

From Moral Pluralism to Legal Positivism: Hobbes' Politics of Security

Do Pluralismo Moral ao Positivismo Jurídico: a Política de Segurança de Hobbes



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Abstract: This paper argues that Hobbes' political philosophy can only be fully understood when civil war is placed at its core. Hobbes wrote in the shadow of the religious wars of the 16th and 17th centuries, observing how moral conscience and private opinion could fracture political communities and lead to atrocities in the name of justice. To neutralize this threat, he redefined politics as an instrument for preventing civil strife, shifting the opposition from “good/bad” to “peace/war” and subordinating morality to the primacy of security. This reorientation required an absolute sovereign power commanding general obedience, detached from theological foundations and independent of individual convictions. Hobbes' theory thus inaugurated a modern political rationality that separates legality from morality, prefiguring legal positivism and the liberal notion of state neutrality. The paper reconstructs this paradigm of security across five steps: diagnosing the causes of civil war, examining moral pluralism, analyzing politics as security, explicating absolutism, and tracing the birth of legal positivism.

Keywords: Hobbes; Civil War; Security; Opinion; Moral Individualism; Legal Positivism.

Resumo: Este artigo sustenta que a filosofia política de Hobbes só pode ser plenamente compreendida quando a guerra civil é colocada no centro de sua análise. Hobbes escreveu à sombra das guerras religiosas dos séculos XVI e XVII, observando como a consciência moral e a opinião privada fragmentavam comunidades políticas e justificavam atrocidades em nome da justiça. Para neutralizar essa ameaça, ele redefiniu a política como um instrumento para prevenir a guerra civil, deslocando a oposição de “bem/mal” para “paz/guerra” e subordinando a moralidade à primazia da segurança. Essa reorientação exigiu um poder soberano absoluto, capaz de impor obediência geral, desvinculado de fundamentos teológicos e independente das convicções individuais. A teoria hobbesiana inaugurou, assim, uma racionalidade política moderna que separa legalidade e moralidade, antecipando o positivismo jurídico e a noção liberal de neutralidade do Estado. O artigo reconstrói esse paradigma da segurança em cinco etapas: diagnóstico das causas da guerra civil, exame do pluralismo moral, análise da política como segurança, explicação do absolutismo e rastreamento do surgimento do positivismo jurídico.

Palavras-chave: Hobbes; Guerra Civil; Segurança; Opinião; Individualismo Moral; Positivismo Jurídico.

Introduction

It is a curious feature of Hobbes’ mainstream scholarship that the concept of civil war—what the Greeks called *stasis*—has been given a subsidiary status.¹

¹ Alongside the seminal works of Strauss and Macpherson, 20th-century Hobbes scholarship developed along three main lines of interpretation. First, Hobbes’ project was read as a scientific inquiry into psychological motivations to derive prudential rules, a perspective later modeled through Game Theory in abstract decision scenarios (e.g., Gauthier, 1969). In contrast, another line interpreted Hobbes as a proto-Kantian

While the state of war is regularly mentioned, civil war is often treated as a circumstantial issue, as if one could abstract from it and still grasp the core of his civil philosophy. Yet, as Agamben has recently noted, the notion of stasis has been largely buried by political science (AGAMBEN, 2015).² This neglect is especially puzzling in Hobbes, a thinker who manifestly and recurrently places civil war at the center of his philosophy. As he states in *De Corpore Politico*: “utility of moral and civil philosophy is to be estimated, not so much by the commodities we have by knowing these sciences, as by the calamities we receive from not knowing them. No, all such calamities as may be avoided by human industry, arise from war, but chiefly from civil war” (HOBBS, 2008, p.190). Hobbes holds not only that the ultimate aim of political association is to curb human belligerence and that the true state is precisely the negation of civil war, but also that political philosophy itself is a search for the causes of civil war and for institutional structures capable of preventing it.

The specter of civil war haunted Hobbes from his early humanist education. He foresaw that the growing influence of democratic and republican doctrines, combined with the proliferation of religious sects after the Reformation, would inevitably lead England into civil war. Hobbes found in

moral philosopher seeking to ground rational obligations beyond human psychology (see Taylor, 1938; Warrender, 1957). Finally, Skinner introduced a rigorous historiographical reading that situated Hobbes within his contemporary debates (consulted here: Skinner, 1990, 1996, 2012). While each line offers valuable insights—points of which are revisited below—they fail to capture Hobbes’ broader historical significance and why his political philosophy matters today. For a schematic overview of these interpretations, see Tuck (1989, Ch. III).

² Nonetheless, striking events took place between Agamben’s diagnosis in 2015 and 2025. Lately, war and civil war have been receiving renovated attention by political scientists. In this connection, Barbara Walter’s best seller *How Civil Wars Start* is an exemplary representative.

Thucydides an antidote to such modern illusions, for the historian “demonstrated how inept democracy is, and how much wiser is the rule of a single man than that of a multitude,” and decided to translate him to “make him speak to the English about the need to avoid the rhetoricians whom they were at that time planning to consult.” (HOBBS, 1961, lxxxviii *apud* SKINNER, 1996, p. 229). His translation of *The History of the Peloponnesian War* was published in 1629, and his premonition was confirmed a decade later with the Bishops’ War of 1639, which triggered the English Civil Wars. These events deepened his long-standing anxiety over civil war and profoundly shaped his later political thought.

