to Hobbes’s definitions, we cannot say that the sovereign can demand obedience from her subjects. Hobbes defines and later reasserts that *right* should be understood as *liberty* and as contrary to *law*, which demands *obligation* (See L.14.3:198 and L.26.43:450). Hobbes offers us the opposite concepts of liberty-obligation, but not their correlatives. We are now used to thinking of an obligation as corresponding to a claim right (like the right citizens of many countries have to minimum wage, for they can demand it) and of liberty as corresponding to the absence of a claim right. Hobbes does not incorporate the idea of a claim right or its absence. The right the sovereign has is a liberty to create law and judge cases (see L.18.10-11:274), that is, she can create obligation – to which the subjects are bound (see L.26.1-3:414). The idea of a claim right may be latent, but it is never expressed. *Potestas* is, withal, a right protected by an obligation. The difference between the natural condition and the commonwealth is more than the power the sovereign has to inflict sanctions in order to make his subjects comply with the laws of nature: subjects must *consent* to the commonwealth’s authority to create law, serve as arbiter and make war, among other things (all the rights of the sovereign are described in L.18.3-15:264-276). I was inspired here by W. Hohfeld’s scheme, which, I think, can bring conceptual precision to what Hobbes is *not* addressing. In Hohfeld’s theory, claim right and its absence are opposites, closing the system of correlatives and opposites. As part of a much more complex account than Hobbes is offering, Hohfeld’s language, although extremely helpful to understanding rights in general, should thus not be taken as a full key to read Hobbes. See *Fundamental Legal Conceptions* (Yale University Press, 1919).

⁴³ L.28.1:482. See also L.30.23:542 and L.27.7:456.

⁴⁴ See L.28.10:486 and L.28.13:486.

⁴⁵ It should be noted, however, that any limitation on the sovereign’s *potentia* does not result from the contract that creates the commonwealth (or, in the case of a commonwealth by acquisition, by the contract establishing the subjection), for the sovereign does not hold any obligation regarding its subjects. The restrictions on the use of the right to punish seem to follow from the legal system which structures, in Hobbes’s view, any commonwealth. See L.21.14:338, L.18.4:266 and L.26.1:414.

commonwealth? What is the origin of the sovereign's right to punish? Hobbes does not provide his readers with an easy answer. This issue, indeed, still gives occasion to great debates among commentators – many of whom conclude that there is some inconsistency in his theory.⁴⁶ I will try to offer an interpretation compatible with the account on power depicted above.⁴⁷ First, nonetheless, we should understand this alleged ambiguity regarding the right to punish.

In chapter 18 of *Leviathan*, where Hobbes describes the rights attached to sovereignty and where the language of *potestas* is paramount, honor and punishment are referred to as rights associated with *potestas*. He claims that “to the sovereign is committed the power [*potestatis ius*] of rewarding with riches, or honor; and of punishing with corporal, or pecuniary punishment, or with ignominy every subject according to the law he hath formerly made”.⁴⁸ This means that, like all actions of the sovereign, punishment is an act of representation of the commonwealth's authors, i.e. its subjects. And so, “if he that attempts to depose his sovereign, be killed, or punished by him for such an attempt, he is author of his punishment”.⁴⁹ Hence, from this perspective, a subject, as soon as the subject enters the commonwealth, authorizes her own punishment. In this interpretation, the sovereign's *potentia* as well as its *potestas* would be accounted for – the right of self-defense, on the other hand, would not.

On the other side of the ambiguity is the inalienable right everyone enjoys of “resisting them, that assault him by force, to take away his life,” which is also extended to resisting “wounds, and chains, and imprisonment”.⁵⁰ The description of this right to self-defense makes impossible the thought that, for Hobbes, the subjects would authorize any kind of punishment on themselves. In chapter 28, Hobbes seems to be explaining just that: “the subjects did not give the sovereign that right [to punish]; but only in laying down theirs, strengthened him to use his own, as he should think fit, for

⁴⁶ The criticism on this ambiguity is not recent and continues to be important among Hobbes scholars to the present. As the more general aim of this paper is to discuss the Hobbesian conception of power, I will not engage with this literature here. For samples of the debate see: Edward, Earl of Clarendon, *A Brief View and Survey of the Dangerous and Pernicious Errors to Church and State, in Mr. Hobbes's Book, Entitled Leviathan* (Theater, 1676), p. 138-143; David P. Gauthier, *The Logic of Leviathan* (Oxford University Press, 1969), p. 146-149 and Zarka, *Hobbes et la pensée*, chapter 10, p. 228-250.

⁴⁷ My approach, though not identical, has important similarities to the one offered by Arthur Yates, in “The right to punish in Thomas Hobbes's *Leviathan*,” *Journal of the History of Philosophy*, vol 52, n. 2, (2014), pp. 233-254). One important difference, for instance, is that Yates considers the right to punish an artificial right while I claim it to be a natural power framed by a *de iure* structure.

⁴⁸ L.18.14:276/LL.18.14:277.

⁴⁹ L.18.3:264-266.

⁵⁰ L.14.8:202. See also L.28.2:482.

the preservation of them all: so that it was not given, but left to him, and to him only.”⁵¹ Hobbes goes on and claims that “the foundation of that right of punishing” lies with the “right to every thing, and to do whatsoever he thought necessary to his own preservation; subduing, hurting, or killing any man in order thereunto”.⁵² From this, it would seem that the right to punish is not properly a right exercised by the commonwealth through its representative, being a right held by the natural person (or persons) of the representative. The right to punish would thus be, from this perspective, the natural right the sovereign kept by not being part of the contract and this right could never be associated with *potestas*. *Potentia*, in this interpretation, would be a peripheral power of sovereignty, which would not be distinguished from any *potentia* held by a subject except by its magnitude.

If this is the best account one can provide of Hobbes’s system, we must conclude that the theory is inconsistent. Hobbes is, in this approach, ambiguous when he asserts that the right to punish is, at the same time, (i) exercised by the representative of the commonwealth in their subjects’ names and (ii) the sovereign’s right of nature. We should in addition realize that this inconsistency, if not apparent, ultimately lies within Hobbes’s theory of power, for the incoherence permeates the language of *potentia* and *potestas*.

Hobbes’s thought, however, can be presented in a way that precludes the incoherent conclusions just showed from appearing. Civil *potentia* is, on one hand, a special case of *potentia*. It is channeled and shaped by a *de iure* structure. The sovereign may show strength and gain the reputation of a strong representative through the framework of the state. Also, no one except the sovereign has a right to establish rewards and punishments in a commonwealth, for both can only be accomplished within a legal system. On the other hand, there is no doubt that even though connected to the rights of the sovereign *potestas*, the legal use of violence and honor is actual power, for both are signs of *potentia*. Civil *potentia* is as natural as Hobbes’s natural right in the sense that it cannot be created by contract and, most importantly, that there is no obligation corresponding to it. The subjects do not concede *direct* authorization to the sovereign to punish them and have, at the same time, liberty to resist a punishment – as opposed to a duty to obey. In contrast, the sovereign’s *potentia* is indirectly constituted

⁵¹ L.28.2:482. See also L.21.14:338.

⁵² L.28.2:482.

by consent: when transferring their rights, the subjects also transfer the means for the artificial person to enjoy them. “For seeing the sovereign is charged with the end, which is the common peace and defence; he is understood to have power [*ius*] to use such means, as he shall think most fit for his discharge.”⁵³ *Potentia* to constrain is essential to maintain the sovereign *potestas* and thus a necessary means for the enjoyment of sovereignty. This explains why Hobbes can, without ambiguity, say that rewards and punishments are a result of authorization and still connect them with a liberty (held by the sovereign and, in specific conditions, by the subjects) to use *potentia*.

c. *Consent, obligation and potentia*

Another Hobbesian claim that might blur the distinction between *potentia* and *potestas* is the idea that dominion may be acquired by force. Might (*potentia*) is a general source of power with a correspondent obligation in *The Elements of Law*⁵⁴ and in *De Cive*,⁵⁵ but not in *Leviathan*. In the work of 1651, there are only special occurrences where might equals *potestas*. The most important case is that of God.⁵⁶ This is a special case that does not provide evidence against the idea that human political *potestas* originates in consent – a case, nonetheless, that we should investigate. God may become sovereign through contract, as in the pact with Abraham and, later, in the covenant made with Moses.⁵⁷ God’s omnipotence is, nonetheless, also source of sovereignty, for “the dominion of all men adheres naturally”⁵⁸ to God’s irresistible *potentia*.⁵⁹ In order to emphasize the source of sovereignty as an almighty power,

⁵³ L.18.13:276. See also L.14.21:210.

