

Courtland, Shane D., ed. *Hobbesian Applied Ethics and Public Policy*. New York and London: Routledge. 2018. ix + 293 pages. ISBN 978-1-138-69163-6.

Bringing together fifteen outstanding Hobbes scholars of different generations and theoretical backgrounds, this book is the result of what may be the first collective endeavor to deal with the questions of applied ethics and public policy from a Hobbesian perspective.

The book is divided into five sections, each containing three chapters. The first section, under the title “Core Issues in Application,” addresses the fundamental methodological difficulties of using the Hobbesian framework for dealing with contemporary ethical and political problems, such as abortion, animal rights, taxation or social welfare. In an illuminating first chapter, Susanne Sreedhar attempts to account for Hobbes’s absence from debates on applied ethics and public policy (as opposed to, e.g., Kant, Mill or Rawls). This absence is all the more surprising as some of Hobbes’s views – on equal taxation, the duties of the sovereign, the importance of civic education, rule of law or social welfare, etc. – are “mostly attractive from a contemporary liberal/progressive perspective” (p. 20). However, Sreedhar explains their neglect in contemporary discussions by other indefensible policy recommendations that Hobbes is famous for having produced, rather than by the overall outlook of his philosophy. Quite the contrary, “Hobbes’s *approach* or *methodology* for creating policy” (emphasis in original) represents a sound remedy to one of the flaws of liberalism: the conflict between its commitment to the individual values of the human being (dignity, equality and respect for persons) with “the notion of an impersonal, impartial, value-neutral state” (pp. 22–23). According to Sreedhar, Hobbes’s emphasis on peace and stability as political values allows for resolving this conflict because it is conducive to the individual values that liberalism exalts while not being based or grounded on those values. This makes the Hobbesian approach less controversial than the approaches of his rivals.

Somewhat surprisingly, the conclusions of the two other chapters of the first section are rather negative. Daniel Eggers presents Hobbes as a typical representative of ethical and political contractarianism, which does not allow for ascribing a moral status to categories of beings incapable of entering a mutual agreement – children, cognitively disabled people, future generations, or non-human animals. This leads, according to Eggers, to a divorce from traditional morality, which is the reason why we should make a choice and give up either the justification by ethical contractarianism or the goal of achieving moral consensus through our theory. In the next chapter, Eva Odzuck detects in Hobbes a logical problem that she terms “the aporia of biopoly.” According

to her, there are two conditions of validity for the Hobbesian contract: (1) the self-preservation of the prospective citizens, broadly conceived of as inclusive of their “contented life” (which they judge for themselves), and (2) their equal liberty, which can be achieved only by uniformity in the sovereign’s decisions. But these conditions are mutually exclusive. Thus, similar to Eggers, Odzuck offers the verdict that the Hobbesian project of justifying public authority is a failure.

The second section of the volume is devoted to “Medical Ethics.” Inspired by Hobbes’s first law of nature, which enjoins us to seek peace, Rosamond Rhodes offers a comprehensive deduction of sixteen principles of medical ethics from what she sees as its fundamental law, the principle of fiduciary responsibility: “*seek trust and be deserving of it*” (p. 72). In the second chapter, Joanne Boucher attempts to reconstruct arguments for physician-assisted suicide from some significant features of Hobbes’s philosophy – his materialism, his focus on the human body, and his conception of a human being as a passionate, striving creature, whose fundamental goal is not bare self-preservation or survival but also enjoying the “contentments of life.” The concluding chapter, by Marcus Adams, conveys a naturalistic analysis of informed consent based on Hobbes’s theory of authorization: when giving consent to undergo a medical treatment or a surgical intervention, patients lay down the right to resist wounds and commission the surgeon to act on their behalf. Adams argues that a Hobbesian concept of informed consent requires not only that the patient be sufficiently informed as to the condition that calls for a medical intervention and the expected effects, but also demands that the physician be put in position to actually feel what it is like to be in the patient’s condition (e.g., by simulation or conversation with other patients who have been submitted to the same kind of treatment) (pp. 110, 114–115).