Displacing the notion of civil war obscures, and even effaces, fundamental features of Hobbes’ political philosophy. This paper argues that Hobbes’ thought can only be properly understood when civil war is placed at its core, as his political theory emerges as a response to this specific predicament. It contends that Hobbes establishes a new political rationality that redefines political association as an instrument for preventing civil war and securing peace. This rationality inaugurates a distinctively modern divide between moral conscience and the morally neutral domains of state and law. The result is a strict separation between law and morality—or, in other terms, the correlative rise of moral individualism and legal positivism. This instrumental conception of the political is referred to here as the paradigm of security. The term political rationality is employed not as a recovery of Ancient political reasoning but as a designation for the historical genesis of this modern divide between politics and morality—a divide that marks the disappearance of Ancient political reasoning.³

³ This view is exemplified by Hannah Arendt (2018, p.31), for whom “[u]nder no circumstances could politics be only a means to protect society.” Politics, in other words, cannot endure as a purely instrumental good.

To clarify this paradigm, Hobbes' understanding of the causes of civil strife and his political response to this predicament must be placed at the center of the analysis. This requires situating his project in a historical perspective. In this regard, Koselleck offered fundamental insights that remain highly pertinent. His greatest contribution lies in positioning Hobbes' *Leviathan* within the wider context of the religious civil wars of the 16th and 17th centuries and elucidating the political meaning of his absolutism. Interpreted as a response to a concrete historical problem, many aspects of Hobbes' philosophy can be seen as subordinated to practical concerns. The primacy of the practical thus appears as a key to understanding Hobbes' political thought.

The argument unfolds in five sections. Section I examines Hobbes' diagnosis of civil war and its anthropological underpinnings. Section II explores the link between morality, private opinion, and violence, showing how moral pluralism destabilizes political order. Section III reconstructs Hobbes' solution in terms of security and the primacy of practical reasoning over moral foundations. Section IV analyzes absolutism and obedience as the rational political response to civil strife. Section V traces how this framework gives rise to the modern separation between law and morality, prefiguring legal positivism and state neutrality. Section VI summarizes the argument by contrasting Hobbes' paradigm of security with alternative, more agonistic views of politics.

Similarly, Habermas (1988, p.41) interprets Hobbes as marking the collapse of traditional Aristotelian politics and the emergence of "social philosophy."

I. The Roots of Civil Strife

In a striking fragment of Thucydides' narrative, several aspects of Hobbes' concern with civil war appear in close connection. In the third book of the *History*, Thucydides recounts a sedition in the colony of Corcyra, which would become a model for similar uprisings in other Greek cities. The conflict erupted in 427 BC between the democratic faction aligned with Athens and the oligarchic faction favoring Sparta. In a passage from Hobbes' translation, Thucydides writes:

81. [5] So cruel was this sedition [in Corcyra] and seemed so the more because it was of these the first. 82. For afterwards all Greece, as a man may say, was in *commotion* [στάσις]; and quarrels arose everywhere between the patrons of the commons [τῶν δῆμων], that sought to bring in the Athenians, and the few [τοῖς ὀλίγοις], that desired to bring in the Lacedaemonians. [...] [2] And many and heinous things happened in the cities through this *sedition* [στάσιν], which though they have been before and *shall be ever as long as human nature* [φύσις ἀνθρώπων] *is the same*, yet they are more calm and of different kinds according to the several conjunctures [...] [3] *The received value of names imposed for signification of things was changed into arbitrary*. For inconsiderate boldness was counted true-hearted manliness; provident deliberation, a handsome fear; modesty, the cloak of cowardice; to be wise in everything, to be lazy in everything. [4] A furious suddenness was reputed a point of valour. To re-advise for the better security was held for a fair pretext of tergiversation. He that was fierce was always trusty, and he that contraried such a one was suspected. He that did insidiate, if it took, was a wise man; but he that could smell out a trap laid, a more dangerous man than he. [5] [...] *In brief, he that could outstrip another in the doing of an evil act or that could persuade another thereto that never meant it was commended*. [...] [7] And dishonest men for the most part are sooner called able than simple men honest, and men are ashamed of this title but take a pride in the other. *The cause of all this is desire of rule out of avarice and ambition, and the*

zeal of contention from those two proceeding. [8] For such as were of authority in the cities, both of the one and the other faction, preferring under decent titles, one, the political equality of the multitude, the other, the moderate aristocracy, though *in words they seemed to be servants of the public, they made it in effect but the prize of their contention* [...] (HOBBS, 1999, p. 347-8)

This extended passage elegantly combines two key aspects of Hobbes' understanding of civil war. First, Thucydides links the experience of *stasis* to the very nature of human beings, as such conflicts will occur “as long as human nature is the same.” Hobbes similarly offers a foundational account of conflict by developing a comprehensive conception of human nature (BIGNOTTO, 2008). In his words, the condition of war is “necessarily consequent [...] to the natural Passions of men” (HOBBS, 2017, p. 223).⁴ This inherent tendency remains latent beneath the surface of social life and, if the state is not properly constituted, it can erupt as an intestine war that devours the political body.

This natural propensity is tied to Hobbes' emphasis on the role of passions in human behavior. For him, the will is nothing but the last appetite in the deliberation process, which moves the body into action. Thought itself is a form of desire, for desire is life—the cause of motion—while its absence is death; weak desire is dullness, and excessive desire is madness (HOBBS, 2017, p.139). Crucially, desire tends to excess; it is boundless. Its satisfaction lies in the continual success of

⁴ The concept of civil war must be distinguished from Hobbes' myth of the war of all against all, which occurs in the absence of a political body. Strictly speaking, this is a pre- or extra-civil war, as the city is not yet—or no longer—in existence. It serves as a conceptual device to define the negative of the state, i.e., what the state is not, functioning as an analytical category. By contrast, civil war has its own history and repertoire, from the ancient world to the 21st century (see Schmitt, 1975; Loraux, 1997; Armitage, 2017).

obtaining an infinite, progressive series of desired objects. This success, however, depends not only on acquiring but also on securing them. Hence, human beings are marked by a “perpetuall and restlesse desire of Power after power, that ceaseth onely in Death.” (HOBBS, 2017, p.161).

