

The Problem of Women in Hobbes's *Leviathan*

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ABSTRACT

Megan Mitchell: The Problem of Women in Hobbes's *Leviathan*
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Hobbes is sometimes interpreted as a proto-feminist, in that men and women are seemingly equal in the state of nature. A few scholars have argued that men and women are equally likely to establish political society. Carole Pateman denies this latter claim and maintains that despite their equal natural abilities, women become men's servants. She argues that women are weakened by their attempts to protect their children and thus, are easily conquered by men. Against Pateman, I argue that her interpretation violates psychological egoism, an essential feature of Hobbes's understanding of human nature. I advance a weak equality reading, in which men and women are equal in prudence, but men are generally stronger. Eventually, men are able to conquer women and establish male dominion through contracts. Hobbes is a proto-feminist because the subordination of women is not justified by women's natural weakness, but through contracts to which women must consent.

TABLE OF CONTENTS

Section	Page
1. Introduction.....	1
2. The Hobbesian State of Nature	5
3. Pateman's View	12
4. A Response from Hobbesian Rational Egoism.....	16
5. Women's Weak Equality	23
References.....	34

1. Introduction

Many aspects of Hobbes's political theory strike the modern (or contemporaneous) ear as strange. For example, the war of all against all predicated on the thoroughgoing rational egoism of each individual paints a disturbing picture of human psychology in the state of nature. However, in recent years various scholars have discussed two seemingly modern aspects of the Hobbesian state of nature: First, the apparently equal natural status he attributes to men and women and second, his attribution of original dominion over children to women rather than men. In conjunction, these features of Hobbes theory have led some scholars to declare Hobbes a sort of "proto-feminist." Some contend that Hobbes offers a theory in which men and women have the potential for political equality, in that civil society is as likely to be founded and ruled by women as by men. Others focus on the seeming equality of natural abilities and the lack of natural dominion of men over women.

Still other scholars commend Hobbes for recognizing, to borrow from the feminist mantra, that *the personal is political*. Some political theorists of his day sought to ground the legitimacy of the state through the family by justifying the king's power by an analogy to the rule of the father over the family. Hobbes rejected this view, as well as one in which there is a sharp divide between the private and the political spheres, with the family governed by natural relationships while the state is legitimated through contracts. For Hobbes, there is an analogy between state and family but it runs the other direction. The family is subject to the same contractual relationships that form and ground the state. Neither the family nor the state is a naturally occurring entity as both are the result of contracts. Accordingly, men's

dominion over women is not justified by their natural superiority, and fathers do not rule their children as a result of generation. Similarly, kings cannot claim power over their subjects through natural right, but acquire dominion through contracts. Hobbes denies that men have any natural dominion over women, and claims that the only relationship that is possible between them (or anyone) is contractual. Women, then, on the Hobbesian account seem to occupy a much more privileged position than in those theories that simply declare that God's divine command or women's lesser natural abilities, in terms of, for example, physical strength and intelligence, justifies their subservient position.

There are problems, however, that arise for those scholars who would paint Hobbes as forward-looking with regards to his view on gender equality and the political prospects of women. In particular, Hobbes's characterization of the family in the state of nature is distinctly male-dominated. Women are not simply subordinate in this picture; instead, they are not even mentioned. They reappear in political society as wives and daughters who are subject to their husbands and fathers as well as the will of the sovereign. The challenge, for those who are invested in interpreting Hobbes as proto-feminist, and thus, in stark contrast to many other early contract theorists, is to resolve this aspect of Hobbes's theory.

Some feminist scholars are tempted to ignore these problematic pieces of Hobbes's writing as unfortunate reflections of his time rather than the logical consequences of his theory. One might think that given his starting point, it is impossible to obtain a result that favors of one sex over the other. This is a strong proto-feminist reading in which men and women are equally likely to dominate civil society, and Hobbes is simply mistaken or careless to deny this. A weaker version of proto-feminism accepts Hobbes as meticulous in his discussion of gender and focuses on the initial equality of men and women. Hobbes is a

proto-feminist then, because men have no original dominion, natural or God-given, and the domination of women is due to an accidental rather than essential feature of their nature. Carole Pateman offers one such interpretation in her article “God Hath Ordained to Man a Helper: Hobbes, Patriarchy and Conjugal Right.” She argues that as a result of their maternal dominion, women are conquered by men. For women, having power over their children comes with the burden of defending them against attack. And while women are initially equal to men in the state of nature, in both strength and prudence, this added encumbrance is enough to ensure that men end up as masters and the heads of families while women are condemned to servitude. I argue here that there are two ways of understanding the motivation behind Pateman’s claim that women defend their children and both either contradict Hobbes’s more fundamental commitments or lead to inconsistencies in Pateman’s overall argument.

I advance a different strategy for maintaining the coherence of Hobbes’s story. I propose that a weak equality between the sexes can make sense of his theory as a whole. Under this weak equality, men and women possess a rational capacity, or prudence, that is dispersed regardless of sex, but men are generally the recipients of greater physical strength. In other words, on a bell curve distribution a greater number of men are clumped at the high end of physical strength, while a larger number of women occupy the lower end. Men’s statistically greater physical strength lends them a distinct advantage in the state of nature where the formation of master/servant contracts is often, if not exclusively, motivated by force. My interpretation does not lead to a strong proto-feminist understanding of Hobbes because men and women do not have equal natural abilities and so they are not equally likely to establish civil society. However, I do not deny that men have no original or natural dominion over

women, and that all relationships between them are contractual. While my analysis of Hobbes may not seem as radically pro-woman as Pateman's because I argue that men and women are not, in a sense, natural equals, both interpretations are roughly on par as feminist readings. On both views, it is a feature of the Hobbesian state of nature, rather than an essential characteristic of women, that ultimately leads to their domination by men. Women are not naturally or initially subordinate to men and were contracts formed differently, they would not necessarily be the servants of men.