⁵⁴ See EL.22.9:129, EL.14.10:80, EL.14.13:90-81, and EL.20.1:109.

⁵⁵ See DC.8.10:105-106, DCi.1.10:28, DCi.1.14-15:30-31 and DCi.5.12:74.

⁵⁶ See Annabel Brett, *Changes of State* (Princeton University Press, 2011), p. 113.

⁵⁷ See L.35.4-5:636-638/ LL.35.3-4:637-639 and L.R&C.10:1136

⁵⁸ L.31.5:558.

⁵⁹ When addressing the powers of God, Hobbes probably has in mind the classic understanding of the distinction between God’s *potentia absoluta* and his *potentia ordinata*, which are two approaches to God’s omnipotence. According to Francis Oakley in his *Politics and Eternity* (Brill, 1999), the distinction has a dialectical character that is associated with the difference between the power enjoyed by God in the Old Testament and that he possesses in the New Testament (see p.286-287). God, in the first part of the Bible, is mostly characterized as being “capable by his own free decision of committing himself by covenant and promise to follow a certain pattern in his dealings with his creation” (p.287) – his *potentia ordinata*. The New Testament, on its turn, focus on God’s *potentia absoluta*: his power taken *in abstracto*, which refers to the capacity to effectuate all things possible (see p. 287). Hobbes never addresses the debate directly. However, it seems safe to infer that he was fully aware of the debate (see p. 309-315, where Oakley refers to the importance such a debate has among thinkers that were closer to Hobbes, such as Pierre Gassendi, Marin Mersenne and René Descartes. More importantly, Oakley points

Hobbes adds that if any human being had irresistible power, he or she would also have a right to rule. Hobbes does not seem to think, however, that such a person ever existed – or will exist at some point.⁶⁰ The artificial person of the commonwealth may enjoy great power as does a god, but it is not an omnipotent god, only a mortal one.⁶¹

Yet another special case is that of the mother⁶² in the natural condition, who acquires dominion over her child via preservation. In addition to God’s irresistible *potentia*, a passage from chapter 17 of *Leviathan* seems to claim two other cases of *potentia* may generate obligation. It suggests that sovereign power might be attained “by natural force; as when a man makes his children submit themselves [...] as being able to destroy them if they refuse; or by war subdues his enemies to his will, giving them their lives on that condition.”⁶³ When addressing these two cases in chapter 20, which is dedicated specifically to “dominion paternal, and despotical,”⁶⁴ Hobbes, however, expands his explanation and mentions the need of authorization in commonwealths by acquisition⁶⁵ as well as makes a more specific claim regarding the paternal sovereignty not instituted by contract. A mother has natural sovereignty, but only in the state of nature. The relationship of a mother and her child is, to Hobbes, one of protection. Dominion is thus owed to the mother because she provides education:⁶⁶ “if she nourish it, it owes its life to the mother; and is therefore obliged to obey her, rather than any other.”⁶⁷ Consent plays no role. We should, however, think of this case also as special. No child can offer consent, but from that it does not seem reasonable to assert that children do not have any obligation in abiding by their mothers’ commands.

out passages on the debate Hobbes has with Bishop Bramhall, on his commentary on Thomas White’s *De Mundo* and also on *Leviathan* that carry the language of the distinction).

⁶⁰ See L.31.5:558.

⁶¹ See L.17.13:260 and L.28.27:496. See also note 5.

⁶² Hobbes also specifies how paternal sovereignty works. When the father has dominion over the child, in the natural condition, power was established through contract made directly with the mother and is thus dependent on consent. In a commonwealth, because the power over a child cannot be held by both parents, the civil law commands who should have this right. See L.20.4-5:308-310.

⁶³ L.17.15:262.

⁶⁴ L.20.title:306. Earlier in *Leviathan*, Hobbes defined dominion by differentiating it from authority: while authority is the right of doing an action, dominion is the right of possession (L.16.4:244). Hobbes’s use of this vocabulary here probably only indicates the still very important presence of Roman Law in the period and is not a claim in the sense that the right enjoyed by the sovereign by conquest depends on possessing other people. As just shown, consent is necessary even when sovereignty is acquired by force.

⁶⁵ According to Hobbes, the commonwealth by acquisition is only established when the future subjects “authorize all the actions of that man, or assembly, that hath their lives and liberty in his power.” (L.20.1:306 – my emphasis). See also Brett, *Changes of State*, p. 112-114.

⁶⁶ This is the word Hobbes uses to summarize the mode of dominion by the mother in the margin. See L.20.5, margin:310.

⁶⁷ L.20.5:310.

Political sovereignty in (human) states is, accordingly, always a matter of consent. This is only possible, nonetheless, because consent is, for Hobbes, a very thin concept. The consequences of this conception will be explored in the next part. Yet, before examining some more practical consequences, we should consider the definitions of *potentia* and *potestas* I have just developed in this section.

In sum, sovereignty in Hobbes's *Leviathan* is a juridical, physical and symbolic power. It is, in other words, *potentia* attributed to an artificial person due to its *potestas*, which, on its turn, is legitimate power. *Potestas*, a *de iure* power, is created by consent when individuals decide to enter the contract that generates the commonwealth. This is the power that allows the sovereign to command his subjects, creating obligations to them. This sort of power does not, however, by itself, enable the sovereign to protect his subjects, for not every subject willingly abides by civil law. The commonwealth must have a greater *potentia* than its citizens, hindering them from falling back into the state of nature. In order for the commonwealth to continue existing, it must have the means to the end it was created, the safety of the people. It does not mean that the sovereign may do as he wishes when pursuing such a goal, for the *potentia* of a commonwealth only exists because of its *potestas*, being thus shaped by this juridical power. Civil *potentia* is a special case of *potentia* that can only be enjoyed by a commonwealth. The most interesting feature of Hobbes's theory of power is, nonetheless, the idea that *potentia* is not only force. As *potentia* is a relational power, its magnitude depends as much on the commonwealth's reputation of power as in its real capacity to inflict punishments and distribute rewards. In other words, a sovereign interested in stability must also be concerned with the commonwealth's symbolic power.

3. The fiction of unity

Sovereignty is absolute power by definition: once a subject enjoys some part of this power or it is divided, the covenant is violated, placing all subjects in the state of nature.⁶⁸ As mentioned, this happens not because the right to rule – the sovereign's *potestas* – has ended. Given “the nature of their institution,” commonwealths are “designed to live, as long as mankind, or as the laws of nature, or as justice itself, which

⁶⁸ See L.18.16-17:278-280.

gives them life”.⁶⁹ Yet dissolution afflicts a commonwealth when it lacks the factual exclusivity to determine what is good and what is evil.⁷⁰ The absolute power enjoyed by the sovereign, a political authority, is thus Hobbes’s way of talking about the primacy (or absoluteness) of the political. Disagreement founded on different opinions or on conflicts of *potentia* is the disease from which the commonwealth should be protected. The cure is on the unity provided by sovereignty through its representative.