Hobbes’ anthropology has long occupied a central place in scholarship. The primacy of desire was often interpreted as a reduction of human motivation to the logic of biological survival. Honneth (2018, p.10), for instance, develops his theory of the struggle for recognition in contrast to Hobbes’ struggle for self-preservation.⁵ Likewise, this materialist anthropology was frequently read as a pessimistic account of human beings, implying that subjects are inherently egotistic. Under this view, Hobbes’ anthropology seems to preclude any meaningful conception of politics or morality, as reasons for action and political praxis risk becoming unintelligible (PETERS, R. S.; TAJFEL, H., 1957; GERT, 1967).

This interpretation of Hobbes’ anthropology has been challenged in various ways, one point being particularly relevant here. As Frost (2019) shows, self-preservation does not mean that life alone is the object of desire. The struggle for recognition—linked by Hobbes to glory and esteem—is integral to self-preservation. He identifies three principal “causes of quarrel”: competition, diffidence, and glory—“The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation” (HOBBS, 2017, p.185). As Slomp observes, these causes closely paraphrase Thucydides’ account of the Athenian ambassadors’ justification for Athens’ expansionism: “So that at first we were forced to advance our dominion to what it is, out of the nature of the thing itself; as chiefly for fear, next for honour, and lastly for profit”

⁵ On the role of the struggle for recognition in Hobbes, see also Hont (2015, p. 11).

(HOBBS, *The English Works of Thomas Hobbes of Malmesbury*, p.81). This analogy underscores Hobbes' classical inheritance: the dynamics driving interstate conflict—fear, honour, and gain—are the same forces underlying civil strife. Crucially, such quarrels often arise from incompatible conceptions of the moral good and competing visions of rightful rule, a theme that will prove central to Hobbes' understanding of the political causes of conflict.

The second aspect of Thucydides' passage illuminates this concern. In civil conditions, the human tendency to conflict manifests chiefly in individuals' vain attachment to their own fancies and opinions. Driven by ambition and the desire for rule, they distort the accepted meanings of words, religious norms, and social conventions. Thus, in the public arena, "inconsiderate boldness" comes to signify manliness, while "provident deliberation" is treated as cowardice. Civil war fractures an existing political body at its core. As Slomp (1990, p.577) observes, its stakes are not limited to the fall of a regime but involve the sweeping collapse of conventions, since "all those aspects of social life that might appear to be independent of political arrangements (the signification of language, conventions, religion, family, etc.) in fact owe their existence to the latter." This conventional basis of language and morality implies that every human society rests on an underlying linguistic instability.

As Thucydides' passage suggests, the disruptive force of opinions is a persistent feature of political life. If Aristotle defines the human being as a talking animal, Hobbes adds that "the tongue of man is a trumpet of warre, and sedition" (HOBBS, 1983, p.88). The link between moral conscience, transgression, and civil unrest recurs throughout the Western imaginary. In Judaico-Christian thought, it reaches back to the Adamic myth of Judaism: in Genesis, the pursuit of knowledge is tied to lawbreaking (disobedience), the awakening of moral

conscience (shame), and the birth of freedom (choosing between good and evil) (HOBBS, 1983, p.147). Another emblematic example is the disruptive role of philosophers in the polis. Hobbes famously declares that before his *De Cive*, no civil philosophy worthy of the name existed, since in Greece there was only “a certain phantasm ... a little like philosophy” whose professors “taught, instead of wisdom, nothing but to dispute, and, neglecting the laws, to determine every question according to their own fancies.” (HOBBS, 1999, p. ix).

In sum, Thucydides highlights an anthropological argument rooted in the centrality of passions and the disputes emerging from the combination of semantic instability and the human drive to defend personal convictions above others. This is referred to here as the problem of “moral pluralism” or the “right of subjectivity,” a theme examined more closely in the next section.

The following section offers an alternative view of this debate. Hobbes’ definition of human beings as desiring bodies is not merely an empirical psychology but a theoretical requirement of his political thought, understood as a response to the historical reality of religious wars and entrenched moral pluralism. From the perspective of the state, individuals must be considered in their externality, as bodies in motion subject to regulation. Hobbes’ civil philosophy, therefore, presupposes this conception of humanity as part of the primacy of practical reason within his political framework.

II. Moral Conscience and Political Violence

For Hobbes’ generation, the religious wars of the 16th and 17th centuries, culminating in the English Civil War, became the defining paradigm of civil conflict. This historical experience motivated his entire theoretical enterprise, explaining the urgency of developing an adequate

understanding of politics. In *Behemoth*, Hobbes offers a historical account of the English civil war within the broader European context of the 17th century.⁶ He considers the impact of the scientific and religious revolutions of the period, as well as the political consequences of moral pluralism. Modernity, in his view, marked the rise of individuals as autonomous agents entitled to decide for themselves the proper interpretation of Scripture, the true religion, and moral values. In the absence of a shared conception of the good, disputes over religious and moral issues proliferated. In brief, Hobbes confronted what today would be called the problem of pluralism: How can a political society remain peaceful if subjects claim the right to determine for themselves what is right, wrong, and just?

Hobbes observes that civil disobedience motivated by religious faith was “not of great antiquity in the world” (HOBBS, 2008, p.141). Among Jews, Greeks, and Romans, divine law coincided with civil law: priests were subordinated to civil government, or external worship was regulated by civil authority.⁷ Catholic Christians under the “temporal dominion of the Bishop of Rome” were similarly shielded from such conflicts, as religious authority interpreted Scripture and

⁶ Calling this text “historical” is debatable, as it does not meet modern standards of historiography. Here, “historical” simply denotes the consideration of circumstantial features of polities that are not constant or directly derived from human nature. On the status of *Behemoth* in Hobbes’ work, see Flinker (1989), Lund (1992), and Kraynak (1983).