2. The Hobbesian State of Nature

The state of nature, according to Hobbes, is a war in which every individual is pitted against every other in an effort to survive, and importantly, anyone can conquer anyone else. Every adult is equal in the state of nature, where this equality is understood as a rough similarity in strength and prudence. This resemblance is such that no one person is so clearly superior that he can justify his to rule over others simply in virtue of his natural strength or intelligence. The weaker can kill the stronger through plots and surprise attacks, or weaker individuals can join together against a stronger enemy. That the physically weak can avail themselves of these options points to individuals' equality of prudence. Prudence is experience gained over time, and is the same for all who apply themselves equally to a task. Even in cases where there is not an actual equality of abilities, Hobbes argues that there is still not so great difference that individuals would think themselves better ruled by another than by themselves.

Hobbes explicitly states that women, who are also in a state of war, have the same basic equality as men. Women compete with men for resources and domination. Hobbes writes, "there is not always that difference of strength, or prudence between the man and the women, as that the right can be determined without war" (1996: XX.4). Women are not immediately discounted from dominion and no individual rules by natural right.

While in the state of nature, all humans share the basic natural right to do anything to preserve their life. Hobbes holds that, by nature, individuals are self-interested. They are psychological egoists. Furthermore, Hobbes claims that they ought to behave as rational

egoists.¹ As individuals cannot sacrifice their lives and still be acting in self-interest, they always retain the right to defend themselves. Hobbes writes, "...the sum of the right of nature; which is, *by all means we can, to defend ourselves.*"(1996: XIV.4).

Hobbes's view is markedly different from many other contract theorists because individuals do not possess a robust set of rights that cannot be legitimately violated by others. For Hobbes, there is only one right, that of self-defense, and it does not depend on others respecting it. According to Hobbes, humans are permitted to, and are the sorts of creatures that seek to, dominate others. Individuals may attempt to gain mastery over each other but the right to one's own self-defense is inalienable and acting on that right is always permissible.

Though entirely self-interested and at war with one another, individuals are not always alone in the state of nature. A myriad of relationships are possible, though when they occur they are always the result of contract. Two types of contracts, covenants of which I discuss two kinds, and contracts of domination are important both to understanding Pateman and motivating my subsequent critique.

The first sort of covenant governs mutual performance confederations, large or small, which the weak can use to protect themselves against the strong. Hobbes indicates that people can also unite for the purpose of attacking others, rather than defending themselves. He writes, "if one plant, sow, build, or possess a convenient seat, others may probably be

¹There are a number of different interpretations as to the procedure individuals should follow to behave as rational egoists. I follow Gregory S. Kavka in interpreting Hobbes's account of rational self-interest as governed by rules, or laws of nature which, when followed, give the individual the best chance of survival in the long run. In certain cases it may be supposed that an alternative action, perhaps the violation of a covenant without reasonable suspicion, may be of greater benefit to the individual. However, given that the future utility of such an action cannot be calculated, individuals are generally better off and therefore compelled by rationality to follow the rules. This includes the keeping of covenants when there is no reasonable suspicion. That action is, according to Hobbes, most likely to yield long term benefits in the majority of situations. For a more detailed account of Kavka's view see "The Rationality of Rule Following: Hobbes's dispute with the Foole."

expected to come prepared with forces united, to dispossess, and deprive him..." (1996: XIII.3). In contracts of this sort every individual performs his duty simultaneously. As such, these contracts are far safer and more reliable than 1st performance/2nd performance covenants.

In covenants of this second kind, the two parties do not perform at the same time. For example, two people might form a covenant for mutual protection in which one party performs first, by helping the other to defend his person or possessions, on the condition that the other party agrees to provide the first with similar protection at a later date. Covenants are precarious in the state of nature, because they can be dissolved, Hobbes claims, upon "any reasonable suspicion" (1996: XIV.8). While this might initially seem like an extremely low standard that would result in the prudent dissolution of all covenants, Hobbes adds some caveats to increase the force of such contracts. He argues that this suspicion must be something arising after the covenant is formed, and typically before either party has performed, such as the realization that helping the other party, because of the strength of the enemy he faces, would result in certain death.

Without reasonable suspicion, men are rationally compelled to keep their covenants, and they are motivated to perform out of fear that their reputation would be ruined if they refused. For instance, if two parties were to form a covenant for mutual defense, and the first party performed but the second, without reasonable suspicion, did not, then the second party would gain a reputation for not fulfilling his obligations and others would refuse to enter into similar contracts with him in the future. Along the same lines, Hobbes claims that when a kidnapped person is released on the condition that he pay a ransom to his captors upon his return home, he must abide by his agreement. Were he to violate this contract, future captors would kill him, rather than contract with him, realizing he is not to be trusted. Hobbesian

rationality, as illustrated by this example, is risk-averse. Keeping covenants is a prudent policy as it, more often than not, increases one's chances of survival in the state of nature. Of course, individuals do not always behave rationally, and they can violate covenants as a result of reasonable or unreasonable suspicions so long as there is not sovereign power in place.

All other contracts involve domination rather than mutual agreement. Domination can occur by acquisition or institution. The former happens in one of two circumstances: Either, as Hobbes writes, "by natural force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will"(1996: XVIII.15). In both cases, the conquering party has the power of life and death over the other. The threatened party can agree to become a servant in exchange for his life. Having consented to servitude, he is bound to obey, and his possessions, servants, and children become the property of his master. Even the relationship between men and their children, when it arises, is one of dominion by acquisition. However, this contract does not develop immediately upon the child's birth because original parental dominion belongs to the mother.