Absolute power may exist in any form of state. Hobbes asserts that democracies and aristocracies also have it, for one sovereign does not correspond to one natural person representing the commonwealth (as occurs in a monarchy). “The difference between these three kinds of commonwealth,” Hobbes asserts, “consists not in the difference of power [*potestatis*]; but in the difference of convenience, or aptitude to produce the peace, and security of the people; for which end they were instituted.”⁷¹ This does not answer, however, the question of how the multitude forming an assembly of all in a democracy or even of few representing the sovereign in an aristocracy can express one will. If the multitude covenanting to form the commonwealth cannot act as one, why would an assembly be able to do so?

Hobbes’s argument for absolute power seems unsettling also in another matter: when he opens the possibility of delegating the *exercise* of sovereignty to public ministers while the sovereign keeps its ownership. Unlike sovereignty, the administration of a commonwealth can be divided. We may thus ask: what is the importance of an absolute sovereign power when government is divided? Is there a practical difference in having a concept of sovereignty or should Hobbes’s contribution be interpreted only as a conceptual clarification?

In this section, I will discuss how Hobbes’s conception of sovereignty reveals his profound concern with an institutional unity. In order to do so, I will explore the role of the sovereign representative in her use of *potestas*. Later, I will claim the importance of the sovereign’s *potentia* in maintaining the commonwealth. The difference between owning sovereignty and administering it will be addressed in its double relevance: to both *potestas* and *potentia*.

⁶⁹ L.29.1:498.

⁷⁰ See, for instance, L.30.3:520.

⁷¹ L.19.4:288. See also L.20.18:320, L.19.8:290 and L.30.7:524-526.

a. *The institutional will of a commonwealth*

In his Introduction to *Leviathan*, Hobbes uses an interesting – although not new⁷² – analogy to talk about the commonwealth: that of society as a unified body, which has arms, legs, nerves and limbs just like any natural body.⁷³ Unlike most authors making use of this juridical analogy,⁷⁴ Hobbes does not place the ruler as the head of the body, ordering it and making its preservation possible. The sovereign is not an organic part in his comparison. Sovereignty, in Hobbes’s theory, acquires a role that did not properly belong to previous comparisons:⁷⁵ that of the soul. “[S]overeignty is an artificial *soul*, as giving life and motion to the whole body.”⁷⁶ Not an organic part, Hobbes’s materialism prevents us also from understanding sovereignty as an ethereal part of the state. Instead of matter, sovereignty should be comprehended as the other constitutive part of the world: movement. Like all living bodies, the commonwealth should also experience a movement of life. If artificial persons are really analogous to natural persons, sovereign *potentia* is the movement that ultimately determines the commonwealth’s will.⁷⁷ A will, however, that can only be expressed by a

⁷² A general idea of society as the unity of one body was being considered by political theorists for more than three centuries before Hobbes. According to Annabel Brett, Aquinas, when offering a not easily suited interpretation of Aristotle’s *Politics* in his *De Regno*, claimed that society, like the natural body, should be ruled as one (*Changes of States*, p. 123). Brett also points out that the Catholic Scholastic, as the heir to the debate on the corporate conception of Church, considered the political community as such (123-4). The starting point of the analogy is probably in the medieval debate on the role of the Pope as the head pertaining to (and directing) the body of the Church (see Kantorowicz, *The King’s Two Bodies: A Study in Medieval Political Theology* [Princeton University Press, 1957/2016], especially chapter V, pp.193-272).

⁷³ The analogy continues in later parts of the book. See, for instance, L.Intro.1:16, L.23.3:378 and L.23.9-10:382. It has, however, limitations. Hobbes does not seem to conceive the artificial person acting in the international state of nature just like natural persons act in the natural condition of humankind. On that, see Noel Malcolm, *Aspects of Hobbes* (Oxford University Press, 2002), chapter 13, pp. 432-456.

⁷⁴ Brett points that Pierre Grégoire, in his *De republica* of 1596, starts with the language of the “head,” but drops it in favor of an analogy with the “soul,” a single supreme power, when his argument advances. In addition to the power of commanding the members, Grégoire characterizes the soul as having a unifying power (p. 129-131). Grégoire is criticized by Henning Arnisaeus for confusing community (*civitas*) and commonwealth (*politeia*) (p. 131-132). The analogy, in Hobbes’s case, is attached to a more complex theory and does not fall under Arnisaeus’s criticism (p. 141). The complexity of Hobbes’s theory lies in his conception of the foundation of a commonwealth and will be examined in what follows.

⁷⁵ This includes Hobbes’s own works. David Runciman articulates the different conceptions between *De Cive* and *Leviathan*. See “The Sovereign,” in Al P. Martinich and Kinch Hoekstra *The Oxford Handbook of Hobbes* (Oxford University Press, 2016, pp. 360-378), p. 369-370.

⁷⁶ L.Intro.1:16.

⁷⁷ In sum, as presented in chapter six of *Leviathan*, each human body has two sorts of motions: vital and voluntary. The aim of the second is to protect the first, for without vital motion a person is dead. Thus, when one deliberates, the most fundamental aim of the generated will is the vital motion’s endurance. Deliberation is the alternation of appetites and aversions which results in the will and produces voluntary acts. Deliberation is a search for the desired effects.

representative, after all “it is the *unity* of the representer [...] that makes the person *one*.”⁷⁸ The act of representation marks the creation of a commonwealth.⁷⁹

The object of the “voluntary acts of every man” “is some *good to himself*.”⁸⁰ A person only wills and thus acts on what he believes to be a good for himself. Even though an artificial person cannot will or act on its own, its will is restricted to what its representative sees as its apparent good. Thus, despite having absolute power to express the will of the commonwealth, the sovereign representative is restricted by the ultimate aim of the person it represents: the protection of the artificial person’s life. In the analogy, sovereignty is the soul of a commonwealth, “*salus populi* (the *people’s safety*) its *business*” and “*equity and laws, an artificial reason and will*.”⁸¹ It is the sovereign representative who, with the collective good in mind, defines what is just⁸² and creates law⁸³ by expressing the public will.

As showed in *Leviathan’s* title page, the soul provides the multitude with the form of a person. If the subjects are the matter of the commonwealth,⁸⁴ its form – be it a monarchy, an aristocracy or a democracy – is determined in accordance to who holds sovereign power – if one, few or many.⁸⁵ Form is responsible not only by providing an ordered structure, but also unity. Annabel Brett, in *Changes of State*, shows the importance of such idea in the historical debate. According to her, Hobbes does not rely on the distinction between *civitas*, understood as a moral union among citizens, and the commonwealth, comprehended as order established through subjection. For Hobbes,

⁷⁸ L.16.13:248. See also L.17.13:260-262 and L.19.3:286.

⁷⁹ I do not aim at exploring Hobbes’s conception of representation. On this topic, see David Runciman’s “What Kind of Person is Hobbes’s State? A Reply to Skinner,” *The Journal of Political Philosophy*, vol. 8, n. 2 (2000, pp. 268-278) and, more recently, “Hobbes’s Theory of Representation: Anti-democratic or Proto-democratic?” in Ian Shapiro et al (ed.), *Political Representation* (Cambridge University Press, 2010, pp. 15-34).

⁸⁰ L.14.8:202. See also L.11.1:150 and L.15.16:230.

⁸¹ L.Intro.1:16. Hobbes makes a very similar claim when he asserts that “THE OFFICE of the sovereign, (be it a monarch or an assembly,) consists in the end, for which he was trusted with the sovereign power, namely the procuration of *the safety of the people*” (L.30.1:520). The limitation may be institutional, but the obligation the representative has of fulfilling this aim, as Hobbes explains right after the passage just cited, lies in the laws of nature. As discussed in the first part, the process of authorization of the sovereign does not include any limitation to its powers from the perspective of the subjects, which means that the sovereign has no obligation regarding them.

⁸² Hobbes defines equity as “the act of defining what is just” (L.15.15:230) and attributes this role to the sovereign (see L.13.13:196 and L.18.11:274).

⁸³ See L.18.10:274.

⁸⁴ See L.Intro.1:18.