⁷ Like many accounts of modernity, Hobbes contrasts modern society with an imagined past in which private and public beliefs coincided perfectly, and civil matters were entrusted to the sages “lest by the disputations of private men, it might be defiled” (HOBBS, 1983, p.29). This is, of course, an idealization. Classical thought already staged tensions between divine and civil law, as in Sophocles’ *Antigone*, where Antigone’s claim to divine law confronts Creon’s civil authority. On this idealization, see also Lund (1992).

established divine law. The novelty of early modernity was the privatization of faith. As Hobbes explains:

The difficulty therefore remaineth amongst, and troubleth those Christians only, to whom it is allowed to take for the sense of the Scripture that which they make thereof, either by their own private interpretation, or by the interpretation of such as are not called thereunto by public authority: they that follow their own interpretation, continually demanding liberty of conscience; and those that follow the interpretation of others not ordained thereunto by the sovereign of the commonwealth, requiring a power in matters of religion either above the power civil, or at least not depending on it (HOBBS, 2008, p. 142)

The distinctly modern aspect of the question of conscience emerged when the Reformation shattered the unity of civil and religious authority established since the Later Roman Empire. This rupture, combined with the translation of the Bible into vernacular languages, made everyone a “Judge of Religion” (HOBBS, 2009, p. 135).⁸ Each individual now claimed the right to the correct interpretation of religious and moral law, provoking the proliferation of sects and violent conflicts. Hobbes links this division of authority with the rise of (moral) conscience as a fundamental source of discord: “and is not that kingdom divided against itself, where his private opinion, or conscience shall rule the actions of every one; and yet those actions such as give occasion of offence and breach of peace?” (HOBBS, 2008, p. 143).

The shift from religious faith to moral conscience and private opinion was not arbitrary. The Reformation marked a

⁸ As every account of modernity, Hobbes postulates as a contrast an idealized community in which there was a perfect coincidence of private and public beliefs and civil matters were left to the sages “lest by the disputations of private men, it might be defiled” (HOBBS, 1983, p. 29).

decisive step in forming modern subjectivity by severing the immediate connection between spiritual and temporal authority and fostering personal judgments about the meaning of the Bible and the moral good. Yet, it is mistaken to portray Hobbes as a reactionary longing for a pre-modern society where monarchical power was firmly anchored in divine right. His stance toward the Reformation is more ambivalent. As a fierce critic of Scholasticism—viewed as a corrupt synthesis of Christian faith and Aristotelian philosophy—he welcomed the rupture with the Catholic Church and the decline of School Divinity. At the same time, he perceived the danger of competing sources of authority, political and religious, especially when religion sought to intrude on temporal affairs.

Moreover, the rise of conscience was accompanied by the spread of doctrines on liberty, democracy, and republicanism, which Hobbes considered even more pernicious. Among the causes of rebellion, he lists the “pretense of right”: the belief that individuals know what is just, can govern their actions independently of public command, and thus possess legitimacy to resist sovereign power (HOBBS, 1983, p. 163).⁹ Such convictions lead people “to reforme and innovate, on this way, another that way; and thereby bring it into Distraction and Civill warre” (HOBBS, 2017, p.226). Dangerous opinions of the time included claims that obedience could be refused if contrary to conscience, that sovereignty was divisible, that property preceded civil authority, that sovereign power was bound by civil laws, and that one “faction” of society could act in the name of “the people.”

⁹ This term also appears in *A Dialogue between a Philosopher and a Student of the Common Laws in England*, see Hobbes.

Hobbes recognized moral conscience as a factor of radical instability and a perpetual source of friction. Without a firm, public determination of good and evil, individuals act according to private judgments—“what other end could they have in recommending the Bible to me, if they did not mean I should make it the Rule of my Actions”?¹⁰ Yet private judgments often conflict, so what one considers right may seem wrong to another, leading inevitably to contention. The problem lies not in opinion itself but in opinion as a motive for action.

III. Peace as the Primacy of the Practical

Hobbes’ anthropological argument suggests that mental activities and thoughts are modes of desire. No opinion is free from affection, and even moral notions of good and evil reduce to passions. As he writes:¹¹

Every man, for his own part, calleth that which pleaseth, and is delightful to himself, GOOD; and that EVIL which displeaseth him: insomuch that while every man differeth from other in constitution, they differ also one from another concerning the common distinction of good and evil. Nor is there any such thing as ἀγαθὸν ἀπλῶς, that is to say, simply good. For even the goodness which we attribute to God Almighty, is his goodness to us. And as we call good and evil the

¹⁰ HOBBS, Thomas Hobbes, p. 135.

¹¹ Along these lines, Hobbes observes that human inclinations differ according to constitution, custom, and opinion, so that what one person calls good another may condemn as evil—even the same person may judge the same thing differently at different times. This variability of appetites ensures “discord and strife,” keeping humans in a state of war as long as good and evil are measured by divergent standards (HOBBS, *De Cive*, p.74).

things that please and displease; so call we goodness and badness, the qualities or powers whereby they do it.

In this passage, Hobbes formulates a skeptical and relativist position according to which no inherent good exists—not even God is inherently good, for if the idea of God displeases me, then God is evil for me. This naturally raises the question of his relation to early modern skepticism. Strauss (1968, p.171) notably situated Hobbes' project within the crisis of Aristotelian science and the rise of skepticism. Following this insight, Tuck (1987; 1989) read Hobbes' theoretical enterprise as a continuation of Montaigne's humanist skepticism, though this interpretation has been contested (see Lister, 1998). Other commentators, such as Skinner (1996, p.9) and Zagorin (1993), questioned the relevance of epistemological skepticism to Hobbes' civil science altogether. From this perspective, Hobbes' reduction of the good to pleasure and opinion has often been treated as an epistemological problem. Yet, while Hobbes professes a form of moral skepticism and was arguably influenced by 16th- and 17th-century humanist skepticism, this view misses the deeper practical and political significance of his gesture.