In the state of nature women rather than men have the initial right to dominion over their children. In part, this is because paternity cannot be proven without marital laws. However, the deeper rationale is that mothers are the first to physically possess the children and so they are the first to have the power of life and death over them. They have the power to either care for or abandon their children, and so the children must consent to obey them. Hobbes writes, "...seeing the infant is first in the power of the mother, so as she may either nourish or expose it; if she nourish it, it oweth its life to the mother; and is therefore obliged

to obey her, rather than any other; and by consequence the dominion over it is hers” (1996: XX.5). Just as Hobbes claims that agreements made under the threat of death are valid, so are the agreements of babies, expressed tacitly through their actions. He writes, “...every man is supposed to promise obedience, to him, in whose power it is to save, or destroy him” (Hobbes, 1996: XX.5). The relationship between mother and child, like all relationships, is contractual and she is the lord over her child.

Hobbes’s characterization of the family in the state of nature first introduces the idea that women are no longer on equal footing with men. He gives three descriptions of the family, one each in the *Leviathan*, *De Cive*, and *The Elements of Law*. In the *Leviathan* he writes, “By this it appears that a great family if it be not part of some commonwealth is of itself as to the rights of sovereignty a little monarchy; whether that family consist of a man and his children; or of a man and his servants; or of a man and his children and servants together: wherein the father or master is sovereign” (Hobbes, 1996: XX.15). Hobbes calls, “A father with his sons and servants...” a family in *De Cive* (1998: IX.10). Women are not mentioned in of these descriptions, neither as wives or mothers, and this curious omission leads Pateman to conclude that all women become the servants of men.

It could be that Hobbes simply does not exhaust all the logical possibilities for family make-up in these descriptions, and there is a sense in which I agree with that conclusion. For example, the familial description Hobbes offers in *The Elements of Law* was published 20 years before the *Leviathan* and appears more hopeful for women and perhaps even serves as a counterexample to Pateman’s claim that women always become servants. Hobbes writes, “the whole consisting of the father or mother, or both, and of the children, and of the servants, is called a family; wherein the father or master of the family is sovereign of the

same; and the rest (both children and servants equally) subjects” (1994: 92). Under this reading, it appears that women can be heads of families, as there can be families that include only a mother, servants and children and she is the only candidate for lordship in such a situation. This arrangement cannot arise on Pateman’s reading. Indeed, Pateman dismisses this passage as inconsistent with the “conjectural history of the origin of the family implicit in Hobbes’s argument” (1988: 456). However, as Pateman is importing this hypothetical history into her reading of Hobbes, it is not wholly surprising that Hobbes is inconsistent with regards to it.

One could argue that Hobbes, in the *Leviathan* and *De Cive*, is simply careless when he writes about the family, using “father” as shorthand to indicate either mothers or fathers. Women or men are equally likely to become masters and heads of families and thus, equally likely to consent to the original contract. This line is tempting because it allows the proponent to maintain a strong version of equality while completely avoiding the problem of “disappearing women.” Hobbes could thus be read as a proto-feminist in both the strong and weak sense, because men and women would not only exhibit initial equality in the state of nature, but they would also be equally likely to found civil society. Pateman argues against this interpretation, claiming that Hobbes’s “ruthlessly consistent” in the rest of his work (1988: 458). He would not, she thinks, overlook this issue nor fail to say what he meant.

I, too, reject this line of argument but for somewhat different reasons. Hobbes purports to be giving a story of human nature, including how we behave in the state of nature and what sort of civil society we require to live in peace. He is so convinced of his rigorous methodology that he compares his theory to a geometric proof. Though much is made of Hobbes’s state of nature as a logical rather than historical analysis (a view which I share) it

could not be the case that his theory of human nature leads to a radically different prediction of gender relations than what has, in fact, arisen. If, under the Hobbesian picture, it is equally likely given facts about human nature and our interaction with the world and each other that women will dominate and form civil society then we would expect to see at least some evidence that this has occurred. The historical fact of widespread patriarchy appears to tell against female domination as a logical possibility and thus, against a reading of Hobbes as endorsing strict gender equality, while simply forgetting to mention women.

I shall argue, against Pateman, that the passage from *The Elements of Law* can be made consistent with the views offered in *De Cive* and the *Leviathan*. However, I want to confine my discussion, for the moment, to the characterization of the family offered in the *Leviathan* and *De Cive*, which is the source of Pateman's worry and the inspiration for her interpretation.

3. Pateman's View

Pateman, filling in what Hobbes presumably left unsaid, offers an explanation of how Hobbes is able to arrive at a patriarchal conclusion, in which men are heads of families and women disappear completely, given his initial premises that (1) men and women are equal in the state of nature, and (2) women have dominion over their children. Roughly, she contends that by the time families are formed, women have all become the servants of men. She argues that women's dominion over their children is ultimately self-defeating. Once women have children and are burdened by caring for and defending them, they become too weak to fend off attacks and are subsequently conquered by men. Consequently, women become the servants of men through dominion by acquisition, an explanation that accounts for the conspicuous absence of wives or mothers in the Hobbesian family, as they are then counted among the class of servants.

Sex relations, Pateman argues, satisfy the conditions of a mutual performance contract, because both parties enter into the relationship as free and equal partners and both perform the action at the same time. Pateman takes a dim view of 1st performance/2nd performance covenants and she argues that marriage, or any sort of long-term conjugal contract, is not possible in the state of nature. Were two parties to agree to something like a marriage the woman would perform first, by giving birth to a child, without any guarantee that the man will perform second by taking care of both her and the child. A marriage contract could not endure individual's self-interested nature. She argues, "Natural individuals will...always break an agreement, or refuse to play their part in a contract, if it

appears in their interest to do so” (Pateman, 1988: 452). While I am not convinced that a marriage contract could never work in the state of nature, there are no matrimonial laws, and no sovereign to enforce such contracts. Individuals may be reasonably inclined to keep such covenants for fear of gaining a bad reputation amongst their fellows, but it seems right to say, as Pateman does, that individuals will often violate such contracts for short-term gain. They are supposed to, but do not always, behave rationally in the state of nature. Given her analysis of Hobbesian contracts and her rejection of marriage, Pateman concludes that in the state of nature any sort of long-term conjugal relationship must be the result of an agreement reached via coercion.