⁸⁵ See L.19.1:284. I am also making reference here to *Leviathan’s* complete title: “Leviathan, or The Matter, Forme, & Power of a Commonwealth Ecclesiastical and Civil”.

Brett claims, “the city *is* the state”.⁸⁶ Hobbes is willing to demonstrate that even though the commonwealth is a juridical structure, it is defined through the union of a multitude in one artificial person.⁸⁷

The soul is absolute in the sense that it has to be the only first mover, for a person cannot have contradictory wills. A political body with two souls resembles epileptic individuals, for what happens in convulsions is that an unnatural body “takes away the motion which naturally they should have from the power of the soul in the brain”.⁸⁸ This idea brings us back to the second question posed in the beginning of this part: how can Hobbes claim that government (although not sovereignty) can be divided? If a commonwealth is able to last when government is divided, it is because the one will that has to be expressed by sovereignty is kept.⁸⁹

Hobbes calls *public ministers* those responsible for the administration. These ministers have “authority to represent in that employment, the person of the commonwealth.”⁹⁰ Although always attached to the sovereign power; the employments of a public minister vary. A public minister may be committed to the administration of the entire commonwealth or of a part of the territory.⁹¹ It is possible also for the public minister to be designated to a specific area of the administration, such as the economy, education or judicature.⁹² Each role is formally limited by its aim and substantively attached to the sovereign power. The sovereign only gave its ministers commission to act: they can only perform their roles within the limits of their functions and according to the sovereign will.⁹³ A judge, for instance, may never invalidate a civil law based on her judgment of natural law.⁹⁴ This is not only outside of the scope of her position, but it also goes against the public will. Unlike the authorization made by the subjects, the act

⁸⁶ *Changes of State*, p. 141.

⁸⁷ See *Changes of State*, chapter 5 for the argument in its entirety.

⁸⁸ L.29.15:512.

⁸⁹ Hobbes wants to distinguish his theory of state from what he saw as Roman and Athenian claims for mixed government (see L.31.41:574, L.29.4:500, L.22.32:372). The theory of mixed government was Hobbes’s target as it put forth the idea of meeting stability by the division of power in three branches. According to Hobbes, if the “the power of levying money” depends “on a general assembly; the power of conduct and command, [...] on one man; and the power of making laws [...] on the accidental consent, not only of those two, but also of a third”; “such government, is not government, but division of the commonwealth into three factions.” (L.29.16:512).

⁹⁰ L.23.2:376.

⁹¹ See L.23.3:376.

⁹² See L.23.4-7,10:378-382.

⁹³ See L.16.14:250; L.23.2-4:376-378 and L.19.3:286.

⁹⁴ The possibility of an arbiter to invalidate law that is not in accordance with natural law was suggested by David Dyzenhaus. See his “Hobbes on the authority of law” in David Dyzenhaus and Thomas Poole (eds.). *Hobbes and the Law*. (Cambridge University Press, 2012, pp. 186-209), p. 196-7.

of authorization performed by the sovereign may be withdrawn at any time. The sovereign is that which has the last word.⁹⁵

Following the analogy, it is not that the body should act in accordance to its soul. The body's actions cannot be taken as separated from its soul: there is no body if there is no initial movement. An artificial body without a soul is a multitude, or factions created within a multitude. And two souls mean a sick body. This means that government cannot be understood as only limited by sovereign power. Government without sovereignty seems like a "crazy building, such as hardly lasting out their own time, must assuredly fall upon the heads of their posterity," for it cannot be "without the help of a very able architect".⁹⁶ A practical role of sovereignty is to provide unity to government – even when it is divided into various offices. It is the Hobbesian idea of a fictional person of the state which expresses a public will through representation that allows us to take full advantage of the distinction between sovereignty and government, for it is then established that the commonwealth can never be confused with its government.⁹⁷

Our first question becomes now even more prominent. If acting under one will is what allows government not to hinder sovereignty, the idea of a sovereign assembly (of all people and even of few natural persons) may seem impossible. How can a group of people not coordinated by a superior power act as one? How can these groups differ from a multitude, within which disagreement is a central feature? Factions may act as one, but they depend on concurrent interests. When the interests of the members of a faction stop being the same, they stop acting together. Political power cannot be approached in such a way, for the commonwealth should survive conflicts of interest.

Hobbes provides an answer to which his idea of institutional power is important. The "one action of all the senators of Rome in killing Cataline, and the many actions of

⁹⁵ See L.19.10-12:294-296, L.19.18:300 and L.23.13:384. In some other passages, Hobbes attributes great responsibility to government. He, for instance, asserts that a commonwealth shall stay stable if a sovereign is held prisoner without losing his right to rule, for the ministers chosen by the sovereign will administer the state (see L.21.25:346). Another interesting passage is the discussion of an infant monarch, for, in this case, a regent ought to administer the whole commonwealth (L.23.3:376). Most of the time, however, Hobbes seems to rely on a more active sovereign instead of a "sleeping" one. For a different account, see Richard Tuck's *Sleeping Sovereign* (Cambridge University Press, 2015), p. 86-120.

⁹⁶ L.29.1:498.

⁹⁷ David Runciman explains this idea and argues for its current importance in a very interesting article. See "The concept of the state: the sovereignty of a fiction" in Quentin Skinner and Bo Stråth, *States and Citizens: History, Theory, Prospects* (Cambridge University Press, 2003, pp. 28-38).

a number of senators in killing Caesar”⁹⁸ are different actions: the first is institutional and the second, faction. It was the Senate’s decision to punish Catilina because the outcome resulted from the institutional procedures within the assembly. Caesar was not condemned by the Senate, but without authority killed by a faction, for it is faction when, in a sovereign assembly, “a number of men, part of the assembly, without authority, consult apart, to contrive the guidance of the rest”.⁹⁹ For Hobbes, it is the case that, sovereignty, unlike factions, operates through *potestas*, which brings along an institutional apparatus. It is the office of the sovereign that represents the commonwealth, not the natural person (or persons) occupying it.

b. Symbolic power

Although fundamental to sovereignty, the institutional framework discussed in the last subsection should not be seen as the only important feature of sovereign power. I am now in a position to offer an answer to the question posed in the introduction on whether the concept of sovereignty served only as a conceptual clarification or could also assist on practical political issues. The relational aspect of sovereignty, which rests in the commonwealth’s *potentia*, plays an important role regarding political stability in Hobbes’s theory. To Hobbes, the symbolism of power allows a better way of governing opinions.

Hobbes’s analogy of the commonwealth with a body can teach us something also about symbolic power. According to Noel Malcolm, the drawing of a man composed by many other smaller persons displayed in *Leviathan*’s title page was inspired by an optical device which allowed the composition of one image from many others. When placing the Leviathan and its subjects together, Hobbes is conveying in one image what, when using the device, would be two different (although one composed through the other): the real image (the subjects) and the one that only exists when one looks through lenses (the Leviathan). Having a single image is, claims Malcolm, a “theoretical necessity” to Hobbes. According to Malcolm, Hobbes’s theory, at the same time, “instructs the people that the sovereign is merely an artificial person, representing the collective identity of which they are the real constituents” and “requires

⁹⁸ L.11.20:158.

⁹⁹ L.22.30:372.

them to believe in the ‘person’ of the commonwealth as something outside them and greater than any of them.”¹⁰⁰ Hobbes himself claimed that “the actions of men proceed from their opinions; and in the well governing of opinions, consists the well-governing of men’s actions, in order to their peace, and concord.”¹⁰¹ The Hobbesian argument underlying the cover’s image seems to be, as suggested by Malcolm, that the opinion held by subjects about the commonwealth’s power is not only a political matter, but an attribute of sovereignty as well.