In essence, the theoretical validity of skepticism is politically irrelevant in Hobbes' framework. Even if a universal good existed and were accessible to reason, it would remain powerless in the face of plural and conflicting beliefs. What matters for Hobbes is not whether moral truth exists, but that its claims cannot secure consensus or prevent strife. The reduction of moral values to private opinions thus emerges as a political assumption aimed at achieving pacification. Hobbes reframes morality not as a foundation for politics, but as a source of discord to be neutralized through political artifice. This reading may be described as prudential and non-foundationalist, though with important qualifications: Hobbes is neither formulating a mere empirical psychology nor

presupposing the later distinction between prudence and morality. Rather, his thought is instrumental in creating that very divide, marking a decisive moment in the modern separation of politics from moral foundations.¹²

The previous section examined how moral pluralism reached a critical point in 17th-century Europe. This tension was nowhere more evident than in England, where Henry VIII's break with Rome placed the monarchy in a precarious and unstable position. The schism raised pressing questions: should the Church undergo thorough reform, empowering radical factions such as Presbyterians and Puritans, or should ties with Catholicism be restored? In either case, royal authority risked weakening, becoming dependent on rival religious forces. At the same time, the growing influence of classical political texts and the spread of republican ideals further eroded consensus on power and legitimacy. Religious and political antagonisms intertwined, leading to the disintegration of the political body and, ultimately, the outbreak of civil war.

Hobbes understood that restoring peace required freeing monarchy from partisan entanglements. As long as sovereign power relied on religious or moral foundations, it would remain vulnerable to sectarian disputes. Doctrines of divine right, like Robert Filmer's *Patriarcha*, were self-defeating under such conditions. New sovereignty needed a basis independent of theology, grounded in extra-religious and formally logical principles. Because the sources of discord

¹² Both Strauss (1968, p. 177) and Tuck touch on this pragmatic dimension of Hobbes' political philosophy. Strauss links Hobbes to Machiavelli's "revolt against tradition," showing a shift from the primacy of contemplation to the primacy of practice. Tuck similarly advances a non-foundationalist reading of Hobbes' natural law, which does not presuppose a conception of the good—or even of "right"—as an ultimate moral foundation.

lay in the recesses of private conscience, beyond sovereign control, the monarch could assert authority only by breaking the “primacy of the religious” (KOSELLECK, 1983, p.13). Religious questions had to be reframed within the rationality of the state and subordinated to political criteria, marking, as Koselleck observed, a sharp dissociation between the political domain and the interior realm of conscience and morality.

To establish an extra-moral foundation for authority, Hobbes sought a “good” capable of accommodating all private conceptions of the good. In his rational rigor, he aimed to locate a principle standing above partisan conflict—a formal criterion, akin to a “moral formula,” broad enough to admit multiple ideas of the good. For Hobbes, that principle is peace and security.¹³ Political order therefore replaces the moral

¹³ A. E. Taylor (1983) perceptively noted an analogy between Hobbes and Kant. Both thinkers confronted the challenge of pluralism and the modern rift between the inner realm of subjectivity and the external sphere of civil life. Hobbes concluded that no solid polity could rest on a thick moral foundation. To avoid sectarian strife, he flattened moral subjectivity, abolished the distinction between desire and “free” will, and displaced the depth of conscience with the external plane of actions, privileging legality as the only public standard. Kant’s response to the same predicament was less straightforward. In his moral philosophy, he sought to free ethics from both dogmatism and utilitarianism, contrasting reason with empirical appetites and passions. Like Hobbes, he recognized the collapse of pre-modern ethicality and conceded to skepticism the impossibility of grounding morality in a substantive ideal of the good. Yet, unlike Hobbes, he strove to reconstruct morality through a strictly rational law. As he explains in the *Critique of Practical Reason*, beginning with a particular concept of the good (e.g., fairness, equality, authenticity) reduces the good to an object of desire to be attained, reducing rationality to mere instrumental calculation (KANT, 1999, p.186). Hence, morality must derive not from material content but from the universal form of law itself. Against utilitarianism’s embrace of subjective inclinations, Kant transplants the juridical notion of law into the moral realm, seeking a formal principle capable of supervening pluralism and resisting its instrumental logic. This move, however, leaves an unresolved puzzle about how moral obligation

opposition “good/bad” with the political alternative “peace/war” (KOSELLECK, 1983, p.20). The primacy of the practical thus signifies, first, the segregation of politics from morality, and second, the institution of peace as the supreme end of political association.

Here the anthropological argument finds its place. From the standpoint of politics, human nature cannot be conceived in terms of positive moral value, purpose, excellence, or telos. Whether this results from scientific advances or from the theoretical decline of Aristotelianism, the state must view individuals as desiring bodies moving within finite space. Private conceptions of the good appear as mere opinions, and opinions themselves as modalities of desire that set bodies in motion. Hobbes’ notion of (formal) equality belongs to this same logic: in this spatial framework, individuals have only one inalienable right—the pursuit of self-preservation. Yet, since they distrust one another’s intentions, fear becomes the dominant passion. As Thucydides observes, “[b]ut the equality of mutual fear is the only band of faith in leagues” (HOBBS, 1999b, p.278).

IV. The Logic of Absolute Command

The previous section outlined how Hobbes established the primacy of the practical to address the political crises of his time. The next step is to explain why absolutism emerged for him as the only rational solution to that predicament. Hobbes rejected the idea that a mixed constitution or a division of powers could overcome the primacy of religion, neutralize contending factions, and secure peace. Theoretically, he argued that dividing sovereignty is a

relates to legality in the public sphere—a question beyond the scope of this study.

contradiction. Law is not an abstract norm but a command, and only sovereign power commands. Sovereignty therefore resides wholly with the power that ultimately legislates. In a constitutional monarchy where the king is subject to parliament's laws, sovereignty lies with parliament, not the king. As Schmitt later phrased it, sovereignty is indivisible and rests with he who decides on the state of exception.