According to Pateman, in the first generation in the state of nature, women contract to have sexual relations with men as free and equal partners. In the absence of conjugal contracts, women then have dominion over the children they bear, but their lordship is short-lived. The necessity of caring for another individual in the state of nature weakens women and men conquer them easily, coercing them into servitude. She writes, “When a woman becomes a mother and decides to become a lord and raise her child, her position changes; she is put at a slight disadvantage against men, since now she has her infant to defend too”(Pateman, 1988: 457).² All female children are born into this contractual relationship created by their mothers and thus, are subject to the dominion of their fathers. Masters gain dominion over the children of their servants as well as the servants themselves. As a result,

²Interesting, Pateman does not bring up the possibility that women could be made vulnerable to attack by the mere fact of their pregnancy. Given her strong claim about the natural equality of men and women, it is plausible that she holds that, because pregnancy is a natural condition for women and not a contractual obligation, it cannot be the fact on which men’s dominion is predicated. Rather, women must become weakened by some agreement. Against this, one might argue that pregnancy is an obvious consequence of the sex contract that women freely enter into with men, just as the defense of infants is a clear implication of women’s maternal dominion. However, only women can be disadvantaged by pregnancy, which makes it in some sense more natural than dominion over children, which can also affect men negatively, should they choose to adopt and preserve an infant which a woman has abandoned.

women in all subsequent generations are born as the servants of men and families are formed in which a man is either the father or the master of the women.

Against Pateman, one might argue that, though it is perhaps likely that men would become the masters of women, it is still not the only logical possibility. For example, women who have not had children might conquer other mothers. Or women, realizing their common weakness, might together form contracts for mutual defense against men. Confederations, of the sort discussed in the previous section, would provide just this sort of protection. Of course, men could also form confederations but given Pateman's commitment to a strong equality between men and women, there is no telling which side might win. Therefore, in order to solidify her view Pateman must find a way to motivate the conclusion that weakened mothers will always be conquered by men, rather than women.

At this point, Pateman's argument dissolves into a claim of historical necessity. She considers the possibility that women might chose to form confederations to protect themselves and recognizes that it is a problem for her conclusion. She counters, "Women must all be conquered in the first generation; there can be no female masters in the state of nature or there will be no contract and law of matrimony"(Pateman, 1988: 458). In other words, all females must engage in sexual relations in the first generation, have children, and be weakened by their attempts to protect them. If a large number of women were able to become masters and heads of families then, in keeping with Pateman's assumption of strong gender equality, they would be on equal footing with their male counterparts. There is no way to guarantee that men would ultimately win. Given his view of human nature, Hobbes must be able to explain how it comes to be that men are nearly always the creators and benefactors of the arrangements of civil society. Were there large numbers of female masters

they would not agree to an original contract that places them in a position of subservience to men. And so, while female-headed household might be a logical possibility, their absence is a historical necessity. Women, either independently or as a part of a confederation cannot conquer other pregnant females or else, Pateman argues, an original contract which subjugates women would be impossible. She writes, “There can be no female masters in the state of nature” (Pateman, 1988: 458).

4. A Response from Hobbesian Rational Egoism

I agree with Pateman that women do become servants of men in the state of nature. In addition to the text she cites describing the make-up of the family, Hobbes also claims that when a man becomes the servant of another, the servant's wife also becomes subject to the master. If wives are free contractors in a 1st performance/2nd performance covenant it is difficult to see how or why they would become a servant along with their husband, if he were to be conquered. In a later passage Hobbes states that the master is entitled to the servants of his servants (as well as his goods, labor, and children) and makes no mention of the fate of servant's wives. A reading in which wives occupy a position of servitude is then plausible because Hobbes gives us no other way of understanding the nature of the relationship between men and women such that wives would necessarily become subject to the master's of their husbands. No other contractual relationship available in the state of nature could motivate this result unless wives were, in some sense, viewed as their husband's children or property. Given Hobbes explicit mention of the state of war between men and women it seems improbable that women are viewed as their husband's property (individuals are not, on Hobbes's account, at war against animals or the land). To view women as occupying the same status as children is, perhaps, more plausible, but still strange. Pateman and I both provide an account in which women end up as servants and if either is coherent, there is no need to equate the status of women to that of children.

There are two ways of understanding Pateman's claim that women are made subject to men because they protect their children, and Pateman does not give any hint of which

version of the claim she endorses. The first is that the mother-child relationship is such that the mother is obligated to protect her children from danger. However, given Hobbes's description of the master-servant relationship, I argue that an obligation of this type is an unworkable interpretation as it hinges on a mistaken understanding of the nature of contracts by acquisition.³ Contracts by acquisition, as I stated in the previous section, are formed when the life of one person is in the hands of another. To preserve his life, the threatened party agrees to become a servant. His only other options are immediate death or slavery. The contract into which the servant is coerced is binding, an unsettling but nevertheless irrefutable aspect of Hobbes's theory.