A concept of sovereignty that involves, in addition to a juridical view, a physical and a relational notion of power is more than a conceptual innovation. Although *potestas* provides the means for keeping power, title does not protect a sovereign against actual loss of *potentia*.¹⁰² Even though all subjects lack the capacity to withdraw their attributed or expressed consent implied in the contract, if the sovereign power is overthrown by an internal faction¹⁰³ or by an exterior enemy and has no more *potentia* to act, the commonwealth is dissolved and her subjects should find other ways to protect themselves.¹⁰⁴ “The obligation of subjects to the sovereign, is understood to last as long, and no longer, than the power [*potentia cives*] lasted, by which he is able to protect them.”¹⁰⁵ The subjects’ will in contracting may not constrain the sovereign power,¹⁰⁶ but it sets the aim of the commonwealth: peace understood as security.¹⁰⁷

What Hobbes defines as *potentia* is normally attributed to a concern with government, a matter of *reason of state*. Hobbes is showing his readers that the perception of power by the people being ruled implicates in demands of stability that go beyond government. Noel Malcolm, now analyzing Hobbes’s relation to the tradition of political prudence, concludes that “what mattered” to Hobbes “was not just the opinions the subjects held about particular actions or policies adopted by the ruler (the basis of his ‘reputation’ at any given time), but rather their opinions about the nature of his

¹⁰⁰ Malcolm, *Aspects of Hobbes*, p. 225, 228. For the complete argument, see chapter 7.

¹⁰¹ L.18.9:272.

¹⁰² This idea suits perfectly to what Hoekstra calls “the doctrine of doctrines,” according to which Hobbes not only claimed that subjects should be faithful to the sovereign offering protection (see, for instance, L.42.82:868), but was also following this idea himself by not propagating doctrines contrary to those of the sovereign. See *The de facto Turn*, p. 54-57 and, also by Hoekstra, “Tyrannus Rex vs. Leviathan,” *Pacific Philosophical Quarterly*, vol. 82 (2001 pp. 432-435).

¹⁰³ See L.22.29:370, L.22.31:372 and L.29.20:516.

¹⁰⁴ See L.29.23:518.

¹⁰⁵ L.21.21:344/LL.21:18:345. See also L.21.25:346, L.27.24:468 and L.R&C.6-7:1133-1135.

¹⁰⁶ See L.18.4:266.

¹⁰⁷ See L.30.1:520 and L. 17.1:254.

authority as such”.¹⁰⁸ While *potentia* understood as force, be it through punishment or not, is a matter of administration of sovereignty for Hobbes, the idea of a powerful and united state depends on how the individuals conceive of the sovereign. Stability depends on the subjects thinking that they should worship civil power.

The separation between sovereignty and government, although not mandatory for Hobbes, may be a good plan in behalf of stability. If every act of government can be directly imputed to the sovereign representative, any unpopular policy may result in a weaker commonwealth. The existence of a sovereign representative and of government administrators allows, in this sense, one to easily distinguish between the sovereign state itself and a specific policy created by the government. In this case, the opinion a subject has on a governmental policy will probably not harm the commonwealth’s *potentia*. If possible, government should also enjoy the good opinion of the citizens, but this is not an essential feature of its role. Government, according to the discussion above, derives its power from sovereignty, which means that it does not depend on the subjects’ endorsement. Instead of being a problem, as suggested by Kinch Hoekstra, the account of sovereignty as the power of a “hidden God” that is an “abstract first mover” and a “theoretical constant behind the flux of politics”¹⁰⁹ is actually a good strategy in the Hobbesian system. Symbolic power – to use now Arash Abizadeh’s expression¹¹⁰ – may fulfill the role of stabilizing the commonwealth.

Symbolic power will have a special role in commonwealths where citizens are not motivated to obey the law. The case of commonwealths by acquisition is fundamental. The difference from a commonwealth instituted by consent and one where consent was motivated by force is a matter of *potentia*, not of *potestas*. Attributed consent and consent motivated by force (which concedes authorization to commonwealths by acquisition) should, in the Hobbesian scheme, be considered nevertheless, consent and thus, as consent always does, create obligation.¹¹¹ Yet

¹⁰⁸ Noel Malcolm, *Reason of State, Propaganda, and the Thirty Years’ War* (Oxford University Press, 2007), p. 121. In another passage, Malcolm goes back to the iconography of *Leviathan* when he mentions the Hobbesian idea of a “certain theatricality of power” “as expressed in the image of a ‘leviathan’ that would keep proud people in ‘awe’” (p. 123).

¹⁰⁹ See Kinch Hoekstra, “Absolutism & Constitutionalism,” *Cardozo Law Review*, vol. 34 (2013), pp. 1079-1098), p. 1097.

¹¹⁰ See note 5.

¹¹¹ Kinch Hoekstra in “The *de facto* Turn in Hobbes’s Political Philosophy” (in Tom Sorrel and Luc Foisneau “*Leviathan After 350 Years*” [Oxford University Press, 2004, pp. 33-73]) points in this direction when trying to find consistency in Hobbes’s theory for it seems to express claims supporting both a *de facto* and a consent theory of obligation. Hoekstra does not make reference to the vocabulary of *potentia*

obligation is never sufficient for one to abide by a rule. So if consent was motivated by a threat to physical life, the subjects will probably need more incentives to obey the law. The belief on the greatness of sovereign power is, although more or less important depending on the state, indispensable.

The sovereign must thus work on the motivation of her subjects to obey the law.¹¹² Her *potentia* while sovereign representative depends on the value others attribute to her office. In order to have *potentia*, a sovereign has to seem prudent, “because to prudent men, we commit the government of ourselves, more willingly than to others”¹¹³ and has also to be “beloved, or feared of many,” “because it is a means to have the assistance, and service of many.”¹¹⁴ Moreover, by distributing titles of honor,¹¹⁵ the sovereign is offering free gifts, for he does so “in hope to gain thereby friendship, or service from another, or from his friends; or in hope to gain the reputation of charity, or magnanimity”.¹¹⁶ Also, “[r]eputation of power, is power; because it draws with it the adherence of those that need protection.”¹¹⁷ Even obeying the sovereign brings it honor, for “no man obeys them, whom they think have no power to help, or hurt them.”¹¹⁸ If the *potentia* of a sovereign matters for the stability of a commonwealth, so, too, does the

and *potestas*, but advances the difference between the right of nature and the right to rule a commonwealth, which has an equivalent obligation created via consent (p. 64-65). The author, however, claims that this distinction is not sufficient to refer to Hobbes as a consent theorist with regard to the creation of a commonwealth. He points to various passages in Hobbes political works, including three passages in *Leviathan*, in which Hobbes seems to be stating that power suffices for authority (p. 63-64; see L.17.15:262, L.31.5:558 and L.R&C.10:1136 – all just quoted above). Although probably true for Hobbes’s works before *Leviathan*, when the notions of *potentia* and *potestas* were conflated (see note 6); this is not, if my argument is apt, accurate for his later book. Withal, my argument is not in discordance with Hoekstra’s main thesis: that Hobbes has a thin theory of consent (due to his notion of attributed consent) which explains why he can be said a theorist of consent and also a *de facto* theorist (p. 71-73). The idea I wish to advance is that, in *Leviathan*, despite Hobbes’s unchanged attributed consent theory, there is a stronger claim for a consent theory than in his earlier political works given to his notion of *potestas*.

¹¹² Civil education is also a mean of motivating obedience to the law in Hobbes’s theory. Unlike the market of *potentia*, education seems to focus on demonstration more than on signs of power. The kind of motivation produced seems to be different. Education makes the citizens to take the laws as commands instead of constantly judging if obedience is the best path for him to follow. While fear seems to motivate a person by adding one more motivation into his deliberation, education aims at creating reasons that change the kind of deliberation one performs when obeying a command. Hobbes discusses education in: L.30.2-14:520-532. See also: L.31.41:574, L.37.13:696, L.R&C.4:1132-1134 and L.25.9:402.

¹¹³ L. 10.10:134. See also 10.8:134.

¹¹⁴ L.10.6:132. See also L.10.9:134.