Practically, Hobbes believed that dividing sovereign power invites civil war. In every decisive controversy, authority must rest with one side or the other, and if rival powers both claim the final say, conflict can only be settled by war. The English Civil Wars, fought over whether sovereignty belonged to king or parliament, epitomized this dilemma. Instead of ensuring peace, the division of powers embeds a principle of conflict within the state itself. In this respect, Hobbes' reasoning aligned closely with other advocates of absolutism.

The logical outcome of Hobbes' argument is that only a structure of absolute obedience can secure peace. Law, for Hobbes, is a command that must be obeyed, and the source of law is necessarily one—whether a monarch or a legislative assembly. Sovereign power must therefore legislate absolutely, and subjects must obey absolutely. This is because the essence of the political compact is not a promise to perform specific actions but a general promise of obedience:

For a covenant obligeth by promise of an action, or omission, especially named and limited; but a law bindeth by a promise of obedience in general, whereby the action to be done, or left undone, is referred to the determination of him, to whom the covenant is made (HOBBS, 2008, p. 178)

Law, for Hobbes, is not a universal norm standing above rulers and subjects alike; it is a command. Authority is not grounded in the law, nor is the law authoritative because it is

rational, universal, or true. It is authoritative solely because it expresses the sovereign's will: *auctoritas, non veritas facit legem*. Even the interpretation of natural law holds force only when issued under sovereign authority: "Authentique; not because it is his private Sentence; but because he giveth it by Authority of the Sovereign" (HOBBS, 2017, p.323). In this paradoxical structure, obedience precedes the law, making absolute legislation possible:

And from this may be deduced, that which to some may seem a paradox: that the command of him, whose command is a law in one thing, is a law in every thing. For seeing a man is obliged to obedience before what he is to do be known, he is obliged to obey in general, that is to say, in every thing (HOBBS, 2008, p. 178)

The paradox is that the commitment to obey precedes the content of what is to be obeyed: it is obedience in general. Hobbes' contractarian absolutism seeks a rational, formal, and nonpartisan basis for authority and universal compliance. Sovereign power arises from a covenant formed through deliberate agreement—a transfer of rights in exchange for the promise of future security. Yet this covenant obliges each individual to "authorise all his Actions in like manner," transforming the state into an autonomous entity standing above its subjects.

Hobbes' project required an extra-moral foundation for political authority, raising the question: what grounds obedience? The controversy over Hobbes' foundationalism cannot be avoided here. Some may object that his appeal to natural law contradicts a non-moral reading of his political philosophy. Yet Hobbes both empties the traditional notion of *lex naturalis* and subordinates its role. Rejecting its classical formulation as an ideal of human excellence grounded in a teleological conception of nature, Hobbes roots natural law not in a human *telos* but in his "beginnings"—the most primitive natural passion, fear of death. In Strauss' apt phrase,

“[d]eath takes the place of the telos” (1968, p.181). The fundamental natural desire is self-preservation, which Hobbes elevates to natural reason itself: “that every man may preserve his own life and limbs, with all the power he hath” (HOBBS, 2008, p.79). What is rational is therefore a natural right to self-preservation, and the most effective means to secure it is the establishment of peace and security.

Moreover, for Hobbes the law of nature is not properly a law. A law, he insists, is a command, and a command requires a ruler and enforcement through punishment. Calling natural law a law would thus presuppose both belief in God as commander and belief in afterlife punishment. Yet belief is private, making divine command a law only *for me*. As Warrender (1957, p.299) noted in grappling with Hobbes’ theory of obligation, such a law would be merely moral, binding only *in foro interno*, concerning intentions rather than actions, and lacking enforceability (HOBBS, 2008, p.99; 2017, p.215). Hence, when Hobbes invokes natural law, he conceives it as a minimal moral imperative operating only where civil law is absent—a kind of “provisional morality,” to borrow a Cartesian phrase, valid when external authority is ineffective or has collapsed. It prescribes nothing beyond acting to attain and preserve peace. Natural laws are merely “qualities that dispose men to peace, and to obedience” (HOBBS, 2017, p.314).

Hobbes cannot be read as proposing a project of moral reform. The predicament he addresses is that the more factions act on their own convictions of what is morally just, the more they commit atrocities in its name. For Hobbes—as later for Hegel—morality is often the ultimate source of evil. The determination of natural law, therefore, cannot be left to private individuals or to moral philosophy. As Hobbes makes clear, the “Interpretation of the Law of Nature, is the Sentence of the Judge constituted by the Sovereign Authority” (2017,

p.323); it is fundamentally a political decision. Paradoxically, Hobbes' "moral" law is formal enough to stand outside morality itself, serving only to expose morality's limits. It reduces to a single imperative: civil obedience. His argument remains instrumental from beginning to end.

Hobbes knew that a structure of absolute obedience could not rest on a theoretical or moral foundation of the state. He neither sought a basic moral consensus nor attempted to derive norms from instrumental reason (LISTER, 1998, p.46). A common misinterpretation of Hobbes, often due to neglecting the centrality of war in his thought, is to claim that the legitimacy of the state lies in consensus—especially in the strong, liberal sense the term carries today. For Hobbes, a covenant remains valid even when forged under fear and coercion. Compliance is not a voluntary harmony of wills; it is a necessity impressed upon individuals, a visceral experience of fear. As he states, "Of all Passions, that which enclineth men least to break the Lawes, is Fear." Fear does not persuade; it binds like iron, shaping conduct before thought has time to rebel. It is the weight pressing on the soul that keeps civil war at bay.