The three chapters of the next section, “Local Issues in Applied Ethics and Public Policy,” examine further what might count as a Hobbesian approach to some particular policy questions. In a chapter on abortion, Kody W. Cooper gives, in a markedly theological reading, a pro-life view of Hobbes based on his theory of personation and natural law. Michael Krom’s chapter on alcohol consumption is framed in three cheerful “rounds,” but treats serious matters: Hobbes’s theory of reason, which accounts for his critical stance towards drunkenness, as well as his conception of civil laws as a necessary (if inevitably arbitrary) substitute for the laws of nature. Eleanor Curran develops some arguments in favor of equal marriage from the liberal principles of Hobbes’s philosophy (equality, equity and the critique of arrogance) and brings, in addition, one piece of biographical evidence of Hobbes’s lenient attitude towards (feminine) homosexual love.

The fourth section continues the discussion of Hobbesian approaches to matters of public policy. David van Mill builds a (pretty difficult) case for Hobbes as a champion of freedom of speech, stating that his concept of sovereignty does not predetermine any particular policy as to the degree of freedom of speech or its limits. The next chapter, by Jan Narveson, argues against the view that Hobbesian principles support a welfare state. Narveson suggests that the few Hobbes's passages that seem to do so contradict his "basic theory" and can be best explained as a matter of his personal preferences (p. 199). Narveson sticks to the restrictive implications of Hobbes's contractarianism (of which he also personally approves), concluding that the government has no right to impose welfare duties on citizens. In a chapter on Hobbes's theory of crime and punishment, Tom Sorell develops the thesis that Hobbes can help us overcome the one-sidedness of an approach that gauges the seriousness of crime only by the degree of harm inflicted on individual victims. He argues that Hobbes's conception of punishment allows for taking into account not only victimization, but also the institution-undermining action of certain criminal acts which threaten public interests, such as the standard of living of the least advantaged. In this respect, following Hobbes could result in giving a more complete or "hybrid" account of criminal offenses.

The first two chapters of the next section, "Group Pluralism and Public Policy," address the way Hobbes deals with the problem of citizen loyalty. Jeremy Anderson considers a possible Hobbesian response to the problem of terrorism, based on Hobbes's treatment of the issue of social disorder. According to Anderson, the main advantage of the Hobbesian approach consists in addressing the problem of terrorism at its roots – discontent, sense of injustice, and beliefs that "channel" these towards sedition – in contrast to the reactive and punitive stance adopted by political leaders of our day. Peter Vanderschraaf suggests that the Hobbesian sovereign could, after all, tolerate some limited form of dissent that does not entail rebellion or civil war. This is the reason why he distinguishes between "covenant-dissenters" (or "rebels") – those who opt out of the commonwealth, to the establishment of which they once *consented*, and who thus re-enter the state of nature with all its dire consequences – and "submission-dissenters" (or "dissenters" in the narrower sense of the term), meaning those who never covenanted with other parties in the first place. According to Vanderschraaf, the Hobbesian sovereign could be more tolerant when dealing with dissenters of the latter class and could provide them with "limited services, including protection, on condition that their dissenting conduct does not weaken the sovereign" (p. 248). In the final chapter of the volume, Gabrielle Stanton argues that Hobbes's contribution to the field of international relations cannot be simply reduced to the so-called "domestic

analogy” – the thesis that international relations are similar to those that obtain between individuals in the Hobbesian state of nature. Stanton emphasizes instead the role of the “doxastic” elements that shape collective human behavior *within* the state, such as opinions, beliefs, and, above all, religion. When shared by members of a particular community, these elements contribute to its health and stability and, at the same time, distinguish it from other such communities, drawing a kind of ideological border between them, which, as Stanton suggests, deserves to be protected by state institutions.

By way of conclusion, it may be stated that the contributors to this volume have displayed a deep understanding of Hobbes's philosophy, as well as an extraordinary amount of ingenuity in detecting its potential for dealing with problems of applied ethics, medical ethics, and public policy. On the other side, a somewhat perplexing feature of this collective volume is its heterogeneity. As a consequence of this, the very division of the book into five thematic “sections” often looks fairly artificial (except in the case of the section on medical ethics), if not arbitrary. In particular, important divergences between the contributions are noticeable when it comes to the task of interpreting Hobbesian ethical and political “principles.” For example, in analyzing Hobbes's “contractualism” (or “contractarianism”) the authors of the three texts of the first section have reached different, sometimes even opposed, conclusions. The very effort to “apply Hobbes's philosophy” has sometimes resulted in slightly strained arguments, as in the chapters on abortion (Cooper) or free speech (van Mill).