¹¹⁵ See L.10.34-36:138 and L.10.52:146.

¹¹⁶ L.14.12:204.

¹¹⁷ L.10.5:132.

¹¹⁸ L.10.20:136. Although fear seems here to be as important as the other reasons for attributing power to the sovereign, it has a more important role in Hobbes’s system than any other sign of *potentia*. Abizadeh, in his analysis, focus on this aspect of the sovereign’s symbolic power. See *Representation of Sovereignty*, especially p. 124-125.

opinion which her subjects hold of her. The opinion of a reliable and strong sovereign power will result in a stable commonwealth.

4. Conclusion

The origin of political power, for Hobbes, is always located within the subjects of a political society. The two aspects of power have, however, two different ontologies. Political *potestas* results from the constitution of political society, which happens when individuals consent to lay aside their right of nature and then become obligated to the commonwealth. *Potestas* is an authoritative political power, and is thus the political power par excellence. Political power also depends, however, on *potentia*. For a commonwealth to fulfill its objective of peace and order, its subjects must attribute power to it. Political stability is conditioned by the respect it receives from the subject. Obedience to the laws may be caused by the subjects' acknowledgement of the importance of the commonwealth or just because they see it as powerful. In this context, stability can be had on the basis of a content independent commitment to authority or on fear, or honor etc. Political unity, in this sense, may thus rest on a fiction of power built into the subjects' mind. Hobbes shows us that the symbolism of power makes it even more real and that this fiction is only possible if sovereignty is absolute and separated from government.

CONSIDERAÇÕES FINAIS

O poder político, em qualquer Estado ou governo, não se mantém se fundamentado apenas na coerção ou mesmo em uma legitimidade institucional publicamente justificada. A história da filosofia – Thomas Hobbes em especial – (e também os tempos que vivemos) vem nos ensinando que a aderência ao poder do Estado depende de múltiplos fatores. A motivação humana, aquilo que define crenças e atos humanos, pode se dar por razões e por emoções diversas. Algumas emoções, como é o caso da inveja, afastam o cidadão de um ambiente social justo, em que as razões da justiça são publicamente debatidas, comprometendo a estabilidade da cooperação social.

A resposta mais fácil para resolver o problema da instabilidade causada pelas emoções seria transformá-las em virtudes, ensinando a importância, por exemplo, da amizade entre cidadãos. Essa resposta, contudo, não nos ajuda a fortalecer uma sociedade verdadeiramente plural e livre. Se quisermos lidar com as emoções dos cidadãos em uma concepção liberal, precisamos encontrar uma solução diferente, que se limite à concepção política, respeitando os espaços privados naquilo que for razoável.

Viver em sociedade não permite que tenhamos liberdade total – esse é o argumento hobbesiano do estado de natureza. Quando se tem direito a tudo, não se tem, na verdade, direito a qualquer coisa. O argumento de Hobbes, se dermos continuidade a ele, nos leva à crença de que precisamos de um Estado com poder absoluto. Como não estamos buscando, nas democracias liberais, estabilidade acima de qualquer coisa, não podemos adotá-lo indiscriminadamente. É possível, contudo, mesmo com as premissas do esquema hobbesiano, pensar o Estado como respeitando um esquema de liberdades – o que inclui a não doutrinação. Isso, contudo, joga um peso ainda maior, no caso da estabilidade que se necessita buscar, na justificação do Estado, tanto em termos de razões quanto do aspecto emocional ou de opinião.

Rawls nos apresenta uma estrutura argumentativa capaz de dar conta da justificação racional dos termos de um acordo para cooperação entre cidadãos. Com os princípios de justiça e todo o aparato que ele nos entrega em sua obra, percebemos a possibilidade de construir um esquema de liberdades iguais justificado a todos e que é capaz também de tratar da distribuição da propriedade e das oportunidades de forma equitativa. Além disso, ele propõe uma estratégia para que os cidadãos mostrem aderência à concepção política de justiça. Ele acredita que, com o tempo, as doutrinas morais abrangentes dos cidadãos terão como fundamento comum aquilo que faz parte da concepção política. Não que a concepção política passe a ser definida por essa conjunção, mas ela recebe apoio devido a essa estrutura.

A justificação oferecida por Rawls se dá em termos políticos, mas a motivação dos cidadãos para aderir ao esquema não precisa depender de uma compreensão da justiça nesses termos. Busquei mostrar que pode haver um problema com essa relação. É do interesse do Estado que os cidadãos saibam que apoiam a concepção política por si só, não porque ela está de acordo com a sua doutrina razoável de bem. Se não for assim, eles podem demandar que o Estado se adeque melhor às suas concepções de bem, afinal acreditam que a concepção política depende de suas concepções abrangentes. Rawls, em *Justiça como Equidade- uma reformulação*, quando nos dá o exemplo de crianças vivendo em comunidades que escolhem estar resguardadas do resto da sociedade, dá um tratamento diferente para a questão. Nessa passagem (e apenas nela, sem desenvolver a ideia no resto da obra), ele reivindica que as crianças sejam educadas para a cidadania. Ele acredita, portanto, que crianças Amish, por exemplo, devem aprender sobre a comunidade que está fora do lugar onde vivem, propiciando não apenas uma escolha, mas uma apresentação da concepção política como diferente (ainda que não conflitante) da concepção abrangente de bem que elas possuem.

Esse tipo de educação pode dar conta ainda de uma questão mais séria na teoria rawlsiana, que foi discutida mais profundamente nesta tese: a lacuna que ele deixa relativamente ao tratamento de emoções disruptivas. Não há, para ele, papel do Estado a ser desenvolvido em relação a essas emoções, senão estabelecendo uma estrutura justa. Não é possível pensar que as doutrinas abrangentes de bem pudessem oferecer qualquer salvaguarda quanto a essas emoções. Para que emoções como a inveja e o ciúme não sejam um problema político, é necessário que as pessoas estabeleçam uma relação, no mínimo, de confiança no caráter justo das regras que distribuem direitos e encargos.

Nesse caso, parece ser necessário que não apenas haja uma justificação racional do Estado providenciada por uma educação que mostre quais são os direitos e os deveres dos cidadãos, por exemplo, mas também o estabelecimento de laços afetivos. Não é que um cidadão precise amar o próximo ou o seu país – isso demandaria mais do que uma concepção política liberal pode nos oferecer sem quebrar com seus princípios básicos. É possível, contudo, sensibilizar as pessoas para as necessidades do outro nos limites que uma concepção política permite. O igual respeito e consideração estão na base da democracia, sustentando o pluralismo e a liberdade.

A solução liberal para a questão das emoções disruptivas, se o argumento principal da tese procede, é de que se deve tratar as emoções a partir de uma concepção política, tendo em vista principalmente uma educação para a cidadania. O respeito ao pluralismo não permite que a solução seja apresentada a partir de uma doutrina liberal abrangente, muito menos que ela seja pensada a partir do desenvolvimento de virtudes morais nos cidadãos. É necessário respeitar o espectro de liberdade individual tão caro ao liberalismo rawlsiano, valorizando o pluralismo de forma profunda. Educar para a cidadania, apesar de significar o desenvolvimento de capacidades morais (ser racional e razoável), não exige nenhuma ação dos cidadãos exceto uma adequação aos termos da cooperação política – o mínimo para se viver em sociedade com justiça.

O auxílio teórico para desenvolver essa ideia vem de um autor, no mínimo, inesperado – mas que, conforme mencionado, alcança o cerne do problema: Hobbes. Não é, contudo, porque Hobbes defende um poder absoluto que não podemos levar os argumentos apresentados para fora do contexto da obra. Hobbes propõe um desafio para teóricos políticos. Se ele estiver certo nas suas considerações sobre a natureza humana, principalmente sobre o caráter do desacordo entre seres humanos, então é preciso dar conta disso. Um soberano absoluto é, sem dúvida, a solução mais fácil. Quando se tem um desacordo estruturado da forma como Hobbes o apresenta, entretanto, não basta que a soberania absoluta tenha uma origem legítima – isso não será o bastante para garantir a estabilidade. Assim, Hobbes nos apresenta outro lado do poder soberano, um poder que depende da adesão dos cidadãos. Trabalhando com essa *potentia* soberana, Hobbes oferece uma teoria completa sobre estabilidade – a qual, contudo, não serve às democracias contemporâneas.