As Ginzburg (2008) observes, Hobbes drew a fundamental analogy between religion and the state. Religion, though a fictional construct born of anxiety, keeps men "in awe" and thereby obedient (on the origin of religion, see chapter XII of *Leviathan*). Likewise, the artificial state must appear as a "Mortall God" to fulfill its purpose. The modern state functions only if individuals are continuously kept in awe—fearing and distrusting one another—and committed to the premise of general obedience. Law's formal validity is effective only when fear underpins it, making visible the rationality of the social contract: the guarantee of security. Schmitt (1932, p.40) famously captured this principle: *protego ergo oblige* is the *cogito ergo sum* of the state.

In brief, Hobbes held that only absolute, undivided monarchical power could purge politics of moral strife and make the state the guarantor of peace. Democracy, by contrast, transposes ethical conflicts into the state itself, turning it into another arena of discord. Sovereign power must stand as an absolute judge above all parties, excluding moral conscience from the political domain. The formal state achieves this by stripping private opinion of its power to shape law (KOSELLECK, 1983, p.23).

V. From Absolutism to Legal Positivism: A Modern Divide

Hobbes placed fear as the basic human passion and peace as the ultimate political goal to bypass the question of the moral foundation of the state and respond to the predicament of moral pluralism. He believed that all prior political doctrines erred by siding with one faction or another, fueling conflict instead of overcoming it. To secure peace, he sought a conception of sovereign power that would stand above all moral visions and all contending parties. As argued earlier, this reasoning was not driven by epistemological skepticism but by Hobbes' unwavering commitment to the primacy of the practical.

This commitment marked the emergence of a state rationality stripped of moral content and grounded in instrumental reason. Absolutism appeared to Hobbes as the only political form capable of achieving this end: the monarch alone assumed responsibility for securing peace, while subjects were bound to unconditional obedience. Political reasoning was, in this sense, "demoralized." In Hobbes' political philosophy we witness the birth of legal positivism: the strict separation of legality and morality, the notion that law derives its force not from its truth or justice but solely from

the command of a sovereign authority. Legal positivism, in this account, is not a later invention but a creation of absolutism itself.

This emerging legal positivism manifests throughout Hobbes' thought. The reduction of all conceptions of the good to private opinions anticipates the modern principle of state neutrality, which later became central to liberal theory. The state, to remain the guarantor of peace, must refuse to arbitrate between competing moral claims. This does not imply that all values hold equal dignity or that private opinion deserves inherent respect. On the contrary, Hobbes' logic draws a strict boundary between the private domain of conscience, intention, and morality (*forum internum*) and the public domain of politics, action, and civil law (*forum externum*). Civil law holds absolute primacy over moral or religious considerations: law has no moral content—it is valid because it is commanded, and what matters to the state is solely its form and the obedience it secures.

On the other hand, only actions with public effects matter to the law. Opinions gain public significance only when they lead to actions that violate it. From the political perspective, the justness or goodness of an act is irrelevant; the law is concerned solely with its external expression and consequences. The domain of interiority is inaccessible to political authority. This reasoning leads Hobbes to reject inquisitions and the punishment of individuals for their private convictions alone: unless internal beliefs manifest as unlawful deeds, they remain beyond the reach of public power.

Conversely, Hobbes vehemently condemns the doctrine that “whatsoever a man does against his Conscience, is Sinne” (HOBBS, 2017, p. 366). Substituting the “public conscience” of the law with private judgment opens the door to discord and civil strife. Yet this rejection has a second, implicit implication for the believer: performing civic duties contrary

to personal beliefs does not make one a sinner. As Shakespeare wrote in *Henry V*, in a formulation historically close to Hobbes, “Every subject's duty is the king's; but every subject's soul is his own” (CHABOT, 1995, p. 403). Public law disregards internal conviction, and private conscience should likewise disregard civic actions performed under obligation. Hobbes even evokes the words of Jesus: “Give to Caesar what belongs to Caesar, and to God what belongs to God.” In this spirit, he repeatedly emphasized the minimal requirements for salvation, aiming to thin out Christian morality and subordinate it to civil law. The single article of faith necessary for salvation is thus reduced to “Faith in Christ and Obedience to Laws,” meaning obedience to the laws of the sovereign.

From this divide, Tuck (1988; 1994) risked a pluralist and democratic reading of Hobbes. For him, Hobbes' aim was to establish the minimal conditions necessary for human coexistence, and the strict separation of legality and morality creates a sphere of freedom in which individuals may determine their own goals, purposes, and values. As Habermas observes, “The laws have the character of formal and general norms. The formality of the law ensures the citizens freedom in the sense of liberality” (HABERMAS, 1973, p. 68). Tuck rightly identifies a crucial aspect often overlooked by other interpretations: absolutism in Hobbes anticipates the emergence of the modern private sphere later embraced by liberalism. However, this recognition should not be read as evidence of a democratic impulse in Hobbes' thought, but rather as a sign of the limitations and impoverished democratic imaginary that underpins liberalism itself.

VI. The Politics of Security

Hobbes' program of political philosophy sought to uncover the real causes of civil war, assuming that the

ultimate goal of politics is the establishment of peace and security. As he wrote, “[t]he cause, therefore, of civil war is, that men know not the causes neither of war nor peace” (HOBBS, p. 190). Yet, as I have shown, the philosophical unease with civil war is of ancient origin. Many political thinkers acknowledged the profound and unsettling link between politics and war. As Nicole Loraux notes, the Greek ideal of a unified and harmonious polis emerged only in response to “the dreaded realization that civil war is connatural to the city, indeed the very foundation of politics inasmuch as it is precisely communal” (LORAUX, 1997, p. 95). Division was feared as a threat to civic order, yet its presence revealed a deeper truth: every political order is, in some sense, a settlement of conflict.