The crucial point, for my purposes, is that the contract, which is binding for life on the part of the servant, only requires the master to refrain from killing the conquered party *at that moment*. David P. Gauthier, in *The Logic of Leviathan*, presents a detailed argument for why this must be the case. He claims, "The victor, then, accepts the covenant merely by allowing the vanquished life and corporeal liberty. He does not, and must not, covenant to allow life and liberty to the vanquished; to do this would deprive him of the right of killing or enslaving the vanquished at his pleasure" (Gauthier, 1969: 113). His interpretation is based on several passages from Hobbes, one of which reads, "...this dominion is then acquired to the victor, when the vanquished, to avoid the *present* stroke of death, covenanteth either in express words, or by sufficient signs of will...[my emphasis]" (Hobbes, 1996: XX.10). Gauthier concludes, "All the victor does, then, in accepting the covenant, is—literally or

³Pateman acknowledges this objection as a devastating critique to this view in her earlier work, *The Sexual Contract* (1988). However, in her 1989 essay, cited here, she neither acknowledges nor responds to this worry. This fact alone might urge us to interpret Pateman as holding the other view, which I will address later in this section. However, as she does not take care to distinguish which claim she is making, it is worth running through this interpretation and demonstrating why it cannot be made consistent with Hobbes's other commitments.

metaphorically—to take away the sword from his enemies throat...” (1969: 115).⁴ In return for a lifetime of obedience the master’s only agrees to preserve the life of the conquered at the moment the contract is formed. Therefore, women’s weakness cannot come arise from an obligation to defend their infant. The master’s contract, of which the mother’s contract with her child is one instance, does not obligate him to preserve the lives of his servants beyond the instant the contract is formed. The contract between a woman and her child, then, cannot force her to nourish her infant when it is not in her best interest to do so.

Behaving as self-interested beings at least some women, if not the majority, would choose to abandon their infants rather than defend them. Consequently, all women could not be conquered in the first generation and they would be able to form confederations for their mutual defense against men. Additionally, the now childless women could conquer mothers, in the same manner that men can, and form families of which they are the head. Furthermore, the dominion over infants, when they are left to die, passes to whomever takes it upon themselves to nourish the child. It could pass to men, who would then be able to form families without any female servants. Women, as well, could conquer men with infants and form families with male servants and children. Thus, women could not be conquered in totality in the first generation and men could not become, as is the case on Pateman’s account, the masters of all females.

Perhaps, however, the claim is not that women are obligated to defend their infants, but they often will because they are inclined, through maternal love, to protect their children from danger. They are capable of doing otherwise, and they are not obligated to do so, but because of their emotional attachment it happens that they often, if not always, defend their

⁴For a more detailed treatment of Gauthier’s argument see *The Logic of Leviathan* pp 113-115.

children. Women either submit easily in an effort to preserve both their own lives and those of their infants, or they are weakened by defending the infant and so are more easily conquered. Such an interpretation would appear to be built on a single line from the *Leviathan* in which Hobbes refers to the “natural inclination of the sexes, one to another, and to their children” (1996: XX.4).

Karen Green, in her article “Christine de Pisan and Thomas Hobbes,” may have this version of Pateman’s view in mind when she argues that an objection from rational egoism (of the sort I just advanced) is much too quick. She claims that in the face of conflict, individuals are always presented with three options: 1) to flee, 2) to submit or 3) to fight until the other must submit, or the individual has lost her life. These are the same options that are available to men, and it is clear that Hobbes holds that some men do submit in order to preserve their own lives. Green argues that the children of women who have chosen submission, and thereby servitude, are more likely to survive than those whose mothers have either fled and abandoned their children, or fought to the death. The children of women who submit would also be raised in submission and so would themselves submit to the rule of their mother’s master.

However, there are actually four options available to mothers. They may 1) flee, 2) submit, 3) fight while defending their children, or 4) fight without defending their children. On the assumption of rational egoism and strong equality between the sexes, women are likely to avail themselves of that fourth option and succeed. If they do so, then we have no reason to think that men will ultimately end up the masters of women. Free women, those who have escaped servitude by abandoning their children or who never had children at all,

would be as likely as men to conquer other women and those children could be expected to survive as easily as the ones who are conquered by men.⁵

To end up with total male dominion in the state of nature we must posit an entire generation of women who place the interest of their children over their own self-interest. In other words, they do not behave as rational egoists. However, such a reading is problematic because the situation confronting women bares little resemblance to the sorts of instances in which Hobbes thinks that people are likely to act irrationally. Irrational behavior, for Hobbes, is to act against one's own self-interest. Typically individuals do this when they misperceive the action to be in their self-interest, or they become too secure and comfortable. In both cases, they fail to adequately consider the long-term consequences of their actions. For example, an individual might fail to respect the covenants he has formed, and decide not to perform his part, because he decides it is not in his immediate interest to do so. Hobbes, however, claims that this is irrational behavior because the individual will lose the respect of his peers who will not contract with him in the future. The individual acts irrationally because he thinks it will place him in a better position with regards to others, and increase his power or chance of survival.⁶

Individuals are also apt to abandon rational thought when they become more secure though it is usually in service of self-aggrandizement. Hobbes writes, "...man is at his most troublesome, when he is most at ease: for then it is that he loves to shew his wisdom, and control the actions of them that govern the commonwealth" (1996: XVII.11). According to

⁵Green does not read Hobbes as endorsing a strong physical equality amongst men and women, which may be why she finds the argument from rational egoism unsatisfying. Her interpretation is similar to the one I advocate here. However, Pateman clearly does interpret Hobbes as advocating a strong physical equality amongst the sexes and so Green's objection is not a defeater for my argument.

⁶See, for example, Hobbes discussion of the fool (Leviathan, XV.4)

Hobbes, acting against the sovereign is always irrational because the sovereign preserves the peace, which increases individuals' chances of survival. However, when men become too comfortable they are apt to forget this and seek to improve their position with respect to others.

Both types of irrational behavior occur when the individual is attempting to better their position, and gain power over their fellows, while failing to appreciate the total consequences of their actions. Were mothers to submit to men in order to preserve the lives of their infants, they would be acting against their own self-interest in both the short and long term and losing power. Since we are discussing the first generation of women, they are still very much situated in the war of all against all. It is unlikely that they would have gained the necessary level of security to begin making decisions that so clearly subvert their desire for self-preservation.