Each of the contributions raises its own, specific problems, which could hardly be debated in a review of the collection as a whole. There are, however, some recurring Hobbesian topics of immediate relevance for issues of applied ethics which have received particular attention from more than one contributor, and which for that reason deserve to be singled out. First is the idea that Hobbes's materialism, naturalism, and even his mechanism (as opposed to idealism) open a promising perspective for treating the bodily aspect of human existence, biological life and its place in (bio)politics and medicine. Similarly, a number of contributors have focused on Hobbes's concept of natural law, considered, from a liberal point of view, as more attractive than his theory of civil law as a sheer “command of the sovereign.” Several chapters emphasize the importance of Hobbes's view that the task of the commonwealth consists in providing for a fulfilled life of its citizens with positive “contentments,” rather than merely securing their survival. Finally, some contributors (with the notable exception of Narveson) have been inspired by the egalitarian strand of Hobbes's theory, which seems to offer a favorable prospect on the welfare state.

Let me bring this review to an end with some personal impressions and reflections on this book. As a rule, the chapters addressing the problems related to Hobbes's own interests and preoccupations – such as the one dealing with a possible Hobbesian response to terrorism (Anderson) or the Hobbesian policy of punishment and reward, the “nerves and tendons” of the commonwealth (Sorell) – seem to me to hit the mark more closely than the ones treating issues that Hobbes, of necessity, ignored (euthanasia or same-sex marriage), the ones that were probably only peripheral to him (abortion and alcohol consumption), or, for that matter, the ones that remain at the abstract level of discussing the fundamental principles of his moral and political philosophy (such as his concept of natural law or his contractarianism). It seems fairly far-fetched to assume that Hobbesian principles (for example, his conception of natural equality) could be simply “applied” in order to resolve controversial contemporary issues, which are a subject of deliberation in each particular case. Now, the interesting point seems to be that this interpretive difficulty – created by the gap between the basic ethical and political principles and the concrete case in question – corresponds closely to what we might call *the* (philosophical) problem of applied ethics in general, the consideration of which has led many authors to put into question the role of abstract reasoning on first principles in this field altogether, to the advantage of focusing on more concrete mid-level principles or rules, as well as factual questions about possible effects of our decisions.¹ It is interesting to note that this point has received no thematic treatment from the contributors to the volume, all the more so because it is, in some form at least, clearly present in Hobbes's own philosophy. Hobbes's self-confident, “scientific” style of dealing with ethical and political questions seems at first to be deeply at odds with the deliberative, sometimes even casuistic way of proceeding in applied ethics or public policy, as well as with the main democratic features of decision-making in this field. However, his deductivist bias is counterbalanced by Hobbes's pragmatism and his deep sense for concrete matters of ethics and politics. But what would Hobbes have thought about applied ethics in general? One could hardly doubt that he would have left, at the level of principles, the ultimate decision of each particular controversy to the decision of the sovereign, while reserving,

1 Cf. Will Kymlicka, “Moral Philosophy and Public Policy: The Case of New Reproductive Technologies,” in L. Wayne Sumner and Joseph Boyle, eds., *Philosophical Perspectives on Bioethics* (Toronto: University of Toronto Press, 1996), 244–270; for further references, see Arras, John, “Theory and Bioethics,” *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2016/entries/theory-bioethics/>>.

at the same time, important space for some sort of deliberation on particular cases for the sovereign's dialogue with his "privy counselors" about the best way of achieving the fundamental goals of the commonwealth. It may be recalled here that Hobbes's self-perception or, more precisely, his self-styling, is often at variance with his own argumentative and literary practices, as Hobbes scholarship of the last several decades has established – most famously his ample use of metaphors and other rhetorical devices, which sharply contradicts his explicit condemnation of rhetoric. One could argue that the same applies to his treatment of deliberation. Taking the imaginary position of the sovereign's counselor, Hobbes seems truly to enjoy weighing pros and cons – "deliberating" just in the sense required for matters of public policy – although he insists that the final decision of the (no less imaginary) sovereign could put an end to all debating at any time.

This pioneering, rich, and original volume shows that a dialogue with Hobbes has much to offer to the understanding of some urgent social and political issues – such as social stability and welfare, peace, public order, and governance of life – which have frequently been neglected by the common liberal approach. For those trying to face these issues, Hobbes's ambiguities or even inconsistencies could be more inspiring than unqualified statements of principle on human rights, freedom, or justice by liberal political thinkers less disturbing than him.

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