This idea appears with particular clarity in Machiavelli’s political thought, which serves as a useful foil for understanding Hobbes. In a well-known passage from *The Prince*, Machiavelli observes that every political body is marked by an irreducible antagonism between the *popolo* and the *grandi*. These are not sociological groups but “irreducible elements of political life” (BIGNOTTO, 2008, p. 89), whose tension gives rise to three possible political forms—or *effeti*: principality, liberty, or license (*principato*, *libertà*, *licenzia*) (MACHIARELLI, 2018, p. 837; 1998, p. 39). Internal conflict, though perilous and capable of devolving into civil war, is also productive: it generates institutions and constitutes political life itself. For Aristotle, political association was a *primary fact* of human existence: living together in the polis was not a means to something else but an intrinsic dimension of what it meant to be human. Ends, values, and the very meaning of justice were not fixed beforehand; they emerged from the struggles, debates, and confrontations that constituted communal life.

Political reasoning, at least in the classical tradition from Aristotle to Machiavelli and Montesquieu, is characteristically prudential: it works with shades of difference, with degrees of power and legitimacy, weighing competing interests and circumstances. These thinkers typically offered finely grained examinations of political arrangements and their peculiarities, exploring how different institutional balances could accommodate conflicting forces without destroying civic unity.

Hobbes breaks radically with this tradition by introducing a stiff duality between civil state and state of war. Conflict is not the source of politics but its negation. Conflict is not politically productive but an evil to be banished at all costs. Civil strife had to be neutralized, excluded from the political domain through a logically rigorous constitution of the state, lest it devour the very possibility of order. Either the state succeeds in keeping citizens in awe and neutralizing war, or the state of war prevails. This presupposes that the end of politics is always already given in advance: peace and security are set as the ultimate goals, and political institutions are merely instruments to achieve them. As Habermas (1988, p. 41) observed, Hobbes “was no longer doing politics in the manner of Aristotle, but rather social philosophy,” transforming political thought into a theory of social order governed by calculation.

The core of this interpretation is that Hobbes’ civil philosophy is fundamentally instrumental. By placing civil war at the center of his analysis and peace as the ultimate horizon of politics, he strips political reasoning of any intrinsic value. Politics ceases to be a realm where shared ends are debated and constituted; it becomes a means-ends rationality oriented solely toward the prevention of conflict. In Hobbes’ hands, “peace” does not reflect the realist concern for the survival of the state as an individual among others in the international arena, in the spirit of 17th-century *raison d’état*. Instead,

security is radically privatized and individualized: the state itself is constructed as a collective instrument for the preservation of each subject's life, a mechanism born from fear and dedicated to keeping death at bay.

Hobbes defines the “Power of a Man” as the “present means, to obtain some future apparent Good.” He further distinguishes natural powers, namely the faculties of body and mind, from instrumental powers, which are “means and Instruments to acquire more [Power]: as Riches, Reputation, Friends, and the secret working of God, which men call Good Luck” (HOBBES, 2017, p. 150). The greatest instrumental power is “that which is compounded of the Powers of most men, united by consent, in one person, Naturall, or Civill, that has the use of all their Powers depending on his will; such as is the Power of a Common-Wealth” (HOBBES, 2017, p. 150). In this conception, sovereignty does not stem from divine right or the natural body of the ruler but is instead an artificial construct, the aggregate of transferred powers. Hobbes’ contractarianism thus sharply rejects traditional doctrines that ground authority in bloodline, grace, or divine law. As Skinner (2012) shows, Hobbes’ solution is radically novel in identifying the true bearer of sovereignty in the “artificial person of the state.”¹⁴

In sum, the Hobbesian rupture lies primarily in the creation of a new political language, one that abandons the prudential reasoning of earlier thinkers, who dealt in nuances, gradations, compromises, and accommodations. Hobbes instead offers a stark, uncompromising binary: where the state is, war is not. His absolutist language mirrors a historical

¹⁴ Later, Hegel would give this formalization an unexpected twist: in his *Philosophy of Right*, the sovereign’s body itself becomes the “organic moment of the state,” emptied of substantive will and reduced to the mere form of “I will,” signing off laws like dotting the “i” (Hegel 1991, p. 316–323).

simplification, moving from a feudal society with its complex web of aristocratic privileges, religious arrangements, and diffuse powers to the elementary opposition between an authoritative state and the multitude in emerging bourgeois society. This radical shift defined much of English liberalism, where Hobbes' influence remained profound, though it met different trajectories elsewhere. To grasp this historical "struggle between absolute state power and the authority of the nobility and the church" is crucial to the argument developed here (SCHMITT, 1996, p. 20). Hobbes does not bring into view the living forces that compose a political body in order to imagine ideal arrangements; he instead speaks in absolutes, banishing dogmatism from the front door of metaphysics only to see it return, reconfigured, through the back door of politics.

Conclusion

Hobbes' political philosophy emerges from the visceral experience of civil war, where politics dissolved into a battlefield of competing claims to truth. Early modern pluralism, amplified by religious upheaval, fractured the unity of law and faith, making every conscience a sovereign court of appeal. In this climate, moral conviction did not pacify but inflamed conflict, as private judgments translated directly into public disobedience and violence.

Faced with this predicament, Hobbes stripped politics of substantive ideals and moral ends. If the search for truth could not unite men, only fear could. Peace and security, minimal yet universal, became the new horizon of politics. Sovereignty was no longer grounded in divine authority or shared notions of justice but in the formal power to command and enforce obedience. The law ceased to express truth; it expressed will—*auctoritas, non veritas facit legem*. Legal positivism thus arose

not as a juristic theory, but as the rational solution to moral pluralism and civil strife: an abstract, impersonal authority capable of defusing opinion before it ignited into war.

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