As a final interpretation of Pateman's claim, we could contend that rather than exhibiting irrational behavior, women have subsumed their child's desire for preservation into their own interests. Through their maternal love, the child's needs have become an extension of their own, and so in preserving the life of their child they are, in fact, acting in their own self-interest. If this interpretation is correct, then the motivating factor, women's love for their children, must be strong enough to compel most, if not all women, to preserve the lives of their children. Hobbes mentions only a "natural inclination" that parents feel towards their children which men and women also feel towards each other. Pateman does not put much stock in the inclination between men and women, arguing that were childless women to observe the fate of mothers, they would choose to remain single. They would conquer other women rather than subject themselves to domination by men. That is, the natural inclination

between men and women is, in Pateman's view, readily defeated by self-interest and the desire to rule one's self and so it would be odd were she to interpret the inclination between women and their children as markedly different. Finally, the Amazons, who I will discuss in more detail later in the paper, serve as a reminder that women can act in their own self-interest in their relationships with their children, and that they are capable of separating the needs and desires of their children from their own interests. By contracting away or killing male infants, the Amazons chose self-preservation and the continuation of their self-rule over the nourishment or survival of their children.

5. Women's Weak Equality

We might be tempted to accept Pateman's argument, even with its interpretive difficulties, were there not a more plausible story to be told about how it is that women become subject to men in the state of nature. Men and women, simply put, are not equal in the state of nature. Their equality is not of the strong kind to which Pateman subscribes, in which women are as strong or as capable as men. Rather, it is a weak equality such that the difference between individual men and individual women is not so obviously great as to be decided without a war. Most men are stronger than most women. There are some very strong or crafty women who are capable of defeating some men, but by and large the differences between them are significant. Thus, the war between men and women, though necessary in order to legitimize men's dominion over women through contract, is almost always won by men because of their superior natural strength.

Pateman is worried that a reading of Hobbes, posits physical strength as the deciding factor in who will rule makes a mockery of the contractual nature of Hobbesian relationships. If physical strength, a natural property, decides mastery then how does Hobbes differ from other patriarchal political theorists who claim that men have natural dominion over women? The difference is subtle, but important enough to give Hobbes a distinct place in the history of gender politics. Patriarchal theorists, such as Robert Filmer, argue that men's mastery over women comes not from their physical superiority but from God, who granted Adam dominion over Eve. Adam's, and by extension, all men's, superior physical strength (and, as many thought, greater rational capacity) is perhaps a sign of his natural dominion but it is not

its source. For Hobbes, dominion is predicated on, but not justified by, a natural attribute that happens to be distributed unevenly among men and women. Dominion is only justified by contract, not by the physical strength alone. This, it seems, is a sensible position for a philosopher who places such great weight on the role of force in the establishment of civil society and it does not undermine his commitment to the importance of contracts.

Given that in the Hobbesian commonwealth everyone is equally and totally subject to the will of the Leviathan, one might reasonably worry whether it makes any difference what position individuals occupy in the state of nature. Once the Leviathan is in place, he performs all the functions of government— legislative, executive and judicial— so it is not as if women are barred from entry into the political arena while men are permitted to participate. However, there are still masters and servants in civil society, and while all subjects share the same type of relationship to the Leviathan, they can have slightly different relationships to each other. Hobbes writes,

In all other actions, during the time they are under domestic government, [children and servants] are subject to their fathers and masters, as to their immediate sovereigns. For the father and master being before the institution of Commonwealth absolute sovereigns in their own families, they lose afterward no more of their authority than the law of the Commonwealth taketh from them (1996: XXII.26).

Without intervention from the Leviathan, the position that servants occupy in civil society is extremely similar to their status in the state of nature. The master still exercises dominion over the servant's labor, children, and wife.

The weak equality interpretation makes sense of Hobbes's claim that families are headed by fathers/masters, without violating Hobbes's claim that rational egoism applies to all individuals, male or female. Furthermore, it exposes an important similarity between the contracts of adults and those of women and their children. Women have dominion over their

children, because they have the power to either feed or abandon them. The children are helpless against their mother's overwhelming force, and cannot defend themselves. And yet, the children are still said to be party to a contract of tacit consent with their mothers. The contracts between men and women are similar in kind. Due to their greater natural strength men are most often in a position to force women to submit, or be destroyed. The contract need not be tacit, as in the case of infants, because women have the capacity to actively agree, or refuse and allow the victor to decide if they will become slaves or die. In short, women are weaker than men, but that weakness does not arise out of their dominion over their children.

While the difference between this view, and one that holds that the natural abilities of men justify their dominion over women, is significant, it nonetheless gives the eventual victory to the men with the possible exception of some extraordinary women. There are two main interpretative worries that arise for this weak equality reading. The first is Hobbes's brief discussion of the myth of the Amazons. These are women who participated in a civil society without men, or with men as servants (Hobbes is not clear and neither is the myth). Hobbes's use of this example is sometimes thought to support the claim that women are as likely to dominate in the state of nature and civil society as men.⁷ I will argue that the myth of the Amazons is more plausibly interpreted as a testament to women's basic psychological egoism and their ability to act as rational egoists rather than to point to the equal likelihood that they will occupy a dominant position in civil society. The second interpretive difficulty is the possibility of a female sovereign or female-headed state. Hobbes allows that there are certain instances when, given the hereditary nature of the sovereignty, it will be necessary to

⁷See Joanna Wright's "Going Against the Grain: Hobbes's Case for Original Maternal Dominion," pp 133-134 and pp 145 footnote 32.

institute a woman rather than a man as head of state. This fact has led some scholars to conclude that Hobbes must hold that male or female domination are equally likely, as both men and women can occupy the most powerful position in civil society. I will argue that interpretation is mistaken, but I will discuss the related worry of why men should continue to dominate women in civil society, once a Leviathan is put in place.