Mesmo que não possamos adotar a solução hobbesiana, a estrutura utilizada pelo autor nos fornece o suficiente para pensarmos em uma solução que se adapte aos

anseios liberais das democracias atuais. Primeiro, devemos nos ater ao que interessa para a legitimidade, mas que não está na justificação pública do Estado: a retórica das instituições políticas e o envolvimento do cidadão com o Estado (seja pela cultura, por meio da mídia etc). Ainda, apesar de acreditar que a religião pode ser um ótimo instrumento de convencimento dos cidadãos, Hobbes não necessita de nenhuma doutrina de bem para desenvolver sua solução. Ele justifica a necessidade de educar os cidadãos a partir de considerações políticas.

Mesmo que a justificação política de Hobbes abra espaço para uma educação religiosa, é possível que o liberalismo rawlsiano se utilize desse tipo de estrutura de justificação da educação e também da dinâmica da *potentia* e repense como está lidando com o desacordo. Hobbes propôs um desafio com uma solução completa. Mesmo que o liberalismo vise à estabilidade política sem deixar de garantir um esquema de igual liberdade a todos, terá que dar conta daquilo que pertence, conforme nos explica Hobbes, à natureza humana.

REFERÊNCIAS

ABIZADEH, Arash. "Publicity, privacy, and religious toleration in Hobbes's *Leviathan*," *Modern Intellectual History*, vol. 10, n. 2, 2013, pp. 261-291.

_____. "The Representation of Hobbesian Sovereignty: *Leviathan* as Mythology," in S. A. Lloyd *Hobbes Today*. Cambridge University Press, 2013, pp. 113-152.

ALTINI, Carlo. "'Potentia' as 'potestas': An interpretation of modern politics between Thomas Hobbes and Carl Schmitt," *Philosophy & Social Criticism*, vol. 36, n. 2, 2010, pp. 231-252.

ARISTÓTELES. *Politics*. Translated by C. D. C. Reeve. Hackett: 1998.

_____. *On Rhetoric: A Theory of Civic Discourse*. Traduzido por George A. Kennedy. Oxford University Press, 2007.

_____. *Rhetoric*, vol. 2, Edward Meredith Cope and John Edwin Sandys (ed.). Cambridge University Press, 1877/2009.

BACON, Francis. *The Essays*. Mozambique, 1625/2001.

BEJAN, Teresa. "Teaching the *Leviathan*: Thomas Hobbes on Education," *Oxford Review of Education*, vol. 36, n. 5, 2010, pp. 607-626.

BODIN, Jean. *Bodin On Sovereignty*, Julian Franklin. Cambridge, 1992.

_____. *Les Six Livres de la République*. Du Puys, 1583

_____. *Method for the easy comprehension of History*. Tradução de Reynolds, B, Columbia University Press, 1945.

_____. *The Six Bookes of a Commonweale*, Richard Knolles. Impensis G. Bishop, 1606.

BRETT, Annabel. *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. Princeton University Press, 2011.

- CLARENDON, Edward, Earl of. *A Brief View and Survey of the Dangerous and Pernicious Errors to Church and State, in Mr. Hobbes's Book, Entitled Leviathan*, Theater, 1676.
- DUNN, John. "The significance of Hobbes's conception of power," *Critical Review of International Social and Political Philosophy*, vol. 13, n. 2-3, 2010, pp. 417-433.
- DUVERNAY, Ava documentary, *13th* (Netflix, 2016),
- DYZENHAUS, David. "Hobbes on the authority of law" in David Dyzenhaus and Thomas Poole (eds.). *Hobbes and the Law*. Cambridge University Press, 2012, pp. 186-209.
- FIELD, Sandra. "Hobbes and the Question of Power," *Journal of the History of Philosophy*, vol. 52, n. 1, 2014, pp. 61-85.
- FOISNEAU, Luc. "Le vocabulaire du pouvoir" in Yves Charles Zarka, *Hobbes et son vocabulaire*. Vrin, 1992, pp. 83-102.
- _____. "Que reste-t-il de l'état de nature de Hobbes derrière le voile d'ignorance de Rawls?," *Les Études philosophiques*, n. 79, 2006, pp. 439-460.
- GAUTHIER, David P. *The Logic of Leviathan*. Oxford University Press, 1969.
- GAUS, Gerald. "The Diversity of Comprehensive Liberalisms" in Gerald F. Gaus e Chandran Kukathas. *Handbook of Political Theory*. Sage Publications, 2004, pp. 100-114.
- GERT, Bernard. "Hobbes and Psychological Egoism," *Journal of the History of Ideas*, vol. 28, n. 4, 1967, pp. 503-520.
- GUTMANN, Amy. "Civic Minimalism: Cosmopolitanism, and Patriotism: Where Does Democratic Education Stand in Relation to Each?," in S. Macedo and Y. Tamir, eds., *Nomos: Moral and Political Education*, vol. 43, New York University Press, 2002, pp. 23-57, in special p. 44-53.
- HART, H. L. A. *Essays on Bentham: Jurisprudence and Political Theory*. Oxford University Press, 1982 (reimpressão em 2001).
- _____. *The Concept of Law*, 3rd edition. Oxford University Press, 1961/1994/2012.
- HOBBS, Thomas. *A dialogue between a philosopher and a student of Common Laws of England*, in EW, vol. 6. 1681/1840, pp. 1-160.
- _____. *Behemoth*, in Thomas Hobbes, *The English Works of Thomas Hobbes of Malmesbury* [EW], ed. Sir William Molesworth, vol. 6, 1840, pp. 161-418.
- _____. "Hobbes's verse autobiography" in Thomas Hobbes, *Leviathan*, Edwin Curley (ed.). Hackett, 1994, pp. liv-lxvi.

- _____. *Human Nature and De Corpore Politico [The Elements of Law]*. Oxford World's Classics, ed. J. C. A. Gaskin. Oxford University Press, 1640/1994.
- _____. *Leviathan*, The English and Latin Texts. The Clarendon Edition of the Works of Thomas Hobbes. Ed. Noel Malcolm, vol. 2 and 3. Oxford University Press, 1651/1668/2012.
- _____. *On the Citizen [De Cive]*, Cambridge Texts in the History of Political Thought, eds. Richard Tuck and Michael Silverthorne. Cambridge University Press, 1642/1647/1998.
- _____. "Preface" in Tucídides. The History of the Grecian War. Tradução de Thomas Hobbes. In *English Works*, vol. 8, 1629/1843.
- _____. Third Objections in René Descartes, *Meditations on First Philosophy with Selections from the Objections and Replies*, trans. Michael Moriarty. Oxford University Press, 2008, pp.107-124.
- _____. *The Elements of Law*. Ferdinand Tönnies (ed.). Cambridge University Press, 1889.
- _____. *Translation of Elements of Philosophy, parts I-IV: Concerning Body [De Corpore]*, in EW, vol. 1, 1655/1839.
- HOEKSTRA, Kinch. "A Lion in the House: Hobbes and Democracy" in Annabel Brett, James Tully, and Holly Hamilton-Bleakley. *Rethinking the Foundations of Modern Political Thought*. Cambridge University Press, 2006.
- _____. "Absolutism & Constitutionalism," *Cardozo Law Review*, vol. 34, 2013, pp. 1079-1098.
- _____. "Leviathan and Its Intellectual Context," *Journal of the History of Ideas*, vol. 76, n. 2, 2015, pp 237-257.
- _____. "Tyrannus Rex vs. Leviathan," *Pacific Philosophical Quarterly*, vol. 82, 2001, pp. 432-435.
- _____. "The *de facto* Turn in Hobbes's Political Philosophy" in Tom Sorrel and Luc Foisneau "Leviathan After 350 Years". Oxford University Press, 2004, pp. 33-73.
- _____. "The End of Philosophy (The Case of Hobbes)," *Proceedings of the Aristotelian Society*, vol. 106, 2006, pp. 25-62.
- HOHFELD, W. N. *Fundamental Legal Conceptions*. Yale University Press, 1919.
- HONNETH, Axel. "Education and the Democratic Public Sphere: A Neglected Chapter of Political Philosophy" in Jonas Jakobsen e Odin Lysaker, *Recognition and Freedom: Axel Honneth's Political Thought*. Social and Critical Theory Series, vol. 17, Brill, 2015, pp. 17-32.