Hobbes introduces the Amazonian women in the *Leviathan* by noting that, “We find in history that the Amazons contracted with the men of neighboring countries, to whom they had recourse for issue, that the issue male should be sent back, but the female remain with themselves” (1996: XX.4). In *De Cive*, he says much the same thing:

And custom is not against [the mother’s dominion] because women in the person of the Amazons did at one time wage wars against their enemies and handled their offspring as they pleased and there are several places today where women have sovereign power. And decisions about their children are not made by their husbands but by the women themselves; and they undoubtedly do this by natural right because holders of sovereign power are as shown above not bound by civil laws (1998: 108).

Some scholars use these passages to confirm the logical possibility of a female-dominated civil state. However, it is significant that Hobbes’s discussion of the Amazons is always closely linked to his argument for maternal dominion in the state of nature. I argue that Hobbes employs the myth of the Amazons, who were depicted as practitioners of infanticide and child abandonment, to motivate two important aspects of his theory. First, they illustrate his argument that the relationship between women and their children is contractual. Second, the Amazons motivate the view that women are capable of separating their own self-interest from that of their infants, and behaving as rational egoists. Despite the “natural inclination of the sexes...to their children,” women are no more likely than men, and neither is likely at all, to sacrifice their freedom to defend their children (Hobbes, 1996: XX.4). The latter point, as I indicated earlier, is yet another reason to deny the second interpretation of Pateman’s claim,

that mothers will often or exclusively identify their own self-interest with that of their children.

Women's natural dominion over their children is an essential aspect of Hobbes's overall project to undermine the natural right of kings, and establish that the relationship between monarch and subject is contractual. If men are not the natural lords over their children, then the king cannot, by analogy, be the natural lord over his subjects. Furthermore, natural strength alone is not enough to justify the dominion of men over their children, as children may one day grow stronger than their fathers. Neither is a distributive difference in physical strength sufficient to establish the dominion of all men over all women, without conflict. Just as men must win dominion over other, and perhaps weaker, men they must also vanquish their female opponents. Eventually, power becomes consolidated in the hands of the strongest individuals who then become the heads of large families, but their lordship is not justified simply through the recognition of their natural power. In fact, it cannot be justified in this manner precisely because there are presumably individuals of near equal strength and cunning, and their small monarchies remain in a state of war against each other. In order to attain peace, and force men to recognize their contracts, a sovereign must either conquer them and force them to consent, or otherwise acquire the servitude of these heads of families. The civil society, predicated on the recognition of the sovereign, arises from the contracts that he is able to make as a result of his victories, just as the subjugation of women results from their loss in the war of all against all to men, and the contracts to which they consent, when defeated. This process is not necessarily immediate, and unlike in Pateman's solution, female subjugation need not occur

in a single generation. The Amazonian civilization, according to Greek mythology, existed for hundreds of years but male-dominated commonwealths did eventually conquer them.

None of this discussion is meant to simply sweep aside Hobbes caveat that there may be times at which the physically weaker may conquer the stronger. He writes,

Nature hath made men so equal, in the faculties of the body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of a quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as one man can thereupon claim himself to any benefit, to which another may not pretend, as well as he. For as to the strength of the body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger as himself (Hobbes, 1996: XIII.1).

I do not claim, against Hobbes, that the weakest may never conquer the strongest and consequently, that women may never conquer men. Instead, physical inequalities become more significant over time as power becomes consolidated in the hands of fewer people, who are heads of large families. The weak might form confederations to fight the strong, but the strong can do the same. Still, it is possible that when the original contract is formed, some women will be heads of families. However, their numbers will be few in comparison to their male rivals, and so Hobbes can comfortably speak as though all heads of families are men. Such an interpretation helps to make sense of the familial description Hobbes offers in *The Elements of Law*, where women are included as mothers and masters. The Amazons, of course, point to such a possibility, though not as strongly or directly as some scholars have argued. There is always a remote chance that women could, by forming confederations with one another for defense, overcome men and establish a commonwealth in which they are the dominate party. Women joined together for mutual defense could conceivably, and perhaps quite easily, overwhelm individual men or smaller groups of men. Yet, these women would

be at a disadvantage when facing off against equal or greater numbers of men. They would eventually, as with the Amazons, find themselves vanquished by a male-dominated society.

Hobbes explicitly states that a female can inherit the position of sovereign. Political theorists who claimed that the natural superiority of men justified the dominion of husbands over wives naturally ran into trouble when considering the power of a queen. How could a married queen be said to rule absolutely, when she was still subject to the power of her husband? Hobbes insists that in cases of hereditary rule a male heir is to be preferred over a female one “because men, are naturally fitter than women, for actions of labour and danger (1996: XIX.22). However, when it is necessary to appoint a female sovereign (perhaps no male heir can be found) the problem of the natural domination of husbands does not arise for Hobbes. If her husband is her subject, then the female Leviathan is master over him because he has submitted via the same contract as all other members of the commonwealth.

Given the importance of physical strength in the state of nature, it might seem unlikely that the first sovereign will be female. In cases of dominion by acquisition, she would be hard pressed to gather the necessary strength behind her to force the consent of all other heads of families. However, once the sovereignty is established, and power is consolidated behind the sovereign, she is capable of maintaining that position in virtue of the collected strength of her subjects and the contract to which they have submitted.

However, the sovereign may also be installed through institution. Individuals are committed to bringing about peace, and they can only do this if they are assured that their contracts with each other will be upheld. They are motivated by their own rational self-interest to install a Leviathan, and so they not only contract with the person chosen as sovereign, but they also form a contract with one another. They agree to obey the potential

Leviathan so long as everyone else agrees to do the same. In such instances, there seems no reason why the sovereign selected should be male rather than female. The contract is not predicated on force but on everyone's mutual desire to live in peace. As a result, physical strength is unnecessary and it seems that the rational decision would be to install the most prudent person as sovereign, who is as likely to be male as female. A prudent sovereign would, naturally, act in his own self-interest. We might think that a female sovereign would be less desirable to the original contractors because she would tend to institute laws that would favor women over men. However, the sovereign is not herself constrained by the laws she makes and, acting prudently, would presumably realize that she has an interest in maintaining the welfare of her subjects, particularly those that brought her to power. The fear that she would disrupt the present power dynamic between men and women would not be a rational reason to choose a male candidate over a female. Thus, a male sovereign, either initially or through heredity, should not be more likely than a female one, if the domination is through institution rather than acquisition. How then, should we understand Hobbes's claim that a male sovereign is to be preferred over a female?

One possible answer is that in instances of domination by institution the Leviathan should be physically strong in order to intimidate the leaders of other societies, with which the newly formed nation remains in a state of nature. In times of war the Leviathan might need to lead his men in battle where his physical strength would offer a distinct advantage. However, this response is largely unsatisfying because the sovereign's real power, vis-a-vis other nations, comes from the strength of his subjects, and not from his own physical power.

Perhaps a more plausible response is that, when engaged in the establishment of the sovereign by institution, men have already achieved a level of comfort and peace (enough to

meet and agree to contract together) and their rational powers have begun to wane. The heads of families, who are mostly if not exclusively male, are the ones selecting the sovereign. They might believe it to be in their self-interest to select a male sovereign as he might favor civil laws that would benefit them over women. Were they to behave perfectly rationally, they might recognize that it is more important for the stability of society to install a sovereign who makes rational, self-interested decisions, rather than one who arbitrarily favors one section of society. However, having attained a measure of peace, they have become, as Hobbes writes, “ignorant of what is good for themselves”(1996: XV.5).

A breakdown in rational thinking amongst the populace does not explain why a rational sovereign, once installed, would institute civil laws, particularly matrimonial laws, which favor men over women. With a Leviathan in place, there is no relevant difference between the sexes, as physical strength is no longer needed to form or maintain contracts. One possible explanation can be found in the tight analogy Hobbes draws between the power of the father/master and the power of the Leviathan. In both cases, he argues, power must be concentrated. A father cannot share power over his family any more than the sovereign can share power over his subjects because, as Hobbes writes, “No man can obey two masters” (1996: XX.4). Obedience to one’s master, with the exception of the right to self-defense, is total. Were power divided between the mother and father then the children would be forced to obey each of them as master. They would be placed in an impossible situation were their parents to disagree. Thus, when marital laws are instituted in civil society, either the mother or the father must be installed as head of the family.

In the state of nature, the wife is subject to her husband, and if no laws are made to change that fact, she is still his servant in the commonwealth. Marital laws in most civil

societies tend to favor the father because, according to Hobbes, “for the most part commonwealths have been erected by the fathers, not by the mothers of families” (1996: XX.4). The Leviathan is under no obligation to uphold this power dynamic, or institute marital laws that favor men over women. However, the laws must favor one partner over the other, to avoid the problem of two masters. Given the roughly equal rational powers of the two sexes, one might think that the decision of who should have dominion over the family is entirely arbitrary. Therefore, men should remain masters over their wives because to maintain the status quo is as rational as overturning it. It could be that maintaining the existing power dynamic might strike the sovereign, whether male or female, as the more rational action, given that their own self-interest is, at least in some sense, tied to maintaining the welfare of their subjects. While Hobbes hold that rebellion against the sovereign is never justified or rational, it might be more likely if powerful members of the populace found their authority or status undermined by the decisions of the sovereign.

To subscribe to the weak equality view is not to deny that Hobbes is, in a sense, a proto-feminist. He holds that men and women have roughly equal intellectual capacities, and that their relationships are governed by contract, rather than justified by the superior natural abilities of one sex. Men and women are not, however, similarly endowed with physical strength, which given that contracts are often predicated on a display of overwhelming force, provides men a distinct advantage in the state of nature. Unlike Pateman’s view, the weak equality view leaves psychological egoism intact for women as well as men, and does not assume that women will always choose the needs of their children over their own interests. It makes sense of Hobbes claim that women can become the Leviathan. Men are not so strong as they need not fight for domination, and women are not so weak that they can never find

themselves in positions of power. Nonetheless, men and women are not equally likely to establish civil society, as women will by and large become the servants of men before the commonwealth is established. Once the Leviathan is in place, he (or she) could decide to change the laws, and give women mastery over their families. Yet, there is no compelling reason to make this change, as either the husband or the wife must rule and men are already established as masters.

References

- Gauthier, D. 1969. *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes*. Oxford: Clarendon Press.
- Green, K. 1994. Christine De Pisan and Thomas Hobbes. *The Philosophical Quarterly*. 44:177, 456-475.
- Hobbes, T. 1994. *The Elements of Law, Natural and Politic*. ed. J.C.A. Gaskin. Oxford: Oxford University Press.
- . 1996. *Leviathan*. ed. J.C.A. Gaskin. Oxford: Oxford University Press.
- . 1998. *De Cive*. ed. Richard Tuck. Cambridge: Cambridge University Press.
- Kavka, G. 1993. The Rationality of Rule Following: Hobbes's Dispute with the Foole. *Law and Philosophy*. 14:1, 5-34.
- Pateman, C. 1988. *The Sexual Contract*. Cambridge: Polity Press.
- . 1989. 'God Hath Ordained to Man a Helper': Hobbes, Patriarchy and Conjugal Right. *British Journal of Political Science*. 19:4, 445-463.
- Wright, J. 2002. Going Against the Grain: Hobbes's Case for Original Maternal Dominion. *Journal of Women's History*. 14:1, 123-155.