HONT, Istvan. *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith*. Harvard University Press, 2015.

KANTOROWICZ, *The King's Two Bodies: A Study in Medieval Political Theology*. Princeton University Press, 1957/2016.

LIMONGI, Maria Isabel. "Potentia e potestas no *Leviathan* de Hobbes," *doispontos*, vol. 10, n. 1, 2013, pp.143-166.

LLOYD, Sharon. "Coercion, Ideology, and Education in Hobbes's *Leviathan*," in Andrews Reath, Barbara Herman and Christine Korsgaard (eds). *Reclaiming the History of Ethics: Essays for John Rawls*. Cambridge University Press, 1997, pp. 36-65.

MACHIAVELLI, Niccolò. *Discourses on Livy*. Tradução de Harvey C. Mansfield e de Nathan Tarcov. The University of Chicago Press, 1996.

MALCOLM, Noel. *Aspects of Hobbes*. Oxford University Press, 2002.

_____. "Introduction" in Thomas Hobbes, *Leviathan* (3 vol.), The English and Latin Texts. The Clarendon Edition of the Works of Thomas Hobbes. Ed. Noel Malcolm, vol. 1. Oxford University Press, 2012.

_____. *Reason of State, Propaganda, and the Thirty Years' War*. Oxford University Press, 2007.

_____. "Thomas Hobbes: Liberal illiberal," *Journal of the British Academy*, vol. 4 2016, pp. 113-36.

MANENT, Pierre. *Histoire Intellectuelle du Libéralisme*. Pluriel, 2012.

MCCORMICK, John P. "'Keep the Public Rich, but the Citizens Poor': Economic and Political Inequality in Constitutions, Ancient and Modern," *Cardozo Law Review*, vol. 34, 2012-2013, pp. 879-892.

_____. "Machiavellian Democracy: Controlling Elites with Ferocious Populism," *The American Political Science Review*, vol. 95, n. 2, 2001, pp. 297-313.

MCNEILLY, F. S. "Egoism in Hobbes," *The Philosophical Quarterly*, vol. 16, n. 64, 1966, pp. 193-206.

MORTIMER, Sarah. "Christianity and Civil Religion in Hobbes's *Leviathan*," in A. P. Martinich and Kinch Hoekstra (eds.). *The Oxford Handbook of Hobbes*. Oxford University Press, 2016.

MOUFFE, Chantal, *For a Left Populism*. Verso, 2018.

_____. "Le politique et la dynamique des passions," *Politique et Sociétés*, vol. 22, n. 3, 2003, pp. 143-154.

_____. “The limits of John Rawls’s pluralism”. *Politics, Philosophy & Economics*, 4(2), 2005, pp. 221–231.

MULGAN, R. “The role of friendship in Aristotle’s political theory,” *Critical Review of International Social and Political Philosophy*, vol. 2, n. 4, 2007, pp 15-32.

NUSSBAUM, Martha. “Introduction,” in Thom Brooks and Martha C. Nussbaum (eds.). *Rawls’s Political Liberalism*. Columbia University Press, 2015, pp. 1-56.

_____. *Political Emotions: why love matters for justice*. Harvard University Press, 2013.

_____. “Making Philosophy Matter to Politics,” *The New York Times*, 2 de dezembro de 2002.

OAKLEY, Francis. *Politics and Eternity*. Brill, 1999.

POLÍBIO, *The Histories*. Tradução de Robin Aterfield. Oxford University Press, 2010.

RAWLS, John. *A Theory of Justice*. Revised Edition. Harvard University Press, 1999.

_____. *Lectures on the History of Political Philosophy*. Harvard University Press, 2007.

_____. *Justice as Fairness: A Restatement*. Harvard University Press, 2001.

_____. *Political Liberalism*. Columbia University Press, 1996.

_____. “50 Years After Hiroshima,” *Dissent*, 1995, (disponível em: <https://www.dissentmagazine.org/article/50-years-after-hiroshima-2>).

ROGERS, Ben. “Behind the Veil’ John Rawls’s Revival of Liberalism,” *Lingua Franca*, vol. 9, n. 5, 1999, sem paginação.

ROSE, Julie L. “‘Keep the Citizens Poor’: Machiavelli’s Prescription for Republican Poverty,” *Political Studies*, 2015, pp. 1-14.

RUNCIMAN, David. “Hobbes’s Theory of Representation: Anti-democratic or Proto-democratic?” in Ian Shapiro et al (ed.), *Political Representation*. Cambridge University Press, 2010, pp. 15-34.

_____. “The concept of the state: the sovereignty of a fiction” in Quentin Skinner and Bo Stråth, *States and Citizens: History, Theory, Prospects* (Cambridge University Press, 2003, pp. 28-38).

_____. “The Sovereign,” in Al P. Martinich and Kinch Hoekstra *The Oxford Handbook of Hobbes*. Oxford University Press, 2016, pp. 360-378.

_____. “What Kind of Person is Hobbes’s State? A Reply to Skinner,” *The Journal of Political Philosophy*, vol. 8, n. 2, 2000, pp. 268-278.

SANDEL, Michael. *Liberalism and the Limits of Justice*. Cambridge University Press, 1982/1998.

SKINNER, Quentin. "Hobbes on Representation," *European Journal of Philosophy*, vol. 13, n. 2, 2005, pp. 155-184.

_____. "Machiavelli on the maintenance of liberty," *Politics*, vol. 18, n.2, pp. 3-15.

STRAUSS, Leo. *Natural Right and History*. Chicago University Press, 1953.

TÖNNIES, Ferdinand. *Community and Civil Society*, editado e traduzido por Jose Harris. Cambridge University Press, 2001.

TUCÍDIDES. The History of the Grecian War. Tradução de Thomas Hobbes. In *English Works*, vol. 8, 1629/1843.

TUCK, Richard. "Hobbes, Conscience, and Christianity" in A. P. Martinich e Kinch Hoekstra (eds.). *The Oxford Handbook of Hobbes*. Oxford University Press, 2016.

_____. *Sleeping Sovereign*. Cambridge University Press, 2015.

WALDRON, Jeremy. "Hobbes and the Principle of Publicity," *Pacific Philosophical Quarterly*, vol. 82, 2001, pp. 447-474.

WEBER, Max. *Economy and Society*, vol. 1, ed. Guenther Roth and Claus Wittich, University of California Press, 1922/1978.

_____. "Politics as Vocation" in *The Vocation Letters*. Tradução de Rodney Livingstone. Hackett Publishing Company, 2004, pp. 32-94.

YATES, Arthur. "The right to punish in Thomas Hobbes's *Leviathan*," *Journal of the History of Philosophy*, vol. 52, n. 2, 2014, pp. 233-254.

ZARKA, Yves-Charles. "Pour une critique de toute théologie politique," in Yves-Charles Zarka and Luc Langlois. *Les philosophes et la question de Dieu*. PUF, 2006, pp. 383-409.

_____. *Hobbes et la pensée politique moderne*. 2^a edição. PUF, 2001.